

the Senate's bill. Unfortunately, congressional Republicans and the administration have refused to engage in meaningful discussions or negotiations about the legislation. It has been their position that the Senate's bill must be the end of all discussions, and the House must simply accept it. I commend the House leadership for upholding our legislative tradition and allowing Congress to act as a separate and equal branch of the Federal Government. The Constitution provides in article I for Congress to write the laws and in article II for the executive to faithfully execute them—not the other way around.

The administration has engaged in all of its usual scare tactics to try to bully the House into accepting the Senate bill. First, they refused to allow an extension of the Protect America Act, thereby allowing it to expire. Then, they tried to convince the American people that the expiration put Americans at risk—and somehow that was the Democrats' fault. It was not true, of course; the expiration of the Protect America Act put nobody at risk because the orders entered under that act remain in force for a year. And it is the White House and congressional Republicans who have repeatedly refused to extend the Protect America Act. And they have ensured delay by refusing to allow the appointment of conferees so work on the bill can move forward. These are just more in a long line of administration attempts to politicize national security in order to shield itself from accountability.

Despite the failure of the administration and the Republican Members of Congress to discuss the bills, the House engaged in intensive, productive bicameral discussions and produced a compromise bill that improves on both the Senate bill and their earlier efforts. It adds to title I of the bill several protections that I urged in the Senate. Very importantly, it includes a requirement that inspectors general, including the Department of Justice inspector general, conduct a thorough review of the so-called terrorist surveillance program and report back to the Congress and, to the greatest degree possible, the American people. This is a key measure to finally require accountability from this administration. We have not yet had anything close to a comprehensive examination of what happened and how it happened. We cannot expect to learn from mistakes if we refuse to allow them to be examined. As an additional accountability mechanism, the House bill would establish a bipartisan national commission to investigate and report on the administration's warrantless surveillance activities.

The House bill also strengthens the exclusivity provision from the Senate bill by mandating that, absent specific statutory authorization, FISA is the exclusive means to conduct electronic surveillance. This provision makes clear that the Government cannot

claim authority to operate outside the law—outside of FISA—from legislative measures that were never intended to provide such exceptional authority. This administration argues that the Authorization for the Use of Military Force, AUMF, passed after September 11, justified conducting warrantless surveillance of Americans for more than 5 years. That is not what was intended. With enactment of this strengthened exclusivity provision, we should not see similar arguments of circumvention in the future.

The House bill would also clarify that the Government may not use this new authority to target Americans indirectly when it cannot do so directly. The administration says it will not do that, but the Senate bill does nothing to prevent it.

Finally, and critically, the House bill would not grant blanket retroactive immunity. This administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught, and if they had not, they would probably still be doing it. When the public found out about the President's illegal surveillance of Americans, the administration and the telephone companies were sued by citizens who believe their privacy and their rights were violated. Now, the administration is trying to get this Congress to terminate those lawsuits in order to insulate itself from accountability.

The House bill does, however, address the concerns of the carriers who are defendants in those lawsuits that they are prevented from defending themselves because the administration is asserting the State Secrets privilege over the subject matter of the litigation. The bill provides mechanism for the companies to present their defenses in secure proceedings in the district court. I think this is a fair provision.

I have been very disappointed by the failure of the administration and congressional Republicans to participate in important discussions about this bill. I applaud the House for its significant efforts. It has passed a good bill.

Republicans in Congress and the administration now have a choice: If they are concerned with a delay in authority, they should help the House, and in turn the Senate, pass the improvements to FISA that the House amendment contains and replace the expired Protect American Act provisions and do so immediately. Having rejected the extension of the Protect America Act and allowed it to expire before the last congressional recess, I hope that they will join in supporting the House amendment to restore the additional tools this measure would provide without further delay.

40TH ANNIVERSARY OF THE FAIR HOUSING ACT

Mr. HARKIN. Mr. President, April 11, 2008 marks the 40th anniversary of the enactment of the Fair Housing Act,

Title VII of the Civil Rights Act of 1968. Signed into law just 1 week after the assassination of Dr. Martin Luther King, Jr., the bill made discrimination in the sale and rental of housing illegal based on a person's race, color, religion, sex, or national origin. This act opened doors of opportunity. It was a big step towards eliminating discrimination in housing and to providing fair housing.

Dr. King's inspiring message of equal opportunity for every person and the commitment to change views and attitudes is embodied in the Fair Housing Act. As we celebrate the 40th anniversary of this historic legislation, we must reaffirm our commitment to ensure that every person has equal access to housing.

I want to commend the Iowa Civil Rights Commission and the 25 local commissions across Iowa for their advocacy of housing opportunities for all of our citizens. These commissions provide comprehensive community education, public outreach, investigation, mediation, and training to foster fair housing by enforcing local, State, and Federal fair housing laws.

I would encourage my fellow Members of Congress to support a commitment to fair housing by strengthening laws against predatory lending practices, racial segregation, and restoring rights for persons with disabilities under the ADA.

On this 40th anniversary, we can celebrate many victories, but, unfortunately, housing discrimination still occurs. We still have many battles to be fought in our march towards a future where there is justice and housing opportunities for all Americans.

FIREARMS INFORMATION USE ACT OF 2007

Mr. MENENDEZ. Mr. President, I rise today for two purposes. One is to shed light on the serious problem of gun violence that afflicts our Nation, and the other is to introduce legislation which would assist law enforcement in their efforts to address this growing scourge that affects countless Americans every day.

Each and every year, tens of thousands of Americans have their lives senselessly cut short because of gun violence. In 2004, 29,569 Americans were killed by guns. This figure is higher than the number of deaths our military has suffered in any year of any war since World War II—and it translates to over 81 gun deaths per day—over 3 deaths per hour. Tragically, statistics show that by the time I finish this speech, another American will have lost his or her life to gun violence.

Gun violence does not discriminate; it affects rich and poor, young and old, the innocent and guilty alike. It is not a red or blue State issue, but an American crisis that concerns our Nation as a whole. Not a single American is immune to the tragic reach of gun violence.

Our brave law enforcement officers risk their lives every day to stop gun violence before it occurs, but they cannot do it alone. They need resources—not just funding and equipment although those are critically important—but also information and intelligence. That is why the ATF collects and compiles gun trace data—to provide crime gun information to law enforcement agencies, federally firearm licensees, FFL, the public, Congress, and State and local authorities so they may better understand and prevent gun violence.

It goes without saying that the more we understand a problem and its sources, the more proficient we will be in our ability to solve it. That is particularly true when talking about guns that are used to commit crimes. In fact, one study has shown that 1.2 percent of gun dealers sell 57 percent of guns later traced to criminal investigations.

My home State of New Jersey has some of the strictest gun laws in the country, yet hundreds, if not thousands, of off-limit customers, such as those under age or those with violent criminal records, wind up with such weapons each month. And the overwhelming majority of guns used to commit crimes in our State's cities were originally sold in compliance with the law in other States.

In fact, a large majority of the guns used to commit crimes in Jersey City, Newark, and Camden traveled up the east coast along I-95—the “Iron Pipeline”—and therefore don't fall under New Jersey's gun laws. This is truly a paradox that has not only frustrated law enforcement agents, but elected officials too.

According to ATF reports released in July 2002, 85 percent of the traced guns used to commit crimes in Jersey City and Newark, and 77 percent of those used in Camden, were originally purchased outside of New Jersey. And more than 67 percent of crime guns recovered in Jersey City were originally purchased more than 250 miles away, with 20 percent originating in South Carolina.

This is exactly the type of information that assists law enforcement officials in placing local crime guns in a regional and national strategic enforcement context and would allow Federal, State, and local elected officials to develop national, regional, and local strategic responses to gun crime.

Unfortunately, every year for the past few years some of my colleagues from the other side of the aisle have slipped a provision into law to prohibit the release of this information to anyone other than “a Federal, State, or local law enforcement agency or a prosecutor solely in a criminal investigation or prosecution.” This amendment effectively prohibits information from reaching Congress, and State and local authorities, and the public. The practical impact of the Tiahrt amendment is that gun trace data is rarely

shared and an important law enforcement tool goes largely unused.

The Tiahrt amendment also limits how Federal, State and local law enforcement agencies can use crime gun trace data they are able to obtain. The Tiahrt provisions restrict use of the information to retroactively investigate crimes that have already been committed. Using the data to proactively prevent gun crimes from happening is not permitted.

This makes no sense. We should be using every tool we have to prevent the deaths and injuries that result from gun violence—not waiting until they happen and then figuring out the hows and whys.

Unfortunately, here in Washington, every year the Republican Congress and President Bush bow to the gun lobby in Washington and sacrifice the safety of our streets. They do this by including the Tiahrt provisions.

Denying police access to critical information about crime gun traces helps no one but the bad guys. Our families' safety should never take a backseat to the demands of radical interest groups seeking only to further their own narrow agenda. Congress needs to pass my legislation—instead we need to stand up to President Bush and the gun lobby, and stand up for our families.

Far too often in this country, innocent Americans, including children, are tragically caught in the crossfire of gun violence. Far too often these crimes may have been prevented with stricter gun control regulations. As a Senator, it is my solemn duty to do everything within my power to protect the American people from the ravages of gun violence. Addressing this grave issue should not be hampered by divisive, partisan bickering. We must undertake a bipartisan approach to reach an effective solution to this problem that is concerned solely with the welfare and safety of the public.

That is why I am introducing legislation to make this gun crime data public again. It will not only help law enforcement prosecute gun crimes, but will also increase public awareness about where these guns originated. I urge my colleagues to support this commonsense legislation.

DEATH OF CHALDEAN ARCHBISHOP PAULOS FARAJ RAHHO

Mr. LEVIN. Mr. President, just this morning, the world learned of the death of Archbishop Paulos Faraj Rahho, who was kidnapped 2 weeks ago following the Way of the Cross ceremony at a church in Mosul. I extend my condolences to the Chaldean community in Iraq and in the United States on the tragic death of one of their church's spiritual leaders. The Chaldean community and those impacted by this tragic death are in the thoughts and prayers of people around the world from all religions.

The death of this spiritual leader demonstrates the fragility of the situa-

tion in Iraq and the vulnerability of the Chaldean community. I hope the Archbishop's life of integrity and testimony to his faith in God and in his country will serve as an inspiration to the Chaldean community as they move forward in these difficult times.

I also hope this tragic death will motivate President Bush to focus more attention on assisting this highly vulnerable community in northern Iraq, particularly as al-qaida shifts much of its operations to the north in search of new victims.

FOURTEEN YEARS AFTER THE BRADY LAW WAS ENACTED

Mr. LEVIN. Mr. President, we recently marked the 14th anniversary of the enactment of the Brady Handgun Violence Prevention Act. This legislation was a major step in our fight to curb gun violence. According to Centers for Disease Control statistics, since the Brady law went into effect, the number of gun deaths in the United States has dropped 26 percent, from 39,595 in 1993 to 29,569 in 2004. Even more dramatically, the number of gun homicides dropped by more than 38 percent from 17,024 in 1993 to 10,661 in 2004.

According to the Brady Campaign to Prevent Gun Violence, the Brady law's requirement that gun purchasers undergo a criminal background check before purchasing a firearm has prevented approximately 1.4 million prohibited purchasers from buying guns from federally licensed gun dealers. By preventing these potentially dangerous individuals from obtaining guns, the law has helped prevent countless tragedies. On this 14-year anniversary, I urge my colleagues to capitalize on the successes of the Brady law by taking up and passing additional gun safety legislation, such as closing the gun show loophole and establishing an assault weapons ban.

In a New York Times Op-Ed written March 29, 1991, on the 10th anniversary of the assassination attempt on his life and that of his press secretary, James S. Brady, President Reagan described his incredible ordeal of surviving the shooting and then went on to talk about Jim Brady. President Reagan said:

I was lucky. The bullet that hit me bounced off a rib and lodged in my lung, an inch from my heart. It was a very close call. Twice they could not find my pulse. But the bullet's missing my heart, the skill of the doctors and nurses at George Washington University Hospital and the steadfast support of my wife, Nancy, saved my life.

Jim Brady, my press secretary, who was standing next to me, wasn't as lucky. A bullet entered the left side of his forehead, near his eye, and passed through the right side of his brain before it exited. The skills of the George Washington University medical team, plus his amazing determination and the grit and spirit of his wife, Sarah, pulled Jim through. His recovery has been remarkable, but he still lives with physical pain every day and must spend much of his time in a wheelchair.

Thomas Delahanty, a Washington police officer, took a bullet in his neck. It ricocheted off his spinal cord. Nerve damage to