



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, MONDAY, OCTOBER 4, 2004

No. 123

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

O God, our God, we honor Your name. Every day we praise You for You deserve our admiration. We will tell this generation of Your mighty works so that Your name will be known by those not yet born. We celebrate Your matchless mercy and Your power to save.

Thank You for keeping Your word, for picking us up when we have fallen. From Your hands, we find satisfaction and fulfillment for every need.

Today guide the Members of this body with Your love. Answer them when they ask for Your help. Be for each of them a shade by day and a defense by night. May they exercise sound judgment as they listen closely to Your wisdom. Keep them in the path that leads to love.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. HAGEL thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning after a 1-hour period of morning business, we will resume consideration of the intelligence reform bill. In addition to a large number of pending amendments, we anticipate that more amendments will be offered today. As a reminder, the consent reached on Friday did set up a series of stacked votes beginning at 4:15 today. There are currently six votes in order. However, I anticipate other votes will be added to that series as debate continues. In addition, we will have votes into the evening in order to make progress on the bill.

I remind my colleagues that a cloture motion was filed on the bill on Friday and that cloture vote will occur tomorrow morning. It is my hope and expectation cloture will be invoked and that we will be able to finish the bill either tomorrow afternoon, tomorrow evening, or Wednesday.

I say this because, as we all know, this is our last week in session. We will adjourn if we complete both of our intelligence reform efforts on this Friday, October 8. Our goal is to adjourn on Friday, October 8. Before that time,

we do need to complete action on both arms of intelligence reform, including that relating to the Senate role on intelligence matters. We have a lot of work before us this week. We all need to prepare for busy sessions.

There are a lot of other events that are scheduled over the course of the week. Our focus must be on the business that is before us. Thus, I know everybody will be shifting things around. We need to put a major priority on what goes on here on the floor as well as on several conference reports.

In addition to what people will be seeing on the floor, we have the FSC/ETI manufacturing jobs bill that is currently in conference. There will be a lot of activity this afternoon, tonight, and tomorrow in that conference. I am hopeful we will be able to address that conference report sometime this week.

Homeland Security appropriations is also in conference and progress is being made there. That was the first bill we did when we came back 4 weeks ago. It is important that we complete it, especially since our goal is the safety and security of the American people. That bill directs the spending aspects of homeland security.

The underlying bill we have been on now for a week and a half, and we have been studying the issue aggressively in response to the 9/11 Commission report. We have made huge progress, and all of our colleagues have worked together, on both sides of the aisle, on this very nonpartisan issue. I thank all of our colleagues for participating and working with such focus in an expeditious and a bipartisan manner. The American people thank you. I thank you. The leadership on both sides of the aisle thanks you.

We have no greater duty in this body than protecting our Nation and in strengthening our intelligence system. We are meeting that responsibility. As we have said at the outset, when the Democratic leader and I set out this path, it was because, when we leave on

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



Printed on recycled paper.

S10289

October 8, although we will have in all likelihood a little bit of business to take care of, in truth October 8 really brings to a close most of the activity, almost all of the activity, it would be inexcusable not to deal with these important issues on intelligence which affect the safety and security of the American people. If we were unable to finish that, because it means we would not be able to address it until next year, that would be unpardonable.

To date, the Senate, in this bill, has addressed 35 of the 39 recommendations of the 9/11 Commission. Those are the 39 recommendations that deal with executive branch reorganization. The remaining recommendations will be addressed this week.

The Senate has covered a full range of issues: establishing a national intelligence director to manage the Nation's intelligence community, to advise the President; creating a national counterterrorism center to maximize our intelligence-gathering capabilities and maximizing our counterterrorism activities; redefining the national foreign intelligence program to better coordinate and unify the functions of our intelligence agencies; strengthening and reforming the CIA, the FBI, and other intelligence-related agencies; and ensuring that winning the war on terrorism is our top priority.

There were two additional reforms suggested by the Commission concerning Senate oversight of intelligence and homeland security and, as I mentioned, the Senate will be considering these two remaining recommendations this week.

It is going to be a very full week, but the Democratic leader and I agree that getting this done now must be our top priority. We are making real progress on the Senate floor. We are on the home stretch. We have another 5 days, beginning early today, and I am sure we will use all 5 days to the fullest sense. We have to have these major reforms completed this week.

I thank my colleagues for staying on task. I thank the managers of the bill in particular, Senators COLLINS and LIEBERMAN. They and the Parliamentarian and staff have been working solidly through the weekend. The managers have shown real leadership. These reforms clearly will protect America and make a safer and really more prosperous America because of the increased security that people can feel with a maximally performing intelligence system.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished assistant minority leader is recognized.

PROGRESS IN THE SENATE

Mr. REID. Mr. President, last week we all did tremendously important work, including the work that was

done by Senators COLLINS and LIEBERMAN on homeland security. We extended the highway bill until next May. The welfare bill, TANF, was extended. We passed a continuing resolution. These are things that did not take a lot of time, but a lot of work was entered into with many different groups and people to get to where we could complete those three items.

Mr. President, I would say through you to the distinguished majority leader, this week is going to be tough. We are going to have to have the cooperation of all Members because we not only have just a few days left, but those days are days that are involved with the Vice Presidential debate tomorrow and the Presidential debate on Friday. So we really have a lot of work to do. We are going to have to have the cooperation of all Members.

I think we have had good bipartisan support to move down the road on the homeland security bill. But I think people are going to have to take a look at the amendments they have filed. If an amendment in a subject area has been decided by an overwhelming vote, I think Senators should reconsider whether or not to propose those amendments. Some Senators are going to have filed amendments that are germane and they are going to have to decide whether or not they want to take the Senate's time. It would appear to me a number of these are not going to pass.

So we have a lot of work to do, a very short period of time to do it, and I think that with the spirit of getting toward the end of the session, which usually becomes a time for Members to cause problems, we haven't had that in the past several weeks and that has worked out very well. So I hope we can move forward as we have the past 3 weeks. It has been very rewarding to the Senate and to the country.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 60 minutes with the first 30 minutes of that time under the control of the Democratic leader or his designee, and the second 30-minute period under the control of the majority leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I yield 10 minutes to the Senator from New Mexico, Mr. BINGAMAN, and 10 minutes to the Senator from Florida, Mr. NELSON.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair. I thank my colleague from Nevada, Senator REID, for yielding me time.

KYOTO PROTOCOL

Mr. BINGAMAN. Mr. President, last week the Russian Federation began the process of ratifying the Kyoto Protocol on global warming. Russia's ratification is the crucial step that will bring the Kyoto Protocol into force as an international agreement.

In the initial stages of the negotiations, the Senate made clear that we would not be willing to sign any agreement on global warming that did not include scheduled commitments for the developing world in addition to the commitments that were being asked of ourselves. This was not a refusal to participate in the Kyoto negotiations, but it was a guide for what we would find acceptable if we were to actually enter into a treaty.

The Bush administration misrepresented that guide and decided to completely walk away from international negotiations on the issue. Now it looks as though a majority of the world will begin to move forward on the issue of global climate change without U.S. participation.

President Bush's decision was a profound and strategic mistake for our country. The protocol is moving forward now and the United States has very little to say about the direction that it will take. The administration has compounded the error of dropping out of the world climate discussion by failing to come up with a viable climate change policy of its own.

Relying solely on voluntary measures as the basis for our climate change strategy has proven to be ineffective in slowing the growth of our own greenhouse gas emissions. These voluntary actions have been in place since the previous Bush administration, the administration of George Herbert Walker Bush. And now they have been repackaged by the current Bush administration. The current administration and Republican leadership in the House have been so stalwart on this issue that they have opposed efforts in the Senate to even develop modest measures on climate protection, such as a national registry on greenhouse gas emissions and a national registry on climate change.

The science of climate change is clear. The potential losses to our economy through climate-related disruptions such as the increased frequency of hurricanes and other severe storms is starkly apparent. We are putting our own economic security and our competitive edge at risk every day that we delay addressing this issue. The fact that the Kyoto Protocol will officially be entered into force is a signal that the rest of the world is headed toward a marketplace for more efficient and cleaner ways to produce and use energy. But because we in the United States have absented ourselves from