

SENATE—Monday, January 28, 2008

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of divine love, help our Senators today to rise to the challenge of the needs of our world. Inspire them to do this by making new commitments to You, followed by faithful service. Make them strong in Your strength, that they will not become weary in doing Your will. Help them to understand that the riches of our lives and this great land have been given to us by Your loving providence.

Remind them also that to whom much is given, much is expected, and that they are accountable to You for their stewardship as they journey through life. Empower our lawmakers to use their considerable abilities to serve You and humanity.

We pray in the Name of Him who gave His life for all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RENDERING PUBLIC SERVICE

Mr. REID. Mr. President, a year ago today, the Presiding Officer gave one of the classic speeches in American history as a freshman Senator responding to the State of the Union Message. It was a message that was accepted on both sides of the aisle by the people of Virginia and everyone in this country. I wish to remind the Senator what a great public service he rendered last year in giving this speech.

SECRETARY OF AGRICULTURE

Mr. REID. We are going to try to get approved very quickly—we are cleared on this side; we are waiting to have the Republicans clear Governor Schafer to be the Secretary of Agriculture. We would like to get that done in the next little bit. After we do this, it takes the White House a number of hours to get all the paperwork in order so that he can be sworn in. It would be really nice if we could get him to attend the State of the Union Address tonight. This would be extremely good.

President Bush has nominated him. This will be the last State of the Union speech the President will give, and it would be good if he had a Secretary of Agriculture there during those proceedings. So as soon as it is cleared by the Republicans, we will clear Governor Schafer to be the Secretary of Agriculture.

UNANIMOUS-CONSENT AGREEMENT—S. 2248

Mr. REID. Mr. President, I ask unanimous consent that the previously scheduled cloture vote on the substitute amendment occur at 4:40 p.m. today and that all provisions under the previous order remain in effect. Our staffs have talked; I am confident the Republican leader is aware of this.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this afternoon the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders.

At 3 p.m., the Senate will resume consideration of the FISA legislation. The time until 4:40 p.m. will be equally divided and controlled between the two leaders or their designees, with the

final 20 minutes equally divided and controlled between the two leaders, with the majority leader controlling the final 10 minutes.

At 4:40 p.m., the Senate will proceed to vote on the motion to invoke cloture on the Rockefeller-Bond substitute amendment. If cloture is not invoked on the substitute, the Senate will then proceed to a second vote on the motion to invoke cloture on the Reid amendment to the underlying bill.

As a reminder, there is a 4 p.m. filing deadline for second-degree amendments.

At 9 p.m. tonight, the President will deliver the State of the Union Address to a joint session of Congress. Senators will gather in the Senate Chamber at 8:20 p.m. and then proceed as a body to the Hall of the House of Representatives at 8:30.

Senators are encouraged to attend the Secretary of the Senate annual State of the Union supper tonight at 6:30 p.m. in S-211.

MEASURE PLACED ON THE CALENDAR—S. 2557

Mr. REID. Mr. President, S. 2557 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2557) to extend the Protect America Act of 2007 until July 1, 2009.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

REMEMBERING GORDON B. HINCKLEY

Mr. REID. Mr. President, I would say very briefly that someone I have gotten to know over the last number of years died last night at 7 o'clock—the leader of the Mormon Church, a man who has been instrumental in the tremendous growth of the church. During his period of time, the church has grown by millions of new people coming into the church. He has been a phenomenal builder, building scores of new temples around the world. As we speak, there is one new church building being built every day, being dedicated every day. That is a lot of construction. I was told last week that the largest single builder of buildings in the United States next to the Federal Government is the LDS Church, the Church of Jesus

Christ of Latter-day Saints, of which this good man was the leader.

He is someone who has done some very unique things. He started what is called the Perpetual Education Fund. About half the members of the church are located outside of the United States. Millions of members of the church are located in Mexico, Central and South America. He started what is, as I have indicated, called the Perpetual Education Fund, which is a voluntary contribution made from members of the church to help these people who are coming into the church be educated. As a result, tens of thousands of people are now educated and are now church and community leaders around the world.

There is so much more that could be said about this good man who was kind and gentle and epitomized everything that is good in mankind, and certainly on a personal basis I will miss him greatly.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SECRETARY OF AGRICULTURE

Mr. McCONNELL. Mr. President, I am not aware of any problems with regard to the nominee for Secretary of Agriculture, and we are running a hot-line on this side. I anticipate that it will be cleared shortly, and that will be a confirmation we hopefully can get out of the way at some point this afternoon.

WORKING OR BLAMING

Mr. McCONNELL. Mr. President, tonight, in keeping with an old custom, the President will speak to Congress and the Nation about the state of the Union. Every President since George Washington has given these periodic updates because the Constitution requires them to do so.

While the Constitution makes no similar demands on congressional leaders, there is no doubt that this year the American people are demanding something from us. They are looking for proof that Republicans and Democrats can come together to get a few things done on their behalf.

Just 1 week into the session, and we are faced with a crucial test, two issues of vital significance to every American citizen: Will we reauthorize a terror-fighting tool that we know has made us safer, and will we put money back into the taxpayers' hands quickly enough for it to have a positive effect on the Nation's economy? It is not an exaggeration to say that the choices we make on these issues will show the

public whether we are serious about protecting them from harm and serious about protecting their wallets. So the question is this: Will we find a way to work together or will we find a way to get out of it and then blame the other side?

We got off to a good start. Last Thursday, millions of Americans were absolutely stunned to turn on their television sets and see the Democratic Speaker of the House and the House Republican leader standing together on a stage behind the Treasury Secretary from the Bush administration and nodding in agreement about an economic growth package they had all worked out among themselves. It was the kind of scene many people have wondered if they would ever see again.

For the first time in years, the parties have come together in good faith and responded swiftly to a pressing national concern. They sensed that the Nation was impatient for action, and so they gave up a lot of what they wanted in order to find common ground. House Republicans made major sacrifices. So did House Democrats. Now the Nation's attention turns to us, to the Senate, to see if we are capable of the same. Here is our moment to show that we are.

A number of Senators have expressed a desire to add to this package tens of billions of dollars in spending on contentious programs. But we don't have the time for ideological debates. In order for this plan to work, Congress needs to act and to act at once.

This is not the package, frankly, that I would have put together. In my view, the best way to stimulate the economy would be to lower marginal rates. But neither is it the package my good friend, the majority leader, would have put together. I gather from his public statements he would prefer there be more spending on Government programs. The Speaker and the House Republican leader would also have built a package differently if they had written it on their own, but they put their differences aside because they know we will all get nothing if we are not willing to make some serious sacrifices.

The editorial writers at the Washington Post urged us Friday not to let the perfect be the enemy of the good. Low- and middle-income taxpayers certainly agree. They are tapping their fingers wondering if we can do it.

Americans are also wondering if we can agree on something as fundamental as our national security, and for good reason. We saw some worrisome signs last week that some of our friends were looking for a way out of what would be and could be a good bipartisan achievement on reauthorizing a terrorist surveillance program.

They should remember that 3 years ago, following the lead of the 9/11 Commission, Congress came together to create the Office of the Director of Na-

tional Intelligence, approving the bill that established it by a vote of 89 to 2. The Director of National Intelligence was supposed to be the person who would connect the dots, who would make sure intelligence gaps were closed, who could look across the entire intelligence landscape and tell us about our vulnerabilities before terrorists discovered them on their own.

Last year, he did just that. The Director of National Intelligence came to Capitol Hill and asked us to either fix the Foreign Intelligence Surveillance Act that allowed us to monitor foreign terrorists overseas or risk weakening this vital intelligence-gathering tool.

Our friends across the aisle put off action for months before finally passing a temporary revision right up against the August recess. Then they delayed again last fall, pushing us up against the expiration of the temporary extension. Now they are delaying again.

There is only one version of a long-term extension that agrees with the recommendations of the Director of National Intelligence, and that is the pending Rockefeller-Bond substitute bill. This bill was carefully crafted on a strong bipartisan basis and reported out of the Intelligence Committee on a vote of 13 to 2. It is the only version the Director of National Intelligence has approved. It is the only version the President would sign. Therefore, it is the only one that has any chance of becoming law before the current extension expires on Friday of this week.

The time to act has long since passed. We need to approve Rockefeller-Bond, and we need to do it this week.

Some of our friends on the other side say they will not vote for cloture on Rockefeller/Bond because they could not amend it. No one should be deceived by this complaint. The amendments they want would transform it into a replica of the partisan bill that was reported out of the Judiciary Committee last fall. In other words, allowing amendments would guarantee failure.

Some of our friends on the other side say they want a 1-month extension. Never mind that we have had 10 months to act already. No one should be deceived by this complaint either. The real reason for the 1-month extension, of course, is to give Members who vote in favor of it the political cover they need to vote against Rockefeller/Bond. This is another clever way to make the bill fail.

Some of our friends on the other side say we are wrong to insist that phone carriers who may have cooperated with the Government in tracking terrorists be immune from lawsuits. The implication is that this is some kind of a favor for big business. But this advice is coming from the intelligence community, not politicians, because they