

the American people, or whatever, dire, we have to do it, of course. I think the Almighty would waive the Commandment as far as that is concerned. I understand we have duties, but I don't think it has to be done now.

I want to complain about the way we have done the business of the Senate—lagged along and dragged along and come in and have voting sessions on late Tuesday or Wednesday or Thursday, and we go out on Friday. We don't come in until Monday late. There are all kinds of reasons which I will bring up at another time perhaps and talk again about it.

I am not thinking at this point that we are going to be able to waive this unless the majority leader will be of a mind to put this vote over until Monday.

May I have 1 more minute, please.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I don't see why we can't have the vote today, or if not today, move it over until Monday. That could be done. The majority leader can easily do this, no question about it. I could do it when I was majority leader. I respect the majority leader, and I respect his doing whatever he has to do, but I am saying that a stitch in time would save nine.

As one Senator, I say that we should uphold the Commandments. I have always felt that side of the aisle and this side of the aisle are highly observant of the 10 Commandments and make a big to-do about religion in this country. Why don't we have a little religion here today and put this vote over from tomorrow and not come in on Sunday? Can't we do that?

I thank the Senators for allowing me to say these few words. I thank them. I will take my seat.

PROVIDING AGRICULTURAL DISASTER ASSISTANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Resolution 454 by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 454) expressing the sense of the Senate that the 108th Congress should provide the necessary funds to make disaster assistance available for all customarily eligible agricultural producers as emergency spending and not funded by cuts in the farm bill.

Mr. DAYTON. Mr. President, I rise in support of the resolution by the Senator from Iowa, the ranking member on the Senate Agriculture Committee, and I wish to support his outrage to the rip-off of money from the Conservation Security Program to pay for Agriculture disaster aid.

The Conservation Security Program exists because of the heroic efforts of the Senator from Iowa, Senator HARKIN.

It was reported out of the Senate Agriculture Committee, on which I am proud to serve,

It passes the Senate, the House, and it was signed into law by the President in 2002.

The program is underway, and it is benefiting farmers in my State of Minnesota and elsewhere.

The bill the Senate passed back then also included disaster aid—but the House bill do not.

In Conference Committees, the House opposed disaster aid, the White House opposed disaster aid, so the final legislation contained no disaster aid.

It was a terrible hole in an otherwise excellent Bill, for its counter-cyclical program. As crop prices go up—price supports go down—farmers make more money from higher market prices and taxpayers save money.

Everyone wins except farmers who suffer disasters and lose most or all of their crops. They get no benefit from higher market prices because they have little or no product to sell.

Because of a cruel twist of fate, they watch their hard work amount to nothing—nothing except destitution and bankruptcy.

If there were ever a time when government should lend a helping hand, it's in the face of a natural disaster.

Disaster aid is all of us insuring every one of us.

Hurricane, tornado, flood drought, frost, heat wave, epidemic, who among us is not potentially vulnerable to a disaster?

And if we lose our home, business, or farm, and are left destitute by that disaster, and if we have paid our taxes for years to benefit others, shouldn't our fellow citizens extend a hand to help us back on our feet?

Not a hand out but a hand up, a hand back up to productivity, profitability and dignity.

The House of Representatives would not extend that helping hand to America's farmers. The White House would not extend that helping hand to America's farmers. So much for compassionate conservatism.

I guess that means you are very conservative with your compassion. It doesn't go very far. It goes mainly to those who don't need it. And there is little left for those who do.

This time a number of us in the Senate insisted upon disaster aid for our farmers who have suffered losses during the last 2 years.

A couple of weeks ago, the House sent over a \$2 billion hurricane disaster aid bill. We were asked to pass it without debate. The President was traveling to Florida the next day. Just like that, \$2 billion, with no questions asked, no offset.

I supported that aid. But I made it clear, as did my colleagues, that I would not support further disaster aid that did not include Minnesota's farmers.

Now we have that disaster aid. In part; it covers only 1 of the past 2 years.

So those farmers hit the hardest—those who had the exceptional misfor-

tune to suffer natural disasters in both years—they will receive no help for 1 of those 2 years.

That is compassionate conservatism—those hurt the worst get only half the help. Unfortunately, that was the best we could do. But we certainly did not expect that disaster aid would be taken away from conservation security, robbing one farmer to help another.

Helping hurricane victims didn't come out of another program. Hurricane victims won't have to choose between one of two hurricanes.

This isn't right. It isn't just. And it's certainly not compassionate.

This offset is not only unfair, it is unnecessary. The 2002 farm bill has spent \$16 billion less than originally designed, due to higher market prices.

The counter-cyclical program designed by Senator HARKIN has worked—\$16 billion budgeted has not been expended. It will not be expended. But—we are told—OMB will not count those savings.

And once again, the Legislative Branch, which constitutionally has the right to appropriate—is toadying up to the Executive Branch.

As Senator BYRD has reminded us so eloquently, we serve with the Executive Branch; we don't serve under the Executive Branch.

I think the House and the White House are all too eager to gut another farm program and this is their excuse.

Well, we have an election upcoming and no that day America's Farmers should reject that excuse.

Mr. JOHNSON. Mr. President, disaster assistance has nearly always been designated as emergency spending, just like the President's supplemental request now, which he wants to designate as emergency spending. The Senate spoke clearly by approving our agricultural disaster aid amendment that treats agricultural disaster just like any other disaster, as emergency spending and not off-set by other programs.

The President's supplemental request calls for agricultural emergency disaster aid for farmers and ranchers, but only for those whose crops or livestock have been damaged by a hurricane or tropical storm. And as I said, he did not require that the assistance be off-set. If we are going to treat all farmers and ranchers the same, the disaster aid for them should make no difference if it is because of a drought in Texas, Colorado or South Dakota, or a flood in Ohio or Pennsylvania or West Virginia.

There is a huge disparity in matching up the disaster assistance spending, which will occur in fiscal year 2005, against the offset, which is spread across fiscal years 2006 through 2014. Because of this mismatch there would be a budget point of order against this conference report if it includes the offset from the farm bill as an offset for the farm bill. This is another reason why the disaster assistance should be designated emergency spending as it

has been for many, many years—with only one exception, which was reversed not long afterward.

This budget problem is so significant that I would think, or at least hope, that the conferees and the leadership would be embarrassed to bring such an obvious budget gimmick to the floor. Let me explain further. The agricultural disaster package dollars will practically all be expended in fiscal 2005.

However, the offset that the House adopted does not kick in until fiscal 2006 according to CBO scoring. The offset would save \$56 million in fiscal 2006, then the per-year savings would increase over the years, but the full offset would not be achieved until the end of fiscal 2014. Of course, I am not arguing for taking more out of the farm bill earlier. I am just saying that this entire idea of offsetting a disaster program that pays out in one year out of mandatory spending over the next 10 years is a charade. It will cannibalize money from the farm bill and dramatically damage the conservation title of the farm bill. It will reduce the farm bill baseline and damage our ability to write the next farm bill in a few years. And it is a precedent that ties the hands of the appropriations committee to respond to future disasters.

The point of the whole exercise? To come up with a budget gimmick that is not really even an offset and which raises a budget point of order. Again, the larger point here is that it makes no sense to require offsets for emergency disaster assistance legislation. A disaster is a disaster no matter where it is—and an emergency is an emergency, no matter where it is. We should simply recognize the wisdom and the necessity of funding agricultural disaster measures through the emergency spending designation—which is the overwhelming precedent over many years. Again, with only one exception we can find ever—in the past many decades in which we have responded to disaster losses.

American farmers and ranchers help keep food affordable in this country and also help to feed the world. They produce the food and fiber that is so vital to our economy while protecting our soil, helping to keep our waters clean, and reducing air pollution across the country. And, they are the basis for the strongest part of our Nation's economic engine—in fact, food and fiber comprise roughly 16 percent of our gross domestic product.

Farmers and ranchers did not ask for floods or frost or drought. Congress needs to respond to these natural disasters by providing assistance to those affected including the nation's farmers and ranchers to help restore financial stability in times of such losses, and since we have traditionally provided such assistance on an emergency basis without cutting programs to the class of those suffering—we should continue to do so as the Senate has already supported.

Mr. President, I am deeply concerned today at the manner in which the Congress, and more specifically conferees to the fiscal year 2005 Homeland Security Appropriations bill, have chosen to address disaster funding. Our agriculture producers in South Dakota and across America have waited a long time for substantive relief—relief that will enable our family farmers and agricultural communities to survive through hard times—and the majority leadership has chosen to provide emergency relief for hurricane victims while requiring farmers and ranchers on the Northern Plains to cannibalize an already underfunded conservation program in order to secure moderate drought assistance.

With respect to the Conservation Security Program, the CSP budget was funded at only 41 million dollars for Fiscal Year 2004. The severe funding limitations on the program allowed the Natural Resources Conservation Service to write only around 2,000 contracts, and limited watersheds were chosen, not one of which was in my home State of South Dakota. South Dakota has already been shortchanged because of decreased conservation dollars, and I would urge my colleagues to ensure CSP can operate as intended under the farm bill.

The disaster package that was attached to the Homeland Security funding bill had bipartisan support and was approved in the Senate by a voice vote. Given the enormous savings we have experienced with farm bill price support programs, totaling nearly \$16 billion, we shouldn't be robbing Peter to pay Paul to provide any type of substantive relief. Farmers shouldn't have to pay any more, and they shouldn't have to choose between crucial environmental programs and substantive disaster relief.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the resolution, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 14, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—71

Akaka	Dayton	Lieberman
Alexander	Dodd	Lincoln
Allard	Dole	Lugar
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bennett	Durbin	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Pryor
Brownback	Frist	Reed
Bunning	Graham (FL)	Reid
Burns	Grassley	Roberts
Byrd	Hagel	Rockefeller
Cantwell	Harkin	Schumer
Carper	Hatch	Shelby
Chafee	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Stabenow
Coleman	Kennedy	Kohl
Collins	Kohl	Talent
Conrad	Landrieu	Thomas
Corzine	Lautenberg	Warner
Crapo	Leahy	Wyden
Daschle	Levin	

NAYS—14

DeWine	Inhofe	Nickles
Ensign	Kyl	Santorum
Fitzgerald	Lott	Sessions
Gregg	McCain	Voinovich
Hutchison	Murkowski	

NOT VOTING—15

Bayh	Cornyn	Kerry
Boxer	Craig	Miller
Breaux	Edwards	Sarbanes
Campbell	Graham (SC)	Specter
Chambliss	Hollings	Sununu

The resolution was agreed to, as follows:

S. RES. 454

Whereas, agriculture has been the cornerstone of every civilization throughout history and remains the driving force behind the nation's economy;

Whereas, American farmers and ranchers help keep food affordable in this country and also help to feed the world;

Whereas, America's farmers and ranchers produce the food and fiber that is so vital to our economy while protecting our soil, helping to keep our waters clean, and reducing air pollution across the country;

Whereas, all sectors of our country rely in some way on a successful, strong and vibrant agriculture industry;

Whereas, it is the nature of agriculture that farmers and ranchers will suffer production losses because of the vagaries of weather;

Whereas, Congress has responded to natural disasters by providing assistance to those affected including the nation's farmers and ranchers to help restore financial stability in times of such losses; and

Whereas, Congress has traditionally provided such assistance on an emergency basis without cutting programs to the class of those suffering.

Resolved, That it is the Sense of the Senate that the 108th Congress should provide the necessary funds to make disaster assistance available for all customarily eligible agricultural producers as emergency spending and not funded by cuts to the farm bill.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMERICAN JOBS CREATION ACT OF 2004—CONFERENCE REPORT—Resumed

Mr. REID. Mr. President, is the FSC bill now before the Senate?

The PRESIDING OFFICER. Yes.

INTELLIGENCE REORGANIZATION

Mr. REID. Mr. President, the chairman of the committee is here and wishes to speak on that measure. We have a number of people on this side who have been waiting today to speak. They will not be able to speak until he finishes his statement, unless he decides not to give it immediately.

I am going to give a very brief statement on the measure we just completed, that Senator MCCONNELL and I worked on, a very short statement. Then with the permission of the manager of the bill, the chairman of the committee, I will go into a rollcall, so to speak, following your statement, who will speak on this side and who will speak on your side.

Mr. President, as I said earlier this week on more than one occasion, change is very difficult. Sometimes change is what we have to do. The events of 9/11 were very bad, and as a result of that, reluctantly, energetically, and enthusiastically, the 9/11 Commission was formed and they met for a year. They did wonderful work. But for the 9/11 Commission, we could not have done the reorganization of this body that we completed. As they found, our intelligence oversight was weak. Our homeland security oversight was fractionalized. We can and must do better for this institution and the country. The legislation just passed does that.

We have recommended four additional ways to strengthen the Select Committee on Intelligence, which is no longer a select committee; it is an "A" committee. We have also recommended the creation of an Appropriations subcommittee on intelligence. I thought we should have that as the last issue—the appropriations aspect of it. My friend, the Senator from Texas, offered an amendment that says there will be an intelligence subcommittee of Appropriations. But it is up to the Appropriations Committee as to whether they merge Military Construction and Defense or come up with something else. But there will be a freestanding intelligence subcommittee on appropriations which, as Governor Kean says, is in keeping with the spirit of the Commission's recommendations.

We have also consolidated homeland security oversight in the Governmental Affairs Committee. We have taken 10

committees' jurisdiction. From some, we took away five or six items. Significant things were taken from these committees. For example, from Environment and Public Works, my committee, we took FEMA, which is a very important part of what goes on in our country. That is the way it was through the 10 committees from which we took jurisdiction. We have consolidated homeland security oversight in the Governmental Affairs Committee.

We know there are some who think we did too much. We have had committee chairmen and ranking members really complain about what we did. They said: Why are you doing this? You are taking these things we have worked on for 105 years. What right do you have to do that and create this monstrous committee? But we felt it was the right thing to do—to bring together, the best we could, these homeland security functions. We did that.

There were others who thought we didn't go far enough. I say to them, they should have listened to the complaints and the admonitions we received from chairmen and ranking members and members of these committees. There can be no doubt that the new homeland security and governmental affairs committee will be one of the most powerful committees in the history of the Senate.

The committee will exercise its vast jurisdiction effectively under the leadership of Senators COLLINS and LIEBERMAN. They are disappointed; they wanted everything. But they got most everything. I am sure they will do a good job there. Remember, the Governmental Affairs Committee, before we started, was a pretty powerful committee. Now it is a committee that is a very powerful committee.

We would not have gotten here without the support of Senators FRIST and DASCHLE. I said at a press conference that Senator MCCONNELL and I just had, the next time Senator DASCHLE calls me and says, I have a little job for you, I am going to get a few more details about what that little job is before accepting it. I think Senator MCCONNELL feels the same way. This has been very hard. I have a few Members on my side, chairmen, who are upset at me. But we did the right thing. We did the right thing.

Anyway, I appreciate the support of the two leaders who formed a working group for this resolution. I express my appreciation to the members of my working group, my task force. They were so supportive and did such a good job in helping us get to where we are. I appreciate the feedback we got from members of our working group, and all Senators were committed to reforming the Senate.

Mr. President, I want to personally thank Senator MITCH MCCONNELL. It has been difficult for him and for me. But I said last night on the floor and I will say it again this afternoon—it is true that I certainly cannot understand totally the Presiding Officer's

feelings because he has been in actual mortal combat, and the relationships formed there, I guess, are as close as any relationships could be. I didn't fight in the jungles in Vietnam as did the Presiding Officer. Senator MCCONNELL and I fought in the "jungles" of the Senate and, as a result of working as we did in the last almost month on this, we formed a very close friendship—something we didn't have before. I will always remember this time we spent, and I express publicly my admiration for the Senator from Kentucky for sticking with the program. It wasn't easy to do.

I have the greatest respect for his staff, Robert Karem, Kyle Simmons, Mike Solon, Brian Lewis, and John Abegg. They worked very hard. Two people on my staff worked very hard. Rich Verma worked so hard. He is a lawyer and we used his negotiation skills on many occasions. And then Gregg Jaczko, who has a Ph.D. in physics. We needed his scientific background. He understands the legislative process, and he has done an outstanding job. I hope everybody in the Senate feels good about the work he has done because he has been selected by Senator DASCHLE to be a member of the Federal Nuclear Regulatory Commission, the NRC. His nomination is pending in the Senate now. He did an outstanding job working with Robert, Kyle, Mike, Brian, and John.

I have thanked the members of the 9/11 Commission. I thank the families who were impacted by the attacks on our country. We would not be in the position we are today without their efforts. We have made our country safer as a result of what happened in the legislation that was marshaled and passed by Senators LIEBERMAN and COLLINS, and the work done by Senator MCCONNELL and myself is going to make our country safer. Serious times call for serious action. That is what we have done here. I appreciate very much my colleagues' support.

Following the statement of the Senator from Iowa, on our side of the aisle, I ask unanimous consent that Senator HARKIN be recognized for 5 minutes, Senator DORGAN for 20 minutes, Senator DAYTON for 10 minutes, Senator JACK REED for 30 minutes, and Senator LANDRIEU to follow for a time of 90 minutes.

Mr. President, Senator DEWINE is the Republican who is the only one who has come forward, other than Senator GRASSLEY. Because of the gentleman he is, he said he would be willing to wait until Senator REED finishes his statement. I appreciate that very much. Senator DEWINE wants to be recognized for up to 1 hour. Again, I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, reserving the right to object, is it the Senator's anticipation that we go back and forth?