

Committee—have any information at all on the subject of the legislation only makes things worse.

In the rush to rubberstamp the administration's unconstitutional power grab, Congress could end up turning the legislative process on its head. As an institution, and as elected representatives of the American people, it is our responsibility to make sure the President complies with the law. Instead, Republican leaders are rushing to make sure the law complies with the President. That is far from the ringing affirmation of the rule of law that we should expect from Congress in response to the administration's law-breaking.

If Congress and the administration are going to take seriously their respective responsibilities, four things must happen. First, the congressional intelligence committees must demand that the administration provide documents and information related to the warrantless surveillance program and insist on the same kind of thorough oversight to which other intelligence programs are subject. The National Security Act requires that the committees be kept fully and currently informed of all intelligence programs. It is long past time for the administration to respect the spirit of that law.

Second, the administration must provide the information the Judiciary Committee needs about the program so that it can reconsider the uninformed and dangerous legislation reported out this morning. That does not mean the Judiciary Committee has to see operational details about the program. It does mean it needs to understand the basics of the program and the administration's contemporaneous legal justifications throughout the duration of the program. Certainly, the Judiciary Committee should not even have begun to consider expanding FISA before it received an explanation from the administration as to why it was unwilling to comply with current law. The administration has never provided that explanation because, in my view, it cannot. From what I have seen as a member of the Intelligence Committee, the surveillance that the administration says is necessary to protect this country can be accommodated without violating FISA.

We can listen in on terrorist suspects without surrendering the basic principle of individualized warrants. We can be secure without having to accept unchecked executive power. We can effectively fight terrorism without sacrificing the rights and freedoms that make this country the greatest beacon for individual liberty in the history of the world.

The mere assertion by the President that FISA no longer applies cannot be the basis for eradicating 30 years of law and jurisprudence. Congress should demand answers before deciding whether and how to amend FISA.

This leads me to my third point—that the Judiciary Committee should

carefully and thoroughly consider any specific proposals for improving the FISA law, closely examining whether they are justified. Despite the action this morning, we have not done that yet. Recent testimony by Generals Alexander and Hayden provided some possible suggestions as to ways that FISA might be modernized—the kinds of suggestions that should have been made years ago. Congress should encourage more such exchanges, and should consider major revisions to FISA only after it can fully assess the need for such legislation as well as its ultimate impact. By rushing to legitimize and legalize domestic surveillance that does not comply with the FISA law, Congress only short-circuits this process.

And fourth, regardless of current oversight and legislative efforts, the President needs to be held accountable for breaking the law. His domestic warrantless wiretapping program is illegal. The legal arguments put forward to justify the program are as dubious today as they were when they were made last December, particularly in light of the recent Supreme Court decision in Hamdan. The President's failure to inform the full congressional intelligence committees about the program for years was also illegal, and his subsequent decision to provide only limited information about the program to the intelligence committees at the least violates the spirit of the National Security Act. And the President continues, to this day, to mislead the country about terrorist surveillance and FISA. For these reasons, Congress should censure the President. The challenging and crucial work of defending our Nation against a determined enemy demands a return to the rule of law. We are stronger as a law-abiding country, not weaker.

We should be working together to protect America. The President's power grab has been a long and costly distraction. It has undermined a pre-existing consensus about how to defend our country and its democratic traditions. It has resulted in a completely unnecessary stand-off between the executive branch and Congress. And it has resulted in an administration publicly making the untenable argument that the laws passed by Congress can be ignored.

None of this was inevitable. And it can all be resolved, if only we take a step back and remember the principles on which our system of government was based. The balance of powers enshrined in the Constitution and the freedoms contained in the Bill of Rights are not impediments to our national security. They are our strength. We can and must fight terrorism aggressively without undermining the rule of law on which this country stands.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH JENKINS

Mrs. LINCOLN. Mr. President, I rise today in tribute to a brave young man from my home State of Arkansas. SSG Kenneth Jenkins was a loving son, a devoted husband, and a loyal friend. He was also an American hero, who fulfilled his lifelong ambition of honorably and courageously serving our nation in uniform. In doing so, he was to make the ultimate sacrifice in the name of freedom.

Those who knew him best tell of a special young man who always placed his friends and family above all else. Always dependable, he was the type of person who would give you the shirt off of his back if needed. It was this generosity and goodwill that endeared him to others. They were also the traits that allowed him to form new bonds quickly with everyone he met and with everyone he served.

On July 1, 1999, Staff Sergeant Jenkins fulfilled his aspiration to serve our Nation in uniform by enlisting in the U.S. Army. Soon after completing his training, he was deployed for various missions around the world, which took him to such countries as Bosnia, Kosovo, Macedonia, and Cuba. Throughout his service, he was a soldier's soldier, grateful to serve and proud of his role in helping to defend the people and the country that he loved. It came as no surprise that Staff Sergeant Jenkins answered his Nation's call for duty in Operation Iraqi Freedom, completing a full tour of duty and returning for a second.

In Iraq, he served with the 3rd Battalion, 67th Armor Regiment of the 4th Infantry Division. Tragically, while conducting operations in Baghdad on August 12, his humvee came under attack by enemy forces and sustained small arms fire. He later died from injuries sustained in that battle. He was scheduled to return home in November.

Staff Sergeant Jenkins was laid to rest with full military honors in Killeen, TX. Posthumously, he was awarded a Bronze Star and a Purple Heart for his courageous service. A few miles away, his fellow soldiers held a separate memorial ceremony at Fort Hood in honor of Jenkins and the five other 4th Infantry Division soldiers who were killed in Iraq during the month of July.

It is with a heavy heart that we mourn the loss of yet another brave soldier from Arkansas. While Kenneth Jenkins may no longer be with us, I pray that we may find some sense of solace knowing that his spirit will live on forever in the hearts of those whose lives he touched. The way he lived his life is truly an example for us all. My thoughts and prayers are with his wife Brandy Jenkins, his sister Stephanie Richard, his brother Mack Jenkins, his parents, and with all those who knew and loved this special young man.

ADDITIONAL STATEMENTS

TRIBUTE TO NICK WALTERS

• Mr. LOTT. Mr. President, I want to take a moment and wish best of luck to a accomplished, young and promising Mississippian who is leaving Federal service to pursue private sector opportunities.

Nick Walters, originally of Wiggins, MS, was appointed as Mississippi's USDA rural development director by President George Bush in 2001. Since then, Nick has done a great job supporting Mississippi's communities, helping to secure resources needed for public facilities, utilities and for economic development.

This is a key Federal position for my State. As Nick likes to say, this is the "non-farm," or "non-food" part of USDA. It's about new water and waste water systems, so people can have clean, dependable running water. It's about new community centers, town halls, and even high-tech or educational assets like broadband service, telemedicine and long-distance learning.

Since taking office, Nick has presented scores of oversized checks, in countless photos for local papers telling stories about a new water tower or a new police car or fire truck.

Some people might think these things are small, and they often are in terms of Federal dollars. But these modest services will reverberate for years to come. As Nick says: USDA rural development is really about economic development, helping to encourage and sustain job creation—paving the way for communities to grow.

Nick has helped administer more than \$100 million to Mississippi's cities and towns through this agency. He hasn't sat on laurels waiting for mayors, supervisors, town aldermen, or CEOs to approach him. Nick has been proactive, innovative, and he is actively sought cases and ways to meet individual community needs through USDA's various rural development programs.

We have all heard the old saying: "Don't tell me what you can't do, tell me what you can do." That is been Nick Walters' approach to public service. His first inclination is to act. That is something we Mississippians appreciate. After Hurricane Katrina, we saw many Federal bureaucrats in FEMA and elsewhere strapped by indecision, blinded by tunnel vision, stuck on what they could not do, obsessed with the word "no" when they should have been saying "yes." Nick isn't that type. He has provided a great example of what someone in this office can do using its authority to the utmost, and we're working hard to find a successor who will continue this strong leadership.

Nick Walters will be missed but my guess is that he will be back in public service one day. In what capacity? I don't know. That is a decision for him, his wife Lisa, and his young children, Porter and John Garrett.

But now with this success behind him and given his previous experience in the private sector, his work with former Mississippi Governor Kirk Fordice, his stint as chief of staff for the Mississippi Public Service Commission Nick Walters will be successful in wherever his endeavors may lead.

I hope my colleagues will join me in thanking Nick Walters for his exemplary service to the Federal Government and, more importantly, to America as Mississippi's USDA rural development director.

MURRAYHILL LITTLE LEAGUE
ALL-STAR TEAM

• Mr. SMITH. Mr. President, I rise today to congratulate Oregon's Murrayhill 11 and 12-year-old Little League All-Star team. They recently placed second in the U.S. Little League World Series Championship, and third in the World Little League Championship.

On August 26, 2006, at Howard J. Lamade Stadium in South Williamsport, PA, Murrayhill capped a remarkable postseason, losing the United States Championship to Columbus Northern Little League from Georgia. Murrayhill was the first Oregon team in 48 years to qualify for the Little League World Series, and the first to ever reach the U.S. Championship game. On their road to the championship, they won the District 4, Oregon State, and Northwestern Regional Baseball Tournaments.

Murrayhill displayed great heart, outstanding teamwork, dedication, resilience, character, and sportsmanship throughout the tournament while achieving one of the highest honors in Little League Baseball.

This team of 11 and 12-year-olds brought pride to the State of Oregon with their remarkable run during this year's postseason. I ask my colleagues to join me in congratulating all the players involved in a hard-fought U.S. Little League World Series.●

TRIBUTE TO MONROE SWEETLAND

• Mr. WYDEN. Mr. President, today I pay tribute to the life of Monroe Sweetland—a visionary, a patriot, a statesman, and the father of the modern Democratic Party of Oregon. Monroe passed away Sunday, September 10, at the age of 96, having lived a very full life in pursuit of a better Oregon and a better Nation.

An Oregon native, Monroe was born in Salem in 1910. After attending law school, he returned to Oregon, and, following the Second World War, he worked tirelessly on behalf of the Democratic Party of Oregon, rebuilding the party from the ashes. Monroe was a strong Democrat, a proud partisan who stood with his party not out of any desire for influence or power but out of a belief in the values espoused. He seemed to know instinctively that if the party was strong in its values,

then electoral success would follow. And on that basis, he worked to rebuild our party from the ground up.

A tireless worker on behalf of others' campaigns, he also held elected office, serving for 10 years in the State legislature, first as a member of the Oregon House of Representatives and then as a member of the Oregon Senate. Prior to that, in 1948, he was elected to the Democratic National Committee.

Given his strong partisan politics, some might think his most notable feat was converting U.S. Senator Wayne Morse, whose seat I now hold, to the Democratic Party—helping Senator Morse to see the light, as it were. But Monroe considered the passage of the Bilingual Education Act of 1968, a product of his work at the National Education Association, his most important accomplishment. What I will remember most about Monroe is the way he lived: his boundless optimism, his energy to get things done and his smile that would warm even the coldest room.

When I spoke with Monroe a few weeks ago, he was still the activist we all knew so well. The last thing we discussed was the November 2006 elections, and, since Monroe was constitutionally incapable of being anything other than optimistic, he did not want to discuss what-ifs about the outcome of the election; he only wanted to talk about the good that the Democratic Party will accomplish when it wins back the majority in Congress this fall.

Oregon and the Nation are better for having had Monroe Sweetland in the world. For 96 years, we were blessed with his presence on this small planet. Although life seems a little dimmer without him, I know my life is better for having known him.

I know Monroe is in heaven, and if I had to guess, I would say it is likely he is up there right now organizing the angels for further good deeds. Nothing on this Earth slowed him down and I don't expect that to change now that he has gone ahead to a better place.

A giant of politics in our State, and an even greater human being, Monroe will be sorely missed by all who knew him, and even more sorely missed, though they may never know it, by those who never had that opportunity.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)