

here is to get it to him for his signature. He awaits our action.

I yield the floor.

Mr. REID. Mr. President, this bill is not a bipartisan bill. The bill that came out of the Intelligence Committee is bipartisan, but understand it was concurrently referred to the Intelligence Committee and the Judiciary Committee. They both have jurisdiction over this legislation. We cannot pick and choose what the President likes. We have a situation here where the Judiciary Committee is entitled to be heard. That is what they are asking for—to be heard. They demand that and it is appropriate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the Republican leader controlling the first half and the majority leader controlling the final half.

The Senator from Florida is recognized.

FISA

Mr. MARTINEZ. Mr. President, I wish to talk about the very important issue relating to foreign intelligence surveillance. I want to talk about it not in the sense of who gets to be blamed if something happens. I believe that on something of this magnitude, the American people are pretty tired of the blame game: We would have done this, but if you didn't do that, we blame you; and if this happens, you get to blame us. I think the time of blame-casting has well passed. The fact is that the laws that grant the Government the authority to use the resources we have in order to stay informed of what our enemies are seeking to do to us are outdated and need to be modernized and put up to date with our current technology. We are fighting a modern war against a modern enemy. The tools we have to fight that war are out of date. One of the only ways we are able to expose and stop terrorist plots before they unfold is through the provisions accorded under FISA.

Some of my colleagues have expressed an understandable concern about the current FISA reauthorization, and whether it would improperly invade the civil liberties of our citizens. After 2 years of public debate on the broad issues of FISA, and after reviewing the current legislation, I believe those concerns are unwarranted.

This issue transcends the stance of either political party or any partisan

interest. Those who oppose this are sincere in their concern; they just happen to be wrong. Needless hurdles will be created for our Government in the obtaining and utilizing of valuable intelligence to keep America safe. So I want to see us address this issue head on and come together and send the President a bill that he can and will sign.

The President spoke about this last night in his State of the Union Message. He wants to get this matter resolved, and he wants a bill on his desk. We owe it to the military and the intelligence community to equip them with the tools they need to protect our citizens and carry out their duties effectively.

Throughout our history, Americans have always been concerned about the proper balance between security and freedom. Those concerned about the power of Government and trampling on the rights of free citizens are right to insist on maintaining the individual liberties granted to us by the Constitution, especially during a time of crisis. The bill we are considering is precisely concerned with maintaining and keeping a proper balance of those protections.

This is a bipartisan bill. It was reported out of the Intelligence Committee by a vote of 13 to 2. It is a modern update that is designed to keep our technological edge and to effectively implement the goals of the original FISA law passed in 1978. This bill is the product of the careful consideration of Members of both sides of the aisle on the Intelligence Committee—those best informed about these matters, who have the most knowledge about the means and methods by which we gather intelligence. Those Members recognize a need to modernize the way our intelligence is collected and the need to share information that is vital to terrorist communications, whether these communications be on a cell phone, by e-mail, or in person. This bill is for the American intelligence services to be able to timely develop intelligence without having to wait for a court order. In other words, if a terrorist group such as al-Qaida calls a sleeper cell within our borders, this would ensure that our Government can protect our citizens, the specific procedure for surveillance, and it ensures that the independent FISA Court is fully informed of every step in the process.

The bill also has a provision to protect those who have assisted us and the intelligence community in gathering information that was absolutely vital to our national security. Fortunately, we have had full cooperation from a number of telecommunications companies in providing our intelligence officials with accessing and obtaining information from foreign terrorists.

As we look at this issue—and the majority leader says this issue is the big sticking point, so let me talk about that specifically, that this retroactive immunity for telecommunications companies allows bad actors to get off

the hook—who is it we are giving immunity to and why should it be retroactive? This has already been noted a number of times, but I think it bears repeating.

Retroactive immunity is necessary not only to protect companies that cooperated in good faith at the request of our President during the time of the most serious domestic crisis our country has ever faced, but it was done to ensure our national secrets regarding intelligence methods remained classified and are not disclosed in public through the civil court process. In other words, it is not just about providing immunity to those who helped at the time it was needed, but it is also to ensure that as we go forward, we are not going to have an O.J. Simpson-type trial, with television cameras blaring with information being disclosed. We know things do not keep. We know our enemies are capable of getting the information because it will be in the New York Times. The fact is, we want to keep our methods and sources secret and confidential, and this is a very important part of this immunity idea.

If you want accountability for the executive branch, we have a constitutional system of checks and balances, and leaving aside the President's authority under article II, we are exercising congressional oversight in passing S. 2248, and we, along with the FISA Court, are certainly going to be able to pay close attention to how we select intelligence going forward.

As far as letting bad actors off the hook is concerned, S. 2248 provides retroactive immunity from civil litigation if a series of conditions are met. The assistance was provided in connection with intelligence activity authorized by the President between September 11, 2001, and January 17, 2007, and was designed to detect or prevent terrorist attacks against the United States.

What is wrong with that? The assistance was also to be provided in response to a written request, a directive from the Attorney General or other intelligence community head indicating the activity had been authorized by the President and determined to be legal.

To me, it is a good idea to give these folks the kind of immunity that will allow them to continue to cooperate, that will say to them: The next time there is a vital emergency where your cooperation is needed, we didn't stick you with the bill, we didn't allow the courts to go wild. We protected you because you protected America. To me, that seems only fair and only right.

I hope we can get through the partisan morass that always seems to entangle us. I hope we can find a way we can pull together something of this magnitude and importance, which is about the national security of our country—it is about the intelligence needs of our intelligence community—and that we can come together in a timely fashion, craft this bill, take the bill the Senate Intelligence Committee passed on a bipartisan 13-to-2 vote, put

it up for a vote, let's take the amendments that are available, move it forward, get a vote, and get a bill to the President that he can sign.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Will the Chair kindly let me know when I have used 8 minutes?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

STATE OF THE UNION ADDRESS

Mr. ALEXANDER. Mr. President, last night the President spoke to the Nation in his State of the Union Address. It is one of the great traditions of American Government. One of the most interesting parts of this spectator sport is to watch and see who stands up on which issue when the President talks or who is sitting by whom. It is well watched across our country, and it is a sign of respect to the Presidency as an institution.

The President was in a good mood. It was his eighth such address. He was reflective, but he was decisive. He looked ahead. He talked about the issues facing our country. He did his job, and he challenged us to do ours.

The President devoted a good deal of time to the progress of the war in Iraq, and we devoted a good deal of time today to making sure we have a strong system of intelligence to protect ourselves from terrorists. So I wish to comment on what the President talked about at home, because a great deal of what President Bush said last night was that as important as our role is in the world, as important as the long-term fight against terrorism is, we have work to do at home, and we need to roll up our sleeves and get busy.

This is a Presidential year. Many of the pundits are saying, some politicians even: The Congress will get nothing done. We Republicans believe there is no excuse for taking a year off, given the number of serious issues facing our country. Let me mention a few the President discussed last night.

To begin with, the American economy. The President acknowledged that as strong as our economy is, 52 quarters of growing jobs, it has taken a downward turn, and we need to take appropriate action to help it continue to produce more jobs. That means steps that are temporary, targeted, and that grow the economy and not the Government.

The President has agreed with the Speaker of the House and the Republican leader of the House on a simple package that is aimed to do that: rebates for individuals, most of whom pay taxes, and incentives to small businesses to create new jobs. It is a simple idea.

Speaking as one Senator, I do not believe we can afford to let this economic growth package, which should pass the House today, become a Christmas tree in the Senate for everyone's favorite idea for spending taxpayers' dollars.

I have some ideas. I think every Member of the Senate has some ideas. But maybe we should recognize the American people would like to see us act and act promptly and act decisively.

Someone has said the Senate wishes to speak on the issue. I know very well none of us is guilty, usually, of having an unexpressed thought. We love to speak. But one way for us to speak is to say to the House of Representatives: Madam Speaker, and to the House itself, we agree with you. We think your package is simple, temporary, targeted, and a good idea. And to the President: Mr. President, each of us might have written the package a little differently, but we agree with you and we are ready to pass it before the end of next week.

I would like to write it differently, but I like the idea that it goes mostly to taxpayers, that it is family friendly, that it gives incentives to small business, and that it temporarily helps with housing.

I believe it is important for our Government, particularly at this moment, to send a strong message that we will take the action appropriate to keep the economy strong and that we are capable of functioning as a Government and working in bipartisan ways to deal with real issues.

The American people are tired of petty politics. They are tired of playpen politics on the Senate floor. They do not believe they elected us to stick our fingers in the eyes of the Democrats or the Democrats to stick their fingers in our eyes. We have a good example of our leadership working together with the President, and as one Senator, my recommendation is we support what the President and the House of Representatives is about to do.

The President said we should get to work this year to make sure every American can have access to health care insurance. At our Republican conference last week, that was the first item on our agenda, and I believe it is fair for me to say virtually every single Republican Senator believes every American should be insured and is ready to go to work this year to help make that possible.

The President talked about his plan, which he talked about last year, to redo our Tax Code so dollars would be available to American families to buy at least a basic health care policy that they wouldn't lose when they change jobs.

We have had a number of Senators on this side—Senator BURR, Senator CORKER, Senator COBURN, for example, Senator BENNETT who has authored a bill with Senator WYDEN, which has significant bipartisan support. We are all ready to go to work this year. We believe we should start this year to help make sure every American is insured.

Runaway Federal spending. The President talked about controlling en-

titlement spending. This is an issue that is beginning to get the country's attention, and it should have the country's attention. It certainly has mine.

What do we mean by entitlement spending? We mean 40 percent of the budget is Social Security, Medicare, and Medicaid, and it goes up automatically every year. Over the next 10 years, the annual growth of Social Security is predicted to be about 6 percent, according to the Congressional Budget Office, Medicare about 7.2 percent, Medicaid about 8 percent. Entitlement spending and interest on the debt is 60 percent of every dollar we spend. Another 20 percent is defense, the war and other necessary actions to defend ourselves, and 19 percent is everything else.

The "everything else" was flat last year. The Congressional Budget Office says the "everything else"—that is, parks and roads and many of the items Americans believe Government ought to be doing—that is going to go up about 2 percent annually over the next 10 years, according to the Congressional Budget Office. Our defense goes up 3 percent annually, and entitlement spending goes up 7 or 8 percent.

Senator GREGG and Senator BOND have pointed out to us—they are the heads of our Budget Committee—that we pretty soon are going to be faced with an absolutely impossible situation that will require massive cuts in benefits, massive tax increases that the net worth even of this great country will not be able to pay, and that every year we wait, we risk another problem. The President said do something about it. He challenged us to do it, and Senator GREGG and Senator BOND have a proposal to do that. We should act on it this year.

That is not all there is to holding down spending. The President mentioned earmarks. There are too many earmarks. They are not as transparent as they ought to be. That is a smaller part of the budget. It is our constitutional responsibility to deal with earmarks, but we should do that ourselves. We should begin that this year.

We could pass a 2-year budget plan, such as Senator DOMENICI and Senator LIEBERMAN and Senator FEINGOLD at various times have proposed, and Senator SESSIONS, Senator ISAKSON. That would give us oversight to repeal rules and regulations every other year. So there are three ways to get a handle on Federal spending.

Senator HUTCHISON and Senator BINGAMAN have been leaders, as well as others here, on keeping good jobs from going overseas. We passed the America COMPETES Act last year, and the President challenged us to fund it this year. He is right about that.

Finally, President Bush mentioned something that is close to my heart. He called it the Pell grants for kids. I remember being in a visit with him a couple years ago, and he said to me: We have to do something about inner-city children who cannot afford to go to