

An example of how well a bipartisan FISA reform bill can function is the Protect America Act. I have said before that the PAA did exactly what it was intended to do: it closed the intelligence gaps that threatened the security of our Nation and our troops. It did so in a truncated fashion, but it worked for 6 months.

Now, there are some Members who criticize the PAA and call it flawed. But let there be no doubt, the PAA has been a great success. It did not open any new powers that had not existed before the technology changed and brought applications of new limitations on our collectors.

Next, I want to call attention to a letter received by the Senate Select Committee on Intelligence on January 25 from the DNI. Director McConnell wrote that the authorities provided by Congress, through the Protect America Act, passed in August of last year, have "allowed the Intelligence Community to collect vital foreign intelligence information, and made the Nation safer by enabling the IC to close gaps in our foreign intelligence collection."

Let me repeat that: It has enabled the intelligence community to close gaps in our foreign intelligence collection.

More specifically, Director McConnell said the PAA has enabled the intelligence community to obtain information related to disruption of planned terrorist attacks against Americans, efforts by an individual to become a suicide operative, instructions to a foreign terrorist associate about entering the United States, efforts by terrorists to obtain guns and ammunition, terrorist facilitator plans to travel to Europe, information on money transfers; plans for future terrorist attacks, and movements of key extremist groups to evade arrest—among others.

While I cannot say anything more publicly about these examples, I can say these are examples of how the PAA disrupted ongoing and planned attacks against our interests, our allies, and our citizens. The Director did send the committee a classified letter laying out the details of these disruptions. He also gave examples of how collection—that had faltered because of a FISA Court decision in the spring—was renewed under the PAA. As a result, key intelligence against terrorists was collected.

I have reviewed the letter. I think any of our colleagues interested in this subject should go to the Senate Intelligence Committee offices or to S-407 to read the classified letter for themselves to see how the PAA has helped save American lives.

Director McConnell has told us some targets might not have been pursued without the PAA because of the administrative, analytic, and legal burden of seeking FISA orders. Keep in mind, these orders would have been FISA orders to collect information on foreigners, not Americans.

It is clear from my reading of Director McConnell's letter that most of the

successes he identified would not have occurred had it not been for the PAA.

While the PAA has been key to gathering unique and vital intelligence information, Director McConnell does not support its extension. The reason he does not support the renewal—one that has been critical to enabling the intelligence community he leads to do its job—is because it does not include retroactive civil liability protection. In his letter, and on numerous occasions—and in every substantive discussion I have had with him—the Director has said that we cannot gather this kind of information in sensitive intelligence areas without the cooperation of private parties.

Despite the success of the intelligence community's ability to collect intelligence under the PAA, Director McConnell does not support its extension without this retroactive civil liability provision because he believes the voluntary cooperation of private parties is necessary to the success of the program. I have stated previously in answers to questions of my colleagues precisely why it would work. By implication, it seems he is concerned, wisely, I believe, that carriers will no longer cooperate with the Government if they fear being dragged into expensive lawsuits.

Again, for all these reasons, we must pass and get the bill out of here—I hope at least by early next week—and pass a conference report before February 15. The Rockefeller-Bond substitute is that bill.

A lot of questions have been asked about when we are going to move forward. We have exchanged papers back and forth. Chairman ROCKEFELLER's staff and my staff have negotiated extensively. We need to get the concurrence of the leaders on both sides. I hope we are close to getting a workable framework. This is such a critical piece of legislation. I do not want to hold it up any longer.

I know my colleagues have been waiting for votes. Nobody has been more anxious than Chairman ROCKEFELLER and I. We understand how important this issue is. We hope to give this body some real action on moving the bill forward sooner rather than later. We will need the leaders, who will make the decisions. We will need the cooperation of all colleagues on both sides. Let's hope we can come to a successful resolution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, there will be no rollcall votes tonight. We will see

what we can do tomorrow to come to some conclusion on the stimulus package, at least get on the road to how we are going to have some votes. And we will have some votes; it is just a question of when we will have them.

On FISA, we thought we had it worked out a few minutes ago, but it came "unworked." So we are going to continue to see what we can do. I have told Senator MCCONNELL we are doing our very best to wrap that up so we can have agreement. But an agreement is two sided. It is not just us. We think we have a way to complete that so we can finish our work on it, but it is a work in progress. I thought we had it done a few minutes ago, but it didn't work out that way. So we will see what we can do tomorrow on these issues, but there will be no votes tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL.) Without objection, it is so ordered.

ECONOMIC STIMULUS

Mr. BAUCUS. Madam President, the palmist prayed:

Do not cast me off when I am old. Do not forsake me when my strength fails.

That is really the question before us as we get to the economic stimulus bill, which is the bill that is going to send out rebate checks to Americans: Will the Senate cast off 20 million seniors? Will the Senate forsake 20 million of the neediest Americans?

A vote for the Finance Committee substitute is a vote for 20 million American senior citizens who have worked hard all their lives, who have paid taxes for a lifetime. They contribute to the economy today. But the underlying House-passed bill would not give them a rebate check.

The House-passed bill says no to 20 million American seniors. The House bill gives checks only to the more affluent seniors whose incomes are high enough that they pay taxes now. The House-passed bill would not give a stimulus check to seniors who are scraping by on Social Security income alone and have no tax liability. To state it differently, the House-passed bill says no to the most neediest seniors, not only 20 million American seniors, but the House bill says no to the 20 million American seniors who happen to be the most needy. These 20 million seniors have given a lifetime of labor. They have given a lifetime of service, and they have paid a lifetime of taxes. The House-passed bill would not give them a stimulus check.

Think of a grandmother who needs money for food, medicine. America's economy is slowing down. Times are