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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

### PRAYER

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

Let us pray.

Eternal God, creator and sustainer of life, no good thing have You withheld from the children of humanity.

Lead our Senators today along productive paths. Teach them to give up the things that really don't matter: an opinion of their personal infallibility; a devotion to the trivial; a penchant for the petty; a tendency to equate their own well-being with the ongoing of the universe. Remind them that if they merely do what they please, they shall not be pleased with what they do. Give them grace to take up the cross of sacrificial service with the goal of pleasing You.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 13, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BERNARD SANDERS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. SANDERS 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, following my remarks and those of the Republican leader, there will be a period for the transaction of morning business, with 1 hour equally divided, prior to a cloture vote on the conference report to accompany H.R. 2082, the Intelligence Authorization Act for 2008.

### ORDER OF PROCEDURE

On the majority side, I ask that the time of 30 minutes be divided, with 15 minutes for Senator FEINSTEIN, 10 minutes for Senator ROCKEFELLER, and 5 minutes for Senator WYDEN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### FOREIGN INTELLIGENCE SURVEILLANCE ACT EXTENSION

Mr. REID. Mr. President, this morning the statement was made by the President in the Oval Office that he will refuse to sign a temporary extension of the current FISA law. This is a statement from the person who wants to unite, not divide. This is part of the Orwellian-speak we have had for 7 years out of the White House.

Let's be very clear. President Bush, obviously, is more interested in politicizing intelligence than finding solutions to the problems we are facing in

this difficult situation. Today, he continues to try to bully Congress. Let's not forget that we would not even be discussing this issue if not for his actions.

What were some of those actions? In their unyielding efforts to expand Presidential powers, President Bush and Vice President CHENEY created a system to conduct wiretapping, eavesdropping—including on American citizens—outside the bounds of longstanding Federal law. The President could easily have come to us and said: Let's change this law, and we would have gone along with probably little effort. But, no, he did not do that. He just went around the law, and when we passed the law to try to change it, he went around that too.

Congress has repeatedly amended the Foreign Intelligence Surveillance Act to reflect new technology and the legitimate needs of the intelligence community. We have done that often and for good reason. But, whether out of convenience, incompetence, or disdain for the rule of law, this administration chose to ignore Congress and basically ignored the law, ignored the Constitution.

Congress is working updates to the FISA law as we speak. Senate Republicans and the White House have spent many weeks slow-walking the bill as part of the Republican strategy to jam the House. We have known that, we have talked about it, and they did a good job because we were not able to pass this bill until last night. I believe it is wrong and irresponsible for the White House to do this. Due to months of White House foot-dragging, the relevant House committees have only now just gotten important documents related to whether the Bush administration followed the law and the Constitution. I cannot speak about those documents on the floor, but people need time to review and analyze these documents. It is not four or five pages. So we must not let this critical issue be

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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resolved by the White House trying to push everybody around.

Let's work together on this issue. We are all working for the same goal: to protect American citizens against acts of terror. Congress is prepared to extend current law, the Protect America Act, by any length for Congress to complete the indepth analysis and negotiations necessary for long-term law broadly supported by the American people. If the President chooses to veto a short-term extension, as he said he would this morning, the responsibility for any ensuing intelligence-collecting gap lies on his shoulders and that of Vice President CHENEY and theirs alone, no one else.

#### RECOGNITION OF THE MINORITY LEADER

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

#### FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. MCCONNELL. Mr. President, with regard to the Foreign Intelligence Surveillance Act, it passed in the Senate yesterday 68 to 29—an overwhelming bipartisan ratification of the Rockefeller-Bond bipartisan compromise to get us a permanent Foreign Intelligence Surveillance Act in place. There were a number of efforts to weaken the bill on the floor of the Senate. They were all defeated on a bipartisan basis. Most of them were defeated by a margin of 2 to 1.

Over in the House, we have heard from 21 Democratic Members, the "Blue Dogs," who say the House ought to take up this overwhelmingly bipartisan Senate bill and pass it and send it to the President for his signature.

We had an important bipartisan victory just last week on the stimulus package. We have an opportunity to do it again this week on this extraordinarily important piece of legislation.

In thinking about how long we have been dealing with this legislation, we passed a short-term extension back in August. We have had 6 months to figure out what we wanted to do. We passed extremely important legislation—probably the most important piece of legislation we will pass this Congress—yesterday on an overwhelming bipartisan vote. The House of Representatives surely has followed what we have done. There is a bipartisan majority in the House of Representatives for what we did yesterday in the Senate. We know that. There is a bipartisan majority in the House of Representatives to take up and pass the Senate-passed bill in the House of Representatives now. That is what we know. That is what I hope will be done. The House will have an opportunity over the next couple of days to make its decision. But I think the President has correctly assessed the situation and decided we have had ample time to

deal with this legislation, to find out how we felt about it, to vote on it, to make whatever changes people thought were appropriate. And we know there is a bipartisan majority in the House waiting to pass it. I hope they will be given that opportunity later this week.

#### HONORING OUR ARMED FORCES

MASTER SERGEANT CLINTON W. CUBERT

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a brave soldier from Kentucky who was lost in the performance of his duty. On September 11, 2005—4 years after the brutal attacks that compelled our Nation to fight the war on terror that we still fight today—MSG Clinton W. Cubert was on combat patrol in Samarra in Iraq. An improvised explosive device set by terrorists exploded under his humvee.

Master Sergeant Cubert, of Lawrenceburg, KY, sustained mortal injuries in the blast. He survived to be transported to the Lexington Veterans Affairs Medical Center in Lexington, KY, and was reunited with his family. He passed away on Easter Sunday, April 16, 2006, at the age of 38.

For his valor during service, Master Sergeant Cubert received numerous medals and awards, including the Meritorious Service Medal, the Bronze Star Medal, and the Purple Heart Medal.

Born in Texas, Clinton Cubert moved to Lawrenceburg with his family at an early age. His parents, C.D. and Virginia Cubert, raised a boy who loved the outdoors. As a child, Clinton enjoyed deer hunting, boating, fishing, or just about anything that took him outside.

Clinton enjoyed country music, especially Hank Williams, Jr. He drove what family members kindly called "beat-up" Ford trucks and liked to get under the hood and tinker with them to keep them running until they couldn't go anymore.

Family members called him "Clinton," but he also earned an unusual nickname. Because Clinton was willing to trade his entire lunch for the one food he loved so much, his friends called him "Cornbread."

Clinton met Amy, his wife, in Lawrenceburg when they were both in their early twenties. Amy thought Clinton looked very handsome in his uniform. Clinton and Amy raised two wonderful young women, Alisha Danielle and Sarah Dawn.

Clinton enlisted in the National Guard in 1987 and went on to serve with distinction for nearly 19 years. Normally he worked in the Combined Support Maintenance Shop at the Guard's headquarters in Frankfurt, KY, the State capital. Then, in January 2005, he was deployed in support of Operation Iraqi Freedom. Assigned to the 2113th Transportation Company, he became platoon leader of that unit's newly created 4th Platoon.

For Clinton's commanding officer, CPT William Serie, Clinton was his

first and most obvious choice. "[Master Sergeant Cubert] was the most dedicated in making sure his soldiers were trained, equipped and ready," he says. "People use the word 'dedicated' and 'outstanding' and things of that nature, but I don't think those words really express what he did for us. He was truly a person that was outside the mold."

In Iraq, Master Sergeant Cubert trained with 30 members of his platoon in combat tactics so that the units they protected in transit would arrive at their destinations safely. Captain Serie tells us that Clinton was innovative in devising new ways for soldiers to do their jobs more safely and efficiently.

"I believe that God puts special people in our lives to show us what we are capable of," Captain Serie says. "Clinton was that type of leader."

When Clinton was injured, the Army contacted Amy, and she flew to Germany to see her husband. Younger daughter Sarah was the first to answer the phone. At the age of 12, she wrote an essay for school about the terrible day her family received the news. "I was looking in the mirror thinking all questions," Sarah wrote. "Like the obvious ones—why us? Why now? But also the ones that are only thought by a daughter—who is going to walk me down the aisle? Who is going to give me hugs like him? Who is going to dress me up in camouflage flannels and take me hunting?"

We grieve today along with the Cubert family for their loss. Clinton leaves behind his wife Amy; his daughters, Alisha and Sarah; his sisters, Linda Lou Martin, Nancy Marie Robinson, Julie Ann Dent, and Peggy Ann Cubert; his brother Steven Wayne Cubert, and many other beloved family members and friends. Clinton was predeceased by his parents, C.D. and Virginia Cubert.

Clinton was taken from his loved ones before his time, but it must have been a blessing for them that he was able to come home and say goodbye. I am sure they will treasure forever every moment spent with Clinton. "No one will forget his laughter," wrote his daughter Sarah, "like the boom of gunshots during the funeral or the bagpipes playing Taps."

This Senate will not forget MSG Clinton Cubert's bravery and service. Kentucky and the Nation are richer for his contributions to freedom's cause.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, in brief response to the distinguished Republican leader's remarks about the FISA extension, I acknowledge the bill passed yesterday. I voted against it, and I voted against cloture on the bill, but it was a bipartisan passage. I understand that. I don't dispute that. I saw what the numbers were. The bill was changed a little as it came from the committee, but it passed. It was bipartisan. I recognize that.