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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Almighty God, from the rising of the Sun to the coming of evening, we lift Your name in praise. During these long days and short nights, we have felt Your presence. Thank You for sustaining our lawmakers in their challenging work. Strengthen them to do what is right so that our Nation will be blessed by Your love. Empower them to treat one another with respect and honor. Teach us to hate what is evil and to cling to what is good. Remind us of how fleeting the days of our lives are, and give us the wisdom to prepare for eternity.

We anticipate all You are going to do in the coming months. Lord, You are our God. We will exalt You and praise Your name, for in perfect faithfulness You have done marvelous works. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will proceed to the conference report to accompany the FSC/ETI, or JOBS bill. It is my understanding that we would be unable to reach a time

agreement on the conference report, and therefore I will file a cloture motion on it this morning.

Immediately after filing of that cloture, we will begin the vote on invoking cloture on the McConnell-Reid substitute amendment to the intelligence reform and homeland security resolution. The managers made substantial progress over the course of yesterday and last night. At this juncture, we are down to only a handful of amendments.

Senators who do have amendments remaining should stay close to the Chamber this morning as we hope to move quickly on the underlying resolution. If Members are not timely in coming to offer their amendments, we will be moving to adoption of the resolution.

At this juncture, we really should have no delay. Every hour that we delay over the course of today means an hour later before we adjourn, whether that is later tonight or tomorrow or the next day. We need to move on to complete the remaining legislative items before our adjournment. As we all know, the clock is working against us.

We will finish the pending intelligence reform resolution. We will finish the FSC/ETI conference report. We will finish the Homeland Security appropriations conference report. Finally, we also expect to finish the Department of Defense authorization conference report.

Obviously, from those four items you can see we have a lot to do, a full plate of business before our adjournment. Yet all of these can be handled expeditiously, but it is going to take the cooperation of each and every one of our Members. Individual Members are going to be able to determine whether we have to continue to work through the weekend, including Saturday and Sunday, to complete our business.

I don't believe, if you look at it and you look at where each of these four items is, that it is necessary for it to

take that long. We can very efficiently work through these items, but every Senator is going to have to cooperate. If not, it will be necessary to continue late tonight, Saturday, and possibly Sunday with these four items we must complete before adjourning.

We will be voting throughout today and, if necessary, tomorrow and into Sunday. I believe we could finish all of this even late today if Senators focus on it and work together. Again, we need to finish all four items before we adjourn.

I will be happy to yield for a moment to the Democratic leader before proceeding to the FSC conference report.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOND). The Senator from South Dakota is recognized.

INTELLIGENCE REFORM

Mr. DASCHLE. Mr. President, last night, we reached agreement on a finite list of amendments to the intelligence reorganization resolution. As I understand it, there are six amendments that will be addressed today following cloture, so we have made good progress. It is a resolution I strongly support. Like the 9/11 Commission legislation, it is imperative that we finish it. It is imperative that we have an opportunity to work through these amendments. I hope everybody could cooperate with regard to time on the amendments.

I again commend the two managers. This has not been an easy task. Dealing with legislative jurisdiction is one of the trickiest of all the challenges and efforts we as legislators face. They have done a masterful job. I commend them again this morning and look forward to completing our work today.

I yield the floor.

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



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AMERICAN JOBS CREATION ACT OF 2004—CONFERENCE REPORT

THE PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. I now move to proceed to the conference report to accompany H.R. 4520.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the conference report.

Without objection, the motion is agreed to.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 4520, a bill to amend the Internal Revenue Code of 1986 to remove impediments in such code and make our manufacturing service technology businesses and workers more competitive and productive both at home and abroad.

Bill Frist, Chuck Grassley, Ted Stevens, Kay Bailey Hutchison, Conrad Burns, Thad Cochran, Norm Coleman, George Allen, Larry Craig, Trent Lott, Mitch McConnell, Jon Kyl, Craig Thomas, John Cornyn, Ben Nighthorse Campbell, Elizabeth Dole, and James Talent.

Mr. FRIST. I believe we are now ready to proceed to the cloture vote on the McConnell-Reid amendment to the intelligence resolution.

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.

Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION.

We the undersigned Senators in accordance with the provisions of rule XXII of the standing rules of the Senate do hereby move to bring to a close debate to the pending amendment on S. Res. 445, a resolution to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Bill Frist, Mitch McConnell, Harry Reid, John Cornyn, Craig Thomas, James Inhofe, Mike Crapo, Conrad Burns, Norm Coleman, Tom Daschle, Lamar Alexander, James Talent, Wayne Allard, Gordon Smith, Larry Craig, Robert Bennett, Pete Domenici, Susan Collins.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate debate on Amendment No. 3981, offered by the Senator from Kentucky, Mr. MCCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID, I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The yeas and nays resulted—yeas 88, nays 3, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—88

Akaka	Dodd	Lugar
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Miller
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Boxer	Frist	Reed
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Lautenberg	Warner
Daschle	Levin	Wyden
Dayton	Lincoln	
DeWine	Lott	

NAYS—3

Collins	McCain	Voinovich
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NOT VOTING—9

Campbell	Graham (FL)	Leahy
Chambliss	Hollings	Lieberman
Edwards	Kerry	Sununu

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The assistant Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 4035, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 4035 for the majority leader, Senator FRIST. I understand a modification to the amendment is at the desk. I ask unanimous consent that the modification be accepted.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection?

The Senator from Nevada.

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

Mr. HARKIN. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

Mr. HARKIN. I object.

Mr. HATCH. I cannot make a unanimous consent request.

Mr. HARKIN. I object.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak for up to 1 hour and after that the quorum be reinstated.

Mr. REID. Reserving the right to object, his hour will be counted against the time for the cloture; is that right?

Mr. HATCH. No, because I am not speaking on the bill.

Mr. REID. I object, then.

Mr. HATCH. That is fine.

Mr. REID. I objected.

Mr. HATCH. Fine. Your request is fine.

Mr. REID. The hour will be counted?

Mr. HATCH. Fine.

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

The Senator from Utah is recognized for 1 hour.

Mr. HATCH. I thank the distinguished minority whip and, of course, my friend from Iowa for their courtesy. I have been wanting to give these Senate remarks as in morning business ever since yesterday.

MEDICARE MODERNIZATION ACT

Mr. President, over the past few weeks several of our colleagues on the