

shows where the Republican priorities are on Capitol Hill and where the Republican priorities are in the White House, and it shows the clear choice that American voters are going to face on November 2.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

#### CLOTURE VOTE

Mr. FRIST. Madam President, in a very few minutes we come to a very important vote before this body, a vote that in many ways brings to a head the debate that has been on the floor the last week and a half to the last almost 2 weeks, a debate that focuses on the safety and security of the American people. This is a debate that does encompass a major reorganization to make our intelligence activities more efficient, more effective. The vote we will be taking in a few minutes is a product of us filing cloture at the end of last week to give focus to the debate.

I stand before you as majority leader to encourage our colleagues to vote for cloture. That means germane amendments will be considered. The amendments that have been introduced, that are pending, that are germane, will still be considered, can still be voted upon. In fact, germane amendments also that are brought to the floor can still be voted upon.

What it does mean is that over the next 30 hours we have a huge task and that task is to bring to closure and ultimately to a vote on this bill. It can be as long as 30 hours of debate but hopefully it will be much less than that. So I urge my colleagues to vote with the managers, with the leadership in the Senate for cloture on this very important bill.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I join the majority leader in our enthusiastic support for the vote we will soon cast. I hope colleagues on both sides of the aisle will take this important step. This is an opportunity to make a statement about our determination, on a bipartisan basis, to move this legislation forward.

Senators have come forth with a lot of good ideas. I respect them. I appreciate the quality of the debate that we have had. It has been a very good debate. But now comes a time when I think we need to limit further amendments to those which are very relevant to the legislation, germane, and that is what this vote will do. Three commissions have made recommendations that are reflected in the legislative work that is before us today. Now is our opportunity to build upon that commission work, to build upon what the committee has done so diligently, and to work together to move this legislative vehicle along to accommodate the schedule we have here in the Senate, as well as the recognition that we still have to work with our House counter-

parts to resolve whatever outstanding differences there may be with them.

This is an important vote. I hope, as I say, that we can speak with one voice with regard to completing our work and moving on to the second phase of our 9/11 response, which is the legislative reorganization. I join with the leader and express the hope we can have a resounding vote on cloture this morning.

I yield the floor.

Mr. LEVIN. Mr. President, I will not vote to invoke cloture on the National Intelligence reform bill at this time.

This legislation reforming the intelligence agencies of our Government is a critical step in strengthening our national defense and our homeland security. If this cloture vote succeeds, it will prematurely cut off debate and prevent relevant amendments which could improve this legislation from being considered by the Senate. There are about 57 amendments currently pending before the Senate on this bill and perhaps half will be prevented from even being considered if cloture is invoked.

This is far-reaching and complex legislation which reorganizes the basic elements of our intelligence community. We cannot afford to get it wrong or we will end up making us less secure. We owe it to our constituents and the Nation, if necessary, to stay a few days longer in Washington and finish the job right. Frustrating the right of Senators to offer relevant amendments aimed at improving this legislation is unwise.

Mr. FRIST. Madam President, finally, what to expect over the course of the day. The cloture vote will occur here in a couple of minutes. We strongly encourage votes for cloture. You heard the Democratic leader and myself, and you have heard the managers also make the strong case for cloture.

Immediately, amendments will be considered that are germane. The focus, hopefully, will be on amendments that have been introduced that are germane, so I encourage those proponents to come forward and talk to the managers immediately. The clock does start ticking as soon as this vote is completed. With that, we have a limited amount of time so we need aggressively to start addressing this, amendment by amendment, on the floor.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### NATIONAL INTELLIGENCE REFORM ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2845, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2845) to reform the intelligence community and intelligence and intel-

ligence-related activities of the United States Government, and for other purposes.

Pending:

Lautenberg Amendment No. 3767, to specify that the National Intelligence Director shall serve for one or more terms of up to 5 years each.

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight.

Feinstein Amendment No. 3718, to improve the intelligence functions of the Federal Bureau of Investigation.

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding.

Ensign Amendment No. 3819, to require the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators.

Reid (for Schumer) Amendment No. 3887, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

Reid (for Schumer) Amendment No. 3888, to establish the United States Homeland Security Signal Corps to ensure proper communications between law enforcement agencies.

Reid (for Schumer) Amendment No. 3889, to establish a National Commission on the United States-Saudi Arabia Relationship.

Reid (for Schumer) Amendment No. 3890, to improve the security of hazardous materials transported by truck.

Reid (for Schumer) Amendment No. 3891, to improve rail security.

Reid (for Schumer) Amendment No. 3892, to strengthen border security.

Reid (for Schumer) Amendment No. 3893, to require inspection of cargo at ports in the United States.

Reid (for Schumer) Amendment No. 3894, to amend the Homeland Security Act of 2002 to enhance cybersecurity.

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation.

Reed Amendment No. 3908, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security.

Reid (for Corzine/Lautenberg) Amendment No. 3849, to protect human health and the environment from the release of hazardous substances by acts of terrorism.

Reid (for Lautenberg) Amendment No. 3782, to require that any Federal funds appropriated to the Department of Homeland Security for grants or other assistance be allocated based strictly on an assessment of risks and vulnerabilities.

Reid (for Lautenberg) Amendment No. 3905, to provide for maritime transportation security.

Reid (for Harkin) Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board.

Roberts Amendment No. 3739, to ensure the sharing of intelligence information in a manner that promotes all-sources analysis and to assign responsibility for competitive analysis.

Roberts Amendment No. 3750, to clarify the responsibilities of the Directorate of Intelligence of the National Counterterrorism Center for information-sharing and intelligence analysis.

Roberts Amendment No. 3747, to provide the National Intelligence Director with flexible administrative authority with respect to the National Intelligence Authority.

Roberts Amendment No. 3742, to clarify the continuing applicability of section 504 of

the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States.

Kyl Amendment No. 3926, to amend the Immigration and Nationality Act to ensure that nonimmigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States.

Kyl Amendment No. 3881, to protect crime victims' rights.

Kyl Amendment No. 3724, to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses.

Stevens Amendment No. 3827, to strike section 206, relating to information sharing.

Stevens Amendment No. 3840, to strike the fiscal and acquisition authorities of the National Intelligence Authority.

Stevens Amendment No. 3882, to propose an alternative section 141, relating to the Inspector General of the National Intelligence Authority.

Collins (for Inhofe) Amendment No. 3946 (to Amendment No. 3849), in the nature of a substitute.

Sessions Amendment No. 3928, to require aliens to make an oath prior to receiving a nonimmigrant visa.

Sessions Amendment No. 3873, to protect railroad carriers and mass transportation from terrorism.

Sessions Amendment No. 3871, to provide for enhanced Federal, State, and local enforcement of the immigration laws.

Sessions Amendment No. 3870, to make information sharing permanent under the USA PATRIOT ACT.

Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform.

Collins (for Cornyn) Amendment No. 3803, to provide for enhanced criminal penalties for crimes related to alien smuggling.

Collins (for Baucus/Roberts) Modified Amendment No. 3768, to require an annual report on the allocation of funding within the Office of Foreign Assets Control of the Department of the Treasury.

Frist (for McConnell) Amendment No. 3930, to clarify that a volunteer for a federally-created citizen volunteer program and for the program's State and local affiliates is protected by the Volunteer Protection Act.

Frist (for McConnell) Amendment No. 3931, to remove civil liability barriers that discourage the donation of equipment to volunteer fire companies.

Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities.

Levin Amendment No. 3810, to clarify the definition of National Intelligence Program.

Stevens Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency.

Warner Amendment No. 3875, to clarify the definition of National Intelligence Program.

Warner Amendment No. 3874, to provide for the treatment of programs, projects, and activities within the Joint Military Intelligence Program and Tactical Intelligence and Related Activities programs as of the date of the enactment of the Act.

Reid (for Leahy) Amendment No. 3913, to address enforcement of certain subpoenas.

Reid (for Leahy) Amendment No. 3915, to establish criteria for placing individuals on the consolidated screening watch list of the Terrorist Screening Center.

Reid (for Leahy) Amendment No. 3916, to strengthen civil liberties protections.

Collins (for Frist) Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority.

Collins (for Frist) Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees.

Sessions (for Grassley) Amendment No. 3850, to require the inclusion of information regarding visa revocations in the National Crime Information Center database.

Sessions (for Grassley) Amendment No. 3851, to clarify the effects of revocation of a visa.

Sessions (for Grassley) Amendment No. 3855, to combat money laundering and terrorist financing, to increase the penalties for smuggling goods into the United States.

Sessions (for Grassley) Amendment No. 3856, to establish a United States drug interdiction coordinator for Federal agencies.

Sessions/Ensign Amendment No. 3872, to amend the Immigration and Nationality Act to require fingerprints on United States passports and to require countries desiring to participate in the Visa Waiver Program to issue passports that conform to the biometric standards required for United States passports.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 9:45 a.m. having arrived, the Senate will proceed to a vote on the motion to invoke cloture.

Under the previous order, the clerk will report the motion to invoke cloture.

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 on S. 2845, Calendar No. 716, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Bill Frist, Tom Daschle, Susan Collins, Lamar Alexander, Orrin Hatch, Lindsey Graham, John Warner, Judd Gregg, Saxby Chambliss, John Cornyn, Kay Bailey Hutchison, George Allen, Gordon Smith, Jim Talent, Norm Coleman, Ben Nighthorse Campbell, Mitch McConnell, Joseph Lieberman.

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

The question is, Is it the sense of the Senate that debate on S. 2845, the National Intelligence Reform Act of 2004, 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.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The yeas and nays resulted—yeas 85, nays 10, as follows:

[Rollcall Vote No. 197 Leg.]

#### YEAS—85

Alexander	Baucus	Bingaman
Allard	Bayh	Bond
Allen	Bennett	Boxer

Breaux	Graham (FL)	Murkowski
Brownback	Graham (SC)	Murray
Bunning	Grassley	Nelson (FL)
Campbell	Gregg	Nelson (NE)
Cantwell	Hagel	Nickles
Carper	Harkin	Pryor
Chafee	Hatch	Reed
Chambliss	Hollings	Reid
Clinton	Hutchison	Roberts
Coleman	Inhofe	Rockefeller
Collins	Jeffords	Santorum
Craig	Johnson	Sarbanes
Crapo	Kennedy	Schumer
Daschle	Kohl	Shelby
Dayton	Kyl	Smith
DeWine	Landrieu	Snowe
Dodd	Lautenberg	Specter
Dole	Leahy	Stabenow
Domenici	Lieberman	Sununu
Dorgan	Lincoln	Talent
Durbin	Lott	Thomas
Enzi	Lugar	Voinovich
Feingold	McCain	Warner
Feinstein	McConnell	Wyden
Fitzgerald	Mikulski	
Frist	Miller	

#### NAYS—10

Burns	Cornyn	Sessions
Byrd	Ensign	Stevens
Cochran	Inouye	
Conrad	Levin	

#### NOT VOTING—5

Akaka	Corzine	Kerry
Biden	Edwards	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative the motion is agreed to.

Ms. COLLINS. Madam President, I ask unanimous consent that it be in order to consider sequentially the Feinstein amendment, No. 3718, and the Gregg amendment, No. 3934, both as modified with changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 3718, AS MODIFIED

Mrs. FEINSTEIN. Madam President, my comments are related to amendment No. 3718, as modified, which the chairman said is at the desk. I will not have to ask for the amendment to be modified. This amendment has been previously debated. I have spoken on the floor twice about it. It was set aside at my request.

The amendment clarifies the relationship of the FBI to the new national intelligence director. It ensures that national intelligence programs include the FBI's intelligence activities. I had hoped that the amendment could be disposed of yesterday, but apparently that could not happen and, thus, the amendment is before us today.

I thank Senators LIEBERMAN, COLLINS, ROBERTS, and GREGG, all of whose staff worked hard to improve the original amendment. The result is, in essence, a compromise that accomplishes our fundamental goal, which is to ensure that the intelligence functions of the Federal Bureau of Investigation are both reorganized and, secondly, effective and coordinated in the intelligence community.

The original amendment has been modified to that effect. It is my understanding that the amendment, as modified, is acceptable to both sides.

Ms. COLLINS. Madam President, I congratulate the Senator from California for her amendment. She has worked very closely with Senator LIEBERMAN and me, as well as with the Judiciary Committee and Senator GREGG.

Senator FEINSTEIN's amendment is a good one. It strengthens the bill. It underscores her commitment to making the FBI as effective as possible in the war against terrorism. I thank the Senator for her leadership, and I urge adoption of her amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I also thank the Senator from California for her persistence, both on the substance of this amendment and in the vagaries and twists and turns of the legislative process.

This is an important amendment. In some sense, it strengthens, ratifies, and makes statutory some of the very constructive changes that have been occurring at the FBI, by establishing a directorate of intelligence within the FBI that is based on the existing Office of Intelligence there.

The amendment also modifies the definition of national intelligence under the bill, in order to make clear that national intelligence programs within the FBI will be included within the national intelligence program. So there will be no more of the division between foreign and domestic, and no more of the division between the FBI and CIA, which occurred so heartbreakingly and infuriatingly before September 11. We are all going to be together in the national intelligence program under the national intelligence director, protecting the safety of the American people.

This amendment increases substantially the probability that we can deter the terrorist enemy by knowing where they are before they strike us. I thank the Senator for her leadership, and I support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 3718), as modified, was agreed to.

Ms. COLLINS. Madam President, it is my understanding that the Senator from New Hampshire, Mr. GREGG, is on his way to the floor to speak briefly on his amendment.

While we are awaiting his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3710

Mr. CHAMBLISS. Madam President, I call up for consideration amendment No. 3710.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Mr. REID. What was the request, Madam President?

The PRESIDING OFFICER. The Senator is seeking to call up amendment No. 3710. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 3710.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the establishment of a unified combatant command for military intelligence)

On page 153, between lines 2 and 3, insert the following:

#### SEC. 207. UNIFIED COMBATANT COMMAND FOR MILITARY INTELLIGENCE.

(a) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

##### “§ 167b. Unified combatant command for military intelligence

“(a) ESTABLISHMENT.—(1) With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for military intelligence (hereinafter in this section referred to as the ‘military intelligence command’).

“(2) The principle functions of the military intelligence command are—

“(A) to coordinate all military intelligence activities;

“(B) to develop new military intelligence collection capabilities; and

“(C) to represent the Department of Defense in the intelligence community under the National Intelligence Director.

“(b) ASSIGNMENT OF FORCES AND CIVILIAN PERSONNEL.—(1) Unless otherwise directed by the Secretary of Defense, all active and reserve military intelligence forces of the armed forces within the elements of the Department of Defense referred to in subsection (i)(2) shall be assigned to the military intelligence command.

“(2) Unless otherwise directed by the Secretary of Defense, the civilian personnel of the elements of the Department of Defense referred to in subsection (i)(2) shall be under the military intelligence command.

“(c) GRADE OF COMMANDER.—The commander of the military intelligence command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed by the President, by and with the consent of the Senate, for service in that position.

“(d) DUTIES OF COMMANDER.—Unless otherwise directed by the President or the Secretary of Defense, the commander of the military intelligence command shall—

“(1) carry out intelligence collection and analysis activities in response to requests from the National Intelligence Director; and

“(2) serve as the principle advisor to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the National Intelligence Director on all matters relating to military intelligence.

“(e) AUTHORITY OF COMMANDER.—(1) In addition to the authority prescribed in section

164(c) of this title, the commander of the military intelligence command shall be responsible for, and shall have the authority to conduct, all affairs of the command relating to military intelligence activities.

“(2) The commander of the military intelligence command shall be responsible for, and shall have the authority to conduct, the following functions relating to military intelligence activities:

“(A) Developing strategy, doctrine, and tactics.

“(B) Preparing and submitting to the Secretary of Defense and the National Intelligence Director recommendations and budget proposals for military intelligence forces and activities.

“(C) Exercising authority, direction, and control over the expenditure of funds for personnel and activities assigned to the command.

“(D) Training military and civilian personnel assigned to or under the command.

“(E) Conducting specialized courses of instruction for military and civilian personnel assigned to or under the command.

“(F) Validating requirements.

“(G) Establishing priorities for military intelligence in harmony with national priorities established by the National Intelligence Director and approved by the President.

“(H) Ensuring the interoperability of intelligence sharing within the Department of Defense and within the intelligence community as a whole, as directed by the National Intelligence Director.

“(I) Formulating and submitting requirements to other commanders of the unified combatant commands to support military intelligence activities.

“(J) Recommending to the Secretary of Defense individuals to head the components of the command.

“(3) The commander of the military intelligence command shall be responsible for—

“(A) ensuring that the military intelligence requirements of the other unified combatant commanders are satisfied; and

“(B) responding to intelligence requirements levied by the National Intelligence Director.

“(4)(A) The commander of the military intelligence command shall be responsible for, and shall have the authority to conduct the development and acquisition of specialized technical intelligence capabilities.

“(B) Subject to the authority, direction, and control of the Secretary of Defense, the commander of the command, in carrying out the function under subparagraph (A), shall have authority to exercise the functions of the head of an agency under chapter 137 of this title.

“(f) INSPECTOR GENERAL.—The staff of the commander of the military intelligence command shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the command and such other inspector general functions as may be assigned.

“(g) BUDGET MATTERS.—(1) The commander of the military intelligence command shall, with guidance from the National Intelligence Director, prepare the annual budgets for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities program that are presented by the Secretary of Defense to the President.

“(2) In addition to the activities of a combatant commander for which funding may be requested under section 166(b) of this title, the budget proposal for the military intelligence command shall include requests for funding for—

“(A) development and acquisition of military intelligence collection systems; and

“(B) acquisition of other material, supplies, or services that are peculiar to military intelligence activities.

“(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the activities of the military intelligence command. The regulations shall include authorization for the commander of the command to provide for operational security of military intelligence forces, civilian personnel, and activities.

“(i) IDENTIFICATION OF MILITARY INTELLIGENCE FORCES.—(1) For purposes of this section, military intelligence forces are the following:

“(A) The forces of the elements of the Department of Defense referred to in paragraph (2) that carry out military intelligence activities.

“(B) Any other forces of the armed forces that are designated as military intelligence forces by the Secretary of Defense.

“(2) The elements of the Department of Defense referred to in this paragraph are as follows:

“(A) The Defense Intelligence Agency.

“(B) The National Security Agency.

“(C) The National Geospatial-Intelligence Agency.

“(D) The National Reconnaissance Office.

“(E) Any intelligence activities or units of the military departments designated by the Secretary of Defense for purposes of this section.

“(j) MILITARY INTELLIGENCE ACTIVITIES.—For purposes of this section, military intelligence activities include each of the following insofar as it relates to military intelligence:

“(1) Intelligence collection.

“(2) Intelligence analysis.

“(3) Intelligence information management.

“(4) Intelligence workforce planning.

“(5) Such other activities as may be specified by the President or the Secretary of Defense.”

“(k) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ‘intelligence community’ means the elements of the intelligence community listed or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for military intelligence.”

Mr. CHAMBLISS. Madam President, I call up this amendment with the intention of withdrawing it. We had discussions with the chairman of the committee, along with the ranking member. While we feel this is a significantly important amendment, we are still a ways from coming to an agreement relative to the substance of it.

Basically, in today's intelligence community, there are 15 agencies within the Federal Government that have some jurisdiction and some involvement. Eight of those 15 agencies are located within the Department of Defense. We have our three combat support agencies—the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office—all of which have been discussed very liberally within this debate. We also have the Defense Intelligence Agency, as well as every one of the four service branches with an intelligence division.

Under the current setup—and the setup that will be in place after the

passage of the intelligence reform bill, as it is now on the floor—all eight of those agencies report to the Secretary of Defense and they will report in a dual capacity to the Secretary of Defense and the National Intelligence Director.

Senator NELSON, who has been a very strong cohort and cosponsor of this amendment, and I strongly believe that what we need to do to improve the effectiveness and the communication in the intelligence community relevant to the Department of Defense is to combine all eight of those intelligence agencies under one combatant commander, create a new combatant commander that is at the four-star level and require all eight of these agencies to report to that one four-star general so that the Secretary of Defense and the national intelligence director have one person to go to when it comes to the collection, analysis, and dissemination of intelligence from a Department of Defense perspective.

Having been involved in this for the last 4 years, both in my last 2 years on the House side and 2 years now on the Senate side, I know how complex the intelligence world is and how many overlaps there are between the civilian side and the Defense Department side and how absolutely necessary it is that we have an ongoing line of communication between the military and civilian departments and agencies that are involved in the collection, analysis, and dissemination of intelligence and the sharing of that information at different levels and across various agencies.

For the Secretary of Defense to have eight people report to him and for the new National Intelligence Director to have eight people report to him, when we could have one person reporting to both of those two on issues relating to military intelligence, seems almost commonsensical that we reduce those eight down to one if we are going to provide a more efficient, a more effective intelligence line of communication.

That is the substance of our amendment. While I understand there is some objection forthcoming to the inclusion of the amendment, Senator NELSON and I wanted to offer it, we want to debate it, and we want to make sure this entire body knows we are going to come back next year when we have a little different forum within which to operate to offer this amendment again as a stand-alone bill and see it to its conclusion.

I close by saying that there is some objection from the Department of Defense on amendment 3710. While they are not publicly objecting, if they were asked, they would say they would rather not have a unified combatant command for intelligence because they want to have the flexibility of doing it the way they want to do it.

Several years ago, we had a similar situation relative to the consolidation of special operations when this body took the lead and told the Department

of Defense: We are going to create a new unified combatant command for special forces, or SOCOM; we are going to create a four-star commander and consolidate all special operations under SOCOM and that one combatant commander.

The Defense Department resisted that, but today they will tell you at the Pentagon that it is one of the best things we have ever done. It was this body that initiated it. Senator NELSON and I think the same thing should apply in the area of intelligence. While I will withdraw the amendment, we both wanted to stress that a unified combatant command for military intelligence will be equally important for informing the National Intelligence Director of military intelligence requirements as it will be for assigning military intelligence capabilities to assist in fulfilling the National Intelligence Director's intelligence responsibilities.

I yield to my colleague from Nebraska, Senator NELSON.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank my colleague for the opportunity to join with him to support this bipartisan legislation which we will be working to get passed in January.

As my colleague said, the new command will be a functional rather than a regional command, just like the U.S. Strategic Command in my State of Nebraska, and the U.S. Special Operations Command in Florida, the U.S. Joint Forces Command in Virginia, and U.S. Transportation Command in Illinois.

As stated, the goal of this new command will be to organize the eight combat support intelligence elements within the Department of Defense under a single military commander. These elements will include bringing together what are often referred to as the alphabet agencies. Most people know them more by their initials than they do by the actual names. But it will bring together the DIA, or the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the Army, Navy, Air Force, and Marine intelligence offices. All total, these offices employ thousands with budgets in the billions.

Eighty percent of all intelligence gathered by the U.S. Government is used by our armed services, and the ability to rapidly disseminate this information, as well as share the information, often means the difference between success and failure in the field. This new combatant commander will streamline the flow of information from our combat support elements to the warfighter, an important part, an important role for this agency.

The responsibility of the military intelligence commander will include intelligence collection and analysis in response to requests from the national

intelligence director. As we know, this past week we all heard a great deal about whether it should be a NID, national intelligence director, or a NIC, whether it should be about directing or coordinating. This commander will act as the single entry point for the NID to assign military intelligence capabilities, and will strengthen the coordination of those efforts.

This will strengthen coordination between the NID and the Department of Defense because without one central contact inside DOD who can manage the military intelligence capabilities of the Department, it will be an extraordinary challenge for somebody outside DOD, such as the NID, to proficiently administer eight separate military intelligence assets.

This new command will prepare and submit to the Secretary of Defense and the NID recommendations and budget proposals for military intelligence forces and activities. Additionally, the commander will establish priorities for military intelligence that coincide with national priorities established by the NID and approved by the President. The commander will also ensure interoperability of intelligence sharing within the Department of Defense and within the intelligence community as a whole, as directed by the NID.

The commander will answer to the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President, and will represent the Department of Defense in the intelligence community under the NID.

I realize some of my colleagues may be asking the question whether this new position will add yet another layer to military intelligence-gathering agencies, but consider the fact that no military coordinator currently exists. So I do not see this as another layer; I view it as a necessary position that DOD has been far too long without.

Perhaps if the commander for military intelligence already existed, then discovering how command was severed at Abu Ghraib might have been easier. The tragedy there likely would not have been prevented entirely, but there certainly would have been more direct lines of accountability with a combatant commander for military intelligence.

This is an opportunity for us to debate the issue at this time, but the opportunity to pass it after the first of the year will be one that I think we must, in fact, take up. It will improve coordination and will not undermine the direction of the national intelligence director, but it will, in fact, help harmonize in the sharing of intelligence throughout the entire military and intelligence community.

I thank my colleague from Georgia for the opportunity to participate, and I congratulate the chairman of the committee and the ranking member for doing an outstanding job in reforming our intelligence-gathering agencies' operations.

It is not an easy task. We think this could be a part of it, but rather than

have any effect in slowing down the operation of what we are doing today, we think we can take this up at another time.

Mr. CHAMBLISS. I thank the Senator from Nebraska for his always keen insight into the problem that exists and why this amendment would help with the solution to that problem. I look forward to continuing to work with him when we get back in the next session of Congress.

I also thank the chairman for her effort to try to figure out some compromise relevant to this particular issue. Senator COLLINS and Senator LIEBERMAN have been very cooperative, and it is not for a lack of effort on their part that we are not able to come to some compromise on this issue, but we look forward to continuing the dialogue and working with them.

I yield the floor.

#### AMENDMENT NO. 3710 WITHDRAWN

I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from Georgia and the Senator from Nebraska for their contributions to this debate. They have raised an important issue. It is, as they have recognized, a difficult and controversial issue, and I am very grateful to both of them for being willing to raise the issue but not press forward with their amendment at this time. I look forward to continuing to work with both of them. Both of them are leaders in military and intelligence matters, and I very much respect their judgment and their knowledge.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I join Senator COLLINS in thanking our colleagues from Georgia and Nebraska for a very thoughtful and substantial idea that is not going to be possible to act on in this bill, but I thank them for the question they have raised. I think they are heading in the right direction, and I look forward to working with them.

We have two choices. The four of us could work together on the Armed Services Committee or we could continue to work through the Governmental Affairs Committee, but in either case, as Senator COLLINS has said, Senator CHAMBLISS and Senator BEN NELSON are leaders in the Senate on matters of national security and just in the best tradition of our Government and our Congress, which is not always honored, moving in a totally bipartisan, nonpartisan way. I thank them for that and look forward to seeing this to fruition someday soon.

The PRESIDING OFFICER. The Senator from Maine.

#### AMENDMENT NO. 3934, AS MODIFIED

Ms. COLLINS. Madam President, I ask unanimous consent that we now turn to Gregg amendment No. 3934, as modified.

The PRESIDING OFFICER. The amendment is pending.

The amendment, as modified, is as follows:

#### AMENDMENT NO. 3934, AS MODIFIED

On page 121, line 13, strike "and analysts" and insert ", analysts, and related personnel".

On page 121, line 17, strike "and analysts" and insert ", analysts, and related personnel".

On page 121, line 19, strike "and analysts" and insert ", analysts, and related personnel".

On page 123, beginning on line 8, strike ", in consultation with the Director of the Office of Management and Budget, modify the" and insert "establish a".

On page 123, line 11, strike "in order to organize the budget according to" and insert "to reflect".

Ms. COLLINS. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 3934), as modified, was agreed to.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 3933

Ms. CANTWELL. Madam President, I rise to thank the managers of this bill for their hard work and perseverance in trying to get the recommendations of the 9/11 Commission passed and their accommodation of many Members with various amendments. Obviously they have been working long before this time period, through the August recess and since we have come back, and now we are pushing towards the final stages.

I thank the managers of the bill for including a provision in the bill, a Cantwell-Sessions amendment dealing with the Visa Waiver Program and closing a loophole that I call the Ressaym loophole. That is a loophole that allowed a terrorist to go from Algiers to France to Canada and then load up his car with explosives and head to the U.S.-Canadian border at the State of Washington with plans to set off those explosives, potentially, at LAX Airport or perhaps somewhere along the way of the west corridor.

What the amendment did was to basically say to those who are our partner countries that the United States wants to make sure that people coming into our country on visas meet certain biometric standards so we know who people are. If we actually knew Mr. Ressaym's true identity when he left France to go to Canada, he would have been stopped at the Canadian border. He could have been stopped earlier in the process if we actually knew who this individual was.

So what this Cantwell-Sessions amendment did, and, again, I thank the managers for adding it, was to help us identify the types of technologies that we hope our partner visa waiver countries also adopt for their biometrics on visas allowing people into their country.

To put it simply, our borders will only be as strong as our partner countries' and as they adopt standards. The last thing we want to do in the United States is to have a process by which we are more sure of people we are giving visas to, only to have, then, individuals who are looking for ways to get access to the United States to go to Mexico or Canada or France or Germany and then find their way to easy entry into the United States by creating a new identity.

The estimates are that there are millions of passports that have been lost or stolen and that individuals easily create new identities. But if our partner countries in the Visa Waiver Program, such as Mexico, France, Germany, also create biometric on their visas for people coming into their countries, we will have a safer process of understanding and stopping terrorists at their point of origin as opposed to continuing to allow them to travel around the globe, creating new identities or possibly getting easy access to our neighboring countries and then easily sneaking across U.S. borders.

I thank the managers for their hard work and diligence on this issue and for working to accommodate so many Members on what are very challenging issues. We have done great work on making our borders more secure since 9/11. We have put resources there. We have tightened our programs. We have worked on the US VISIT implementation. But we need to continue to understand that our security will only be as good as the security of our partner nations, working in this battle to fight terrorism around the globe. I very much appreciate the managers being included in that.

If I could say, I am also pleased that the conference report on the JOBS bill is moving. It seems to be progressing. While we are working to finish up this 9/11 report and finish up the legislation that implements it, I am hopeful we will be successful in passing the FSC/ETI conference report before we leave for this recess that is scheduled for this Friday. That is very important legislation to help companies that want a level playing field on the trade front, helping large companies in my State or exporters such as Boeing and Microsoft—there are many more—to get a level playing field.

There is also tax fairness in this JOBS bill for Washingtonians and seven other States that have not been able to deduct their sales tax from the Federal income tax. I am glad to see that recision is in the bill. I hope we can move forward this week to give the fairness back to those States that have been unjustly penalized on that for

about the last 18 years. While this 9/11 legislation is moving through, I hope we are also successful in moving the JOBS bill through and that we can continue to work diligently on that process.

As I see no other Members who are ready to offer amendments, I will say one more word of thanks to the incredibly hard work that is going on in the State of Washington by the U.S. Geological Survey. Many people realize that there is an imminent eruption of Mount St. Helens about to take place. We have seen the ash and steam of several smaller events occur in the last several days. But because of the investment this country has made in the Department Interior and the U.S. Geological Survey, we have so much more information at hand today.

In 1980, we heard the final cry of a U.S. Geological Survey worker who said, "Vancouver, Vancouver, this is it." Then he ended up losing his life to the explosion, as did 57 other residents of the Northwest. The impact of that volcanic explosion was so significant it impacted various cities such as Yakima and Vancouver.

Today, because seismologists, geologists, meteorologists, and vulcanologists also have been working together, we have much more data and we have been able to advise the larger community on the hazards we are facing with another eruption of Mount St. Helens. I thank the men and women who are doing terrific work in informing all of us so we can make great plans, so that aviation, transportation, and the health and security of the emergency management system can do their jobs, because we have good science and information.

I thank the managers of this bill for their hard work and perseverance on an issue that many times during this debate didn't seem to be very decisive, as Members have many different ideas about how we approach terrorism and what our country needs to do to harden our targets and to improve our intelligence operation. But I want to thank the diligence of these Members because they are doing the work to understand the details of this legislation. They have been doing that work for the summer while we were out on recess, and what they did is work to understand these amendments in detail. I appreciate their adoption of the Cantwell-Sessions amendment, which I do believe will help us not only make U.S. borders more secure but make our partner countries' borders more secure and stop terrorism at the point of origin. I thank the managers for their help and support for the passage of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, let me thank the Senator from Washington for her kind words about Senator COLLINS and me, but really much more than that, for having an excellent

idea here which will measurably increase the security of the American people.

Our borders are more secure than they were on September 10, 2001, but they are not secure enough. We don't want to discourage people from coming to the United States for business or pleasure, but to protect ourselves we have to ask not only of ourselves but of other countries that they begin to use the technology available to identify those who are coming to our country, not for business or pleasure but to do us harm. This amendment will move us forward on that.

Senator CANTWELL has been—I think I heard her use the word "perseverance" with regard to the chairman and myself. She has been the model of perseverance because she really believes in this. In the twists and turns of the legislative process where individuals can register objections, the Senator from Washington was here late last night and early this morning. The result is that ultimately all the objections faded away because this is a great idea. It was adopted.

I thank her very much and look forward to monitoring the implementation of this as we go forward.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### MINNESOTA TWINS

Mr. DASCHLE. Mr. President, I will have more remarks on another matter, but I wanted to start this morning by acknowledging yet another remarkable year by the Minnesota Twins.

Tonight, the Twins will be playing in the Major League Baseball playoffs, and this marks the third year in a row that the Twins have made the playoffs.

We follow the Twins in South Dakota because we have no team ourselves in the eastern part of the State. So the Twins have become very special to many South Dakotans as well.

I might remind my colleagues that this is the same small market Minnesota Twins team that was threatened not long ago with "contraction"—a euphemism cooked up by big city owners for shutting down a team that generations of South Dakotans have come to call their own.

Tonight the Twins will face off against the New York Yankees, whose huge payroll ensures that it is never a surprise when they make it to the playoffs.

The Twins will pitch their ace, Yohan Santana—who also happens to be a leading contender for the Cy Young award. His dominance is in many ways a symbol of what has made the Twins so solid.

After being cast off by another team, he was brought up in the Twins system,



which rewards dedication and loyalty. And like so many of the Twins stars, he is a hard worker who leaves everything on the field.

It is no mistake that the Twins' strengths—dedication, loyalty and hard work—are the same traits that have made the Midwest strong.

So let me add my voice to those of thousands of Twins fans across South Dakota and Minnesota in saying to Grady and his boys, good luck. You have made us proud, and we know you will continue to do so in the days ahead.

#### HIGHER EDUCATION

Mr. DASCHLE. Mr. President, Congress, unfortunately, is going to miss many important deadlines this year and many critical opportunities to help relieve the increasing economic squeeze on America's families. This morning, I would like to talk about one of those missed opportunities, which is helping families pay for college.

We knew for 6 years that the Federal Higher Education Act would expire on September 30. Despite that, the majority failed to set aside time to reauthorize the law.

That leaves the Senate in the unfortunate position of having to simply extend the current law—with no improvements, and no additional help for the millions of middle-class families in South Dakota and across America who are struggling to put their sons and daughters through college.

Kim and Todd Dougherty are two of those parents. They live in Chamberlain, SD. They have three children: two sons, ages 20 and 22, and a daughter who is a junior in high school. Todd is a salesman. Kim teaches second graders at a tribal school. Both of her parents were teachers, too. This is a family that believes in education.

The Dougherty's older son, Scott, started college at a small college in Minnesota 4 years ago but left after two semesters because of frustration with a learning disability and came home to consider other schools and options.

Shortly after he returned home, Scott tore the ACL ligament in his knee. Unfortunately, he had let his health insurance lapse because he couldn't pay his tuition and insurance premiums at the same time. His knee surgery cost him \$12,000. After his surgery, he had to start paying back his student loans.

Today, Scott works as a cook in a restaurant. He pays \$409 each month towards his medical and student loan debts, and another \$200 a month for health insurance. That leaves him \$75 a month for everything else. He can't go back to college until he pays off a sizable portion of his debts, and he worries that he can't get a better-paying job because he has so much debt.

All across America, there are tens of thousands of families who are in situations similar to the Doughertys—or soon could be.

They are hard-working, middle-class families in which parents have saved

for years to pay for their children's college educations. There is no margin for error in their family budgets. If one thing goes wrong—if a parent loses a job unexpectedly, or someone in the family has a serious illness or accident—the debts start to pile up and suddenly, college starts to feel unattainable. Middle-class parents watch their dreams for their children's future start to slip away.

We need to do right by these families, and that means keeping the doors of college open to all Americans, no matter what their family's economic circumstances.

Unfortunately, we are moving in the opposite direction. This year, nearly a half-million Americans will be turned away from colleges strictly for financial reasons. They can do the work, they just can't afford the tuition.

Since President Bush took office, the average tuition at a 4-year public college has increased 28 percent; when this year's increases are released in about a month, that number is likely to climb to well over 30 percent.

College costs are rising faster than inflation—faster than average family incomes—and much faster than increases in student financial aid.

Every 2 years, a non-partisan group called the National Center for Public Policy and Higher Education releases State-by-State report cards on higher education. The report cards grade each State on six different criteria. One is affordability: How large a share of their income do families have to pay for college at a public 4-year college or university?

Their latest report, released in early September, ought to concern us all. Thirty-seven States—including South Dakota—got an "F" for affordability. Thirty-seven of 50 States. Ten additional States received "Ds," two States got "Cs," and one State received a "B."

No State earned an "A." Even in the best-performing States, we are losing ground; college is less affordable today than it was a decade ago. This is a serious national problem.

What is the response from the administration and congressional Republicans? Silence. They failed to bring the Higher Education Act up for reauthorization.

Their oversized tax cuts have eaten up Federal resources that we could otherwise invest in higher education, and in basic research and investment.

The President's proposed budget for next year provides no new money for the Perkins low-interest loan program, no new money for the College Work Study program, and the Supplemental Educational Opportunity Grants, and no money at all for the LEAP program—all of which help lower-income students pay for college.

Despite the President's campaign promise in 2000 to increase the maximum Pell grant, his proposed budget for next year freezes Pell grants for the third year in a row.

Even worse, the administration is once again proposing changes to the eligibility rules that would reduce Pell grants by 270 million overall and cause 84,000 families to lose their Pell grants altogether.

I joined a bipartisan coalition of Senators to protect students and families from these unwise changes last year—and we are determined to prevent these cuts again this year. Making it even harder for the sons and daughters of America's working families to afford college is the wrong direction for America.

The repeated attempts to cut Pell grants are part of a pattern by this administration and the Republican leadership in this Congress to deny educational opportunities.

Earlier this year, Democrats made a simple proposal: Let's help those Americans whose jobs are being shipped to China or India attend a community college, where they can learn new skills to get new jobs. The administration said, flatly, "no" and shut the doors of college in the faces of these Americans.

But we want to do right by America.

We support increasing the maximum Pell grant from \$4,050 to \$5,100—the amount candidate Bush called for in 2000 but has never supported as President.

We support doubling the HOPE Scholarship tax credit from \$1,500 per student to 3,000 per student, extending the deductibility of tuition expenses, and making the education tax credits refundable for the poorest families. We support Senator KERRY's proposed \$4,000-a-year "College Opportunity Tax Credit" which would be refundable for low-income families.

Instead of the cuts the President proposes for tribal colleges and the minuscule increases he recommends for historically black colleges and universities, and Hispanic serving institutions, we support significantly increasing support for these minority-serving institutions because we believe diversity strengthens our democracy and our economy.

We believe in expanding the use of loan-forgiveness programs to reduce student debt while addressing crucial needs, such as placing doctors and teachers in rural communities and inner cities.

We believe our brave National Guard and Reserve members in Iraq and Afghanistan who are facing the same bullets as full-time military members deserve the same education benefits. The National Guard Bill of Rights provides that educational equity. We should pass an entire National Guard Bill of Rights this year.

Over the course of a career, a person with a 2-year college degree will earn an average of \$400,000 more than a high school graduate. Someone with a 4-year degree will earn \$1 million more.

It is not just individuals who benefit when we open the doors of college to

the sons and daughters of working families. America's economic future depends on our ability to develop the potential of all of our people.

A while back I read a story in the New York Times. The headline read, "U.S. Is Losing Its Dominance in the Sciences."

The story said:

The United States has started to lose its worldwide dominance in critical areas of science and innovation, according to federal and private experts who point to strong evidence like prizes awarded to Americans and the number of papers in major professional journals.

Unless we reverse this decline and regain America's scientific and technological knowledge, our children will grow up in a less productive, less prosperous America.

Keeping college affordable is a very personal issue for me. I was the first person in my family to go to college. I worked to pay for part of my tuition, and I also had help from my parents. My mother went back to work when I was in high school to help pay for my college education. Even with all of us pitching in, it was still not quite enough. As so many others today, I joined the ROTC program and I spent 3 years in the Air Force after I graduated to pay back my loans.

I know what a difference it makes when America invests in the children of regular working people. I also know the pride a parent feels watching his child receive a college degree. I have seen all three of my own children graduate from college.

We believe every American deserves those same opportunities. We will continue to fight for them as we resolve these matters in the Senate and elsewhere throughout our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I commend and thank the chairman of the committee, the Senator from Maine, and the ranking member, the Senator from Connecticut, because they have already approved and passed last evening an amendment I had offered which will be very helpful as we try to meet this threat of terrorism.

Indeed, we have a watch list. Recent news stories say the watch list is not necessarily being implemented as it should by the Department of Homeland Security. Nevertheless, we try. That watch list has been specifically targeted to commercial aviation.

The watch list needs to be expanded because there is plenty of opportunity of mischief, as I have said in this Chamber many times, with regard to the securing of our seawater ports and, specifically, in addition to cargo, the cruise ship industry and the thousands of people who vacation on a cruise ship.

This is particularly important to my State of Florida because we have the three largest cruise ports in the world: the Port of Miami, Port Canaveral, and Port Everglades, all on the east coast

of Florida and all of which have these gigantic cruise ships that sail to the great delight of the passengers. These are cruises that are sometimes only a day but usually they are 4 to 7 days in duration. It is certainly a place for a wonderful vacation for people to cruise to the Bahamas in the midst of this floating hotel, a cruise ship.

Because there are several thousand people located in one place and they are treated as passengers on an airline, checking their baggage and their persons for all kinds of weapons and other destructive materials, is it not logical that the watch list for avowed terrorists, given to commercial airline companies and to TSA, should not be administered by TSA as they check the baggage of people on cruise ships? The answer to that is common sense. Yes, it should be.

Because of the very professional manner in which the Chair and her ranking member of this committee have handled this legislation, they understood that and they have agreed to the amendment. They were very kind to pass the amendment last night. I cannot imagine this would become an issue in the conference committee.

I give credit where credit is due, to the cruise industry. The cruise industry recognizes the possibility for mischief. It makes sense. I thank the cruise industry for stepping up.

I am compelled to speak about two more matters not directly related to this but which are very timely in the consideration of the Senate.

Did the Senator from Maine have a question?

Ms. COLLINS. Would the Senator be willing to yield for two quick unanimous consent requests?

Mr. NELSON of Florida. It is the absolute least I can do for the gracious Senator from Maine who recognized the common sense of this amendment. She, along with Senator LIEBERMAN, have made it possible to be accepted.

I certainly yield.

Ms. COLLINS. I thank the Senator for his cooperation and his amendment.

Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 today to accommodate the weekly party luncheons and that the time in recess be counted against the postcloture period.

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

Ms. COLLINS. I thank the Senator from Florida.

#### HURRICANE CLEANUP

Mr. NELSON of Florida. Mr. President, I thank the leaders for the tremendous job they have done in handling this legislation. Anyone who can pass legislation in such a contentious atmosphere has to be Merlin, the Magician. My hat is off to the Senator from Maine and the Senator from Connecticut.

Two other very timely topics, timely in the sense of an emergency, after having been hit by four hurricanes in Florida, with the tremendous debris

that is left over, part of the moneys we have passed here for FEMA is for debris cleanup of which FEMA then reimburses the local governments that go out and, either with their own crews or by contracting out, arrange for the removal of debris. This is not only clearly getting one's life back in order but it is also a health question, a safety question.

I was going through some of this debris on Sunday at a mobile home park for senior citizens called Palm Bay Estates in my home county of Broward. All of the aluminum, particularly on carports, was whipped up and twisted by the wind and now is in piles, with razor-sharp edges. So it is a safety as well as a health question. The debris accumulates in canals, in waters, in estuaries, particularly if it is of an organic nature. Then it starts to become a health hazard as well. We simply need to have it picked up.

But that is not the question. FEMA is taking the position that they are not going to reimburse the local government unless it is picked up from a public right-of-way. Yet FEMA has the authority, if it involves the health and safety of the people, to allow the repayment for the pickup from private rights-of-way.

Why is that important in Florida?

Because we have huge senior citizen complexes with thousands of senior citizens. But they are not public rights-of-way, they are private rights-of-way. That debris has to be picked up for health and safety reasons. Yet who is going to pay for it? FEMA has the authority to do that. Since the local governments are not going to be able to bear the cost of all that pickup, especially after four hurricanes, the only other alternative is to assess the residents of that area for the pickup.

Senior citizens on fixed income cannot afford that. FEMA has it under its authority, but FEMA is not doing it. We want to give them a little encouragement.

I have spoken to the chairman of the Homeland Security Appropriations Subcommittee. That bill is now in conference with the House. I have suggested some language that will give FEMA some help to recognize that this is in the public interest, particularly in the State of Florida, after four hurricanes, and that they should be so directed. I am hopeful the conferees will accept that language.

#### VOTER REGISTRATION IN FLORIDA

Mr. NELSON of Florida. Mr. President, the last item I want to talk about is of grave concern. Yesterday was the final day for voter registration in the State of Florida. As one can imagine, there were huge lines at all of the registration points in Florida's 67 counties. But there is a subtle administrative order that could be directing extreme mischief in denying people the right to vote; for a directive, according to the supervisor of elections in one of our counties—specifically in Volusia—has come out from the secretary of



State's office, division of elections, in the capital city of Tallahassee, that says if any piece of information on this Florida voter registration form is missing, this voter registration is to be treated as null and void.

Why am I concerned about that? Because they specifically say in the directive that if the box on line 2 that states, "Are you a U.S. citizen?" is not checked yes, they are to discard it, when in fact the oath that is signed specifically states, "I do solemnly swear or affirm that I am a U.S. citizen. I am a legal resident of Florida." And the voter registration applicant signs that form.

This is a clear intent—hopefully, not an intent—it is a clear manifestation of disenfranchising people, of not allowing them the right to vote, if on a technicality, because on line 2 they have not checked the box of being a U.S. citizen, but on line 17 have sworn under oath that they are a U.S. citizen, they are saying that they are going to discount the voter's registration application.

I hope we don't have to go to court again. I hope we don't have to do what CNN did, go to court to strike down a law that said they were going to strike 48,000 convicted felons but would not release that to the public so that the public could see if those names were accurate. And lo and behold, when the Miami Herald got hold of the list, they found over 2,000 who were legitimate registered voters and not convicted felons.

Why do we have to keep going back to the courts to enforce this when what is at stake is the right of people to vote, which is absolutely a part of the constitutional foundation of this country?

The people should have the confidence and the knowledge that if they are eligible, they will be able to register and then, if registered to vote, that they will have the right to vote and to have that vote counted as they intended.

We are only about 4 weeks away from an election. I don't want to see a repeat in Florida of what happened 4 years ago when there was so much dissension and uncertainty. The whole electoral process has to work. It is important that it works for the sake of our democracy. A good place for us to start is for the secretary of State's office, the division of elections of the State of Florida, to stop issuing such edicts and directives to the election supervisors in Florida's 67 counties that would cause a voter trying to register to be thrown out on a silly omission, which is covered by their solemn oath.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 3739 AND 3750, WITHDRAWN

Ms. COLLINS. Mr. President, I ask unanimous consent that amendments Nos. 3739 and 3750 be withdrawn. These are amendments that had been offered by Senator ROBERTS previously. He has asked that I withdraw them on his behalf.

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

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

POINTS OF ORDER, EN BLOC

Ms. COLLINS. Mr. President, I ask unanimous consent that it now be in order to raise points of order, en bloc against the following amendments in that they are not germane under the provisions of rule XXII. They are the following amendments: 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3808, 3849, 3782, 3905, 3747, 3881, 3724, 3928, 3873, 3871, 3870, 3803, 3930, 3931, 3874, 3850, 3851, 3855, 3856, 3872, 3926, and 3819.

The PRESIDING OFFICER. Is there objection to raising the points of order?

Without objection, it is so ordered.

Ms. COLLINS. I announce that this will allow us to officially consider the remaining germane amendments. The nongermane amendments, as determined last week, will fall under this order. We will continue to work through the pending amendments that remain at the desk as we move toward completing this bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I have no objection. I want to ask Senator COLLINS, through you, my staff thought the Senator from Maine may have inadvertently read 3908 as 3808. Just to clarify, it is 3908.

Ms. COLLINS. Mr. President, I would not be surprised.

Mr. LIEBERMAN. Their ears are much better than mine.

Ms. COLLINS. I ask unanimous consent that the list be corrected to indicate the correct number is 3908.

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

The Chair sustains the points of order, en bloc. The amendments fall.

Ms. COLLINS. Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent I be able to speak for up to 15 minutes as in morning business.

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

IRAQ

Mr. LAUTENBERG. Mr. President, I want to discuss the situation in Iraq.

Every day we see the terrible news about innocent Iraqis being killed, about the terrible tension in the country, about our young people being attacked and killed and, frankly, the mess we are witnessing, which is painful to see.

It came home today in a stark recitation, in a statement by Paul Bremer.

Paul Bremer was sent to Iraq to be in charge of the transition as we tried to go from the culmination of what appeared to be the end of the violence until we got to a government that was going to be run by Iraqis on an interim basis and the vote coming up in January. But what we heard from Mr. Bremer was painful to hear, and it has to be particularly painful to President Bush and his administration. What he said was there were not enough troops to do their job. We believed that from the beginning. General Shinseki said it, and he was overruled by the Pentagon and by the Defense Secretary. He was fired for saying: We need more troops to do the job, Mr. President.

People across the country understand that we need more people. Over 300,000 I believe was the number he used. He now says that and the failure to immediately stop the looting, stop the violence, and stop the response from those who would commit violence on the country were part of the reasons we are in this terrible situation we are in.

Last week, we finally had a chance to hear what President Bush's plans for Iraq were. And this is the image of what we got. It is blank. It says nothing. There is no plan.

Last Thursday, we heard repetition from President Bush, the same tired slogans we have heard for almost 2 years now, no plan was articulated, no new ideas, nothing, just the same as we see on this placard. President Bush basically said that we are going to get more of the same in Iraq. What a terrible condition that is. Iraq has become an absolute crisis, and there is no plan to fix the situation.

When the President asked Senator JOHN KERRY what his plan is, it adds insult to injury. He has a plan. He talked about his plan. But the President has offered nothing on his side and challenges JOHN KERRY to have a plan, and JOHN KERRY presents a plan and the President doesn't show any. The President is showing a stubbornness. He calls it "staying the course." It is a stubbornness that is costing American lives, the lives of our young people, the lives of our soldiers, and the lives of American workers in Iraq.

We need a dramatic change in direction. Everything that was assumed to be in order was wrong. They were

wrong about the weapons of mass destruction, and they were wrong about how our troops would be greeted on the streets of Iraq. Certainly, as I said earlier, they were wrong about how many troops we needed to secure the country. They were wrong about the reaction of the Shiites. They were wrong about how long the conflict would last and the toll it would take on Americans lives.

The President and his team have just about done it wrong. The President's worst adviser in terms of being wrong on almost everything is Vice President CHENEY.

At the outset of the war in March of 2003, Vice President CHENEY declared:

We will, in fact, be greeted as liberators.

In fact, be greeted as liberators? In fact? I don't think so.

But maybe the reason Vice President CHENEY kept getting things wrong on the war is he has not ever seen it. He has never worn a uniform, and he was never on a battlefield. In fact, when duty called, Vice President CHENEY turned his back on the call while many answered the call to serve. DICK CHENEY took five student deferments in order to avoid service in Vietnam.

He wasn't, however, the only member of the Bush team who kept getting it wrong. I want to review some of the quotes of President Bush's top advisers. One is by Secretary Donald Rumsfeld. He said on February 7, 2003:

It is unknowable how long that conflict will last. It could last 6 days, 6 weeks, I doubt 6 months.

It is one thing to be wrong one time but you try to correct the situation.

Here is what Deputy Defense Secretary Paul Wolfowitz said:

We know that there are ties between the Iraqi regime and a whole range of terrorist groups, including al-Qaida, and we know that Saddam has these weapons.

Again, what kind of a statement is that? It doesn't tell us anything except that we are wrong.

When we look at other statements that have been made, on March 30, 2003, Defense Secretary Rumsfeld said:

The area in the south and the west and the north that coalition forces control is substantial. It happens not to be the area where weapons of mass destruction were dispersed. We know where they were. They're in the area around Tikrit, and Baghdad and east, west, south and north somewhat.

Each one of these statements indicates a lack of knowledge and a lack of understanding as to what was going to happen when this war was concluded. It has not been concluded.

When we look at the cost of the war, as of today, 1,058 our troops have died, some 7,000 injured, many with terrible injuries that will handicap them all of their lives.

We need to change course. We don't need more of the same. Senator KERRY, our colleague, is offering a new direction, and that is what we need. We need to stop bearing the entire burden of Iraq. We are taking 90 percent of the casualties, and the American taxpayers

have shelled out almost \$200 billion for Iraq. It is not right. It is not fair to the American taxpayers. It is certainly not fair to the families whose young sons and daughters are in service over there. Senator KERRY prepared a plan for a new direction in Iraq, a direction that will bring other countries to the table.

President Bush makes reference to Poland helping us in Iraq. He was almost obsessed with Poland during the debate.

What are the facts? Poland has 2,500 troops in Iraq, and they announced just this week they are getting out. They will have all of their troops pulled out sometime next year. Thailand wants to take its troops out—I think they have some 400 people there.

Again, under the administration's war plan, we are left with even more of the burden, and we are left with almost all of the costs both in terms of our soldiers' lives and American taxpayer dollars. All that has been accomplished in the last 2 years is we have alienated critical allies, and we are paying the price for that.

A big part of the problem is that the President refuses to accept reality.

Last week in a television interview President Bush was asked whether he regrets the moment on the aircraft carrier on May 21st in 2003, the infamous "Mission accomplished" speech. Incredibly, President Bush said he would do it all over again. In fact, in response to that question, would he have done it, he said he would "absolutely" do it again. He went on to say, "You bet I'd do it again."

It is incredible. He made that speech approximately a year and a half ago, saying, "Mission accomplished." That meant it was over, that we would not have to worry about things.

Instead, we have lost over 800 people, four or five times the number killed during what was considered the active part of the war. We are moving to the delusional. The President does not regret telling our Nation's military families "Mission accomplished"? He does not regret giving families false hope that major combat operations had ended?

We are now facing the biggest fallout of reservists ever in the State of New Jersey. There are pictures in the paper of men and women, saying they are scared; they are worried. Their families are frightened. Their kids are scared. Their spouses are scared. They know darn well it is dangerous over there.

Does the President regret taunting the terrorists and insurgents when he said "Bring 'em on"? I'm sure the men and women on the ground in Iraq wish he had never said those words.

When I was wearing a uniform a long time ago, during World War II in Europe, I never wanted to see the enemy. I never wanted to see anyone who was hostile.

It was the wrong thing to say. I hope one day we will be able to face up to the truth that these were terrible statements.

More recently, President Bush told the world that the war on terror could not be won, but a couple days later he said, no, no, we will win. When the President was asked about a CIA report and the material he was looking at on intelligence, he said he dismisses the CIA report as just guessing when they told him the situation in Iraq was bad and could get much worse. Just guessing? The arm of our intelligence corps that is supposed to have the latest and the fullest data, and they are just guessing?

We need someone to take the bad news seriously, a President who will react to it and fix the situation. So far, President Bush simply ignored the bad news. I guess he hopes it goes away.

Unfortunately, he is inflexible on one simple point. He would repeat every one of the mistakes he has made over the last few years. The plan to go to war without a real alliance in place, he would do again. The decision to ignore the advice from General Shinseki that 300,000 troops would be needed, he would ignore the general's advice again. The argument that Saddam had weapons of mass destruction to reconstitute a nuclear programs, links to al-Qaida, he would make all of those arguments again.

All of this while ignoring, for all practical purposes, North Korea, Iran, countries that are actually developing nuclear weapons, while taking some of the attention away from the pursuit of Osama bin Laden who killed 3,000 Americans.

Not only does the President like to stick with bad ideas but there are flip-flops when someone else suggested good ideas, often resisting and then supporting. One flip was the Department of Homeland support. President Bush strongly opposed creating it in March 2002. His spokesman said a Homeland Security Department "doesn't solve anything." Then flopping 3 months later, the President said he did want a Homeland Security Department.

President George Bush opposed creation of the 9/11 Commission. In April of 2002, President Bush said he was against the creation of the 9/11 Commission. He flopped after that as a result of increased political pressure. The President said he does support creating the 9/11 Commission in September of the same year. In April, no; In September, yes. It goes on and on.

Then the President, in response to an inquiry about Osama bin Laden, which in September of 2001 President Bush said he wanted Osama bin Laden dead or alive. In March of 2002, President Bush said, I don't know where he is; I truly am not that concerned about him.

Not concerned? He murdered 3,000 Americans, 700 of my constituents in New Jersey. A terrible comment.

What we have seen shows we are on a very bad track right now. In fairness to the American people, families, those who are serving, we ought to come forward with a statement about what we

intend to do. How much longer will we have to have people in harm's way? How are we going to get the troops that it is suggested are needed—30,000 or 40,000? Where will they come from? Is there an intention to initiate a draft? I don't know where we are going to get the soldiers and other service people to fill these obligations.

I know one thing. Every day we read about another American serviceperson being killed or American civilians being captured or beheaded, it tells everyone in the country we are on the wrong path and we have to make a change.

I hope President Bush, even in this interim period, can see the necessity to come forward to the American people and say, look, we made some errors; we are going to correct them. We are going to get more people in there, but we are going to end this conflict by that time so we can start to bring our people home. There is no encouragement out there to believe that.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m., with time to run against cloture.

Thereupon, the Senate, at 12:28, recessed until 2:16 p.m., and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. In my capacity as a Senator from the State of New Hampshire, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

#### NATIONAL INTELLIGENCE REFORM ACT OF 2004—Continued

Ms. MIKULSKI. Mr. President, I want to take this opportunity as the Senate resumes this afternoon's debate to rise in very strong support of the National Intelligence Reform Act of 2004.

I am proud to join with Senator COLLINS and Senator JOE LIEBERMAN as a cosponsor of this bill. It is an excellent bill, and I want to support my two colleagues, Senators COLLINS and LIEBERMAN, for working so hard and to go at it in a way that is not only bipartisan but nonpartisan following the recommendations of the 9/11 Commission.

I am excited about this bill because I think it reforms our intelligence to be able to make sure that we prevent any more 9/11s affecting the United States; that we reform the intelligence so that we never go to war again on dubious in-

formation; that we make the highest and best use of the talent in our intelligence agencies, and that they have the framework to be able to protect the Nation, as well as be able to speak truth to power.

Mr. President, I am no stranger to reform. I am on the Intelligence Committee. I came on the committee before 9/11 to be an advocate for reform, particularly in the area of signals intelligence. As I worked on the committee and served on the joint inquiry about what occurred on 9/11, I became deeply committed to other issues related to reform: to have a national intelligence director, to create an inspector general, to mandate alternative or red team analysis, to always make sure that we policymakers have the best information, and that our troops and our homeland security officials get the best intelligence they need to be able to protect the Nation.

Following the 9/11 Commission report, but also with the wonderful work of Senators COLLINS and LIEBERMAN, we now have intelligence legislation that will give us a single empowered leader for our intelligence community, a strong inspector general, and a definite alternative analysis to make sure that all views are heard.

This reform is broad, deep, and also authentic. I think that is what the Nation wants of us.

Mr. President, 3,000 people died on September 11. They died at the World Trade Center, they died at the Pentagon, and they died on a field in Pennsylvania. At least 60 Marylanders died. We remember that they came from all walks of life. We must remember those we lost that day. The way we honor their memory is to take actions to do everything we can to prevent it from ever happening again. That is what the families have asked us to do. That is what the Nation has asked us to do. I am so pleased that we will act on this legislation before we recess.

We need to do this, and we need to do this now. In joining the Intelligence Committee, and also after those terrible acts, like many others, I asked what could we have done to prevent the September 11 attacks on our country? Also, why did we think that Saddam Hussein had weapons of mass destruction? What kind of information does the President need before he sends troops into harm's way? What kinds of information do we need—we, the Members of Congress—to be able to provide the right response to a President's request? We reviewed a lot of this information, and now we know we have the kind of reform in this legislation that will help us.

The 9/11 Commission built on the 9/11 joint inquiry of the House and Senate Intelligence Committees. We did that in a classified way. Then, the 9/11 Commission was organized, and I am happy to say I voted for it. The Commission could bring into the sunshine what many of us knew privately because it was classified. We knew about missed

opportunities, insufficient or unreliable information, the failure to share information, the shortcomings of watch lists.

The legislation that we have before us will move the priorities forward for intelligence reform. First of all, it gives the intelligence community one leader with authority, responsibility, and financial control. In Washington, if you cannot control people or you cannot control budgets, you cannot control the agency.

Second, it provides for diversity of opinion in the analysis. It requires independent analysis. It also provides a framework for red teaming or a devil's advocate so that, again, the policymakers get the best information.

It also strengthens information sharing. It provides the support to speak truth to power. And it also provides a unity of effort in the global war on terrorism. All of this is done with a delicate balance of protecting privacy and civil liberties.

I salute my colleagues. While they were doing their homework this summer with the 9/11 report, I was doing mine—built on the experience that I had both as a member of the Intelligence Committee and the joint inquiry to investigate what went wrong on 9/11. I continued my homework over the summer. I read the riveting report of the 9/11 Commission. I attended hearings in the Intelligence Committee and Governmental Affairs. I consulted with officials of the FBI and others in homeland security in my State. I met with the Director of the National Security Agency. Having done that, I now conclude that this is the best legislation.

We are at a turning point. This is a new century. It poses new threats to the Nation. Therefore, it requires a new framework to serve the Nation. That is what I believe this legislation will do. So I say to my colleagues that one of the best actions we can take now, in order to serve the Nation, is stand up for our troops, protect the homeland, and pass the Collins-Lieberman legislation, which I truly believe brings about the reform of the national intelligence community.

I also salute the work of Senator HARRY REID and Senator MITCH MCCONNELL, who were working on how we need to reform ourselves in Congress to be able to provide the best oversight of the intelligence community so we can have the best intelligence, yet the highest value for our dollar, and at the same time protect the Nation, finding the balance to protect our civil liberties. I believe the task force report saying the Senate needs to reform itself internally will come after this legislation. I think we have done a great job working on a bipartisan basis.

I remember that fateful evening of 9/11 and that day when we gathered on the Capitol steps. America had lived through a lot. We didn't know what was yet to come. But joining with our