

SENATE—Tuesday, January 29, 2008

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Eternal Spirit, the giver of every good and perfect gift, we are sinful people seeking salvation. We are lost people seeking direction. We are doubting people seeking faith. Teach us, O God, the way of salvation. Show us the path to meaningful life. Reveal to us the steps of faith.

Today, use the Members of this body to fulfill Your purposes. Quicken their hearts and purify their minds. Broaden their concerns and strengthen their commitments. Show them duties left undone, remind them of vows unkept, and reveal to them tasks unattended. Lead them, Father, through this season of challenge to a deeper experience with You. Then send them from Your presence to be Your instruments of good in our world.

We pray in the Name of Him who is our hope for years to come. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 29, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we will have morning business for 1 hour after the two leaders make any statements they might make. As to what we do after that will take a conversation with the Republican leader, and we will do that when we finish our statements. We have a number of things that are pending: the FISA legislation, Indian health, and we have another matter I want to complete, an energy bill. We have an agreement as to how to finish that, and we will move to one of those, more than likely, today.

STIMULUS PACKAGE

Mr. REID. Mr. President, the Finance Committee on a bipartisan basis has worked up what they feel is something they are going to bring before the full committee tomorrow, and that will take place—we will get their take on the stimulus package tomorrow. We have all seen the press today. Everyone knows the Senate is going to put their mark on the stimulus package. We feel that what will be done will be very stimulative to the economy. It includes, as I understand it, some 20 million seniors who were left out of what has taken place in the House. There will be unemployment benefits. A number of States are in very difficult shape in that regard. They have some other things dealing with the business package, and I am told that advocacy groups like very much what is in the Senate package. But we will work through this and try to get something done very quickly so that, if there are changes made, we can do a very quick conference and get it to the President. That is an important issue.

FISA

Mr. REID. Mr. President, I want everyone—especially my Republican colleagues and especially the people in the White House—to listen to what I am going to say. FISA, if we don't do something on it today, will expire. It will be out of business. The House is going out of session tonight, so unless we get to them the 30-day extension we have tried to move forward five or six times, unless we have an extension of 18 months, a year, 2 weeks, whatever the Republicans think is appropriate—if they think nothing is appropriate—then the full brunt of this law expiring is on their shoulders because it is virtually legislatively impossible to get anything done today. Remember, the House has already done what they are

going to do. If we took what the Intelligence Committee passed, which is likely not going to happen, we would have to have a conference with the House. They are going out of session tonight. They are out of town on Wednesday and Thursday and Friday. So unless we do something today, the bill is not going to be enacted and the legislation we passed last August will expire.

Now, the orders that have been sought and accomplished during the time since last August will still be in effect, and, of course, there will be an opportunity under the old FISA law to work on an emergency basis for new things they want to do.

We want to maintain the ability to go after the bad people. We believe there is a necessity for intercepting telephone conversations between people who are trying to do bad things. We think it should be within the constitutional framework, and we believe that is what the Intelligence Committee and the Judiciary Committee have done. But I again say, without getting into any details, unless we do something today, unless someone can explain to me how we can pass something here in a matter of a few hours, how we can have a conference with the House in a matter of a few hours and then bring those two conference reports to the House and the Senate in a few hours—I say that is legislatively impossible.

So I am saying again to my Republican colleagues: Agree to some extension of time or the burden of this legislation not passing is on your shoulders because we have had no attempt to legislate. We have not had the opportunity to offer amendments, let alone vote on them.

Our goal is to provide the intelligence community with all of the legal tools it needs, while protecting the privacy of law-abiding Americans. So I would hope that in the next hour or so, we can work something out before the House leaves town or nothing will have been accomplished.

RECOGNITION OF THE MINORITY LEADER

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

FISA

Mr. McCONNELL. Mr. President, we have known we needed to get the FISA law extended for 6 months—6 months. I have also heard it suggested that somehow, little or no harm would be done if