Mrs. BOXER. I do, and I thank my colleague from California for her work on this issue.

Mr. DOMENICI. I likewise share this understanding of how the bill should be implemented.

Mr. BINGAMAN. I agree as well.

Mrs. FEINSTEIN. I thank my colleagues.

GILA RIVER WATER SETTLEMENT

Mr. KYL. Mr. President, with Congress having passed S 437, I make a commitment to the San Carlos Apache Tribe to work next year to help attain and have enacted a fair Gila River water settlement for the tribe.

The Gila River runs through the tribe's reservation. San Carlos Reservoir is located within their reservation. The tribe deserves a fair settlement of its water rights claims to that river and I want my colleagues and others to know that I am absolutely committed to achieving that.

I had hoped to have been able to bring to the Senate legislation that would include a Gila River water settlement for this tribe. Unfortunately, we were unable to do that. The tribe is working toward a settlement with a number of groups that use the Gila River. I hope that the tribe, the United States, and the local non-Indian water users will be able to settle the tribe's water rights claims in the coming year. In connection with that effort, I want to send a strong message to the settlement negotiators: I expect everyone to negotiate in good-faith toward a fair settlement.

I encourage all parties, including the San Carlos Apaches, to engage earnestly and vigorously to complete a Gila River water settlement as soon as possible. I will then work with both the Senators from New Mexico and my Senate colleagues to see that such an agreement is ratified through legislation next year.

INTELLIGENCE REFORM

Mr. LAUTENBERG. Mr. President, earlier today, we were led to believe that we had an agreement with House conferees to pass a bill that will reform our intelligence community and make America safer from the threat of terrorism. Now we find out that House Republicans have killed the bill.

This morning, I was one of 11 Senate conferees—6 Republicans, 5 Democrats—who signed the conference report to the Intelligence Reform bill.

Remember: the conference report is to a bill the Senate passed 96–2. The bill the Senate passed, in turn, was based on the recommendations of a unanimous 9/11 Commission—5 Republicans, 5 Democrats.

Now, we find out that House Republican conferees have rejected the conference report. They have snatched defeat from the jaws of victory.

From what I gather, the problem is not with House Intelligence Committee Chairman HOEKSTRA, who has been leading the conference committee.

What these House Republican conferees have done is a slap in the face of the Senate, the bipartisan 9/11 Commission, and the 9/11 families who have worked so hard to make something positive happen in the wake of a horrific national tragedy.

New Jersey lost 700 of its citizens on 9/11; I have to wonder if these House Republican conferees would be behaving differently if they went through what we in New Jersey went through.

I have been in the U.S. Senate for 20 years now. I have been involved in my share of conference committees. In all those years, I don't believe I have ever seen a little cabal of Members act more unreasonably. These House Republican conferees have killed a bill that 16 of 21 conferees have voted for. Talk about obstructionism.

The fact of the matter is that the conference report we were poised to adopt today is a far cry from the 9/11 Commission recommendations and the bill the Senate passed so overwhelmingly. But there is enough in the conference report to merit going forward. It creates a National Director of Intelligence with real budget authority; it creates a National Counter-Terrorism Center; it bolsters border and transportation security. And it has some provisions to safeguard our civil liberties.

It is time for truth-telling here. House Republicans and the Bush administration have been opposed to this bill from the start. And now they have gotten their way.

I think it is incumbent for the President and for the House Republican conferees who have killed this bill to sit down in person with the 9/11 families, look them in the eye, and tell them that the status quo—that doing nothing—is better than passing a bill so many people worked so long and hard to get.

We are told that we won't adjourn sine die today; that we will come back on December 6 to give the conferees more time to reach an agreement.

The House Republican conferees are absolutely intransigent. It is hard for me to believe that we will be any more successful in the next few weeks than we have been in the past several weeks. I hope I am wrong, but given the President's complete lack of leadership on this matter, it is hard for me to be optimistic.

I have to say I think what has happened is totally contrary to the principles of our democracy, as we turn the power of the people over to a couple of bullies who refused to accept a virtually unanimous vote of the U.S. Senate, the recommendations of the 9/11 Commission, and the will of the largest share of the American people as expressed by their elected representatives.

TAX ISSUES OUTSIDE THE FINANCE COMMITTEE

Mr. GRASSLEY. Mr. President, as I listen to the debate tonight about Section 222, which invades the privacy rights of taxpayers, I would like to point out an important lesson in all of this.

The lesson is that tax measures should be left to the tax writing committees. Only the Finance Committee and the Ways and Means Committee have the jurisdiction and the technical expertise to write our Nation's tax laws. And tax laws are technical. As Section 222 in this bill shows, one had better know what they are doing when they write a tax provision. They had better understand the history of the measure and all of its ramifications. In the Finance Committee, we use great care in drafting our tax provisions, and we do it in an open manner. All members can see what we are doing and have a chance to understand why we are doing it, and to comment on it. But frequently the Finance Committee has to go through a rite of scrubbing appropriations bills to remove poorly conceived and poorly drafted tax provisions that try to sneak in at the dark of night. It is not just appropriations bill where this occurs. It happens on many other bills as well. Often, these provisions have been rejected by the Finance Committees as bad policy, only to turn up in an unseen attack on our committee's jurisdiction. As the bill shows tonight, it is not necessarily Members that do this. It is sometimes staff who add an idea. This allows staff to bypass the scrutiny of the entire Finance Committee; 21 senior Members of the Senate are deprived of their right to pass judgment on a tax measure. Let me give some examples of what we have had to fend off lately. Last week, we had to defeat an appropriations proposal that would have cut off funding for Federal agencies that help the IRS obtain information about Americans investing in foreign countries.

That measure would have undercut U.S. tax law enforcement and damaged our initiatives to combat tax shelters. It would have damaged our international competitiveness and undermined our Nation's efforts to combat money-laundering and terrorist financing.

I am confident that the proponents of this measure never knew about its broader ramifications. But that is what happens when tax proposals evade the scrutiny of the Finance Committee.

Here is another example. Recently, the Armed Services Committee sought to create a charity for assisting servicemen and their families. On its face, this is certainly a good cause that we can all support.Unfortunately, the statutory language drafted by the Armed Services Committee had very serious flaws and was unworkable under the Tax Code. It was only after significant time and energy by the Finance Committee, exerted after the fact, that we fixed something that shouldn't have been broken in the first place. If Members will learn to work with the Finance Committee, instead of bypassing it, we can usually achieve the results they seek.