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Senate

The Senate met at 10 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:

O God, our protector, mountains melt in Your presence and islands shout for joy. We praise You because Your ways are just and true. You know our hearts and minds like an open book. Thank You for the security we have in You. When all around us seems destined for disaster, You alone remain our rock and refuge.

Lead our national and international leaders on the right road and give them strength for the journey. Keep them safe as You provide them with the patience to wait for Your harvest. Save them from the plots of evil and from the enemies of freedom. Give them the courage to speak for justice.

Give us the grace to love and pray even for those who hurt and wrong us. We pray this in Your holy Name. 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, good morning to everyone on this pleasant Saturday morning.

Today the Senate convenes for a rare weekend session. I believe it reflects our commitment to completing the

very important business that has a direct impact on Americans. That is why we are here. We have important business before us and we will complete that business.

This morning, we will have the concluding remarks and amendments to the Senate intelligence and homeland security reform resolution under last night's order. At 11:15, we will begin the series of rollcall votes, which will conclude our action on this resolution. There will be anywhere from three to five votes, depending on the number of amendments that have been worked out. The final vote in the sequence will be on a sense-of-the-Senate resolution on agricultural disasters.

Today, we will also consider any available conference reports that arrive from the House, and that includes appropriation measures, as well as the Department of Defense authorization.

We also have an agreement that the cloture vote on the FSC JOBS conference report will occur at 1 p.m. on Sunday. I hope that cloture is invoked and, once invoked, on the JOBS legislation, we can move expeditiously toward passage of that conference report.

With that said, although we have made great progress toward finishing the remaining items on our agenda, there is still work to do. Individual members will ultimately determine how long the Senate will remain to complete our business. As I have stated repeatedly, we will stay in session until our work is done. I ask those individual Members to give consideration to the business we have before us and to our commitment on completing this business, and that they give every consideration to scheduling in that regard.

We are here through the weekend to work toward our goal, and I will continue to work with Senators to see if we can expedite our schedule for finishing.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

COMPLETING THE SENATE'S WORK

Mr. DASCHLE. Mr. President, I also concur with the majority leader. I think today is going to be a very important day, because we will now have completed the first phase of the Senate's work in response to the 9/11 Commission recommendations. I have said this now on several occasions, but I think it bears repeating—it would not have happened were it not for the great effort made by the Senator from Kentucky and the Senator from Nevada, our two assistant leaders. I congratulate them and I appreciate their excellent work.

The majority leader also noted an interest and absolute necessity of finishing work on the foreign sales credit bill. I will be supporting cloture as well. I know there are all kinds of conflicting views about how many votes, what kind of votes, and what time the vote should be on Sunday. I know it is an inconvenience to a lot of Senators and we will try to accommodate those concerns as best we can. I think a Sunday vote—at least one—is unavoidable. I apologize to those who are inconvenienced. I don't think we have any choice given our circumstances. I also hope we can finish homeland security. As the majority leader has said on several occasions, it is important that we finish the homeland security bill. We cannot leave, as he has noted several times, without finishing that. It sends a terrible message to the country if we are not in a position to complete our work. I know the conferees are almost finished. So I hope we can complete our work over the course of the next several days.

We will work with the majority in making sure these unfinished items are completed, even though we cannot say

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



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at this point how much more time it is going to take to do so. I appreciate the majority leader's determination to finish our work before we leave. We will work with him to do that.

RESERVATION OF LEADER TIME

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

INTELLIGENCE COMMITTEE REORGANIZATION

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Res. 445, which the clerk will report.

The assistant 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.

The PRESIDENT pro tempore. Under the previous order, the time until 11:15 a.m. shall be equally divided between the managers, with 30 minutes under the control of the Senator from Iowa, Mr. HARKIN. Who yields time?

The majority leader is recognized.

AMENDMENT NO. 4035, AS MODIFIED

Mr. FRIST. Mr. President, I ask for the consideration of the modified version of my amendment No. 4035, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 4035, as modified.

The amendment is as follows:

At the end of section 201, insert the following:

(i) PUBLIC DISCLOSURE.—Section 8 of S. Res. 400 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "shall notify the President of such vote" and inserting "shall—

"(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

"(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.";

(B) in paragraph (2), by striking "transmitted to the President" and inserting "transmitted to the Majority Leader and the Minority Leader and the President"; and

(C) by amending paragraph (3) to read as follows:

"(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority

vote, may refer the question of the disclosure of such information to the Senate for consideration.

Mr. FRIST. Mr. President, this amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4035), as modified, was agreed to.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Nevada.

Mr. REID. Mr. President, we have a number of amendments that are still outstanding. We disposed of the Frist amendment this morning, and we still have COLLINS, NICKLES, HUTCHISON, BINGAMAN, and ROCKEFELLER that are in order. I don't know if they are going to offer all of those amendments, but we have 1 hour and 5 minutes until we start voting. Everyone should understand, as I understand the order entered, a half hour over the next 65 minutes is for Senator HARKIN. So we have 35 minutes to debate these amendments. If they are not debated, we will start voting on them.

I think it would be unfortunate if people had to act on amendments without hearing something from someone. I hope they will either withdraw the amendments or present them. It puts Senator MCCONNELL and me in an awkward position when the amendments are in order and nobody is here to offer them. It is not fair to the Senate that there is not someone who lets us know whether they are going to be withdrawn or be offered, because some of the subject matter of the amendments is not very clear, as least to this Senator.

I have been told the Rockefeller amendment is not going to be offered.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, floor staff also informs me that the Collins amendment will not be offered.

As Senator REID indicated, we hope to hear from others who are on the list as to what their intentions might be. If they want to offer their amendment, now would be a good time to come and explain it.

The PRESIDENT pro tempore. Does the Senator need to withdraw that amendment?

Mr. REID. The Collins amendment is withdrawn?

The PRESIDENT pro tempore. It is the Chair's understanding that it will not be offered. I do not know if it is pending.

Mr. MCCONNELL. It is not pending.

Mr. REID. It is not pending, so I ask that it be deleted from our list because it is on the list of amendments that was entered into last night. So we still have the Nickles, Hutchison, and Bingaman amendments.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. I have been informed that Senator NICKLES does intend to offer his amendment.

AMENDMENT NO. 4027 TO AMENDMENT NO. 3981, AND AMENDMENT NO. 4041 TO AMENDMENT NO. 4027, EN BLOC

Mr. MCCONNELL. Mr. President, I call up amendment No. 4027 by Senator NICKLES and also a second-degree amendment by Senator NICKLES, No. 4041. As I indicated, Senator NICKLES will be here to debate that amendment later.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. NICKLES, for himself, and Mr. CONRAD proposes an amendment numbered 4027.

The Senator from Kentucky [Mr. MCCONNELL], for Mr. NICKLES, for himself, and Mr. CONRAD proposes an amendment numbered 4041 to amendment No. 4027.

The amendments are as follows:

AMENDMENT NO. 4027

(Purpose: To vest sole jurisdiction over the Federal budget process in the Committee on the Budget)

At the end of Section 101, insert the following:

"(e) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, including:

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits of surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as "rescissions" and "deferrals";

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act."

AMENDMENT NO. 4041 TO AMENDMENT NO. 4027

(Purpose: To vest sole jurisdiction over the Federal budget process in the Committee on the Budget, and to give the Committee on the Budget joint jurisdiction with the Governmental Affairs Committee over the process of reviewing, holding hearings, and voting on persons, nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget)

Strike all after the first word, and insert the following: