

those who are among us that need us the most: our Nation's children. It is a private program because private doctors, private insurance plans, and private hospitals deliver the health care. It spends \$3.50 per day for a child like Kailee.

But Kailee doesn't live alone. She lives in a family and in a community, and allow me now to introduce you to her mother and her new sister. This is Kailee's mother, Wendy, who is a food server. She's a waitress. And she earns \$2.33 per hour and tips. She is working hard to support her family and lives with her husband, Keith. Keith takes care of the children while Wendy is working. And this young girl, Cassidy, is 3 months of age. Cassidy doesn't understand health care. She only knows that she gets hungry and she has her mother to care for her.

This country, our Nation, must decide what kind of a Nation we are and in which direction we are going to turn. In several days we will decide here in Congress whether or not to override a veto, which I believe to be morally unacceptable. We cannot say no to our Nation's children. We must accept the responsibility of caring for those who are most in need.

That is not just my point of view. This bill is supported by everyone who is involved in delivering health care in this country, the American Medical Association, the American Nursing Association, and more. The American College of Allergy, Asthma & Immunology; the American Academy of Family Practice; the Federation of American Hospitals; the American Hospital Association; Catholic Charities; the March of Dimes; Lutheran Services; the U.S. Conference of Catholic Bishops; and more and more.

Everyone understands that we as a Nation must care for our Nation's children first because if our children are healthy, they will be in school and be able to learn and gain the education that they require to compete in this global marketplace. But it all starts right here Thursday morning when this House must vote to override President Bush's veto.

I believe we are at a precipice here in our country. It is getting dark, but it's not dark yet. We have to stand up for those who are among us that need us the most. Please reconsider your votes. Our people, our children need us. Please reconsider your votes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, thank you for the recognition.

And I would say that this week ought to be known as "FISA week." The reason I say that is because this week we will make an important vote on determining whether or not we will have the ability to defend our country, both now and in the future.

As we have moved on a bipartisan basis since 9/11 to attempt to meet the challenge of the threat internationally that is sometimes called the "war on terror," sometimes called the "war of Islamo-fascism," sometimes called the "war on radical jihad," no matter what the name, the American people know what it is we are speaking of. We have, in this House, in the Senate and in the executive branch adopted an analysis which allows us to respond in the most effective way, and that analysis is a risk-based analysis. And simply put, broken down into its constituent parts, risk equals threat plus vulnerability plus consequence.

The interesting thing in this equation is that the knowledge base of the bottom two elements, vulnerability and consequence, are within our grasp. Now, what do I mean by that? What I mean by that is vulnerability is our ability to assess how vulnerable our assets are that might be attacked by the enemy surrounding us. We can make educated judgments with respect to those assets, their value, how they could be attacked or destroyed, and how we can protect them against such attack or attempt of destruction.

Similarly, consequence is within our knowledge base. We know, with a successful attack, what the consequence would be. For instance, if the attack were lodged against a dam, a catastrophic event, a collapse of a dam as a result of an attack, we can measure what the consequences would be. How? Well, we know the number of people that would be in the way. We know the number of buildings that would be in the way. We can make a determination as to the overall destructive power of the surging water that would come through a destroyed dam. We can make an educated judgment as to the time by which those assets that would be destroyed, the time it would take to restore such assets, such as highways, byways, such as shopping malls, homes, hospitals, all of those sorts of things. So, within our risk assessment, we are capable, more or less, of determining what our vulnerability is and what the consequences of a successful attack would be.

There is a third element, threat, which is not as much in control of our already existing knowledge. Why? Because threat essentially is the intention of the enemy, the targets of the enemy, the timing of the enemy. That's what, in fact, a threat is. So,

since that knowledge base is not within our power, essentially, how do we deal with that? How do we calculate what the threat is? We do so by utilizing intelligence. We gather intelligence. We find information from the other side, if you will, of the battle.

This is not a novel approach. It is recognized in the Constitution and the interpretations of the Constitution by the Supreme Court and other Federal courts from the beginning of this Republic in that it is recognized that the President of the United States was given Commander-in-Chief powers. Why? Because of the failure of the Continental Congress, because of the failure of the first Confederation of States when they found that you could not have multiple commanders in chief. You had to have a single executive, particularly in the area of war, defense of our country, or relationships with foreign governments.

Now, implicit in the ability or the capability of a Commander-in-Chief to exercise military strength on behalf of the Nation to defend itself, that is, to destroy those who would attempt to destroy us, yes, to give the President of the United States the power to exercise lethal action against the enemy, and that means, quite frankly, to wound or kill the enemy, to stop the enemy from destroying us, implicit in that authority is the authority to gather intelligence, the authority to gather foreign intelligence. In other words, one of the ways you find out what the enemy is to do on the battlefield is to find out what he is saying, the conversations that take place on the other side, the plans that they are developing, and the commands that they give to carry out their intended lethal action. That, essentially, is foreign intelligence.

And what we are going to vote on this week is something called the Foreign Intelligence Surveillance Act, FISA. Now, the reason I bring this to the floor and I spell out these words is to remember what the focus of this bill is. It is on foreign intelligence, not domestic intelligence, not the ability to try and stop the mob from acting in the United States, not the ability to stop certain criminals in the United States from committing a crime or to investigate after they've committed the crime in order to prove up the case against them and to give them their just punishment, but rather, foreign intelligence, intelligence which deals with foreign governments, foreign powers, and associated organizations or people.

The FISA Act was passed by the Congress in 1978, intended to establish a statutory procedure authorizing the use of electronic surveillance in the United States against foreign powers or agents of foreign powers. FISA established two new courts. First, the Foreign Intelligence Surveillance Court, which authorizes such electronic surveillance, and secondly, the U.S. Foreign Intelligence Surveillance Court of Review, which has jurisdiction