

before this body is inadequate and incomplete. Until it is adequate and complete, we are going to hang in for the same rule that applied during the 107th Congress.

THE ECONOMY

Mr. REID. I will change the subject. Mr. President, I just received a news flash from my office—not a pleasant one. K-Mart is going to close three Nevada stores, including one on Rainbow Boulevard in Las Vegas, one in Reno, and one in Carson City.

I agree with my friend from Arizona; we should be talking about the economy. That is one thing he failed to mention, but I think we should be talking about that as an important issue. The economy is in trouble. We talked about that earlier today.

I was struck by the New York Times today which had an article written by Edmond Andrews: "O'Neill Expresses Doubts About the Tax Cut." Who is O'Neill? This is Paul H. O'Neill, who was Secretary of the Treasury in this administration until he decided he did not like what was happening with the tax policies of this country. And for lack of a better word, he was dumped, unceremoniously expelled from the administration.

Now, he is a gentleman, and he is determined not to be too blatant in his criticism of the White House. But in the process of not being too critical, let me emphasize a few things that he said. The President's plan for stock dividends is something I would not have done. O'Neill has also talked about his discomfort with the sweeping tax cuts. He talked about these before his departure. And, of course, reading between the lines, I am sure that is one of the reasons for his departure.

He told a group of executives at a public meeting in the United States Chamber of Commerce he would select, carefully, tax breaks that might help the segments of the industry having the most trouble.

Mr. O'Neill said during his confirmation hearing in 2001 that he was skeptical about the wisdom of big tax cuts.

He said he was bitter about what was going on here in Washington. And I quote:

It's all about sound bites, deluding the people, pandering to the lowest common denominator. Real leadership requires you to stick your neck out and have a point of view.

As has been discussed here on the floor, the proposal to stimulate the economy that has been propounded by this administration is, using the words of some, bizarre, crazy. So I think it is important the President reexamine this proposal that would give huge amounts of money to rich people like him, like the Vice President, like Michael Eisner, the head of Disney. I was told here on the floor yesterday that he will get \$2.6 million extra money each year. That is not going to stimulate the economy. But I guess if I had my druthers, it would be I would not be

spending so much time here on the floor and we would be getting to the business that should be before the Senate; that is, doing the appropriations bills, the 11 that were undone, bringing some of the nominations the President has told us last Wednesday at the White House he would like to have quickly.

I wish I were not here doing the things I have done in the last couple of days and we had gone about the business of the Senate. We cannot do that until this organizing resolution passes. I hope we can do that. Then we can talk about the things the Senate should be doing, rather than doing the work some refer to as kind of inside politics, inside the beltway.

Mr. President, is my friend from Kansas going to speak soon?

Mr. ROBERTS. I am ready to proceed.

MAKING MAJORITY PARTY APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today with some degree of reluctance, I might say, to discuss the apparent disagreement and the difference of opinion within the Select Committee on Intelligence with regard to staffing. This is the kind of disagreement that is obviously taking place in many of the committees in the Senate. We have heard a lot about this. We probably heard too much about it, to the point this whole business is now at the leadership level and is holding up the appointment of committee chairmen, not to mention the business of the Senate. This is not only regrettable but, as this drags on, I think this really represents the kind of sandbox silliness—that is my term—that prompts folks outside the beltway to wonder if this body is the Senate or a partisan romper room.

Given the importance of our Select Committee on Intelligence and our obligations and our responsibilities during this time of vital national security threat—and I am talking about the war on terrorism, I am talking about Iraq, I am talking about North Korea, not to mention any number of other national security threats by state and nonstate terrorists—and given the committee's 26 years of history of bipartisanship—that means no majority, no minority, no Republican, no Democrat approach or viewpoint—we should not be having this dispute. The Select Committee on Intelligence is very different from any other committee in the Senate. In fact, it is a committee that serves the entire Senate; it is your committee, my colleagues, and the leadership, and given its importance at this particular time in our history this committee, above all others, should be spared this kind of public spat.

Senator ROCKEFELLER, our very distinguished vice-chairman-to-be, myself, the incoming chairman—I hope, I hope we can get past this—our leader-

ship and the entire Senate should not be party or bystanders to what has been going on in the Senate for the last week or so. It is untoward. That is the nice way of saying it. In Dodge City, KS, we would say we should not be part of this hell-for-leather ride down a partisan trail of obstructionism like a herd of cattle milling about in confusion and delay in a box canyon. That is about what it looks like in my hometown.

But here we are, and the leadership tells me the Intelligence Committee, the Senate's select committee, the committee that really belongs to us all, is at loggerheads. I don't know that because I have not been part of the negotiations. But the leadership tells me this is now a separate issue.

In saying this, I don't question the intent of the distinguished Senator from West Virginia. I want to point out he is a good man. He is a good Senator. He is a personal friend. I look forward to working with Vice Chairman ROCKEFELLER. We have already discussed mutual goals, possible long-term structural reform within the intelligence community, not to mention the regular business of the committee with regard to our oversight responsibilities—and they are pressing responsibilities. We should be meeting this week.

The truth of it is we simply have a different—an apparent difference of opinion on how the Intelligence Committee should be organized. So here I am on the floor of the Senate, making one of those "I had not intended to make a speech" speeches.

The larger issue is whether or not the duly elected majority will be able to run the Senate. We should not be laying down organizational demands, demands for more space—this space, that space; different rules on how this body will consider the confirmation of judges. The next thing you know, it is going to be majority and minority restrooms. That is about where we have come to.

But I believe the issue involving the organization of the Select Committee on Intelligence is important because of what is at stake, and what is at stake is our national security. The difference, as I understand it—and as I say again, this has been at the leadership level for about a week now, and I think it can be summarized quite easily. We should preserve the committee's 26-year history of bipartisanship. We should preserve our Intelligence Committee staff as a single unified staff that works for the committee as a whole under the supervision of the chairman and the vice chairman. Let me repeat that, the chairman and the vice chairman.

The minority—or I guess we should call them the temporary majority, I hope it is temporary—apparently wishes to divide the committee staff for the first time in history into a majority/minority or partisan camps. To the contrary, we should preserve the committee's 26-year history of nonpartisanship by keeping to a minimum

those staff who are designated as partisan. The minority apparently wishes to increase the ranks of partisan staff.

We should structure the committee staff in accordance with the committee's rules and custom and practice. We should not repeal the committee's rules and ignore our custom and practice of working together with one single staff.

As I said before, the Select Committee on Intelligence has been a unique institution in the Senate and was envisioned from the start to operate under different rules than any other committee. The Intelligence Committee was created by S. Res. 400 over 25 years ago. The resolution actually grew out of the intelligence abuses of the 1970s which were highlighted by the Church Committee.

There were a number of proposals for the creation of the Intelligence Committee—numerous hearings, lengthy debate and multiple amendments. In the end, the Senate agreed to create a bipartisan committee with—I underscore this—a permanent professional nonpartisan staff to serve the committee as a whole.

The intent was to limit sharply the number of designated partisan staff. In fact, our rules really contemplate only two positions to be wholly partisan. This is not well understood apparently by those who have a difference of opinion.

The only positions that are wholly partisan are the minority staff director and the minority counsel. The rest of the staff works for the "committee as a whole."

That is a quote from S. Res. 400—under the direct supervision and control of the staff director on behalf of the chairman and the vice chairman—both of us.

The Senate report accompanying S. Res. 400 emphasizes the bipartisan nature of the committee. I am quoting here:

The unique importance and nature of the matters [of] the committee will make such bipartisanship essential. The existence of trust and confidence between the executive branch and the committee will enable the committee to exercise more effective oversight. This trust and confidence will only be achieved if the committee does act in a fully bipartisan manner.

That comes from the Senate Report 94-675.

In order to ensure the committee would act in this fully bipartisan manner, committee rules provide for a single unified staff that works for the committee as a whole under the supervision of the chairman and the vice chairman. No other committee is advised by a nonpartisan and also integrated staff.

Committee rules also provide the minority extraordinary powers through the vice chairman. Our rules emphasize and confirm the unique authorities of the minority and the bipartisan nature of the Intelligence Committee and its distinction from the other committees of the Senate. Let me give you some examples.

Rule 2 of the committee's Rules of Procedure permits the vice chairman to preside over the committee.

Rule 2 also permits meetings to occur without the presence of a majority member of the committee.

Rule 6 actually permits the vice chairman to authorize a committee investigation.

Rule 7 actually permits the vice chairman to issue a subpoena.

Rule 8 actually permits the vice chairman to authorize witness interrogation by committee staff.

Rule 9 requires that both the chairman and the vice chairman agree to authorize disclosure of or access to committee information. That means both the majority and the minority are made aware of requests by any member of the Senate to review any committee document, and either can prevent it.

Rule 10 requires all staff work for the committee as a whole. Thus the chairman or the vice chairman may direct any professional staff action through the staff director.

Rule 10 requires all staff assist the minority in the writing of any minority or additional views.

I know. I have had them help me when we were in the minority; more especially in a report on the USS *Cole*.

Rule 11 requires staff members brief both majority and minority members, which means there are no secrets from the minority.

These authorities and privileges enjoyed by the vice chairman illustrate clearly the unique nature of this committee and the importance of these authorities in maintaining its nonpartisan nature.

Some have argued this structure has not worked in the past. And I would argue that it has worked—and it has worked well—when the chairman and the vice chairman want it to work. It requires cooperation, and one cannot foster a spirit of cooperation by proposing to fire all of our current professional staff, split the committee's staff in two, and rehire on a partisan basis. The unique bipartisan nature of this committee is its greatest strength and is essential to the ability of the committee to develop a consensus product and to avoid all of the politics of our Nation's intelligence activities. That would not serve our Nation well, and that could occur.

The legislative record reflects that the Senators who really created the Intelligence Committee believed—this is so important—that the less partisan nature of the committee would serve to make the intelligence community more willing to keep the Congress fully and currently informed of highly sensitive intelligence activity. For a quarter of a century, this has permitted the committee to fulfill its primary responsibility: Oversight of the intelligence activities of the United States Government. My 6 years on the committee tell me that is absolutely true.

I remember the years when DICK SHELBY was chairman, Richard Bryan

was vice chairman, and Bob Kerrey was vice chairman. We got along well. It isn't that we didn't have any differences of opinion, but we acted in a nonpartisan, bipartisan way in the interests of the United States.

The incoming vice chairman has argued that under our rules the vice chairman has access to only two staff, and the chairman, which would be myself, would control the rest. That is not true. That is absolutely incorrect. Under our rules, the entire staff works for the chairman and the vice chairman jointly.

I do not know how many times I have to say this. In fact, the vice chairman actually controls the committee's only truly partisan staff because everybody else works for the committee as a whole.

That is the concept that is hard, I guess, for some people to understand. He has two minority staff. Those are the only partisan staff. The rest of the entire committee works for the committee as a whole, including myself and the vice chairman.

It is about the eighth time I have had to repeat that. I hope it finally sinks in.

My advice to my good and excellent friend from West Virginia is you should never take to "sawin'" on the branch that is "supportin'" you unless you are going to be hung from it.

We are not hanging anybody. This is not Judge Bean. We have promised a bipartisan approach to all issues on the Intelligence Committee.

You have my word that will be the case. As chairman, I have no staff which works exclusively for me. I cannot understand how one can argue the minority is unsupported when the entire staff, excluding the designated minority staff, works for the vice chairman as well, and his designated staff works exclusively for him.

The proposal, as I understand it, is to split the staff into a majority-minority camp. That is contrary to the 26-year precedent for the operation of the committee, the bipartisan spirit of the committee's enabling legislation, S. Res. 400, the rules of the Intelligence Committee for the management of the staff, and the intent of the Senate.

Other than that, it is a heck of a good idea.

I believe the committee has worked well and effectively with the professional nonpartisan staff as originally intended and should continue to do so.

I have faith. I am an optimist. I have faith that the incoming vice chairman, Senator ROCKEFELLER, and I can continue a long tradition of cooperation personally and that has been taking place on the committee between the chairman and vice chairman in this unique and valuable institution. Once we get past this tiff, this spat, these differences of opinion—what shouldn't be but is now a big piece in this hole, or whatever we are into here—I would call it obstructionism, and I think any proposal to split the committee or increase the numbers of strictly partisan

staff would represent a break with tradition. I think it would not be in the best interests of the committee, of the Senate, or of our national security.

I want to say one other thing not related to Senator ROCKEFELLER and our difference of opinion but something that is of great concern. It is becoming apparent in statements from some of my colleagues across the aisle over the past several days and weeks that there is a growing campaign of criticism aimed at the President, the war against terrorism, and what may be a necessary military confrontation with Iraq and Saddam Hussein, not to mention now the entire business with North Korea. It would appear to me as an individual Senator on the Armed Services Committee and on the Intelligence Committee that any criticism on foreign policy does not stop at the water's edge. It also appears now that is true of national security as well.

In this regard, I don't question any Member's honest intent or difference of opinion relative to our national security, not to mention their patriotism. That is not what I am talking about. We need healthy debate. We have strong differences of opinion. That is our obligation as Senators.

But when we hear statements that this Nation is no better prepared, intelligence-wise, than we were prior to 9/11, that is not right. Nothing hurts the truth so much as stretching it. And, boy, that is a stretch. That is not only not true but it borders on the politics of opportunism.

Our job on the Intelligence Committee is to conduct serious, tough, proactive, and vigorous oversight, and to hold the intelligence community accountable, as well, I think, as being a champion for their mission and enabling the community to safeguard our Nation. That is why we should not allow the Intelligence Committee to split into partisan camps during these perilous times.

Finally, in regard to this whole business of holding up the chairmanships and transfer of power and the Senate's business, we all ran through partisan gauntlets of sorts to gain the privilege of being here—some more than others. Yet the special fabric that binds this institution in purpose and in achievement is bipartisan.

I am the first to admit that no political party has an exclusive patent on common sense or can lay claim to what is absolutely right. Personally, I try very hard to work with my good Democrat colleagues and friends. And, yes, they are my friends. Now, to be sure, we have our differences, but for the most part we work together, and we try on the other fellow's boots. Sometimes they pinch—sometimes they pinch really hard—but we get the foot to fit and we get something done.

I try to be the best Member I know how to be. That is tempered by over 30 years of public service as a staffer and a House and Senate Member. I am a piece of old furniture around here.

But to my friends now in the minority and acting as if you are in the majority, that is the rub. Part of what we are is what the other side allows us to be. And during these past 8 or 9 days, you have had us on short reins—in fact, no reins at all. And I know this: If this obstructionism keeps up—the space, the staffing, the ratios, the blue slips, the rules on judges, and Lord knows what is next—you will tear that special fabric that holds us together as the Senate of the United States.

If we do not end this business and get to the business of the Nation, and understand there is a majority and a minority and that the majority rules, we will open up a wound further that will not heal without significant price and scar, not to mention public ridicule for our institution.

The sad thing is, I say to my colleagues, we did not have to go down this road.

Mr. President, I always figure it is a good thing to be a little bit nicer than is called for. I do not think too many Members would call me too nice. But in trying to be a little bit nicer than is called for, you shouldn't take too much guff.

My colleagues across the aisle, it is time to end the guff.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, before the Senator from Kansas leaves the floor, I just want to say to him that in all my years in the Senate, that is one of the finest speeches I have ever heard. And I think it came at a particularly good time, as we remind ourselves, once again, what this body is supposed to be like. No matter how bitterly we contest these elections, at the end of the day we are here to do the people's business. And to fail to even take the elementary steps to make it possible for us to get started in doing that is an enormous disservice to this institution and to the country.

Beyond that, I think it is important to remember what the Intelligence Committee is all about. I think the Senator, by laying out the history of the committee, and the tradition of the committee, and the way it has protected sensitive information, and the way it has, in effect, insisted upon bipartisan cooperation, has done a great service for the Senate. That was a speech we needed to hear, given at precisely the right time.

I thank my friend again.

Mr. ROBERTS. I thank the Senator from Kentucky.

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

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I judge the parliamentary situation is such that the Senator can speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. There is no restriction at this point.

Mr. WARNER. I thank the Chair.

MEETING OF THE SENATE ARMED SERVICES COMMITTEE

Mr. WARNER. Mr. President, tomorrow morning the Senate Armed Services Committee will conduct a closed hearing with the Secretary of Defense and the Chairman of the Joint Chiefs as our witnesses. This came about in a routine way as a consequence of a letter that Senator LEVIN, the chairman of the committee, and I as ranking member, sent to the Secretary on January 8.

Senator LEVIN and I have worked closely in the joint management of this committee, and I expressed to him, following the Christmas recess, the need that I perceived for Members to get a current briefing with regard to those issues relating to the Department of Defense, obviously one being the deployment to Iraq, the situation in Iraq, the situation in Korea, and other matters—generally speaking, the continuing war that the President is engaging against terrorist.

I am about to read the letter we sent. I have been very much involved in these issues as a member of this committee. Senator LEVIN and I start our 25th year as Senators, and we have been together on that committee now this quarter of a century. We have worked together very closely in a trusting relationship, and that continues.

We have had our strong differences, particularly when we manage the annual Defense authorization bill. We have taken the two desks of our respective leaders here and debated issues during those 25 years. We have our differences with regard to certain issues as they relate to Iraq.

Interestingly enough, we planned a joint trip to Korea some 18 months ago, but that trip just could not be developed.

I bring that background only to say this letter reflects a perfectly routine meeting that we have had through the years and the joint desire on behalf of the committee to have these two very important witnesses appear to bring us up to their current knowledge with regard to these issues. It is a routine matter.

There is some concern that we have summoned the Secretary of Defense to be here tomorrow morning as a consequence of some publicity that has been put forward of recent regarding the relationships between the Congress and the administration and, most specifically, the Department of Defense. Some of that publicity relates to a conference Republican Senators held last week. I have always followed the rule—