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Senate

INTELLIGENCE COMMITTEE REORGANIZATION—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Nevada is recognized.

Mr. REID. Mr. President, everybody should stay where they are. We are going to have a vote in a few minutes, unless something goes awry. In the next 3 or 4 minutes, there will be a vote.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 2938 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

AMENDMENT NO. 3994

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. The Chambliss-Kennedy amendment No. 3994.

Mr. CHAMBLISS. I ask for the yeas and nays.

Mr. REID. Will the Senator reconsider?

Mr. CHAMBLISS. I withdraw that request.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3994.

The amendment (No. 3994) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3995

Mr. McCONNELL. Mr. President, the pending business is the Bayh amendment?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. REID. Mr. President, if I can make a suggestion, there are negotiations that need to take place on the Bayh amendment that has been offered. I respectfully suggest that there are two important meetings that are going to take place: one we are having and one the Republicans are having. I am wondering if it wouldn't be in the best interest of all—1 o'clock is the filing deadline for amendments—that the Senate stand in recess from 1 p.m. until 2 p.m. today.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will not object to that request—in fact, I agree to it—but I also want to make the point that one of the most important amendments we anticipate is an amendment by Senator MCCAIN. I know earlier he had contacted us indicating he wanted to come over and offer it. Since we will be in recess under the consent agreement Senator REID is going to offer from 1 p.m. to 2 p.m., it is my hope Senator MCCAIN will be able to come over and offer that at 2 p.m. and we can get that in the queue.

Mr. REID. I make that request.

The PRESIDING OFFICER. Is there objection to a request for a recess from 1 p.m. to 2 p.m.? Without objection, it is so ordered.

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

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

USING INDIAN HEALTH SERVICE FACILITIES TO REGISTER NEW VOTERS

Mr. BINGAMAN. Mr. President, I wish to speak briefly about an article that was in yesterday's Washington Post that I thought raised a very disturbing issue of which the Senate needs to be aware. The article is entitled "Indian Health Agency Barred New-Voter Drive." I will read a couple of paragraphs from the article so that people understand the issues.

It says:

Officials at a federal program that runs hospitals and clinics serving Native Americans this summer prohibited employees from using those facilities to sign up new voters, saying that even nonpartisan voter registration was prohibited on federal property.

Staff members at several Indian Health Service hospitals and clinics in New Mexico, a presidential battleground state where about one-tenth of the population is Native American, were trying to register employees, patients and family members who use the facilities.

In a July e-mail, Ronald C. Wood, executive officer of the program's regional Navajo office, told his hospital and clinic directors that "we are in a very sensitive political season" and he outlined a policy that he said came from Indian Health Service headquarters.

"There have been some recent questions about whether we can do nonpartisan voter registration drives in our IHS facilities during non-duty hours". . . "The guidance from HQs staff is that we should not allow voter

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



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registration in our facilities or on federal property.”

This is of concern because of the history of Native Americans being denied the right to vote in my State and perhaps in other parts of the country as well.

The history of this issue in New Mexico, very briefly, is that a returning Marine Corps veteran, someone who served in the Second World War in the Marine Corps, named Miguel Trujillo, was denied the right to vote in our State. In 1948, he had to bring suit in Federal court to obtain the right to vote. He was an Isleta Pueblo Indian member, and he was teaching at Laguna Pueblo in my State and was denied the right to vote as a Native American.

I should point out that his son Michael Trujillo went on to become the head of the Indian Health Service. His daughter Josephine Waconda was the first American Indian woman to be a rear admiral in the career Indian Health Service. So they have a tremendous part of our history in that family.

It is absolutely inexcusable that the Indian Health Service would be giving direction saying that it is inappropriate or illegal or prohibited for people to use Federal property or Indian Health Service facilities to register people to vote on a nonpartisan basis.

Yesterday, I sent a letter to Tommy Thompson, Secretary of Health and Human Services, urging that even though it is not going to affect this year's election since voter registration in our State is essentially over this week in New Mexico, even though it does not affect voter registration, it is imperative that he, as head of that Department, issue a policy and clarify that this is not the policy of the Department of Health and Human Services, this is not the policy of the Indian Health Service.

We have a very strong policy that is recognized in the Defense Department that they encourage military personnel and others who are part of the military family to participate in registering others, either on or off base, to vote. That is as it should be. That is on a nonpartisan basis. I think we all support that. We need to have the very same policy with regard to Indian Health Service facilities and Indian Health Service personnel.

I hope very much that Secretary Thompson will respond to my letter positively, will issue a directive so that it is clear from now on that Indian Health Service personnel are not in any way prohibited from participating in voter registration drives on a nonpartisan basis. This is an issue that deserves attention before it is lost in the shuffle of this campaign. I hope we can get a response from the Secretary in the near future.

Mr. President, I ask unanimous consent to print in the RECORD the letter I sent to Secretary Thompson.

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

Hon. TOMMY THOMPSON,
Secretary, Department of Health and Human Services, 200 Independence Ave. SW, Washington, DC.

DEAR SECRETARY THOMPSON: I was dismayed to read a report in the Washington Post this morning that officials at the Indian Health Service were prohibiting employees at several locations in New Mexico from using IHS facilities to register new voters. While it would certainly not be appropriate or legal under the Hatch Act for federal employees to be involved in partisan political activity on federal property, the proposed Indian Health Service (IHS) voter registration program, as described in the Washington Post article, would not be prohibited under the Hatch Act because the program is described as nonpartisan. In addition, according to the article, the activity would take place during non-working hours, which should allay the fears of anyone concerned that the IHS employees would feel coerced to take part in the activity or that the program would interfere with employees' regular duties. As long as the program were conducted in a nonpartisan way, e.g. employees leading the effort do not attempt to influence the registrants in any way, and employees were free to choose whether or not to participate, it would be perfectly legal.

It is well known that the Defense Department has undertaken efforts to make sure that as many of its employees are registered to vote and participate in next month's elections as are eligible to do so. The Defense Department's efforts, like those proposed by Indian Health Agency employees, are designed to increase citizen involvement in one of the most important elections in our history. These are admirable goals that should be encouraged, not prohibited.

While it is clearly too late to clarify the Department's policy with regard to this year's election, I would still ask that you act as expeditiously as possible to issue a directive that makes it clear that the Department of Health and Human Services will not prohibit its employees from engaging in nonpartisan voter registration on federal property. In fact, I would hope that you would encourage your Department to engage in the same active voter registration efforts that the Department of Defense does. It is the right thing to do in the service of full participation in the democratic process, a goal that I know you share with me.

Please let me know of your plans to encourage voter registration as soon as possible.

Sincerely,

JEFF BINGAMAN.

Mr. BINGAMAN. Mr. President, I yield the floor, and 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. 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.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 1 p.m., recessed until 2:04 p.m. when called to

U.S. SENATE,
October 6, 2004.

order by the Presiding Officer (Mr. SESSIONS).

INTELLIGENCE COMMITTEE REORGANIZATION—Continued

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

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

The Senator from Arizona.

AMENDMENT NO. 3999 TO AMENDMENT NO. 3981

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up an amendment which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, and Mr. LOTT, Mr. LIEBERMAN, Ms. SNOWE, Mr. ROBERTS, and Mr. BAYH, proposes an amendment numbered 3999 to amendment No. 3981.

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

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

The amendment is as follows:

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

(Purpose: To strike section 402 and vest intelligence appropriations jurisdiction in the Select Committee on Intelligence)

Strike section 402 and insert the following:

SEC. 402. JURISDICTION OVER INTELLIGENCE APPROPRIATIONS.

Notwithstanding subparagraph (b) of paragraph 1 of Rule XXV of the Standing Rules of the Senate, the Select Committee on Intelligence shall have jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation, rescission of appropriations, and new spending authority related to funding for intelligence matters.

Mr. MCCAIN. Mr. President, I don't expect that this amendment should require a lot of debate. It is an issue that we have all talked about a lot. It is all a question of turf and jurisdiction. It is something that would never be seriously considered by this body under any other circumstances except that we are talking about the war on terrorism and the overwhelming issue of how we are going to defend this Nation. I will be more than happy to agree to a time agreement with the appropriators who will lead the fight against this amendment which would be agreeable to them.

This Chamber can be very proud of its bipartisan work that resulted in the overwhelming passage of S. 2845, the National Intelligence Reform Act of