

the remaining appropriation bills. The allocation in the conference report is consistent with the levels envisioned in S. Con. Res. 95, the Concurrent Resolution on the Budget for fiscal year 2005.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4613, 2005 DEFENSE APPROPRIATIONS.—SPENDING  
COMPARISONS—CONFERENCE REPORT  
[Fiscal Year 2005, \$ millions]

	General Purpose	Mandatory	Total
Conference report: <sup>1</sup>			
Budget authority .....	390,931	239	391,170
Outlays .....	415,772	239	416,011
House 302(b) allocation: <sup>2</sup>			
Budget authority .....	390,931	239	391,170
Outlays .....	415,987	239	416,226
2004 Enacted:			
Budget authority .....	459,374	226	459,600
Outlays .....	424,429	226	424,655
President's request:			
Budget authority .....	392,615	239	392,854
Outlays .....	418,639	239	418,878
House-passed bill:			
Budget authority .....	390,931	239	391,170
Outlays .....	415,594	239	415,833
Senate-passed bill:			
Budget authority .....	383,773	239	384,012
Outlays .....	401,566	239	401,805
CONFERENCE REPORT COMPARED TO			
Senate 302(b) allocation:			
Budget authority .....	0	0	0
Outlays .....	-215	0	-215
2004 Enacted:			
Budget authority .....	-68,443	13	-68,430
Outlays .....	-8,657	13	-8,644
President's request:			
Budget authority .....	-1,684	0	-1,684
Outlays .....	-2,867	0	-2,867
House-passed bill:			
Budget authority .....	0	0	0
Outlays .....	178	0	178
Senate-passed bill:			
Budget authority .....	7,158	0	7,158
Outlays .....	14,206	0	14,206

<sup>1</sup> In addition to the amounts shown above, the bill includes \$19.902 billion in emergency outlays in 2005 flowing from the \$27.656 billion emergency supplemental included in Titles IX and X of H.R. 4613 for 2004. The bill also contains \$500 million BA and \$340 million outlays in 2004 for wildland fire suppression.

<sup>2</sup> This table compares Senate action to the House 302(b) allocation for information purposes only, not for budget enforcement purposes. The House has deemed 302(b) allocations for 2005 based on the 302(a) appropriations allocation set out in the conference agreement on S. Con. Res. 95, the 2005 budget resolution, which the House has passed.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

Mr. STEVENS. Mr. President, may I address a question to my colleague from West Virginia?

There are no more requests for time. We are prepared to yield back the remainder of our time and go to a vote. Is the Senator from West Virginia prepared to yield back the remainder of his time?

Mr. BYRD. Yes.

Mr. STEVENS. Mr. President, not having had any other requests for time, I ask that all time remaining be rescinded.

Mr. REID. Reserving the right to object.

Mr. STEVENS. I withdraw that request.

Mr. REID. If the Senator will allow us the opportunity, we have some people who are not expecting the vote to occur right now.

Mr. President, if the distinguished chairman of the committee will allow a 5-minute quorum call, we think we will have this matter worked out very quickly.

Mr. STEVENS. I withdraw my request and concur 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.

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

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

Mr. REID. Mr. President, I direct this question to the distinguished Senator from Alaska, the chairman of the committee, who has worked so hard on this bill. Would he and Senator BYRD allow the vote to begin at 7:15?

Mr. STEVENS. Mr. President, I am very willing to enter into such an agreement. Have the yeas and nays been requested?

The PRESIDING OFFICER. No, they have not.

Mr. STEVENS. I request the yeas and nays on final passage, when that occurs. I ask unanimous consent that the rollcall commence at 7:15.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask the distinguished Senator from Iowa, Mr. GRASSLEY—we have about 4 minutes until the vote occurs. Would he like to speak for that period of time?

Mr. GRASSLEY. Yes.

Mr. REID. I ask unanimous consent that the Senator from Iowa be recognized until 7:15, when the vote occurs.

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

The Senator from Iowa is recognized until 7:15.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2762 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The hour of 7:15 has arrived. The question is on agreeing to the conference report to accompany H.R. 4613. The yeas and nays have been requested.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—96

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

NOT VOTING—4

Edwards	Harkin
Graham (FL)	Kerry

The conference report was agreed to. Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table is agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I inserted in the RECORD the name of staff members who worked on this bill. I compliment them. I need a round of applause for the staff. This is record time for this bill. It is a very good bill. It is essential. Emergency funds will be available as soon as the President signs it.

I thank all Senators for their cooperation today to get this bill passed before we go home for recess.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Pennsylvania.

THE 9/11 COMMISSION REPORT AND  
THE STATUS OF INTELLIGENCE  
IN THE UNITED STATES

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the 9/11 Commission report and to comment on the status of intelligence in the United States.

In a context where we have been put on notice by the Director of the FBI

and the Secretary of Homeland Security that we may expect an attack by al-Qaida on U.S. soil some time between now and the election, it is of utmost importance we move ahead to put under a single umbrella all of the intelligence agencies in the United States.

The 9/11 Commission report is one further statement that there is a need to put all the intelligence agencies under one umbrella. When we debated the Homeland Security bill back in 2002, I made the submission on the floor of the Senate repeatedly—on September 3, September 10, September 30, November 14, and November 19—that I thought it imperative the new Secretary of Homeland Security should have the authority to direct—not just to ask but to direct—all of the intelligence agencies, to have some effective structure to put all of the intelligence agencies under one umbrella.

I submitted that contention based upon my view that had all of the information been at hand, the attack on 9/11 might well have been prevented. Had the FBI Phoenix report gotten to the right people in headquarters, had the information on Zacarias Moussaoui been properly handled with an appropriate standard for probable cause, had the terrorists in Kuala Lumpur been kept out of the United States—known by the CIA, but let in by Immigration and Naturalization—had those facts and others been pulled together, 9/11 might well have been prevented.

When I chaired the Intelligence Committee in the 104th Congress, it was apparent to me at that time all of the intelligence agencies should be under one umbrella. I made that suggestion in legislation at that time. The Scowcroft report has made the same conclusion. We recently had a report by the Senate Intelligence Committee which pointed out many deficiencies in the CIA. Today we have had the report by the 9/11 Commission, all of which leads to one conclusion, which is hard to dispute; and that is, all the intelligence agencies ought to be under one umbrella.

At a news conference earlier today, Senator McCain, Senator Lieberman, Senator Bayh, and I announced our intention to take the 9/11 Commission report and put it into legislative language, to introduce it when we return after the August break. In so doing, we are not subscribing to all of the provisions of the 9/11 Commission conclusions. But we agree there ought to be a focus of attention, and there ought to be debate, and there ought to be action at an early date.

It was suggested during the course of that news conference that when we come back in a post-election session, which I think is a virtual certainty, we take up the issue of reorganizing the intelligence structure in the United States. If we do not come back in a post-election session as lameducks to finish much of the unfinished business, or to finish all of the unfinished business, then the suggestion was made

there ought to be a special session. I repeat that in cosponsoring legislation to encompass the 9/11 Commission report, it is not in total agreement with all of the provisions. I have reservations as to whether it is appropriate to designate a Director as opposed to a Secretary with Cabinet rank to take on the onerous job of struggling with the culture of concealment of the FBI and the culture of concealment of the CIA and the resistance of the Defense Intelligence Agency. We will have an opportunity to consider that in a legislative package.

When the Commission on Weapons of Mass Destruction filed its report in 1999—a commission which I cochaired, a commission which came out of the recommendations of the Senate Intelligence Committee in the 104th Congress when I chaired the Intelligence Committee—the structure was to give the Vice President of the United States the responsibility to coordinate all of the activities of weapons of mass destruction because it was so important and because if you wanted to deal with the Secretaries of the various Departments, it would require somebody of the stature of the Vice President to do that.

It may be that we will revisit the concept of having the Vice President undertake that kind of a responsibility because we are dealing with very strong, powerful forces, which have already started resistance—from the Department of Defense not wanting to give up power or fiscal control; resistance by the CIA, with the Acting Director speaking out very forcefully in opposition to the 9/11 Commission's prospective conclusions, even before the report was filed, and in defending what the CIA had done. There is much which has to be examined as to where the FBI stands.

When we examined the letter from Special Agent Coleen Rowley—13 pages, single spaced—at a Judiciary Committee oversight hearing in June of 2002, we found out the FBI did not even have the right standard for probable cause for a warrant under the Foreign Intelligence Surveillance Act.

When we have seen what the CIA has done in the very strong criticism levied a few weeks ago by the Senate Intelligence Committee, we see there is much, much which has to be done. There have to be improvements in the FBI. There have to be improvements in the CIA. And all of this now comes into sharp focus with the events culminating in today's filing of the 9/11 Commission report—again, especially at a time when we are under siege and under threat of an al-Qaida attack between now and the election.

Recent disclosures by the Senate Intelligence Committee have documented the failures of the CIA to accurately inform the country, including the President and Congress, concerning the facts or judgments on whether Iraq possessed weapons of mass destruction. As a result, some are now questioning

whether the United States made the right judgment on going to war with Iraq.

The action on going to war with Iraq, I submit, cannot appropriately be judged by 20/20 hindsight. Based on the facts at hand, when the Senate voted, the judgment to approve the use of force cannot rightfully be faulted. The vote of 77 to 23 encompassed a majority of Democrats, including Senator John Kerry and Senator John Edwards.

The decision to use preemptive force was based on the standard of international law which warrants anticipatory self-defense when the threat of attack is imminent so that the defense of preemption is warranted.

This standard was enunciated in 1842 by Secretary of State Daniel Webster in dealing with the so-called Caroline incident.

In the floor debate on the force resolution on October 10, 2002, I quoted Hugo Crocius, considered the father of international law, who said in his 1925 book "The Law of War and Peace" that a nation may use self-defense in anticipation of attack when there is a "present danger." He said, "it is lawful to kill him who is preparing to kill."

In that floor statement, I also quoted another eminent authority on international law, Elihu Root, who said in 1914 that international law did not require a nation to wait to use force in self-defense until it is too late to protect itself.

It is important to revisit the Iraq war vote not to second-guess ourselves but to learn from that experience as we view escalating problems around the world which may pose an imminent threat to this country. It is important that our intelligence agencies present the full picture to decisionmakers, in particular the President, Secretary of Defense, Secretary of State, and the Congress, so the subtleties may be considered in making complicated judgments. Had the decisionmakers been presented with more objective comprehensive information concerning Iraq possessing weapons of mass destruction, it is doubtful that the "imminence" test under international law would have been met.

It is important, in reviewing the incidents, that we not engage in self-flagellation. The comments coming out of Great Britain are informative and instructive. The New York Times reported on July 14 that:

A major British report released Wednesday found extensive failures both in intelligence gathering on illicit weapons and the government's use of that intelligence to justify the Iraq war. But it cleared Prime Minister Tony Blair of accusations that he or his government distorted the evidence to build a case for war.

The Times further reported:

Like an earlier inquiry led by Lord Hutton, the report exonerated the government of the charge that it deliberately exaggerated the threat posed by Mr. Hussein in an effort to deceive the public and Parliament. "No single individual is to blame," Lord Butler said. "This was a collective operation."

I suggest very close similarities between British intelligence and U.S. intelligence and the reliance of the executive branch and the reliance of Congress in our vote to use force and in the action of the British, that the self-criticism ought not to be levied in the context of the findings by the British report that clears Prime Minister Blair of accusations that he or his Government distorted the evidence to build the war and the finding by Lord Hutton that no single individual is to blame but, rather, it was a collective operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### JOB CREATION

Mr. DAYTON. Mr. President, I have the greatest respect for the majority leader, and I agree with him on many subjects, but earlier tonight he had some pretty harsh words for some of the economic statements that I and others of my colleagues have been making in recent weeks. He called them "canards" which is a nice sounding word but means they are false statements.

I feel compelled to rise and present what I think is a better version of the facts which, as we can see, are very different. The majority leader, as I understood his argument, was saying the new jobs that are now being created in the economy are better paying on average than the average of other jobs that were in existence in the year 2003. But that misses the essential point, which is that most of those newly created jobs pay less and offer lower benefits than the over 2.5 million jobs lost during the first 2½ years of the Bush administration. Most of those jobs were good-paying manufacturing jobs, and most of them have not come back. Many of them have been transferred to other countries with lower wages and no standards. They are not coming back at all.

Those are the jobs that the unemployed workers of America are now finding and that are paying on average thousands of dollars less than the jobs those workers held before the recession began in March of 2001. They are among the millions of Americans whose incomes have fallen, who used to have jobs with health insurance but now don't.

I quote from an editorial in today's New York Times in part which states:

From three different vantage points . . . the same basic picture emerges: While there has been an increase in job creation over the past four months—an unusually belated and anemic spurt by historical standards—the bulk of the activity has been at the low end of the quality spectrum. The Great American Job Machine is not even close to generating the surge of the high-powered jobs that is typically the driving force behind greater incomes and consumer demand.

This puts households under enormous pressure. Desperate to maintain lifestyles, they have turned to far riskier sources of support.

Reliance on tax cuts has led to record budget deficits, and borrowing against homes has led to record household debt. These trends are dangerous and unsustainable, and they pose a serious risk to economic recovery.

We hear repeatedly that the employment disconnect is all about productivity—that America needs to hire fewer workers because the ones already working are more efficient. This may well be true, but there is a more compelling explanation: global labor arbitrage. Under unrelenting pressure to cut costs, American companies are now replacing high-wage workers here with like-quality, low-wage workers abroad.

It was only a matter of time before the globalization of work affected the United States labor market. The character and quality of American job creation is changing before our very eyes. Which poses the most important question of all: what are we going to do about it?

That is a subject which both of our major party candidates for President this year need to address—what are we going to do about it?

The response of President Bush and his economic apologists thus far is to deny even the reality. Fortunately, we have their own earlier predictions by which to measure today's economic facts.

In May of 2003, the President's own Council of Economic Advisers stated that his what was then called jobs and growth plan of more deficit-driving tax cuts for the rich and the super-rich would result in the creation, they said, of 5.5 million new jobs by the end of this year. Congress passed the President's plan, and it took effect in July of 2003. The actual number of jobs created in the past 12 months is over 2.2 million fewer jobs than the President's Council of Economic Advisers forecast. In fact, the job creation in this country has failed to meet the President's forecasts in 10 of the last 12 months.

Once again, the administration trots out their favorite apologist, Chairman Greenspan, whose salary now should be paid by the President's reelect committee rather than the American taxpayers, who preached fiscal responsibility for 8 years to President Clinton's administration and to the Congress at that time and was instrumental in creating a balanced Federal budget in the year 2000, after taking out the Social Security trust fund—the first time in 40 years that the budget of the Federal Government, the operating accounts were balanced. He then turned around and has acquiesced with every tax cut that has been passed and which has led to the deficits that now exceed over \$500 billion a year and which the non-partisan Concord Coalition, chaired by former Republican Senator Rudman, has called the most reckless fiscal policy in this Nation's history.

Mr. Greenspan, who acquiesced in those, now comes forward and says the tax cuts prevented a deeper recession. In part, he is probably correct that the child tax credit, which certainly passed here with overwhelming bipartisan support, and the 10-percent bracket had those benefits, but certainly nobody could say eliminating the estate tax in

2010 was a force in either dampening the recession or speeding our recovery, nor did making the top tax brackets for the rich and the super-rich even lower, according to most economists, result in that kind of economic stimulus. In fact, the Federal Reserve's own econometric forecast states that public spending is a better multiplier for jobs and economic growth than the tax cuts.

He has gone farther in the last day to say the reason we have lower paying jobs in America is now because American workers are not well enough educated. It is pretty hard to understand how the educational quality of the American workforce could change from what it was prior to the recession when employment had expanded at a robust pace for almost 8 years to where it is less than 3 years later. In fact, the reality is that many American workers are overeducated for the jobs that are available, as the New York Times editorial and other economic analyses have attested. We are not providing the jobs in this economy that people need with the talents they have. We are not providing the jobs people need to maintain the standards of living they enjoyed before. And we are not providing enough jobs for the unemployed and underemployed people of this country. That is the reality, not a canard.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 2443, the Coast Guard reauthorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2443), to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings in the CONGRESSIONAL RECORD of Tuesday, July 20, 2004 (Volume 150, Number 101).

Mr. MCCAIN. Mr. President, I rise today as the chairman of the Senate Committee on Commerce, Science, and Transportation, and I am pleased to announce today the successful completion of the conference report for H.R.