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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

### PRAYER

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

Let us pray.

Ruler and redeemer, creator and sustainer, we pause at the beginning of our labors to acknowledge Your majesty. Because of You, we live and move and breathe and prosper. You shower us with undeserved blessing, like a shepherd with his flock. You lead us to green pastures and beside still waters.

As our Senators and staffs do liberty's work today, stand with them. Give them prudence and discretion for their task. Remind them that if You are for us, neither demons nor deviants can prevail.

Help us to focus on today's challenges and trust You to take care of our past and future. Transform discord into harmony and hasten the day when peace will reign. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 7, 2004.

To the Senate:

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

appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SUNUNU 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. FRIST. Mr. President, this morning we will have a brief period of morning business for up to 30 minutes, with the first 15 minutes under the control of the minority and the final 15 minutes under the control of the majority.

Following that time, the Senate will resume consideration of the pending resolution regarding Senate intelligence and Homeland Security oversight reform. Our whips are here again today to manage that resolution throughout the day. They will be able to update Members shortly in terms of expectations over the course of the day. I hope Members come forward with their amendments so we can finish this important resolution today.

I remind everyone that last night we filed a cloture motion on that resolution with the purpose of ensuring that we complete consideration of the reform resolution this week. That is the goal that was set out actually weeks ago by the Democratic leader and myself, the leadership on both sides of the aisle. Again our purpose was not in any way to get Senators cut off on their ability to offer amendments, but given our objective of departing tomorrow, we do need to work expeditiously on this legislation which we absolutely must and will finish.

As my colleagues know, rule XXII requires that first-degree amendments be

filed at the desk no later than 1 o'clock today. At that point in time we should have a better idea as to how to proceed with the resolution over the course of the afternoon.

In addition to completing the pending reform resolution, we expect the House to act on the FSC/ETI or JOBS conference report today. Real progress was made yesterday. As we all know, the conference completed its action and the House will address the conference report today. Once they address it, we will be able to address it. We will turn to that conference report later today, late today.

I hope we can reach an agreement for debate on that privileged conference report. However, similar to the current bill, if necessary, we would have to file cloture. I hope that is not the case. There has been a lot of discussion over the last several days and I hope that discussion continues and that people do not force us to file cloture.

Again, the leadership on both sides of the aisle agrees and has set out the objective of finishing the FSC legislation before we close out our business.

We have a lot to do. We would also consider any other conference report that does become available during this period.

I thank my colleagues.

### NATIONAL INTELLIGENCE REFORM ACT

A brief comment on action yesterday. Once again, I congratulate the Chair and ranking member of the Governmental Affairs Committee for a tremendous effort. A lot of the other committees participated directly through their chairmen and ranking members. Yesterday, we proved the Senate could act very deliberately but expeditiously on a very important bill, a bill that represents the most dramatic and significant reform of our intelligence community in half a century. We delivered that product yesterday. It has been an effort underway for months and months, most significantly since July, the 9/11 Commission Report release date, but which proceeded

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



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through August, September, into October, with the final Senate product being produced yesterday.

As mentioned again and again, what we have done the last several weeks is address nearly all 39 of the 41 recommendations put forth by the 9/11 Commission. The business in the Senate after morning business today will be the remaining 2 of those 41 recommendations put forth by the 9/11 Commission. Those two are very important, in part because they focus on this body, its internal operation of oversight of the intelligence community, and thus we will address that.

Again, I congratulate everyone for their participation. There is no question that the provisions in the bill we passed yesterday will make our Nation safer, it will improve our intelligence community, and will help us immensely in the war on terrorism. That was reflected by the overwhelming support, with only two Senators voting against the bill yesterday.

This is going to be a very busy day but a productive day. Again, we should be able to complete all of our business to be able to depart tomorrow, but if not, we would have to be here into Saturday and whatever time it takes.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half under the control of the Democratic leader and the second half of the time under the control of the majority leader.

Mr. REID. On behalf of Senator DASCHLE, I yield 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### THIRTEEN REASONS WHY AMERICA IS NOT SAFER BECAUSE OF PRESIDENT BUSH'S FOREIGN POLICY

Mr. KENNEDY. Mr. President, it was a Presidential election campaign 24 years ago when Ronald Reagan posed the defining question to the American people in that election when he asked, Are you better off today than you were 4 years ago? That basic question has greater relevance now than when Ronald Reagan asked it.

The defining issue today is our national security. Especially in this post-September 11 world, people have the right to ask Ronald Reagan's question in a very specific and all-important way: Are we safer today because of the policies of President Bush?

Any honest assessment can lead to only one answer and that answer is an emphatic no. President Bush is dead wrong and JOHN KERRY is absolutely right: We are not safer today.

The reason we are not safer is because of President Bush's misguided war in Iraq. The President's handling of the war has been a toxic mix of ignorance, arrogance, and stubborn ideology. No amount of Presidential rhetoric or preposterous campaign spin can conceal the truth about the steady downward spiral in our national security since President Bush made the decision to go to war in Iraq.

President Bush keeps saying that America and the world are safer and better off today because Saddam Hussein is gone. No matter how many rhetorical, double-twisting back flips President Bush performs, his disingenuous claim that the war has made America safer is wrong—and may be catastrophically wrong.

There were no weapons of mass destruction.

Across the country we see the newspapers with headlines like this morning's Washington Post headline: "U.S. 'Almost All Wrong' on Weapons." There were no weapons. Here it is in the New York Times this morning: "U.S. Report Finds Iraqis Eliminated Illicit Arms in 90's." "Weapons Capability Had Eroded Before War, Inspector Says."

Here is the recent report, just released yesterday, by the inspector general, who is over there, Charles Duelfer, who followed Dr. Kay. Very professional individuals with strong teams have spent up to \$900 million. This is the central conclusion on page 7:

Iraq did not possess a nuclear device, nor had it tried to reconstitute a capability to produce nuclear weapons after 1991.

Again, in a New York Times editorial this morning entitled "The Verdict Is In":

Since any objective observer should by now have digested the idea that Iraq posed no immediate threat to anyone, let alone the United States, it was disturbing to hear President Bush and Vice President DICK CHENEY continue to try to justify the invasion this week on the grounds that after Sept. 11, 2001, Iraq was clearly the most likely place for terrorists to get illicit weapons. Even if Mr. Hussein had wanted to arm groups he could not control—a very dubious notion—he had nothing to give them.

Those are the facts, Mr. President. And it is important for the administration to finally admit them. Saddam had no nuclear program. He had no stockpiles of weapons of mass destruction. The Iraq Survey Group basically nailed the door shut on the administration's justification for the war. But the President won't hear it. He stubbornly clings to his fiction that "there was a real risk that Saddam Hussein would pass weapons or materials or information to terrorist networks."

President Bush says JOHN KERRY "would weaken America and make the world more dangerous." In fact, it is

President Bush who has weakened America and made the world more dangerous. Let's count the ways George Bush's war has not made America safer.

No. 1, Iraq has been a constant perilous distraction from the real war on terrorism. There was no persuasive link between Saddam Hussein and al-Qaida. We should have finished the job in Afghanistan, finished the job on al-Qaida, and finished the job on Osama bin Laden.

No. 2, the mismanagement of the war in Iraq has created a fertile, new, and very dangerous breeding ground for terrorists in Iraq and a powerful recruiting tool for al-Qaida that did not exist before the war. We cannot go a day now without hearing of attacks in Iraq by insurgents and al-Qaida terrorists, and our troops are in far greater danger because of it.

Only this week, Ambassador Paul Bremer specifically stated that the Bush administration erred in not deploying enough troops in Iraq and not containing the violence and looting immediately after the fall of Saddam Hussein. About the looting, he said:

We paid a big price for not stopping it because it established an atmosphere of lawlessness.

He said:

We never had enough troops on the ground.

No. 3, Saddam may be behind bars, and that is a plus for America and the world, as President Bush says. But the war in Iraq has clearly distracted us from putting Osama bin Laden behind bars, and that is a huge minus.

No. 4, because of the war in Iraq, the danger of terrorist attacks against America itself has become far greater. Our preoccupation with Iraq has given al-Qaida more than 2 full years to regroup and plan murderous new assaults against us. And we know that al-Qaida will try to attack America again and again here at home, if it possibly can. Yet instead of staying focused on the real war on terror, President Bush rushed headlong into an unnecessary war in Iraq.

No. 5, and most ominously, the Bush administration's focus on Iraq has left us needlessly more vulnerable to an al-Qaida attack with a nuclear weapon. The greatest threat of all to our homeland is a nuclear attack. A mushroom cloud over any American city is the ultimate nightmare, and the risk is all too great. Osama bin Laden calls the acquisition of a nuclear device a "religious duty." Documents captured from a key al-Qaida aide 3 years ago revealed plans even then to smuggle high-grade radioactive materials into the United States in shipping containers.

No. 6, the war in Iraq has provided a powerful new worldwide recruiting tool for al-Qaida. We know al-Qaida is getting stronger, because its attacks in other parts of the world are increasing.

No. 7, because of the war, Afghanistan itself is still unstable. Taliban and al-Qaida elements continue to attack

our forces regularly. President Hamid Karzai is frequently forced to negotiate with warlords who control private armies in the tens of thousands. Opium production is at a record level, and is being used to finance terrorism and fund private militias. Our troops there are in greater danger.

No. 8, we have alienated long-time friends and leaders in other nations we heavily depend on for intelligence, for apprehending terrorists, for shutting off funds to al-Qaida, and for many other types of support in the ongoing war against international terrorism. Mistrust of America has soared throughout the world. We are especially hated in the Muslim world. In parts of it, the bottom has fallen out.

Sadly, we remember the goodwill that flowed to America in the aftermath of September 11, and we know we should never have squandered it.

No. 9, our overall military forces are stretched to the breaking point because of the war in Iraq. As the Defense Science Board recently told Secretary Rumsfeld:

Current and projected force structure will not sustain our current and projected global stabilization commitments.

LTG John Riggs said it clearly:

I have been in the Army 39 years, and I've never seen the Army as stretched in that 39 years as I have today.

And as our colleague Senator McCain warned last month, if we have a problem in some other flash point in the world:

It's clear, at least to most observers, that we don't have sufficient personnel.

No. 10, the war in Iraq has undermined the basic rule of international law that protects captured Americans. The Geneva Conventions are supposed to protect our forces, but the brutal interrogation techniques used at Abu Ghraib prison in Iraq have lowered the bar for treatment of POWs and endangered our soldiers throughout the world.

No. 11, while President Bush has been preoccupied with Iraq, not just one but two serious nuclear threats have been rising: North Korea and Iran. Four years ago, North Korea's plutonium program was inactive. Its nuclear rods were under seal. Two years ago, as the Iraq debate became intense, North Korea expelled the international inspectors and began turning its fuel rods into nuclear weapons. At the beginning of the Bush administration, North Korea was already thought to have two such weapons. Now they may have eight, and the danger is greater.

Iran too is now on a faster track that could produce nuclear weapons. The international community might be more willing to act if President Bush had not abused the U.N. resolution on Iraq 2 years ago, when he took the words "serious consequences" as a license for launching his unilateral war in Iraq.

No. 12, while we focused on the non-existent nuclear threat from Saddam, we have not done enough to safeguard

the vast amounts of unsecured nuclear materials elsewhere in the world. According to a joint report by the Nuclear Threat Initiative and Harvard's Managing the Atom Project, "scores of nuclear terrorist opportunities lie in wait in countries all around the world," especially at sites in the former Soviet Union. How loudly does the alarm bell have to ring before President Bush wakes up?

No. 13, the neglect of the Bush administration on all aspects of homeland security because of the war is frightening. We are pouring nearly \$5 billion a month into Iraq, yet we are grossly shortchanging the urgent needs to strengthen our ability to prevent terrorist attacks here at home and to strengthen our preparedness should they occur.

As former Republican Senator Warren Rudman, chairman of the Independent Task Force on Emergency Responders, said recently:

Homeland security is terribly under-funded, and we cannot allow that to continue.

You cannot pack all these reasons why America is not safer into a 30-second television response ad or a news story or an editorial. But as anyone who cares about the issue can quickly learn, our President has utterly no credibility when he keeps telling us that America and the world are safer because he went to war in Iraq and rid us of Saddam.

President Bush's record on Iraq is clearly costing American lives and endangering America and the world. Our President will not change or even admit how wrong he has been and still is. Despite the long line of mistakes and blunders and outright deception, there has been no accountability. As election day grows closer, the buck is circling more and more closely over 1600 Pennsylvania Avenue. Only a new President can right the extraordinary wrongs of the Bush administration on our foreign policy and national security.

On November 2, when we ask ourselves the fundamental question whether President Bush has made us safer, there can be only one answer: No, he has not. That is why America needs new leadership. We could have been, and should have been, much safer than we are today.

We cannot afford to stay this very dangerous course. As I have said before, the only thing America has to fear is 4 more years of George Bush.

I withhold the remainder of the time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, the remainder of the time is reserved.

The Senator from Iowa.

#### MEDICARE

Mr. GRASSLEY. Mr. President, just over 10 months ago, we passed a bipartisan bill called the Medicare Modernization Act dealing more with the prescription drug issue than anything else. But regardless of what you want

to call it, it is the most sweeping improvement in Medicare since its creation. The Medicare Modernization Act delivered on a promise, a promise to provide beneficiaries a much needed prescription drug benefit and to revitalize Medicare so beneficiaries can receive quality care and benefits into the future with no sunset.

The Medicare bill passed with the support of a bipartisan coalition and more than 300 organizations ranging from the AARP to the U.S. Chamber of Commerce. Advocacy groups that did not necessarily support the bill then went on to form an organization called the Access to Benefits Coalition. They worked after passage of the MMA to ensure that low-income beneficiaries enroll in the Medicare drug card and get the real assistance to which every senior is entitled.

Still, on the floor of the Senate, we hear partisan attacks against this Medicare bill, continuing yet 10 months since it was signed into law. This is much to the consternation of organizations such as the Access to Benefits Coalition, which is saying that partisanship ought to be set aside and we ought to concentrate on getting people into the benefits that are in the program, even if you don't necessarily agree with the legislation.

Week after week, month after month, we have heard attack after attack against this Medicare bill. This is despite the fact that study after study shows the drug card program, for example—and that is only a small part of this most comprehensive improvement in Medicare in its 38-year history—is delivering real savings to beneficiaries.

As I listen to these attacks, I am reminded that it is always easier to tear down than to build. But if you tear something down, it seems to me those tearing it down ought to have something to replace it. So what was their plan? I haven't heard about a plan for the future, so I have to look back. What were they suggesting at that time when they had an alternative plan? And this was when the Democratic Party controlled the Senate. They did have a plan to offer, but the Democratic leader bypassed the Finance Committee, where we developed bipartisanship, to bring their proposal to the floor because they didn't want a bipartisan program. They wanted their own program. They knew they couldn't get their own program. They wanted an issue for the 2002 election rather than a product.

This alternative was drafted by Senator GRAHAM and Senator KENNEDY. Their bill was S. 2625. It had 30 Democratic cosponsors, including the Democratic leader. They offered two proposals as amendments on the Senate floor. Fifty Democrats voted in favor of the first proposal. Forty-five Democrats supported the second, which, I might add, was worse than the first. The Democratic Leader as well as Senator KENNEDY and Senator KERRY supported both of these Democratic proposals.

In stark contrast with the bill that the President signed last December, the Democratic proposal, Graham-Kennedy, had a drug benefit that was not permanent. Our legislation is permanent. That is right. Their proposal would have ended at about the time baby boomers were beginning to retire. What a promise: Prescription drugs, and in 2010 you have nothing.

Chart No. 1 has the language of one section of their legislation. I read:

No obligations shall be incurred, no amounts shall be appropriated, and no amounts expended, for expenses incurred for providing coverage of covered outpatient drugs after December 31, 2010.

You can't be clearer than that. Seniors and individuals with disabilities deserve better than the false hopes of a drug benefit that expires after 6 years. But that is exactly what the first Graham-Kennedy amendment did. It simply rode off into the sunset after 2010, just at the very time that 77 million baby boomers start to retire. The fact that the Graham-Kennedy proposal offered a drug benefit that ended 6 years after it started ought to be unbelievable. You would never think that Senators would think of doing something like that—false promises, a costly program for a few years, and then it ends. But they sunset the benefit to hide the true cost of their proposal. At the time the Congressional Budget Office said it would cost over \$100 billion each year to extend the Graham-Kennedy drug benefit past the sunset, \$100 billion a year, and they had no plan to pay for this enormous cost.

To make their drug benefit permanent, Congress would have had to cut all other Government programs by more than 10 percent or increase taxes on all working Americans by an amount equal to 2 percent or greater. That is the same as a tax increase of around \$1,500.

Besides vanishing in 2010, under the first Graham-Kennedy amendment, the Government could limit beneficiaries to just a single one-size-fits-all plan. The Secretary of Health and Human Services could have simply decided that you could get your coverage through that one plan—period, no choice.

Even more amazing, the first Graham-Kennedy amendment proposed a drug benefit that could only cover up to two brand name drugs in any therapeutic category. What does that mean? It means if your doctor prescribed a different brand name drug and it is not on the preferred list, then you don't get the plan to pay for it.

I will give you some examples. Let's take high cholesterol. There are more than eight well-known brand drugs to lower cholesterol. The single Government plan under Graham-Kennedy could pick Lescol. Say your doctor prescribes Mevacor. Well, you would get no coverage at all. This scenario could have been repeated for arthritis, high blood pressure, any other chronic condition that many beneficiaries have.

Does that sound like a plan that is incredibly fair? No. Well, that is the plan, and it is far more restrictive than what the private plans offer today. Certainly the new Medicare law has no such requirement.

The first Graham-Kennedy amendment also set co-payment amounts in law—\$10 for generics, \$40 for brand drugs. To offer a lower copayment, the plan again had to ask for the Secretary's approval, a bureaucrat in the seniors' medicine cabinets for sure, not something that you are going to see under the bill that the President signed last December.

In addition, just like thousands of drugs could have been shut out, Graham-Kennedy could have shut out thousands of pharmacies because it told the Government to set up a preferred pharmacy network under that one Government plan, and the Secretary had to establish the pharmacy access standards. In contrast, the bill the President signed set strict rules about pharmacy access to make sure that plans include beneficiaries' neighborhood pharmacies in their networks.

So under their plan, there was one choice, with one formulary and one pharmacy network that may or may not cover the drugs beneficiaries need or allow them to use a pharmacy they want. Take it or leave it.

Under Graham-Kennedy, that outcome was the strong possibility facing beneficiaries who have waited long enough for a prescription drug benefit. The MMA established a good program that the President signed last December.

When I think about the Graham-Kennedy prescription for drug coverage, I cannot help but think of those little warning labels that you sometimes find on the side of your prescription bottle. In this case, it should have said this: Warning. This Graham-Kennedy plan may not help you at all because if you take a non-preferred drug, it won't be covered. You will only be guaranteed "reasonable" access to a pharmacy, and the Government will determine what is reasonable. Worst of all, if you need drug coverage after December 31, 2010, there won't be any plan for you or for anybody else.

Again, 50 Democrats, including Senator KERRY, supported this.

When that amendment failed, Senator GRAHAM and Senator KENNEDY came up with an alternative which, hard to believe, was worse. Most seniors would not have even gotten a basic prescription drug benefit under the second Graham-Kennedy plan because it wasn't a universal benefit. And we have a universal benefit signed by the President of the United States.

So that's right, under the Democratic plan, the proposal did not offer a basic drug benefit to 70 percent of the seniors who had incomes above 200 percent of the Federal poverty level at that time.

Seniors across the country would have been left behind. Let me show

you. In my State of Iowa—and I am saying this to Iowans if the plan passed by the President doesn't fit just right, it is voluntary, so if they don't want to do it, they don't have to. But under the proposal offered the year before by the Democrats, 64 percent of the people in my State would not have had any basic program whatsoever; 67 percent left behind in Arizona; 72 percent left behind in Washington; and 70 percent left behind in Colorado.

The second Graham-Kennedy amendment violated a fundamental tenet of Medicare—and that is a tenet of the legislation we passed—that it be universal. They called for disqualifying any beneficiary who earned \$1—just \$1—more than 200 percent of the Federal poverty level. So \$1 was the difference between eligibility and ineligibility for this basic coverage.

Under the bill that the President signed, all Medicare beneficiaries are eligible to participate on a voluntary basis in the Medicare prescription drug benefit.

There is also a big gap in coverage. We also have been hearing from opponents of the bipartisan bill that passed the Congress and was signed by the President, about the gap in coverage. They refer to it as the donut hole.

Again, looking at their second attempt—we have it here. After looking at this plan that was put forth, my only conclusion is that this concern about a gap is newly found because most beneficiaries would not have received any basic coverage under their plan. To qualify for catastrophic coverage, a beneficiary would have to pay \$3,300 out of pocket.

Talk about a hole. The majority of beneficiaries would not even get a donut.

The Congressional Budget Office estimated that 66 percent of seniors would not meet their catastrophic coverage threshold in 2005.

For a beneficiary who would meet the threshold, and based on average spending, it would take about 10½ months—sometime around Thanksgiving Day—to get any help under the catastrophic benefit.

You know that what most beneficiaries got under the second Graham-Kennedy plan is a 5-percent discount off of their drug costs until they spent \$3,300. And they proposed setting the 5 percent discount in law.

I might add that 5 percent is much less than discounts available under the Medicare-Approved Drug Discount Card Program.

Study after study is showing higher discounts. A recent study by the Centers for Medicare and Medicaid Services (CMS) showed discounts of 12 to 21 percent, and in many instances, even more. Competition among the card sponsors is leading to higher discounts for beneficiaries.

So much for the idea that direct Government involvement rather than market competition would get beneficiaries a better deal.

That is not the end. On top of all this, the last version of Graham-Kennedy did not even really offer a Medicare drug benefit because states would have administered it under their Medicaid programs.

An analysis conducted by the Centers for Medicare and Medicaid Services at that time showed that many States would have had to shoulder a sizable new financial burden if the Graham-Kennedy plan passed—a \$70 billion unfunded mandate.

Arizona, Arkansas, California, Colorado, Iowa, Louisiana, Montana, Oregon, South Dakota, Washington, and West Virginia were among the hardest hit States.

At a time when States were already struggling, the second Graham-Kennedy approach would have left them with few other avenues except raising taxes to implement the drug benefit.

So while the opponents of the new Medicare drug benefit have been here on this Senate floor yelling sometimes at the top of their lungs about it, this was their plan, which was supported by 45 Democrats including the Democratic leader and Senator KERRY.

In addition, the second Graham-Kennedy plan—as well as the first—did nothing to strengthen and improve the Medicare program.

The Medicare bill we passed last year added new coverage choices and benefits. It addressed provider payments issues to make sure that beneficiaries have access to physicians and hospitals because otherwise a prescription drug benefit—or any benefit for that matter—would be meaningless.

So I think we can clearly see that the Graham-Kennedy proposals were bad medicine.

Mr. President, as I said, it is one thing to tear something down when you have a better plan. But, as you can see, this was their plan.

Their first plan offered a drug benefit that was not a permanent part of Medicare and it had limited drug coverage, a one-size-fits-all benefit—take it or leave it. Their next plan didn't give 70 percent of seniors even basic coverage, it had a huge gap in benefits, and a Medicare low income benefit that wasn't even run by Medicare.

To me, that was unacceptable in 2002 and it's unacceptable today. Instead, last year a bipartisan coalition worked to give beneficiaries a meaningful and permanent Medicare prescription drug benefit and a revitalized Medicare program.

I yield the floor.

THE PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Massachusetts is recognized.

MR. KENNEDY. Madam President, I yield myself 2½ minutes.

I have great affection and respect for the chairman of the Finance Committee, but I just listened to distortion and misrepresentations on the legislation that I cosponsored with my good friend from Florida. The fact is, every

senior group in the United States of America supported our proposal, and they cannot say the same about the Republican proposal.

Why in the world would all the senior groups support our proposal? Because we build on the solemn commitment that was made to the seniors in this country in 1964 and 1965. Lyndon Johnson signed the Medicare bill in 1965, where we guaranteed to every senior citizen good quality health care for the rest of their lives if they paid into the system and played by the rules. We guaranteed hospital care and care by physicians, but we never did it for prescription drugs.

That was the commitment that was made by this Government to the seniors of this Nation. This was a downpayment to meet the commitment Lyndon Johnson made and that every one of us who supported the Medicare Program believes in.

Every day that we fail to provide a real prescription drug program to the seniors is a violation of that commitment. The other side ought to be telling us how we are going to finish that commitment and close the gap for our senior citizens, rather than fly-specking other legislation that has been introduced, which did not have massive giveaways to the HMOs and massive giveaways to the drug companies.

President Bush's Medicare bill is a travesty. That is why it is not being endorsed by the senior citizens of this country.

It is astounding that Republicans think they can defend President Bush's good-for-nothing Medicare bill by attacking the Graham-Miller-Kennedy bill offered more than two years ago. Is especially astounding because that bill—which received a majority of votes in the United States Senate but was blocked by the Republican minority—was so much better than the Bush bill that Republicans passed last year.

Let's look at the record. Our bill provided \$600 billion for prescription drugs for senior citizens, not the \$400 billion in the Bush bill. The Bush priorities are tax cuts for the wealthy. Our priorities are health care for senior citizens.

Under our bill, every dime of the \$600 billion went for prescription drugs. Under the Bush bill, \$139 billion is squandered on windfall profits for the drug companies and \$46 billion on giveaways to HMOs.

Under our bill, senior citizens got a real benefit, not one as full of holes as a Swiss cheese. Under our bill, senior citizens started receiving benefits on the first prescription they fill. Under the Bush bill, seniors have to pay a \$250 deductible before they see a dime's worth of benefits.

Under our bill, seniors citizens had complete coverage. No doughnut holes. No big coverage gaps where seniors must pay the full cost of the drugs they need—or go without. Their bill has a huge coverage gap of almost \$3,000. Once a senior has purchased \$2,250 worth of drugs, they get no bene-

fits until they spend an additional \$2,850. What kind of insurance is that!

Under our bill, senior citizens paid a \$25 a month premium for their coverage—and it was guaranteed. Under the Bush bill, the average premium senior citizens would have to pay was estimated at \$35—but if insurance companies decided to charge more, it could be \$40 or \$50 or \$60 or \$90. There was no guarantee and no limits.

Under our bill, seniors were guaranteed access to any drug they needed—even if it was not on the formulary. Under the Bush bill, if an insurance company decides not to cover a drug the senior citizens needs, the senior citizen is out of luck.

The bottom line is that under the Bush bill, 15 million senior citizens actually will pay more for the drugs they need than they do today. Six million of the poorest of the poor on Medicaid will be forced to pay more out of pocket. Six million more senior citizens will pay more in premiums than they will get in benefits. Three million seniors will lose the good retirement coverage they now enjoy from a former employer and be forced into the inadequate government program the bill creates. Under the Graham-Miller-Kennedy bill, every senior citizen is better off. That is one key reason why every legitimate organization of senior citizens endorsed the Graham-Miller-Kennedy bill, and why the vast majority of senior citizen organizations opposed the Bush bill.

President Bush says in every stump speech that we have a “moral obligation to honor our senior citizens.” He is right about that, but it is typical Bush. Right words, wrong deeds. It is wrong to make 15 million senior citizens worse off with his good-for-nothing Medicare bill. It is wrong to impose the highest premium increase in Medicare's entire history on senior citizens. It is wrong to escalate premiums a whopping 72 percent in just 2 years, so that the average senior—with an income of just \$15,000—has to pay almost \$1,000 in Medicare premiums. It is wrong to tolerate a situation under which, according to the Bush Administration's own estimates, the average 85-year-old will spend more than 40 percent of her Social Security benefits on Medicare premiums and cost-sharing by 2006. It is wrong to give away money to drug companies and HMOs that belongs to senior citizens. It is wrong to try to privatize Medicare and force senior citizens to join HMOs.

George Bush has had 4 years to help senior citizens get the affordable health care Medicare promises. He has failed. Now he wants another chance. He doesn't deserve it.

JOHN KERRY and Democrats in Congress have a better approach. We will repeal and replace the good-for-nothing Bush Medicare bill. We will fight for senior citizens. We will put their interests first, not the interests of big drug companies and HMOs. We will honor our senior citizens with deeds, not just words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has 30 seconds remaining.

Mr. KENNEDY. I withhold that.

Mr. GRASSLEY. Mr. President, I ask unanimous consent for 15 seconds.

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

Mr. REID. Madam President, I ask unanimous consent that 15 seconds also be added for the Senator from Massachusetts.

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

Mr. GRASSLEY. Madam President, just to remind the Senator from Massachusetts, I was chairman of the committee during this period of time for 4 months—from January until May of 2001. The Democratic Party chaired this committee from June of 2001 through all of the debate on the Medicare issue. I was not in charge of that committee at that time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield back my time.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### INTELLIGENCE COMMITTEE REORGANIZATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Res. 445, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 445) to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, the reorganization resolution is now the pending business before the Senate. I want to report to our colleagues an agreement that Senator REID and I have reached—he is on the floor as well to discuss the matter—as to how we are going to proceed.

Point No. 1: any amendments will need to be offered. The issue we are dealing with, of course, is sensitive to a number of different committees in the Senate. It is the intention of Senator REID and myself not to have a managers' package. If Members of the Senate feel strongly about a particular amendment, what we recommend to them is they come over to the Senate floor and offer the amendment so that everyone can understand fully what change in the underlying resolution is being proposed.

Senator REID and I have said repeatedly that the underlying resolution is certainly not like the Ten Command-

ments; it should not be adjusted. We cobbled it together as best we could through a series of bipartisan discussions and compromises. Now it is the pending business before the Senate. We expect amendments. We would like amendments. We received notice last night by hotlining that there could be as many as 50 amendments Members may wish to offer. We are open for business, and we would like for Senators to come over and offer those amendments so we can move forward.

I also remind our colleagues that Senator FRIST and Senator DASCHLE and Senator REID and myself did file a cloture motion last night, not to shut anyone out but because we are about to leave on Friday and so many amendments were indicated as possibilities that we felt we needed to nudge the process forward by creating the possibility of an end time tomorrow.

Let me repeat before turning to my friend and colleague, Senator REID, that if Senators have an amendment, please come and offer it, explain it to the rest of the Senate, lay it before the Senate, explain what it is about, and let's have votes and move the process forward as rapidly as we can.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, as difficult as this was for us to get to the point where we are now, it is not as if the Senator from Kentucky and the task force just made all this stuff up. Because of 9/11, we created a Department of Homeland Security. We now have a Cabinet-level Secretary of Homeland Security—a former Congressman and Governor—Tom Ridge. There is a Department of Homeland Security, I repeat, of Cabinet status, and because of legislation we passed previously, it has certain obligations within the executive branch of Government. So we had a guideline to follow because that is what Secretary Ridge has been doing in that Department of Homeland Security.

One of the guidelines we had was to try to track that with what will be the organizational prerogatives of the Senate. I believe we have done a pretty good job doing that. As the Senator from Kentucky mentioned, if people think they want to improve upon what we have done, what they need to do is offer an amendment and the body will decide whether that is the right way to do it.

Also, the two leaders have said we are going to finish our work before we leave for the recess prior to the election. That means we are not going to wait around here all day for someone who has a lunch or meeting in their office or a committee hearing. If we go for a period of a half hour, 45 minutes here—and that is an arbitrary number I throw out—and nobody shows up, we are going to move to third reading. We are not going to wait around with the recess, prior to the lameduck session, taking place tomorrow, supposedly. We are not going to wait around here all

night for people to work out their schedules to come here. This is their schedule, the floor of the Senate. This is the primary obligation Senators have. Everyone should know—staffs listening, some Senators listening—if we are waiting around here with nothing to do in a quorum call, Senator McCONNELL and I are going to move to third reading, and we are going to wrap up this resolution.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, let me also take this opportunity to remind our colleagues what this is all about. The Secretary of Homeland Security and his principal assistants are being dragged around the Capitol continuously. Just this year, there have been 164 hearings, up from 148 last year. There are currently 88 committees or subcommittees in the House and Senate that have at least some part of the Homeland Security Department. Here in the Senate, which we are addressing in this underlying resolution, there are 25 Senate committees or subcommittees that have jurisdiction over the Department of Homeland Security. Secretary Tom Ridge called me on Monday pleading for relief. His job, as important as oversight is, is not to spend all of his time up here.

What we are trying to do in the underlying resolution is to consolidate in one place the jurisdiction over the Department of Homeland Security to simplify oversight for us and to simplify the very necessary process of oversight for the Secretary and his principal assistants.

The resolution is pending. As I said, we are open for business, and we hope to have amendments in the very near future.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

#### AGRICULTURAL DISASTER ASSISTANCE

Mr. BAUCUS. Madam President, at this moment there are several matters pending before the Congress before we recess and/or adjourn. One of them is something that is extremely critical to a lot of people in our country and that is disaster assistance. It is not only the hurricanes in Florida, but it is the droughts farmers and ranchers have faced throughout our country, obviously especially in rural parts of America, and in my State, Montana, quite severely.

Montana has faced a drought, mostly around the southwestern part of our State. There are parts of Montana that are not droughted out. It is precarious. Because of the almost arbitrary patterns of nature, it is hard to know where it is going to rain or where it is

not going to rain, but the fact is, a lot of people are in very tough shape. They need disaster assistance just like the folks in Florida. Maybe Louisiana and Alabama need disaster assistance as well.

It is important for us to remember that we are here, frankly, to help Americans. We are not 50 different nations. We are one country. We are one Congress with one Senate and one House. We have one President. It is true that we have 50 States, but we are one country and we have one Congress. The Constitution provides Congress will enact legislation and the executive branch will administer the legislation, but it is up to us to do what is right for our country, for America.

Sometimes an argument is made, and I even heard this argument made on the floor, that hurricanes are sudden and when there is damage those folks deserve assistance, but droughts are over time; therefore, they don't deserve disaster assistance because it is not really a disaster. It is something that is an adverse consequence that happens over time.

Responsible Senators are making that argument to me. Actually, I question whether they are responsible if they are making that argument. It is a totally fallacious argument. It is wrong for a Senator to say, even if it is in private: You folks don't need agricultural disaster assistance because that's over time; that's not a sudden, immediate occurrence.

The problem, obviously, is that whenever there is a hurricane—and it is too bad, the damage it causes—our national networks focus on it because it is a sudden, at that time, at that one moment disaster, so the TV cameras are there, the correspondents are there. How many times did we see the shots of disaster in Florida? And well we should, because it is terrible what those people are going through. There were parts of Florida hit several times and we should help those people who need help. There is no doubt about that.

But, as I said, we should help those people who need help, and there are some other people who need help on account of nature's disastrous occurrences and they are farmers and ranchers. It is true that droughts have occurred every 4 or 5 or 6 years. But that does not diminish the argument that they need help, too. It is nature that caused the problem. They didn't cause the problem. They deserve help just as everybody else deserves help. We are one country, one Congress, one Senate, and one House, and we should very quickly give that aid, not only to the folks in Florida but also to the folks across our country who suffered disaster because of drought.

Many times on the floor Senators have shown photographs of drought in the country. It is real. I ask all Members—of course they don't have the time—to get out of Washington, DC. Get out of the cities. Go across Amer-

ica and see where the drought is. They are droughted out.

There are also floods which have totally destroyed crops. There are floods in eastern North Dakota, for example, near the Mississippi River. Take North Dakota, it is flood at one end of the State and it is drought at the other end of the State—they are both disasters. That is, both phenomena have destroyed the crops.

This is pretty simple stuff. It is very simple. It is basic. I don't know why we can't get together and help folks who suffered losses around the country, natural losses—we are talking about natural losses here—just as folks in the South, particularly Florida, suffered natural losses.

Then there is the other argument: There is a farm bill. The farm bill takes care of farmers. There is a farm bill and it is a pretty big farm bill.

Let's look at the facts. How much of that farm bill actually went to farmers? A very low percentage. Most of the farm bill, I might say, went to other programs—the Food Stamp Program. In fact, only about 18 percent of the total farm bill is dollars allocated to farmers and ranchers, essentially support payments. Why? To fight other countries that have bigger support payments for their farmers which make our crops even less competitive, so we have to have a farm bill to make sure our farmers are competitive, too. Clearly, that is one reason for the next round of the WTO talks, the Doha Round; namely, for producing nations to begin working together to lower some of their price supports, particularly export subsidies. That is the most heinous form of subsidy. Get rid of those export subsidies, as the Europeans have agreed they will begin to do, and then we can address the problems of the farmers.

But the main point is only 18 percent goes to farmers; the rest goes to other programs, mainly food stamp programs.

Add to that, that 18 percent is irrelevant to the phenomenon we are talking about. It is irrelevant. Why is it irrelevant? It is irrelevant because that is a farm program which pays farmers essentially only when they produce crops. It is a support payment program. It depends upon the price of crops. But when farmers do not produce any crops because of a natural disaster, the farm program does not help them. It doesn't help them and that is why we have agricultural disaster assistance programs. We have had several—many in the past. That is the same kind of program we should have right here today.

So I say to my colleagues who are now negotiating agricultural disaster assistance, the real question is, What do we do now? The House passed a \$3 billion agricultural disaster assistance bill. It is folded into the hurricane assistance dollars. It is now over here in the Senate. The conferees are trying to decide whether that should be put in

the Homeland Security appropriations, which is in conference.

I don't care about the process. That is irrelevant to me. I only care about the result. The result should be that, while we give aid to folks who suffer damage on account of the hurricanes, we should also give aid to our farmers and ranchers across our country who have suffered an equally devastating natural disaster. Let's just do it and do it now.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, what is the pending business?

The PRESIDING OFFICER. We are on S. Res. 445.

AMENDMENT NO. 3989 TO AMENDMENT NO. 3981

Mr. BAUCUS. Mr. President, I have an amendment to the underlying bill which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, and Mr. GRASSLEY, proposes an amendment numbered 3989 to amendment No. 3981.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the provisions relating to the jurisdiction of the Department of Homeland Security)

Strike section 101(b)(1) of the resolution and insert the following:

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, or the Federal Law Enforcement Training Center; and

(B) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107-296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107-296).

Mr. BAUCUS. Madam President, I offer this technical clarifying amendment to the underlying resolution. It



delineates committee jurisdiction. Part of it is with respect to the Customs Service, which the Finance Committee has had jurisdiction over for 188 years. Now the Homeland Security agency appropriately should handle all national security matters in protecting American security. It is appropriate that those functions be transferred to that department which has that jurisdiction.

It is also important that the Finance Committee maintain jurisdiction over not the national security aspects of Customs but the commerce aspects of Customs. This amendment clarifies that distinction. It is in no way intended to have jurisdiction over the security aspects of homeland security—only the commercial side, for which customarily the Finance Committee has the appropriate role.

Mr. REID. Madam President, will the Senator yield for a question?

Mr. BAUCUS. Yes.

Mr. REID. Madam President, it is my understanding that both Senator GRASSLEY and the ranking member are supportive of the amendment.

Mr. BAUCUS. That is correct.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3989 to Amendment No. 3981) was agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

#### TOTALLY FALSE

Mr. HARKIN. Mr. President, just when you think things have gotten about as bad as they can get with the situation in Iraq and what got us into Iraq, another shoe drops. This morning we open up our newspapers and we read that the Duelfer report came out yesterday. This is the person whom the Bush administration picked to investigate Iraq's weapons programs. And here is what the headline reads:

U.S. "Almost All Wrong" on Weapons.

It is not that we were just slightly wrong, 50 percent or 60 percent or 40 percent—99.9 percent of everything that President Bush, Vice President CHENEY, Condoleezza Rice, Donald

Rumsfeld, and Colin Powell said prior to the war in Iraq and right after it was wrong. Where did they come up with this stuff? Where did they come up with the sayings they had on Iraq?

Here is Colin Powell:

There can be no doubt that Saddam Hussein has biological weapons and the capability to rapidly produce more, many more. And he has the ability to dispense these lethal poisons and diseases in ways that can cause massive death and destruction.

That was in a February 5, 2003 address to the U.N. Security Council. Where did he get that nonsense? Did he just pluck it out of thin air?

Here is Condoleezza Rice:

We have found, in Iraq, biological weapons laboratories that look precisely like what Secretary Powell described in his February 5th report to the United Nations.

That was from May 28, 2003. She says: We found them.

Where are they? Don't these people have any shame at all?

Here is President Bush:

Iraq has stockpiled biological and chemical weapons and is rebuilding facilities used to make more of those weapons.

Absolutely false.

Donald Rumsfeld, March 11, 2003:

... we know that he continues to hide biological or chemical weapons, moving them to different locations as often as every 12 to 24 hours, and placing them in residential neighborhoods.

Totally false.

Here is President Bush before the United Nations, September 16:

Iraq also possesses a force of Scud-type missiles with ranges beyond the 150 kilometers permitted by the U.N. Work at testing and production facilities shows that Iraq is building more long-range missiles that can inflict mass death throughout the region.

President Bush, United Nations, September 16, 2002. Totally false. Totally false.

Here is Vice President CHENEY:

Let's talk about the nuclear proposition for a minute ... We know he's been absolutely devoted to trying to acquire nuclear weapons. And we believe he has, in fact, reconstituted nuclear weapons.

Vice President CHENEY, March 16, 2003—every single one of them telling mistruths to the American people to get us sucked into the Iraq war. Now we have—I don't know what happened yesterday—1,061 dead, 8,000 of our young people casualties, injured for life. How many countless innocent Iraqis, women, children? They didn't like Saddam Hussein either, but they are now injured, many of them killed. The country is in chaos. Iraq is a quagmire.

The rest of the world is looking at this, and we are the laughingstock of the world. They are saying, what happened to you, America? What happened to you?

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield.

Mr. REID. I don't know if the Senator from Iowa heard today, but there was an announcement that 13,000 civilian Iraqis have been killed.

Mr. HARKIN. I didn't hear that.

Mr. REID. That is what I heard on public radio this morning.

Mr. HARKIN. Thirteen thousand Iraqis have been killed?

Mr. REID. Civilian Iraqis.

Mr. HARKIN. Well, I don't know if that is right. We would have to look at that to see if that is right. Thirteen thousand Iraqi civilians killed? How many women, how many children? The rest of the world is asking, what has happened to you, America? America used to be the moral leader in the world. You were the ones we looked to for guidance and direction, to be honest and open, not secretive, not lying to the rest of the world. When we confronted Nikita Khrushchev in 1962 when they put missiles in Cuba, we had the photographs. We had the positive proof. The world has looked upon us like that.

And now? Now the rest of the world is looking at the United States and saying: You are just lying. You lied about this. You covered it up. And look at the mess you have created now.

And still President Bush and Vice President CHENEY, Colin Powell, Donald Rumsfeld, Condoleezza Rice, the whole crowd of them still continues to insist that everything they did was right. They still continue to insist that they would do the whole thing just as they did it.

In any other country in this world, if the leadership of that country had done this, they would have to resign in disgrace.

They certainly would not be seeking reelection. I am surprised this President and Vice President and their team are asking the American people to put them there again after this—1,061 Americans dead; several thousand, 8,000, severely injured for the rest of their lives. Now we have this report about 13,000 Iraqi civilians dead. It is a country in chaos.

America is isolated in the world community when, after September 11, 2001, the world was on our side. They were with us. They wanted to help us go after al-Qaida and Osama bin Laden and the terrorists because the rest of the world knew then, as they know now, they have a stake in going after terrorists. But they had no stake in going into a misguided war, a war that we were taken into with falsehoods—absolute, total falsehoods.

I would be the first to say I don't have all the answers on how we get out of Iraq. It is just like dropping a ceramic bowl and it breaks and you have to put it together again. It is very tough. But I do know this: We will never solve our situation in Iraq, we will never get our troops out of Iraq with the leadership we have in the White House right now. This President has burned his bridges; he has poisoned the well with every country in the world. People know they misled us and continued to mislead us in Iraq. I mentioned the lives. How about the money—\$200 billion and counting. Well,



they say \$130 billion or \$140 billion. Come on, it is going to be well over \$200 billion, and we know that. Yet we cannot provide health care to our people. We cannot fund No Child Left Behind. We cannot pass a highway bill to rebuild our highways because we don't have enough money.

No, I don't have all the answers in Iraq. I am the first to state that. I know one thing: We will never be able to get out of Iraq and solve that mess with the leadership that has so misled us and the world in the past. We need new leadership with fresh credibility to give them a chance to go to the rest of the world and say there is someone new here, and we are going to rebuild those coalitions and alliances. We are not going to continue to go down that road. There is one thing about being consistent; there is another thing about being stubborn and reckless.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection—

Mr. GREGG. Mr. President, I object. I ask unanimous consent that the Senator be yielded 5 minutes and that I be given 15 minutes after the Senator.

Mr. REID. Mr. President, parliamentary inquiry: I ask unanimous consent that the Senator from New Hampshire be recognized for 15 minutes in morning business after Senator HARKIN gets his 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I wanted to close up anyway. We hear a lot about consistency. I tell people this: Imagine you are a passenger in a car. You are on a steep mountain road, and you want to get to the bottom of the mountain. You look over, and your driver is President Bush. He has his hands gripped tightly on that wheel, and he is looking straight down that road. You see a bend in the road up ahead and you say: Mr. President, there is a bend in that road. But the President is hunched over that wheel, he is gripping it tightly, and he is looking straight ahead and squinting those eyes, and he says: I don't care. I started out straight, and that is the way I am going.

Then he drives you over the cliff. You get to the bottom, but your car is wrecked and you are either dead or severely injured.

Imagine yourself a passenger in a car on that same steep mountain road. You look over and your driver is JOHN KERRY. You say: Look, Mr. KERRY, there is a bend in the road.

He says: I see that bend, and I know how to take it. So he takes that bend and another couple bends, and he gets you safely to the bottom of the mountain. The car is secure and you are safe. That car represents our country, and you are the "passenger"—the people of this country.

I am sorry, Mr. President, it is not enough to be stubborn and reckless. That hurts our country. That hurts our people. It is better to be tough and smart. It is better to know that sometimes our enemies are going to shift their tactics. The terrorists are not always going to do one thing. We better be able to respond.

Yet we are bogged down in one quagmire in Iraq, and that is where we are headed. That is dragging our country down. It is hurting our people. That is stubborn. That is reckless. That is not consistent. That is ignoring the fact that any military leader will tell you that when you go into battle, you have a plan.

But if the enemy does something different, you have to be able to maneuver. George Bush cannot maneuver. He is stuck in the quicksands of Iraq, while al-Qaida and Osama bin Laden go about their business. Better to be tough and smart than to be reckless and stubborn.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized.

#### WAR IN IRAQ

Mr. GREGG. Mr. President, I think it is worth a minute or two to respond to some of the comments by the Senator from Iowa. I find them to be so inconsistent with the facts as they exist on the ground that it is difficult not to respond to them.

The Senator from Iowa is doing an excellent job of Monday morning quarterbacking. However, the information that the President made his decisions on, the information that our military made decisions on was the same information available to us in the Senate at the time. It was the exact same information that led the Senator from Massachusetts, the nominee of the Democratic Party, to conclude—I will paraphrase him, and I think it is fairly close—that Saddam Hussein must be removed from office, and anybody who doesn't understand that, he should be removed from office, is not qualified to be President of the United States. He said that in a debate in New Hampshire, or in one of the debates running up to the primary, during the primary process. He went on after that to say that he had seen the information and he presumed that the information was reasonably accurate as to the threat Saddam Hussein presented.

Not only did the Senator from Massachusetts say that, but, of course, President Clinton's administration said exactly that relative to the weapons of mass destruction and relative to the threat of Saddam Hussein. In fact, not only did the Senator from Massachusetts say that, not only did the prior President, President Clinton, say that, but the United Nations, in 17 different resolutions, said exactly that to the people of Iraq. As part of the world community, they told Saddam Hussein to disarm, open up his nation, stop killing his people. But he, of course, did not.

I now find it extraordinarily ironic, extremely inconsistent, and reflective, in my opinion, of poor judgment that we have a nominee for the national party whose positions are being parroted by the Senator from Iowa, who is essentially saying that a policy of appeasement and defeat toward Iraq is the appropriate policy for us to pursue.

They have a nominee for their national party who has said he would rather have Saddam Hussein than the chaos that is there. That is in direct contradiction to what he said before, which was that Saddam Hussein represented a threat that should be removed, and anybody who didn't understand that should not be elected President.

Of course, he has said such things as the war in Iraq is "the wrong war, at the wrong place, at the wrong time." And we have "taken our eye off of the ball." The problem with that philosophy, which he essentially says as a Monday morning quarterback that he is going to change positions from the original position relative to the war in Iraq, is that it not only undermines his credibility as a potential leader of this Nation, it undermines his ability to be able to communicate effectively with the other world leaders who are relying on our leadership.

One thing we have found over time is that both troops in the field and world leaders like to know that the United States stands for something and that we do not change with the political winds or whoever our opponent happens to be as of that day.

When you have a Presidential nominee of a national party, in the sense of the Senator from Massachusetts, who is essentially adjusting his message as the polling data comes in and adjusting his message as he confronts different opponents, whether it is Howard Dean in the primary when he becomes much more passive or, as he moves through the primary process, he becomes much more aggressive and then becomes much more passive again as the numbers come in, it is very hard to look to that person for the leadership you need if you are going to lead the world community. This President has done an aggressive job leading the world community.

I think it is ironic that so many Members on the other side of the aisle so easily disregard the commitment and basically disrespect the commitment some of our allies have made, especially Britain which has committed thousands of troops and lost many people in this war on terrorism, both in Iraq and around the world, or Australia or Poland or Italy. These are countries which have stood by us.

Granted, France is not there. France is not in Iraq. France is, however, in Afghanistan. France is working with us relative to Iran. France has chosen not to pursue the course we have pursued in Iraq, but I do not think we can let our national policy, our national defense, or our national security be determined by where France is and how

France stands on issues. We, obviously, encouraged them to join us, but they decided not to. When it comes to our national security, I do not think we can have our policy decided by the French.

The reason why Iraq is so critical has to be restated. We have a tactical war we have been pursuing which is essentially this: The President, with an incredible amount of energy and expertise of the military and the intelligence community, has chased the terrorists around the globe, has kicked over the rocks under which they live and has tried to bring them to justice. That is called a tactical strategy, and that, unfortunately, is going to go on for a lot of years. We are going to have to continue to hunt these people down.

On the fact which reflects the inconsistency of the position of the Senator from Iowa—and there has been considerable success in this area even though the Senator from Iowa may not be willing to acknowledge it—over 75 percent of the leadership of al-Qaida has been captured or killed, Afghanistan is free, there is no longer a Taliban government there, and they will hold elections this weekend with 10 million registered to vote, 40 percent of whom are women. Those women were not even allowed out of their house prior to action there. That is significant progress. But that is a tactical effort, chasing the terrorists around the globe.

We are not going to succeed in this war unless we convince the Islamic world that Western values are not a threat to the Islamic values, unless we can prove to the Islamic community at large, especially in the Middle East, that being free, that having liberty, that having the right to vote, that having a market economy, that giving the women a right to participate in society is not a negative but is rather a positive. If we are successful in setting up a nation in Iraq which has liberty, which has individual rights, which has the rule of law, which has a form of democracy, which gives women the right to participate in society at a fairly high level of equality with men, we will have fundamentally undermined the capacity of Islamic fundamentalism to recruit throughout the world because we will prove to the mainstream Islamic community in this world that Western values, rather than being a threat, is a plus.

I hope that rather than being sunshine supporters of our efforts in that part of the world, we would recognize that we are involved in what is a major strategic effort to try to win the war on terrorism. We are not in Iraq to benefit the Iraqis. We are in Iraq to keep America safer, and the way we keep America safer is by having Iraq turned into a successful free nation where people have liberty, people have freedom, women have rights, and there is a democracy where people can vote.

They are going to hold elections in January. As Prime Minister Allawi said when he was here, Iraq has become

the cutting edge in the area of the fight on terrorism. It is hope which is confronting the fear of the terrorists. We should be supporting people such as Prime Minister Allawi trying to protect their nation.

It is noted that 13,000 Iraqis have died in Iraq. That is a huge number of people, and it is a sad commentary, but those individuals have died in a process to try to obtain freedom for their nation, in many instances. Certainly, that number compares rather dramatically with the hundreds of thousands of Iraqis who were murdered under the Saddam Hussein regime.

Our goal, of course, is to create an Iraq where death is the exception rather than the rule, where the rule of law is the rule, and where liberty exists and where, as a result, the freedoms that encourage people to flourish are allowed to flourish themselves. We will have, in that way, undermined the role of the terrorists, and the hope that Mr. Allawi is seeking will be realized. The accomplishment will significantly improve our safety and lead directly to America being safer.

That is a quick response to the very long statement of the Senator from Iowa. I thought some comment should be made.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

#### FSC/ETI CONFERENCE REPORT

Mr. GREGG. Mr. President, I wish to speak to the recent conference which was completed on the FSC bill, which is the foreign tax bill, which is a fairly complicated piece of legislation, a major piece of legislation. Certainly, I congratulate the adeptness of the people who led that bill through both the House and the Senate, because passing a bill through the House and Senate of that size is a challenge, to say the least, and the success of their getting it through is very impressive, especially in light of the fact that so much of the bill that passed the Senate did not appear in the final product as it came out of the House, and vice versa.

The bill was modified significantly. The reason I did not sign the conference report—and I thought I should come to the floor to explain this—is that I do not find the bill compelling on balance. Yes, the bill does something that has to be done, which is to correct the problems the WTO has assessed against us relative to the duty that the European Union assessed against us relative to the duties and our tax law and the fact that many of our manufacturers are now being assessed a fairly significant duty as a result of penalties assessed under that finding. That needed to be corrected.

That, however, was a \$50 billion exercise. It could have been done in a revenue-neutral way, and it should have been done. But the bill ended up being about a \$140 billion bill, of which the majority, the balance of the tax reductions in this bill are targeted toward

interest groups and initiatives which are at the margin, to say the least, relative to need and are significantly, in my opinion, questionable. I will just point to one, and that is the manner in which the ethanol subsidy is proposed in this bill.

Remember, ethanol is alleged to be a renewable fuel which will give us some sort of energy independence, but most of the studies have concluded—at least a major study in this area has concluded—that you actually use as much energy to produce ethanol as you use ethanol and, therefore, it really is a wash relative to whether it is a true renewable that gives us some sort of energy independence. Maybe down the road it can be produced more efficiently, but certainly right now it cannot be produced that way.

It also has huge environmental impacts. In fact, ironically, the recent study by the Oceans Commission, set up by this Congress, concluded that the most significant pollutant in the oceans today is the nitrates runoff from the Midwest which is creating a huge dead zone in the Gulf of Mexico, and that is having a major impact on pollution in the oceans. That is a function of agricultural practices which are basically encouraged, in many ways, by this ethanol subsidy.

The way this ethanol subsidy is handled in this bill is a masterful piece of legislative activity. I do admit to that. It is masterful in that basically they take the ethanol subsidy, and today we pay 13 cents tax on ethanol, 18 cents on a gallon of gas, and they raise the tax to 18 cents for everything.

All ethanol products now are paying the full gasoline tax, so there is a 5 cent per gallon revenue increase to the Federal Government, theoretically—theoretically because it is purely theoretical but beautifully done.

They take that 5 cents which was going into the general fund and they move it over to the highway fund where it is absolutely required to be spent because the highway fund spends under a formula. That 5 cents is actually spent on roads, and I guess one can argue that that is good policy.

Then in a movement of undeniable brilliance when it comes to raiding the American coffers of the taxpayers, they take the 5 cents and they refund it to the ethanol producers through a tax credit. So having raised the tax, they guarantee it will be spent and then they guarantee that on top of spending it they will actually refund it to the producers.

Who are the producers? Well, in this instance one company produces one-third of the ethanol in this country and so they are going to get about a \$2 billion windfall out of this proposal.

That may be good policy if one is from the Midwest, but it is not good policy from the standpoint of producing a renewable because as a practical matter ethanol is not defensible as a renewable right now because it costs as much in energy costs to

produce it as it does to use it. Its production costs equal its value. It is creating significant pollution concerns. As a result of this bill, we have created a huge new subsidy for the producers which was not there before.

I have more to say on this topic. I appreciate the courtesy of the Senate in allowing me this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the McConnell substitute No. 3981.

#### AMENDMENT NO. 3994

Mr. CHAMBLISS. Mr. President, I send an amendment to the substitute to the desk for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. KENNEDY, proposes an amendment numbered 3994.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the jurisdiction of the Committee on Homeland Security and Governmental Affairs)

At the end of section 101(b)(1) insert the following:

"except matters relating to the U.S. Citizenship and Immigration Service and the immigration functions of the U.S. Customs and Border Protection and the U.S. Immigration and Customs Enforcement, and the Directorate of Border and Transportation Security."

Mr. CHAMBLISS. Mr. President, under the current resolution that is being considered, the Commerce Committee retains Coast Guard jurisdiction and Transportation Security Administration jurisdiction and the Finance Committee retains the revenue side of the Customs Department jurisdiction. This amendment simply allows the Judiciary Committee to receive parity with the other committees that are giving up part of their jurisdiction to the new Homeland Security committee.

I will tell my colleagues specifically what this amendment does. It retains the Immigration and Naturalization functions at the Judiciary Committee, which are in line with Senate rule No. XXV. Specifically, it includes three agencies: Citizenship and Immigration Services, Immigration and Customs Enforcement, as well as Customs and Border Protection. In addition, Judiciary would retain the immigration functions at the border and transportation security directorate.

These functions include the U.S. visit entry/exit program and the Visa Waiver Program. The amendment preserves the language that currently rests in S.

Res. 445 that maintains certain customs in the Finance Committee.

What does the new Governmental Affairs and Homeland Security Committee get as a transferee from the Judiciary Committee under this amendment?

First, it receives the information, analysis, and infrastructure protection directorate. It receives the emergency preparedness and response directorate, including FEMA; third, the science and technology directorate; fourth, State and local coordination function; and five, jurisdiction over Secret Service.

In addition, the following agencies would go to the new committee: The Office of Domestic Preparedness under BTS from Judiciary and also would receive domestic emergency support teams under EPR from Judiciary.

This is a balanced approach. This amendment maintains parity with the Commerce Committee, the Finance Committee, and the Judiciary Committee relative to the particular jurisdiction we will maintain.

As the chairman of the Immigration Subcommittee on the Judiciary Committee, daily we deal with various matters involving immigration. Some of that has had to do with terrorist issues. Those issues should rightly go to the new Department of Homeland Security, but the bulk of issues we deal with relative to immigration are dealt with at the State Department, not currently with the Department of Homeland Security.

There will be overlap on every issue that every Federal agency deals with relative to terrorism and homeland security. We cannot cover every single issue and move it to this one particular committee to have sole jurisdiction over it just because it may deal with homeland security; we can not move every single subcommittee and all jurisdiction over every issue to the newly created committee.

What this amendment does is retain in the Judiciary Committee the basic core immigration issues that are judiciary related, not terrorism related.

The Judiciary Committee is made up of individuals who have a legal background, and for the most part there are legal issues involved in the immigration issues we are proposing be retained within the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I stepped off the floor briefly. Through the Chair to the distinguished Senator from Georgia, I ask: Is this amendment offered on behalf of the Senator from Georgia and Senator KENNEDY?

Mr. CHAMBLISS. I should have mentioned that. Senator KENNEDY and I offered this amendment together.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we are hoping to get a vote on this amendment in the near future. Is Senator BAYH going to offer an amendment as well?

Mr. REID. Yes.

Mr. McCONNELL. Is there anyone else in the Chamber to speak on the Chambliss-Kennedy amendment? If not, it might be a good idea to lay that aside and let Senator BAYH offer his amendment.

Mr. REID. I say through the Chair to the manager of the bill, I think that is totally appropriate. He has something to do in a half hour or so, so it would be good to have his amendment taken care of at this time.

Mr. McCONNELL. I ask unanimous consent that we temporarily lay aside the Chambliss amendment to give Senator BAYH an opportunity to send his amendment forward.

I repeat that we are looking for a time agreement to vote on the Chambliss-Kennedy amendment, we hope in the next 30 to 45 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is set aside.

The Senator from Indiana.

#### AMENDMENT NO. 3995

Mr. BAYH. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH], for himself, Mr. ROBERTS, Mr. WYDEN, Mrs. FEINSTEIN, Mr. MCCAIN, and Ms. SNOWE proposes an amendment numbered 3995.

Mr. BAYH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To eliminate sequential referral)

Section 201 is amended by adding at the end the following:

(i) REFERRAL.—Section 3 of S. Res. 400 is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

Mr. BAYH. Mr. President, I begin my remarks by praising both Senators REID and McCONNELL for the important work they have done on this underlying amendment. They have accomplished some very good things that will strengthen the intelligence system in this country and, in so doing, strengthen our Nation's security.

I have had the honor of serving on the Intelligence Committee for the last 3 or 4 years. During that time, I have developed some grave concerns about the strength of that committee and our ability to exert the kind of oversight and leadership in the area of strengthening the Nation's intelligence that these difficult times demand.

Senators REID and McCONNELL have addressed some of those concerns very directly. Tenure on the panel is made permanent, which will allow those of us who serve there to develop the kind of expertise needed for the very intricate, sophisticated decisions that need to be made.

It will also enable us to exert the kind of oversight necessary to make

sure the executive branch carries out its functions in the way they need to be carried out.

They also provide resources to the committee to discharge our duties. Currently, the resources are not available and I am afraid that too often the Intelligence Committee gives the appearance of exerting oversight without effective oversight in fact. These things, and many others, are significant steps forward in addressing the concerns about what changes we need to make to have meaningful intelligence oversight and leadership in the intelligence area by the Congress.

I would also like to praise my colleague from Virginia, Senator WARNER. There is not a Member for whom I have more esteem and regard than the Senator from Virginia. It has been my privilege over the last year and a half to serve with him on the Armed Services Committee. In that capacity I have learned firsthand that there is no Member of this body who has a greater devotion to the national well-being and our Nation's security than the distinguished senior Senator from Virginia.

With that by way of background, I would like to extend my remarks in the following way. I know the Senators who worked on this issue have worked hard. In some respects, Senators REID and MCCONNELL have been given by our leaders almost an impossible task. They are asking them to reorganize this Congress in ways that touch upon the prerogatives and institutional interests of the Members. This is a very sensitive topic which often has failed to achieve results in the past. I salute them for their efforts.

It is said by some that this is the best we can do, and perhaps that is so. But I believe there are some ways in which we can do better, and we will not know if we can do better until we try. If we are unable to do better, it is not the fault of Senators REID and MCCONNELL but instead resides with the rest of us who have the privilege of serving in this institution.

It is also occasionally said that we should not make the perfect the enemy of the good, and that is absolutely true. That is an aphorism I have subscribed to on many occasions. This needs to be a practical process, focused upon results. It is what distinguishes us from political scientists, editorial writers, and pundits. We have to get things done.

But during these critical times, it is my heartfelt belief that we should push the envelope on what is possible and insist that we do everything we possibly can to strengthen this country and, along with it, Congress, and our ability to exert oversight and leadership in the area of intelligence. We should not settle for 75 percent or even 90 percent without an effort to do everything humanly possible to safeguard this country. Lives hang in the balance. That is why I am offering the amendment I offer today.

My amendment reflects the recommendations of the 9/11 Commission.

Today, former Governor Kean and Congressman Hamilton issued a statement supporting our efforts. I spoke with Congressman Hamilton yesterday, and he characterized our amendment as "much better, much better, a definite step in the right direction."

Our amendment represents the sensible center. I know there may be other amendments that touch upon the topic of consolidating appropriations and authorizations in a single committee. Our amendment does not touch upon that sensitive topic. Instead, it gives full meaning to what Senators REID and MCCONNELL are attempting to do in their amendment, and that is to elevate the Intelligence Committee and the function it discharges to the priority it deserves and to create a process and structure to match that priority.

Their proposal makes the Intelligence Committee what is called an A committee. It is important that we give that full meaning and no longer require that committee to defer to others through what is called "on-demand sequential referral." To the viewers at home, on C-SPAN, this sounds like Washington-speak, and essentially it is. What it essentially means is the Intelligence Committee must seek the approval of other committees for its other recommendations, unlike the other A committees that exist in this body. If we stick with this proposal, it will mean that the Intelligence Committee and the function it discharges will have less authority than the Agriculture Committee, less authority than the Banking Committee, less authority than the Commerce Committee, the Energy Committee, the Environmental Committee, the Governmental Affairs Committee, the Health, Education, Labor, and Pensions Committee, and the Judiciary Committee. Certainly these critical times require that the Intelligence Committee and the important national security function that it discharges be placed on a par with these other committees and that it be given a structure and authority to match.

As a practical matter, the current structure means that the appropriations process takes precedence over the authorization of intelligence. As a practical matter, too often it means that the intelligence authorization function itself is subservient to other authorizing committees. This is not the structure these times demand. This is what my amendment addresses.

Finally, this is an important moment for this institution and for each of us as individuals. This is a great institution, and I, among all our Members, have special reason to cherish its prerogatives and its rich tradition, having grown up in the shadow of the Senate.

Everyone who serves in this body is a patriot. Everyone is devoted to the national security interests of this country. All of us seek to do not what is easy but what is right. Yet it is too often the case that we are afflicted by

tunnel vision. Too often we get caught up in institutional concerns and prerogatives without stepping back to take the broader view of what is important for the country as a whole. That is what we are attempting to address in this debate today. It requires a sacrifice from us all. That is what this amendment would accomplish—giving up a small amount of our individual power and prerogatives in the greater national interest. It is what the times demand. It is what this amendment would accomplish. It is why I speak strongly in favor of its consideration.

Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I wish all of my colleagues could have been on the floor to hear the remarks from the distinguished Senator from Indiana, who is a very valued member of the Intelligence Committee. We have some very good members on both sides of the aisle.

Senator BAYH always asks incisive questions. He gets to the bottom of the very comprehensive and complex issues we discuss. I thank him for being a valued member of the Intelligence Committee. I want to thank him for offering this amendment, which, outside the beltway and I suppose on the floor of the Senate and for anybody listening or watching, is pretty mundane, or arcane: What on Earth is he talking about, "on-demand sequential referral of legislation, reporting from the Senate Select Committee on Intelligence"? Were it not for the fact that Senator BAYH is an excellent speaker and a highly appreciated Member of this body, probably nobody would be even understanding this, or paying any attention.

I know this Senate wants to get this bill done. I know we want to go to conference on intelligence reform. I know we have the tax bill. I know we have the omnibus bill. I know people want to leave for the weekend. People are tired, and Lord knows we have been wrestling with this issue on how we reorganize the Intelligence Committee to make it more effective, in line with what the 9/11 Commission has recommended, what every commission has recommended down the years—the Bremer Commission, the Gilmore Commission, the Hart-Rudman Commission, the CIS Study, all these commissions, not to mention the 24 times we have tried reform of the Intelligence Committee since Dwight David Eisenhower and failed in each and every case. I know the fatigue factor, the high-glaze factor has set in in this body, as evidenced by the membership, as evidenced by my dear colleagues and friends across the aisle now talking about something else, even though I could probably talk as loud as the Senator from Massachusetts. But, having said that, let me try to tell Members what this is about.

His amendment would eliminate the current practice, again, of on-demand

sequential referral of legislation reported from the Senate Select Committee on Intelligence. This very common sense measure—Mr. President, may I have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERTS. I know in normal times this amount of noise is about the best you can get, but I hope people will pay attention to what Senator BAYH is trying to accomplish and, as chairman of the Intelligence Committee, which I support very strongly. It is a common-sense measure.

Speaking of the Intelligence Committee, the very committee that the 9/11 Commission said should be enabled to do a better job instead of the way it is now when we are so fractionalized, it says we should be on the same level playing field as other standing committees in the Senate—just fair play, same level playing field in terms of sequential referral. A committee brings up a subject, they pass a bill, they make an inquiry, they publish it, and another committee says: You know, we are interested in that as well. We would like to have sequential referral.

How do you do that? You do it by unanimous consent or you go to the leaders and you say: You know, we have a dog in this fight. We are interested in it. We have expertise, we have background, and we would like to take a look at it as well.

Not on the Intelligence Committee. Virtually every other committee in the Congress now has on-demand—that means you finish a product, you finish your authorizing bill, and we will grab it by the throat and we will do whatever we want to with it.

That is not right. That is not right with regard to what we are trying to do to empower—and by empower I don't mean to empower over and above other important committees—or enable us to do our job.

Let me give you the classic example. We don't have, despite all of the rhetoric, all of the activity, all of the effort by Senator COLLINS and by Senator LIEBERMAN and the intelligence reform bill, all of the effort by the Joint Inquiry Task Force on 9/11, all of the effort by the Intelligence Committee in regard to the WMD report—now the report by Mr. Duelfer and the Iraq Survey Group, and the group of intelligence not only of the United States globally and the importance that that has for the daily lives and pocketbooks not only of people in America but around the world, and all of this discussion about 9/11, we do not have the intelligence authorization bill passed.

We had a vote yesterday 90 to 7 on my amendment—probably the first time I will ever do that—saying regardless of what happens in intelligence we ought to authorize first and then appropriate. There is a novel thought. But even at this late date, we don't have the intelligence authorization act passed. Why? It is because of this on-demand referral that no other com-

mittee has as a millstone around its neck.

Senator BAYH is one of the committee's most serious, capable members, and he and I agree. We worried about this, along with other members on the Intelligence Committee, mostly made up of senior Members who know their job and who have attended. Their attendance record is outstanding. I can't get into that because it takes a decision by the chairman and vice chairman, and also perhaps a vote in committee to get into attendance records. I am not going to do that, simply to say these people have many other duties. They come there and work hard. We have had over 125 hearings in the Intelligence Committee, 60 percent more than at any other time in history, with regard to the WMD report, 521 pages long, which I think is the most thorough study any committee has ever done on the intelligence community.

Senator BAYH's presence on this floor on the issue underlines its importance. It is bipartisan in nature and impacts on the committee's ability to do its work.

What will the amendment of Senator BAYH do if it passes? It will mean that for the first time in history the legislative priorities of the Senate Intelligence Committee will reach the Senate floor without being automatically filtered through the lens of other Senate committees. I must admit that under resolution 400 we have the ability in the Intelligence Committee—if anybody mentions intelligence, there might be another committee which can ask for referral. We don't normally do that. I don't think we have to do that. As a matter of fact, I am trying to think of when we did that in the history of the committee. But certainly that is a lot different than on-demand sequential referral by every other committee.

Interested committees under the Bayh amendment will still be able to request sequential referral to the Intelligence Committee legislation. But just as other authorizing legislation, those committees would have to do so through a unanimous consent agreement instead of a demand letter.

All we want is to be treated as any other committee. My goodness. If we are the ones who are supposed to be empowered and stand up according to the 9/11 Commission and do a better job—and I think we have in the last few years—why on Earth would you force the Intelligence Committee to go through this on-demand sequential referral?

An example of the problems associated with on-demand sequential referral of intelligence—I don't know what to call this. On-demand special referral sounds like a lot of gobbledygook outside the beltway, an arcane thing. It is sort of like cattle rustling; you sort of take that bill and rustle it away from that pasture on demand and the poor owner of that cowherd can't do a dog-

gone thing about it. It is time to end it.

At any rate, an example of problems associated with on-demand sequential referral, or the cattle rustling of Intelligence Committee legislation to the Armed Services Committee, is the fate of intelligence reforms proposed by former Intelligence Committee Chairman Senator SPECTER, who was on the floor a while back, and Vice Chairman Bob Kerrey, who did a splendid job as vice chairman—that was back in 1997 during the Intelligence authorization bill, the Intelligence Committee proposal, what we have debated here for the last 2 weeks—this was back in 1997—direct appropriations of intelligence community funding by the Director of Central Intelligence is something which George Tenet and every other DCI has wanted for a long time. That appropriations would have funded the Central Intelligence Agency, the National Security Agency, the National Reconnaissance Office—what was then called the National Imagery and Mapping Agency. The Armed Services Committee obtained sequential referral of the 1997 intelligence authorization bill. After 30 days of the Armed Services Committee being innovative and forward looking, the Specter-Kerrey reform measure became a computer system to track intelligence expenditures. It didn't have any authority. It became a computer center to track intelligence expenditures.

On-demand sequential referral has had a chilling effect on the introduction of legislative initiatives by the Intelligence Committee.

I see the distinguished former chairman, the distinguished Senator from Pennsylvania, who had a reform measure back in 1997 which would have gone a long way toward intelligence reform that we have been considering on this floor for the last 3 days. I thank him for that effort. But he got sidetracked. His cattle got—well, they were sort of branded, sort of got into another pasture. I think that is unfortunate.

A degree of self-policing occurs about what legislative provisions realistically can survive automatic referral through other committees. As a result, many provisions are dropped or diluted to make the bill as unobjectionable as possible.

Senator COLLINS of Maine said we had a delicate balance. We had a discussion yesterday of the national intelligence director. The thought was that director should be able to move positions, but then we had a compromise. We could move positions and we couldn't move people. What the heck is that? I know that in compromise when you refer to other committees, you make it less objectionable, but sometimes you leave the cutting edge of reform with a very dull knife. This deterrent effect, I will tell you as chairman of the committee, begins prior to the committee markup. I know whatever we do in terms of authorization must go over to the distinguished chairman

of the Armed Services Committee. I serve on that committee. I have the utmost respect for the chairman of that committee. It is a privilege to serve on that committee. I am chairman of something called Emerging Threat and Capabilities. I have enjoyed my service on the Armed Services Committee.

But we know even before markup that we are going to have to go to the Armed Services Committee, and we could on demand referral have the same thing happen on Foreign Relations, on Appropriations, on Armed Services, and Judiciary because those are the members who now serve on the committee to make sure there are two people on that committee so it is widely represented.

But I know, and everybody on the committee knows, that before we even do the authorization, we have to go through this Byzantine kind of machination before we get our product on the floor even to pass it.

Again, where is the intelligence authorization bill for this year? I don't know. We have tried to hotline it. We have had objections.

After all this year of reform we cannot even pass an intelligence authorization bill? Do we want to continue that? This deterrent effect, as I said, begins right at the start. We have 22 professional staffers who have backgrounds, analysts with the DIA, CIA throughout the intelligence community. They are the people who put together the 521-page report on the WMD. We let the chips fall where they may.

Senator ROCKEFELLER and I worked together, both sides, and we had a bipartisan vote, 17 to 0. It was tough. Can we do the job? You darn bet you, and we have 22 staffers who can do that job.

I daresay none of the other committees that have on-demand sequential referral have this kind of staff. Yet we end up on the cutting-room floor. Sometimes we do not even get in the room where we end up on the cutting-room floor. I don't think that is right.

Mr. MCCONNELL. Could the Senator suspend for one moment?

Mr. ROBERTS. I would be delighted. Maybe my blood pressure would come down. I would be delighted to suspend on behalf of the distinguished Senator from Kentucky, as a fan of the Louisville Cardinals.

Mr. MCCONNELL. We have a number of speakers in the Chamber now, and I want to try to get consent to establish some order.

How much more time does the Senator from Kansas wish?

Mr. ROBERTS. I haven't quite figured it out yet. I got wound up pretty good.

I have one more page, and the Senator from Pennsylvania asked how long will that take? How about 2 minutes, 3 minutes.

Mr. MCCONNELL. I ask unanimous consent the Senator from Kansas be permitted an additional 3 minutes, to be followed by the Senator from Virginia for 12 minutes.

Mr. ROBERTS. May I inquire of the distinguished Senator, are we getting time limits now? I wanted to have a good colloquy with my dear friend and esteemed chairman of the Armed Services Committee who has a willing offer to make because I am not quite sure in regard to this issue what it will be, and if we put in an artificial time limit—I don't know.

Mr. MCCONNELL. There is no time limit on any agreement, but we are seeking a time agreement on the Chambliss amendment. And Senator CORNYN would like to speak on that amendment, as well as Senator SPECTER and Senator KENNEDY.

Mr. WARNER. Mr. President, I see my colleague from Michigan.

Mr. MCCONNELL. Senator LEVIN also wishes to speak on the amendment?

Mr. LEVIN. Yes.

Mr. WARNER. May I make a suggestion to the distinguished leader? Quietly, in the rooms off the Chamber, I think a resolution of this matter is about to be achieved. So, therefore, the purpose of my amendment would be to frame for colleagues the issue as I see it, which I think can be explained very simply and calmly.

Then perhaps a few comments, and this amendment, I understand, will be laid aside, and we can proceed to the Chambliss amendment.

Mr. MCCONNELL. I am trying to accommodate the Senator on the other amendment, the Chambliss amendment. He must leave town around 1 o'clock. We were hoping to get a vote on that amendment.

Mr. KENNEDY. Will the Senator yield?

Mr. MCCONNELL. Yes.

Mr. KENNEDY. I am a cosponsor of the Chambliss amendment, so I would appreciate it if I could have maybe 6 or 7 minutes prior to the time we vote. I, too, want to cooperate with the managers, and particularly the chairman, to make sure he is able to work his program.

If the leader could ensure that.

Mr. MCCONNELL. I make this suggestion: I ask unanimous consent Senator ROBERTS complete his remarks. He has asked for an additional 3 minutes. I ask unanimous consent we then return to the Chambliss amendment, and in order, have Senator KENNEDY for 6 minutes, Senator CORNYN for 6 minutes, Senator SPECTER for?

Mr. SPECTER. If I may, I follow Senator ROBERTS for just 3 minutes.

Mr. WARNER. No objection.

Mr. MCCONNELL. I am asking consent to accommodate a Member of the Senate who must leave in the not too distant future, to return to the Chambliss-Kennedy amendment, have the discussion on that because that is the amendment we are hoping to get a vote on in the not too distant future.

Since discussions are underway on the Bayh amendment, it would be my hope those involved in that will continue their discussions off the floor,

and we will resume that discussion on the floor after that.

Let me ask unanimous consent that at the end of Senator ROBERTS's remarks, we take up the Chambliss, resume consideration of the Chambliss-Kennedy amendment, and Senator KENNEDY be recognized for 6 minutes, Senator CORNYN be recognized for 6 minutes, and Senator SPECTER?

Mr. SPECTER. I won't be here.

Mr. MCCONNELL. Anyone else on the Chambliss?

Mr. LEAHY. Mr. President, I want to speak on the Chambliss-Kennedy amendment. So far as we were eviccerating the Judiciary Committee, I thought possibly I might say a word or two.

Mr. MCCONNELL. How much time? There is no time agreement.

Mr. LEAHY. I would like to have 10 minutes.

Mr. MCCONNELL. And 10 minutes for the chairman.

Mr. SPECTER. Mr. President, at the conclusion I would like 3 minutes.

Mr. MCCONNELL. And 3 minutes for Senator SPECTER.

Mr. REID. If I could, reserving the right to object, is everyone speaking on the Chambliss-Kennedy amendment?

Mr. MCCONNELL. No.

Mr. ROBERTS. No.

Mr. REID. It has nothing to do with the Judiciary Committee.

Mr. MCCONNELL. My consent agreement was related to the Chambliss-Kennedy amendment, and the time for the Senators was related to discussion of that amendment.

Mr. ROBERTS. Will the Senator yield?

Mr. MCCONNELL. To which we would return when Senator ROBERTS completes its discussion on the Bayh amendment.

Mr. LEAHY. I assure the Senator from Kentucky I wish to speak on the Chambliss-Kennedy amendment.

Mr. ROBERTS. Mr. President, could I ask the distinguished chairman of the Armed Services Committee whether his 12 minutes will defer to the Bayh amendment or the Chambliss-Kennedy amendment?

Mr. WARNER. I was here early this morning with Senator BAYH, so that is the purpose of my presence, solely for that amendment.

Mr. ROBERTS. It is probable that the chairman of the Select Committee on Intelligence, from time to time recognized by the Armed Services Committee, would like to at least have something to say about what the distinguished chairman will say about the Bayh amendment.

I am not trying to set the record straight because that is not in the realm of possibility of the distinguished chairman, but I don't know how to accomplish that now if we go to the other—I guess we will have time.

Mr. MCCONNELL. I might suggest to the Senator from Kansas, there is no time agreement on the Bayh amendment, and the unanimous consent



agreement I just propounded was entirely related to the Chambliss-Kennedy amendment which we would like to resume consideration of. I am sure the Senator from Kansas will have more to say about the Bayh amendment later. There are no restrictions.

Mr. REID. Reserving the right to object, this has set the tone in the future. We will not be setting amendments aside. We will dispose of amendments and move to something else. It is too confusing doing it this way.

I have no objection.

THE PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

The Senator from Kansas has the floor for 3 minutes.

Mr. ROBERTS. Mr. President, I guess we started up a fuss by talking about this, which I can understand.

Let me go back to sort of remind anyone that is listening that on-demand sequential referral, as referred to in the Bayh amendment, has had a chilling effect on the introduction of legislative initiatives by the Intelligence Committee.

Why is that important? It is because the joint inquiry task force investigating September 11, it is because the 511-page report on WMD, intelligence on whether there were WMD in Iraq, and the 9/11 Commission's report had this unique idea, and the unique idea was that the Select Committee on Intelligence should be granted at least enabling power, be empowered to be the oversight committee that has independence and leadership and clout and that we do not today.

One of the obstacles is this on-demand sequential referral. Every other committee in the Congress can ask for sequential referral, but they do it by unanimous consent or they ask the leadership. There is nothing wrong with that. But on-demand sequential referral from the very committees that we have two members on the Intelligence Committee representing—Judiciary, Appropriations, Armed Services, and Foreign Relations? They are represented. And as I have indicated, legislative initiatives that we have end up on the cutting-room floor. It is a very fractionalized process, both from the Armed Services Committee and the Appropriations Committee.

I have nothing but admiration for the distinguished Senator from Virginia and the distinguished Senator from Michigan and the work they do on behalf of our military, and for the appropriators and the work they do on behalf of our military. It is just that it is a fractionalized process. Sometimes we are in the room, sometimes we are not. Sometimes we don't know what ends up on the cutting-room floor, sometimes we do. That does not speak well for the recommendations of the 9/11 Commission and the Intelligence Committee.

This process, which the members of the Intelligence Committee believe is unique to the Intelligence Committee,

does not permit the committee priorities to reach the Senate floor for full debate. We cannot fully debate it because it is classified. Everybody else who wants sequential referral changes a bill. They come to the floor, argue the points, and then win or lose. We cannot because it is classified.

This provision is a significant obstacle to the full realization of the Intelligence Committee oversight and should be repealed. I support the amendment. I encourage my colleagues to do likewise. I hope we are able to reach some accommodation.

I thank the Presiding Officer and my colleagues and yield the floor.

AMENDMENT NO. 3994

THE PRESIDING OFFICER. The Senator from Massachusetts is recognized for 6 minutes.

Mr. KENNEDY. Will the Chair be kind enough to notify me when 5½ minutes is up?

THE PRESIDING OFFICER. Yes.

Mr. KENNEDY. Mr. President, first of all, I thank the Senators from Kentucky and Nevada for their help in bringing us to where we are today in terms of meeting our responsibilities under the 9/11 Commission. I again congratulate the Senators from Maine and Connecticut for their outstanding leadership on the floor of the Senate. America must be heartened by the results of their effort. I join in commending all of them for the job they have done.

This amendment, which my friend, the chairman of the Immigration Subcommittee, and I offer is virtually identical in effect to the Grassley-Baucus amendment that was just accepted. That amendment keeps many of the Customs-related functions in the Finance Committee.

The amendment that Senator CHAMBLISS and I offer keeps the immigration-related functions in the Judiciary Committee. What we are seeking is much more modest than the major exemptions written into the base bill for the Coast Guard and the Transportation Security Administration.

Our amendment does not preclude the new Homeland Security Committee from exercising jurisdiction over security issues, such as developing biometric identifiers to enhance national security, upgrading technology, including electronic interoperable data systems, compiling watch list information to screen out terrorists, and enhancing intelligence and law enforcement capabilities. That is appropriately reserved.

But surely we can meet the serious terrorism dangers we are facing from terrorists without obstructing the entry of more than 500 million individuals who go across our borders every year and who legally enter the United States each year as visitors, as students, as temporary workers, crossing legally from Canada and Mexico, on a daily basis, to conduct business or to visit their families.

These immigration issues are about reunifying families, protecting refu-

gees and asylum seekers, welcoming foreign workers when we cannot find American workers to fill our jobs, opening our doors to immigrants who will be future U.S. citizens. These issues are about welcoming international students and visitors, scholars and researchers to our country, so that we can benefit from a climate of open exchange.

Immigration law involves so much more than weeding out the few terrorists. The problem is, the terrorists are the danger, not just the issues of immigration. Transferring total jurisdiction to a new Homeland Security Committee would ignore all the other primary functions of our immigration laws and effectively send a message to the world that terrorists are winning and that our pride in our immigrant heritage and history has turned to fear.

Immigration is a central part of our heritage and history. It is essential to who we are as Americans. Maintaining it is part of our national well-being, our identity as a nation, and our strength in today's world. In defending the Nation, we are also defending the fundamental constitutional principles that have made America strong in the past and will make us even stronger in the future.

Mr. President, for all of these reasons, I believe the Judiciary Committee should retain jurisdiction over the immigration issues unrelated to terrorism. That is what the Chambliss amendment does. I hope it will be accepted by the membership.

Mr. President, I withhold the remainder of the time.

THE PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 6 minutes.

Mr. CORNYN. Mr. President, I congratulate Senator CHAMBLISS and Senator KENNEDY on this amendment which I think injects some needed rationality in this process. I certainly support the goal of improving the oversight of our intelligence community and homeland security efforts. But I think what has happened in our haste is that there has been some unintended consequences, and one is attempted to be remedied by this amendment.

Simply stated, this amendment, as Senator KENNEDY and Senator CHAMBLISS have already addressed, would retain the immigration functions at the Border and Transportation Security Directorate in the Judiciary Committee.

Mr. President, I, as does the Presiding Officer, serve on the Judiciary Committee in large part because of my concern about immigration and border security issues as a Senator from Texas, with a 1,200-mile border with Mexico, one of the more problematic borders of this country. I serve with Senators from California and Arizona. The only State not represented on the Southern border is the State of New Mexico.

But as the Presiding Officer knows, immigration issues are exceedingly

contentious and complex. Frankly, there are a number of Senators on the Judiciary Committee who have invested an awful lot of time and effort to try to get up to speed. And indeed, there are others, like me, who have introduced immigration reform bills, which I am hopeful will be brought up when we return in January or shortly thereafter.

What I am concerned about is if we make this change now, it will delay long-overdue immigration reform in this country as the new committee to which it is assigned is getting up to speed. It is no slight meant to them. They are very distinguished and competent Senators. But the truth is, the staff and Senators who have been involved in immigration issues on the Judiciary for a long time have learned a lot, developed a lot of the relationships and contacts with the various parties who are interested in this issue, the stakeholders.

Just in terms of injecting some modest bit of rationality in this process, I am pleased to join Senator CHAMBLISS, Senator KENNEDY, and Senator LEAHY, who I know will also speak to this matter, and others on the Senate Judiciary Committee in saying that if common sense and rationality prevail in this process, then this amendment will be accepted, either by agreement, by unanimous consent, or by a vote. And I certainly would urge all of my colleagues to support the amendment in the event a vote is required.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved for the Senator from Vermont?

The PRESIDING OFFICER. There is 10 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, I wish to associate myself with the expressions of the Senator from Texas, the Senator from Georgia, and the Senator from Massachusetts. I am a strong supporter of the Chambliss-Kennedy amendment. It would retain the majority of immigration jurisdiction for the Judiciary Committee, not just because we like that but because that is where the experience is and that is where it ties in the best.

As Senator CHAMBLISS pointed out this morning, just as the Commerce

Committee retained the Coast Guard because of the long tradition of the Coast Guard being there and the expertise for it, and EPW is retaining the Transportation Security Administration, by the same token, the Judiciary Committee should retain core immigration issues.

We should not burden the Homeland Security Committee with immigration and citizen refugee matters. That is not the purpose of the new committee. There are some aspects of immigration law and policy that will raise homeland security issues—some—but we have to note that immigration is an extraordinarily broad area. It is an important economic issue and, as President after President has said, in one way or the other, it is often a moral issue. This is the country that has the Statue of Liberty beckoning us all. This is the country that brought my grandparents here not speaking any English but making a new life.

The Judiciary Committee has decades of experience in business immigration issues, refugee policy, and naturalization. As written, the resolution before us would take those issues, which are not homeland security issues, and give them to the Governmental Affairs Committee.

I ask: Does it make sense for the Governmental Affairs Committee to oversee and legislate on the H-1B visa program which employers use to bring in highly skilled foreign workers? That is not a homeland security issue. Does it make sense for that committee to be responsible for the refugee program? That is something Judiciary and Foreign Relations oversee and do a very good job of. I don't think it is in the interest of the Senate or, for that matter, of immigrants for sole jurisdiction over immigration matters to be transferred to a committee with a homeland security mandate.

We should be conscious of the security aspects of immigration policy, of course, but we also need to retain our national commitment to legal immigration—the thing that brought my grandparents to this country. Immigrants like my grandfather and grandmother enrich our economy and our culture. It is important for us not to see immigration solely through the prism of national security.

How much time do I have remaining?

The PRESIDING OFFICER. There is 6½ minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that my remaining time be allocated equally to the Senator from Georgia, Mr. CHAMBLISS, and the Senator from Massachusetts, Mr. KENNEDY.

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

Mr. LEAHY. I yield the floor.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the pending amendment offered by the Senator from Georgia. I initially ask unanimous consent that I be listed as a cosponsor.

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

Mr. SPECTER. When I said 3 minutes would be sufficient, I said that in the context of a collective noun, but I shall not take much more than that.

I believe the jurisdiction of the immigration function as embodied in the Chambliss amendment ought to be maintained in the Judiciary Committee. There is very considerable expertise built up in the Judiciary Committee over the years on the very important subjects related to immigration. The President has stated a policy of dealing with the problem of 11 million people in the United States who do not have legalized status. The Subcommittee on Immigration of the Judiciary Committee has done extensive work on this matter. It is a pressing matter and I think will be one of the priority items to be considered by the Congress next year.

The most important issues can best be handled by the current Subcommittee on Immigration of the Judiciary Committee.

Briefly stated, those are the reasons why I support the pending amendment and ask that the traditional jurisdiction in the Judiciary Committee over immigration be maintained.

I yield the floor.

## NOTICE

*Incomplete record of Senate proceedings.*

*Today's Senate proceedings will be continued in Book II.*