United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, SEPTEMBER 22, 2004 No. 115

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

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

Let us pray.

Eternal Spirit, giver of every good and perfect gift, great are Your works. We sing of Your strength, for You are the ruler of the universe. Your righteousness endures forever. Give us the wisdom to ask You for Your guidance and to follow Your counsel. Subdue freedom's enemies and provide a shield for liberty.

Lord, thank You for America, with all of its freedoms and opportunities. May we always feel gratitude for this land.

Bless our Senators. Give them insights that will make justice roll down like waters. Help them to make laws that will maintain the rights of the afflicted and the destitute. Empower them to rescue the perishing and to care for the dying. Incline their hearts to so labor that Your will may be done on Earth as it is in Heaven.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN, a Senator from the State of Nevada, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, following my remarks and the remarks of the Democratic leader, we will proceed to a period for morning business for 90 minutes. The first 45 minutes will be under the control of the majority and the second half under the control of the minority. Following that time, the Senate will proceed to executive session for the consideration of PORTER GOSS to be Director of Central Intelligence. The agreement we reached last night allows for up to 6 hours equally divided for debate on the Goss nomination. The discussion the leaders were just having was that we want to make as much time available to everyone who would like to speak, but in the event we do not need all of that time, that would be yielded back and we would be able to proceed to a vote on that nomination. Again, we have up to 6 hours, but I expect time will be yielded back.

Today we do have a briefing for Senators regarding Iraq this afternoon from 3 to 4. Before that briefing, we will be able to set the vote. I am sure even later this morning we will be able to announce the time we will be voting later today.

We are also continuing to negotiate agreements on some of the remaining appropriation bills. I hope we can agree to a consent to allow us to consider the spending bills with a reasonable time limitation. If so, we will be able to follow the Goss nomination with that. I suspect that will be tomorrow morning.

We have the expiring family-friendly tax items and we want to consider that legislation as soon as it becomes available. I understand that progress is being made. It will be important for us to vote on that this week. In the event that is Friday morning, that will have to be Friday morning, but I do want to encourage the conferees, who I think are very close to reporting out that legislation, so that the House of Representatives can consider it and we can consider it. We will be voting on that this week, either Friday or, if it is available, Thursday night. Obviously, I encourage the latter.

I remind my colleagues of the joint meeting tomorrow morning at 10 with Prime Minister Allawi of Iraq. He will be addressing both Houses on Thursday. Members should be in the Senate Chamber no later than 9:30 in order to proceed to that joint meeting.

NOMINATION OF PORTER GOSS TO BE CIA DIRECTOR

Mr. FRIST. Mr. President, I will take a few minutes to comment on Representative PORTER GOSS' nomination to the post of Director of the CIA, as well as to comment on the real progress the Senate Governmental Affairs Committee is making as we address the issues of the 9/11 recommendations.

With regard to the former, I congratulate the Senate Intelligence Committee. One of the reasons I do not think there will be as much debate on the floor today is that they very thoroughly addressed the nomination with

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

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very good debate in committee and reported him out of that committee with an overwhelmingly positive vote.

Mr. GOSS is a highly capable manager and leader, with a strong background and extensive experience in intelligence matters. As we all know, he served in the Congress representing the people of southwest Florida for the past 15 years. He has a long history of public service, which I am sure will be outlined on the floor later. He served as mayor of Sanibel Island. In 1983, he was appointed to the Lee County Board of Commissioners by then Governor BOB GRAHAM. PORTER GOSS has a long career that has, of course, extended these last 15 years as a House Member where he held the chairmanship of the House Permanent Select Committee on Intelligence.

As chairman, he led one of the key investigations into possible intelligence failures regarding 9/11. He was thorough. He demonstrated a thoughtful and fair approach in these hearings and investigations. His committee's findings did add critical insights into how we can and should move forward to strengthen our defenses against terrorist attack.

So far, his committee, including the subcommittees, has held over 60—I think it was 62—oversight hearings on various aspects of the intelligence community. That number is more than the committee has held in any other calendar year. I use that as an example to show that Mr. GOSS takes his duty to investigate and reform the intelligence community very seriously.

Despite this, he did come under some harsh criticism from the other side. It has been charged that he has been too partisan in his career as a Congressman to take over this very important post. I do believe, however, that if one looks at his record of service to this country, that that criticism falls by the wayside.

PORTER GOSS has specific experience working for the Agency he is now nominated to run. During the Cold War, Mr. GOSS was a clandestine services case officer. He served as director of operations. In his own words, the CIA's mission ''is to obtain the plans and intentions of our enemies, adversaries and their associates before they could attack the United States.''

Mr. GOSS articulated so clearly and succinctly how this has occurred and will occur, and states very clearly indeed this mission has not changed and will not change.

Mr. GOSS understands the criticism now being leveled at him. As he told the Senate Intelligence Committee, he is sensitive to it; he understands the grave responsibility of leading the CIA and effecting the necessary reforms to strengthen our Nation's security. As he himself explains, being the Director of the CIA is a capabilities job, not a policy job.

There is no doubt that PORTER GOSS—former CIA agent, former U.S. Army intelligence agent, Congressman, and public servant—is totally committed to the safety and security of America. He is committed to making the CIA run effectively. He has both the inside and the outside perspective we need. Clearly, Mr. GOSS is the man for the job. I urge my colleagues to give him their overwhelming support when we vote on this nomination today. He is an outstanding choice to lead this agency.

I do hope we do not have a shift in conversation, which should be about his eminent qualifications, to distracting other issues. I do hope we focus on the man and the job for which he is being nominated.

INTELLIGENCE REFORM

Let me also close in saying we made real progress on the intelligence reform front. I know there are a lot of people who say slow down or don't have knee-jerk reactions or don't go too fast or it is a huge issue. I think the leadership is very sensitive to that. I wish to reassure our colleagues and the American people and the other House—really everyone—that we are addressing this as a huge issue, as big as any issue we have had to address in recent times, because it does focus on the safety and security of the American people.

There is a sense of urgency that this body has a responsibility to reflect. If there is a better system, if there is a better way to guarantee the safety and security of Americans, and we know it—and we do know it—then it is our responsibility to act and to do it thoughtfully and deliberately, and that is the process that the Democratic leader and I set up in which to address the two important issues.

Senator SUSAN COLLINS and Senator JOE LIEBERMAN, who are managing the initial legislation through the Governmental Affairs Committee, have very carefully, and are very carefully, considering all the information. They have been doing so for a long period of time, most acutely since the day the 9/11 Commission report and recommendations came out. They made great progress in marking up this legislation yesterday and will continue on that over the course of the day. That is exactly the task Senator DASCHLE and I set out for them in late July, to have the vehicle through which all the ideas, thoughts, and deliberations can be collected, understanding there are lots of very good ideas out there. But it is an important vehicle, an important bill, and one we will be addressing on the floor of the Senate next week.

The committee's baseline legislation does create a national intelligence director. It does establish a national counterterrorism center, which has the responsibilities which have been well defined in the legislation. It does implement a whole range of initiatives to improve the quality and effectiveness of the intelligence community. It does track closely with the plans and decisions put forward by many bodies, including proposals put forth by the White House, which has embraced the major conclusions of the 9/11 Commission.

I do hope, once this bill is completed in the Governmental Affairs Committee, people take the time to look at it very quickly and look at possible amendments over the course of the end of this week so they will be prepared for next week in terms of amendments they might put forward, so we, over the course of the deliberations, can improve that bill appropriately where people think it needs to be improved.

Just one final comment: Senator DASCHLE and I established a bipartisan task force to address the issues that look at how we need to reorganize in this body, so that our responsibility of oversight can be appropriately carried out. That task force has met on a number of occasions, at the Member level and at the staff level. Senators MCCONNELL and REID, the managers of this effort who represent the leadership on that task force, have been discussing this matter, as I understand it, daily.

There are a number of issues on which we can come to agreement relatively quickly. Others will have to be resolved through floor debate and votes. That just remains to be determined, once we see what those recommendations are. Either way these reforms will be implemented through Senate resolution or through modification of the Senate's rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Democratic leader is recognized.

INTELLIGENCE DELIBERATIONS

Mr. DASCHLE. Mr. President, I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of the legislative branch with regard to the 9/11 recommendations. I think both efforts have been laudable, they have been bipartisan, and they have been cooperative.

I don't think that being deliberate and being expeditious is a mutually exclusive proposition. We have to be deliberate but I don't see any reason why we can't also be expeditious.

Three very important commissions have analyzed and advised over the course of the last 3 years. It is not as if this came up within the last couple of weeks. It has been under consideration and very thoughtfully and carefully considered. I found it somewhat remarkable that all three commissions had many of the same recommendations to the Congress.

So this is in keeping with those experts who have very thoughtfully and carefully deliberated about this matter. We are simply continuing in that deliberative fashion, first in the committee and then on the task force. I am hopeful we can continue to be both deliberate as well as expeditious as we

consider our responsibilities before the end of this session of Congress.

ORDER OF PROCEDURE

During the Democratic period this morning, I ask unanimous consent that Senator KENNEDY be given 10 minutes; Senator MURRAY, 5 minutes; Senator CONRAD, 25 minutes; and Senator REID, 5 minutes.

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

Mr. DASCHLE. I ask, as is always the case, the leader time not be taken from the Democratic time.

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

THE SKYROCKETING COST OF HEALTH CARE

Mr. DASCHLE. Mr. President, recently, a new study confirmed a trend that most American families and businesses have known and felt for the past 3 years. Health care costs are rising at unsustainable rates, straining family budgets, weakening our economy, hampering job growth and forcing millions more Americans every year to go without insurance.

According to the annual survey by the Kaiser Family Foundation, health premiums increased 11.2 percent last year, more than five times the rate of wages. This is the fourth consecutive year of double-digit increases. Since 2000, health care premiums have increased by 59 percent and 5 million fewer Americans have access to employer health care coverage.

Last month the Census Bureau also reported that in 2003 alone, the number of uninsured Americans jumped by 1.4 million. Seniors are among the hardest hit. In addition to facing record increases in the price of prescription drugs, Medicare recipients recently learned they will be forced to pay a 17.5 percent increase in premiums, the steepest increase in Medicare's history.

The true costs of this crisis can't be depicted by statistics. There is no way to measure the stress caused by exorbitant health care bills. There is no way to measure the cost of the fear of families who worry that they are one layoff, one bad crop, one accident, or one illness away from being totally vulnerable, and they fell helpless to protect themselves.

Not long ago, I heard from the Imm family of Turton, SD. A few months back, their 24-year-old son, Monte, came down with a case of Crohn's disease.

As his disease grew worse, he couldn't work and he had to quit his job. After his insurance lapsed, he tried to buy coverage for himself, but with his condition, no insurer would offer him a policy.

Monte's monthly prescription bill is $500, and that is on top of the tests and emergency room visits that have become all too routine.

Doctors in Sioux Falls have recommended a trip to the Mayo Clinic, but the clinic requires a $1,500 deposit just to see Monte. The total cost will be much, much higher. Monte's parents are trying to help and are reaching into their retirement savings to do so. But Monte's health care costs will surpass $10,000 this year alone, and without good insurance, eventually the medical bills will eat up all they have worked for.

Millions of American families are in the same position as the Imm family, and the implications of this crisis are rippling outward throughout our country.

There is new evidence that as the cost of health care goes up, it is eating away at America's economy, holding back job creation, and stifling growth. A recent article in the New York Times showed that the cost of health insurance is preventing businesses, large and small, from hiring new workers, even if the workload demands it.

One small business owner said:

> Before, we hired based on workload. Now it's a question of affordability.

Economists are finding that high health care costs are a major reason our economy has been unable to create jobs. Not long ago, when I asked a businessman why he outsources his jobs overseas, he said the reason was health care. He did not have to pay it in India. He did not have to pay it in countries abroad. He pays it here at home.

Small businesses, which employ 50 percent of the Nation's workforce, face the greatest pressure of all. Because they are not big enough to bargain with insurers for better rates, and they cannot spread risk among larger pools of employees, small businesses too often are forced to pay for the nationwide increase in health care costs.

In the past year, in the midst of the toughest business environment in a generation, the total cost for insuring employees of small businesses alone rose 18 percent. Those small businesses that try to do the right thing and offer their employees health benefits are finding it more difficult to do so with each passing year.

I was recently contacted by Skip VanDerhule, who runs VanDerhule Moving and Storage, in Yankton. Even after raising employee premiums and copays, Skip's monthly premiums have risen 252 percent in 6 years. Skip has tried to look for better coverage, but recently an employee needed a kidney transplant, and he requires $30,000 per year in medicine alone just to keep his body from rejecting the new kidney. ''As soon as the insurer sees that,'' Skip said, ''they don't want us. And they'll quote us a price to make sure that we don't want them.'' So Skip is stuck with the prospect of higher health care costs with absolutely no end in sight.

In most businesses, the costs are passed along to their employees. Jana Schroeder, a medical professional from Sioux Falls, wrote me to say that even with good, dependable health insurance, her family pays $10,000 a year in health care costs.

A recent, routine mammogram cost $2,700, of which she was asked to pay $850. She said:

> I guess I should feel lucky I have insurance, but $848 is a full paycheck [for me]. So, do you pay that medical bill or the house payment? I surely can't pay it all at once.

Even with 100,000 Americans losing their health insurance every month since January of 2001, the White House has not provided any real options, no leadership in stopping the growth of this crisis.

Some of the most promising possibilities for bringing down the cost of health care, such as drug reimportation, the administration has opposed. Yet this crisis will not solve itself. Unless we act, health care premiums will continue to rise, driving more people into the ranks of the uninsured, and holding back more businesses from earning profits and creating jobs.

We have to do better. This is a national problem, and fixing it demands national leadership. Medical research is producing miracles quite often. Yet we are not solving a problem that is dragging tens of millions of Americans into poverty and poor health. This is not a question of ability or capacity; it is a question of will and leadership. It is time we seek out new ideas to help bring down the cost of health care.

One promising new initiative would create a reinsurance system to help blunt the cost of catastrophic medical illness. Some researchers have suggested that such a program could save South Dakota employers tens of millions of dollars each year and billions nationwide.

We need to debate these issues in Washington, but, regrettably, we have not had the opportunity to do so. In the past 2 years, we have spent 30 days discussing ways to limit access to the courtroom, but not 1 day to debate real ways to bring down the cost of health care for all Americans.

It is time for real action. We have an obligation to focus on the troubles of our economy and the Americans who are struggling to work and raise families. Our citizens are asking for leadership, and we have an obligation to answer that call.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 90 minutes. The first 45 minutes is under the control of the majority leader or his designee and the next 45 minutes is under the control of the Democratic leader or his designee.

The Senator from Nevada.

THE UNITED NATIONS

Mr. ENSIGN. Mr. President, I rise to discuss the failure of the United Nations. The U.N. is failing to promote liberty, democracy, and human rights for all citizens.

The world has changed a great deal since the United Nations was formed some 59 years ago. The dangers of Nazism and communism have been replaced by an ever-evolving, ever-increasing threat of terrorism.

The United Nations is not up to the challenges of this new century. The U.N. now has sponsors of terrorism and repression overseeing the protection of human rights around the world. The countries of Sudan, China, and Cuba currently serve as members of the United Nations Commission on Human Rights.

Yesterday, the United Nations Secretary General, Kofi Annan, lectured the world body that the rule of law in Iraq is being disrupted as much by the United States as by the terrorists who ravage the country through bombings and beheadings.

Any person or group who cannot decipher the moral difference in this struggle against terror and repression cannot and should not be trusted to lead. In a BBC interview last week, the Secretary General stated that the liberation of Iraq by the United States and its coalition partners was illegal and a violation of the U.N. Charter. This declaration comes on the heels of his earlier statement that ''there should have been a second resolution'' authorizing the invasion.

Today, Mr. Annan seems to be saying that the only way force can be used legitimately in the modern world is to first obtain the unanimous permission of the U.N. Security Council.

I am pleased President Bush does not adhere to this line of thinking. And I am proud every time I hear him say that he will never wait for permission to defend the United States.

The Secretary General's latest posturing is far from harmless. The U.N. has been given the lead role in organizing the elections in Iraq in January. But Mr. Annan's comments that we have acted illegally in Iraq, comments which have been replayed across the Arab world, have given an added feeling of legitimacy to every jihadist hoping to disrupt the vote.

I believe the U.N. has lost its way. It has ceased to be able to judge the difference between right and wrong. The Secretary General's speech to the General Assembly yesterday illustrated his belief that there is a moral equivalence between the terrorists and those who are fighting them. That is disturbing, and that is wrong.

However, the Secretary General is not alone in expressing it. It is extremely disturbing that a former United Nations official, Anna Di Lellio, has been named as the Director of Communications for the Volcker panel, a supposedly independent panel investigating the Oil For Food scandal. Why is this so disturbing? Because Ms. Di Lellio has compared President Bush and key U.S. ally, Prime Minister Silvio Berlusconi, to Osama bin Laden. This shows, again, how the United Nations is failing in the essential tasks for which it is responsible.

There is a difference between right and wrong. And words do have consequences.

I also want to read a quote the Democratic nominee made yesterday. It is in the Washington Post today. It says:

> Kerry did not directly answer a question about whether he agrees with U.N. Secretary General Kofi Annan, who called the Iraq war illegal. ''I don't know what the law or legalities are,'' Kerry said.

The U.N. Secretary General says the Iraq war is illegal because the United States didn't have United Nations' Security Council approval.

And JOHN KERRY can't give a clear answer that the United Nations Secretary General is wrong? This is a person running for the President of the United States.

Increasingly, the United Nations does not advocate the interests of those pursuing peace, freedom, and democracy in the world. If the United Nations spent more time working for liberty and less time coddling dictators, the world would be a better place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, I rise today to help frame the issue in Iraq. The American people deserve straight forward answers on issues of war and national security; especially when their lives are directly threatened and our military forces are engaged around the world in the war on terrorism. And it is not just our military forces that are at risk; our diplomats, intelligence professionals, and ordinary civilians working in war zones all face enormous danger from a very treacherous and barbaric enemy.

The recent, brutally grotesque beheadings of innocent Americans Eugene Armstrong on Monday and Jack Hensley yesterday are just two of many examples of the kind of evil that we face and why it must be eradicated.

Ambiguity is something we probably should expect in a heated political campaign, but anything less than total candor on national security issues is not acceptable.

The junior senator form Massachusetts has accused President Bush of ''colossal failures of judgment'' on his plan for Iraq. He then went on to lay out his own four-point plan for handling the conflict in Iraq. His four points were, No. 1, to get more help from other nations; No. 2, provide better training for Iraqi security forces; No. 3, provide benefits to the Iraqi people; and No. 4, ensure democratic elections can be held next year as promised.

I have no problem with this plan, because it is the short term and long term plan now in place by the Bush administration. Our President has consistently and assiduously worked with our allies to get more help in Iraq.

Sure, we would like to get more countries on board with us, but this is tough business and it takes bold, visionary leadership—like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of our closest allies. To imply, as some of my colleagues have, that the United States is not getting help from our international friends is simply untrue. As terrorism spreads to other countries, as it did recently in Russia, we should expect—and provide—even more help.

And let me point out the obvious about some allies, like France, who have not been supportive of our policies in Iraq. Their foreign policy decisions are based on internal political considerations and not on the personality of the President of the United States. For some of my colleagues to imply that some countries will change their policies toward Iraq if we change our President is ludicrous and misleading. The French will change their foreign policy when they change their President, not when we change ours. I have a great deal of trust and confidence in the common sense of the American people and I am sure they will understand exactly what I am saying.

The junior Senator from Massachusetts has also called for better training for Iraqi security forces. I am glad that he also agrees with President Bush on this point. Training Iraqi security forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been trained and another 16,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.

Speaking at New York University recently, the Democratic Presidential candidate said, ''Of the 35,000 police now in uniform, not one, not one, has completed a 24-week field training program.'' Just yesterday, however, The Washington Post reported that the head of strategic plans and policy for the Joint Chiefs of Staff, Lt. Gen. Walter Sharp, said that Kerry's accusation was just not accurate. According to Gen. Sharp, who is in a position to know, basic training for new Iraqi police officers is eight weeks, followed by 26 weeks of ''on-the-job'' field training. The Post article went on to say that Gen. Casey, the top U.S. commander in Iraq, estimates that Iraqi security forces will be in 'local control' of the majority of Iraq by the end of December, which is just 3 months away. Gen. Casey defined 'local control' as a combination of having Iraqi security forces in place, plus an assessment of the ability of local political leaders to govern

and to manage economic reconstruction efforts.

Others have criticized the President for not getting NATO involved in Iraq. Too bad they didn't read yesterday's London Financial Times. If they had, they would have read that, ''NATO is close to a deal to establish a military training academy in Iraq. The academy, which would have a staff of about 300, is intended to give substance to a decision by a NATO summit in June to provide training to the war-torn country as it seeks to build up its institutions.'' I hasten to add, that this NATO initiative was put forward by our President. So getting NATO involved is another area where the Democratic Presidential candidate agrees with the administration's policy in Iraq. Let me also add that 15 of 26 NATO member states are sharing the military burden on the ground with us in Iraq.

Charles Colton's famous quotation, ''Imitation is the sincerest of flattery,'' certainly applies to my colleague, Mr. KERRY. His four-point plan is not new and it certainly is not original. A careful review of President Bush's policies in Iraq clearly shows that the administration has been implementing all the points addressed by Senator KERRY well before he even articulated them.

We need to judge the President's policy in Iraq, not by the rhetoric of his detractors, but by those who know the facts. Tomorrow, the Congress will welcome, in Joint-Session, the interim Prime Minister of Iraq, Dr. Allawi. Let us hear from him how things are going in Iraq. Let us listen to him to find out what the Iraqi people think of our policies and programs for restoring security and getting the Iraqi economy going.

Let me close by quoting from President Bush's speech, which he gave at the UN yesterday. I believe it clearly shows why we are in Iraq, something that others do not seem to grasp. The President said:

> Our security is not merely found in spheres of influence, or some balance of power. The security of our world is found in the advancing rights of mankind. These rights are advancing across the world—and across the world, the enemies of human rights are responding with violence. Terrorists and their allies believe the Universal Declaration of Human Rights and the American Bill of Rights, and every charter of liberty ever written, are lies, to be burned and destroyed and forgotten.

He went on to say:

> We are determined to destroy terror networks wherever they operate, and the United States is grateful to every nation that is helping to seize terrorist assets, track down their operatives, and disrupt their plans.

The Acting Secretary of the Army, Les Brownlee, has eloquently framed why Iraq is important in the war on terrorism when he said:

> This is not simply a fight against terror—terror is a tactic. This is not simply a fight against al Qaeda, its affiliates and adherents—they are foot soldiers. This is not simply a fight to bring democracy to the Middle East—that is a strategic objective. This is a fight for the very ideas at the foundation of our society, the way of life those ideas enable, and the freedoms we enjoy.

Thank you Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, it is said that politics is the art of the possible. And while certain things are simply not possible, it is our duty to try all the same.

So today, I will try to explain the unexplainable. The distinguished junior Senator from Massachusetts has made so many statements on this country's involvement in Iraq that he has taken every conceivable position possible, and many that are simply not possible. The result is a record of ''dizzying contradictions,'' as Charles Krauthammer recently wrote, so confusing that the more he speaks, the less we understand.

Mr. President, JOHN KERRY has spoken on so many aspects of the liberation of Iraq. He has been on both sides of just about every coin in this entire debate. I want to address just four different positions he has taken.

What is more disturbing is that he has taken these four positions on the most basic question of the liberation of that country. The question is not nearly as difficult as the multiple answers we continue to get.

The question is: Would you have used force to remove Saddam Hussein?

Back in 2002, the answer was clear enough. Citing Saddam Hussein's use of weapons of mass destruction, his terrorist-like actions, and the fact that he was part of a global scourge of terrorism, Senator KERRY said he completely agreed with the President to effect regime change in Iraq, unilaterally if necessary. So he voted for the Iraq war resolution in October of 2002. Support in October of 2002.

Nine months later, Senator KERRY started to use another answer. He now claimed that the war resolution he supported in October 2002 did not empower the President to engage in regime change.

By January of 2004, around the time of the Iowa caucuses, Senator KERRY had a new position. He was now the ''antiwar candidate.'' In January of 2004, he was now the antiwar candidate, campaigning in the Iowa caucuses, having been, in October 2002, entirely supportive of the war.

He then went on to lock up the Democratic nomination for President. So we are into the general election season, Mr. President. When challenged by the President to answer whether he would have gone into Iraq and removed Saddam Hussein based on what we now know, KERRY stood on the edge of the Grand Canyon—a dramatic pose facing the Grand Canyon—and said on August 11:

> Yes, I would have voted for that authority.

In August of 2004, in the general election, he seems to be back where he was in October of 2002. He has gone from support to oppose and back to support.

But that was last month. A week ago, on the ''Imus in the Morning'' show, Senator KERRY was asked:

> Do you think there are any circumstances we should have gone to war in Iraq?

That is a pretty simple question. Here was Senator KERRY's response:

> Not under the current circumstances, no. There are none that I see.

This was last week. A month ago, he was in support of the war, but last week he was back in opposition to the war. He says:

> I voted based on weapons of mass destruction. The President distorted that, and I've said that. I mean, look, I can't be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I've said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can't be more direct than that.

Let's try this one more time. Senator KERRY, on the ''Imus'' show last week, said, in answer to the question:

> Do you think there are any circumstances we should have gone to war in Iraq?

He said:

> Not under the current circumstances, no. There are none that I see. I voted based on weapons of mass destruction. The President distorted that, and I've said that. I mean, look, I can't be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I've said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can't be more direct than that.

When KERRY finished his interview with Imus, here is what Imus had to say about it. Don Imus said:

> I asked him a number of questions about Iraq and I can't tell you what he said.

That was Don Imus' summary of JOHN KERRY's position on Iraq on his program last week.

Well, Mr. Imus, you are not alone. The top ranking Democrat on the Foreign Relations Committee, Senator BIDEN, recently stated:

> I don't think John should go back and try to explain accurate statements that are unexplainable.

That is our colleague in the Senate, an enthusiastic supporter of Senator KERRY. He said why try to explain the unexplainable, referring to Senator KERRY's various positions on Iraq.

We could all use clarity from JOHN KERRY with regard to Iraq's liberation, but none more than Prime Minister Ayad Allawi, who will be here among us addressing Congress tomorrow morning. Dealing with the terrorists and Baathist insurgents, he needs, more than anyone, to know that the U.S. position of supporting the liberty of Iraq is clear, unequivocal, and steadfast. He would not get that from reading JOHN KERRY's numerous positions.

Mr. President, a Senator's position on Iraq should not be all that hard to explain because it is not a complicated question. It is, however, a tough question, representative of the sort of tough issue any Commander in Chief

frequently gets. In trying to answer and re-answer the most important issue of this election, central to the struggle for freedom today and tomorrow, we have a Presidential candidate who constantly changes his mind. This is not some little issue; this is the biggest issue confronting the country today. We are 6 weeks from the election, and this is a man who flip-flops like a fish on the deck of a boat, back and forth, back and forth, who doesn't know where he stands on the most important issue we are confronting in our era.

For example, when asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently answered:

> You bet, we might have.

Let me read that one more time. When asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently said:

> You bet, we might have.

Not exactly Winston Churchill. Perhaps there is some nuance here, such as an exclamation point or a question mark, that tells whether this is a declaration or a question, but the answer to the most critical issue in this election should not leave the world wondering and more confused than before.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

HURRICANE DEVASTATION

Mrs. DOLE. Mr. President, so many States have been devastated this hurricane season. My own home State of North Carolina has been ravaged by the effects of not one, but four hurricanes in the last few weeks.

Most recently, western North Carolina suffered extensive damage caused by the torrential wind and rain of Hurricane Ivan. Initial estimates from the storm's destruction in Buncombe County alone are already topping $100 million. Sadly, this same county had already projected that exact amount in damages following Hurricane Frances.

Counties in western North Carolina had barely begun to recover from the flooding of Frances before Ivan roared through town late last week. The death toll from the storm, so far, is 10 people. In the town of Henderson, a man and his wife were sleeping soundly when a huge tree crashed through their house into their bedroom. The husband was pinned beneath the fallen tree, which ultimately took his life as the home had to be stabilized before the tree could be removed. In the Peeks Creek community in southern Macon County, a landslide sent homes crashing against each other, killing at least four people, including an unborn child whose mother was forced to have a leg amputated and remains in critical condition.

Houses have literally been washed away, and some left standing have been split in two by fallen trees. Main roads and neighborhood streets have been shut down from landslides and pavements giving way. Well over 200,000 residents were left without power over the weekend. Needless to say, it will take time before western North Carolina can return to a sense of normalcy.

I have been down to the devastated areas twice over the past two weeks. While my heart broke at the sight of destroyed homes and washed out roadways, my hopes were buoyed by the goodness of neighbor helping neighbor. It was an image played out all over the towns I visited. Local officials and first responders, some from as far as Raleigh and Charlotte, have done—and continue to do—a phenomenal job in the midst of challenging circumstances.

I think of the heroic efforts of families like Aileen and Glenn Holland. They are not strangers to offering aide after a natural disaster. Long time volunteers through the North Carolina Baptists Men Disaster Relief, they have traveled all over the United States. But last weekend, they didn't have to travel anywhere. The destruction came right to their front door. Fifteen homes were annihilated in Macon County, but the Holland's was left standing. When they heard the screams of neighbors, Aileen and Glenn began taking people in. They even found a toddler covered in mud crying from fear. The Hollands remained in their home, providing shelter for friends and family until fellow volunteers from the Baptist Men Disaster Relief arrived on the scene.

I also applaud the efforts of local churches, nonprofits, and groups such as the Red Cross for the helping hands they're extending all over western North Carolina. I had the chance to stop in and thank the volunteers at the Red Cross Shelter in Henderson County. I was touched to see the families finding refuge and reassurance there.

These are the memories I will keep with me as I think back on the far-reaching effects from this hurricane season. Yes, there is destruction. Yes, there is great pain. But I find encouragement in the selfless hearts of North Carolinians who are going to great lengths to help those struggling through the wreckage left behind.

It is my desire that we, too, can add to that goodwill and deliver the financial aide these areas need to get back on their feet. Fifteen Western North Carolina counties have been declared federal disaster areas, including Buncombe, Haywood, Henderson and Macon. This designation means that homeowners and businesses are eligible for assistance in the form of loans or grants from the Federal Emergency Management Agency, FEMA or the Small Business Administration. There is a $60 million request for North Carolina included in the President's emergency budget. We're obviously going to need much more. I would encourage Congress to expedite this aid to those who need it most.

I can only hope the end of this devastating hurricane season comes quickly. The autumn season makes western North Carolina one of the most beautiful places on earth—and the good folks from the mountains are well suited to give some southern hospitality to visitors from around the country. It is important that we get the word out that this magnificent part of the country is open for business during its prime tourism season. My thoughts and my prayers are with every person touched by these hurricanes, not only North Carolina but throughout the southeast and east coast. May God bless each and every one of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

INTELLIGENCE REFORM AND THE WAR ON TERRORISM

Mr. THOMAS. Mr. President, I believe it is appropriate, as we move toward the end of our session, to take a look at those issues that are before us that are most important. Certainly, we have had a difficult 4 years. Unusual and difficult events have happened which have been very hard to deal with, and they have made this a challenging and difficult time for all of us.

We had an economic downturn starting before the beginning of this 4 years. So we have taken steps to develop and strengthen the economy, which is still a job before us. However, we are making good progress, I believe, with respect to that issue.

We had September 11, which is a tragedy we will all always remember. And then, as a part of and following that tragedy, we have had the war on terrorism.

Certainly one has to understand that we have had a tough time. I think we have done rather well moving through this kind of a background and dealing with this situation that is very unusual.

We continue to face tough decisions and the followup on those decisions. We have made an excellent start in the economy. We have made an excellent start in the war on terrorism and, indeed, are moving forward in that regard. We are faced with responsibilities and issues that have an impact on the movement we are seeking. It is up to us to deal with those issues.

In the short term, we are dealing with the budget, appropriations—those items having to do with spending. One of the impacts of what has happened is a spending deficit. All of us, I think, would agree that under the circumstances, it was a reasonable and necessary thing to do. Most of us understand it is time we begin to do away with that deficit and get back to a balanced budget, about which I certainly feel strongly.

We are going to be faced as well with the reorganization of our intelligence-gathering situation. Today, we will be faced with a new Director of the CIA, which is a place to begin. Obviously, there need to be some changes there.

Along with that, during the next several weeks, we will be involved in the reorganization of the entire intelligence operation which, again, is very important. Of course, the most important aspect of our future is winning the war on terror and support for what we are doing in Iraq and Afghanistan.

We will take up the reform of our intelligence services. All of us recognize the hard work the Commission has done in putting together a plan, 41 suggestions and recommendations. We will look at those recommendations. They have done it under tough circumstances. We need to do our best to put into place the best program we can. This is not a political issue. This is an issue we ought to take a look at and say: How do we best avoid the kinds of problems we had in the past in collecting and putting to good use information and intelligence?

I do not think we should rush to complete this job. Obviously, it is something we need to do, and there is interest in getting it done as quickly as possible. I hope our target is to do it in the best way we know how as opposed to the fastest way we know how. Perhaps we need to do both.

We all agree there are weaknesses. Our Government institutions have not adapted to the growing threat of terrorism over more than a decade. We need to understand again, in terms of war, that the situation has changed so much. Not long ago, we fought a war with 17 divisions, landing boats on shores. That is not the case anymore. That is not the case at all. That is not the challenge. The challenge is not often knowing who the enemy is or where the enemy is. We have a totally different circumstance surrounding the need for intelligence.

We have to deal with the fact that terrorists are there to exploit the weaknesses in our defenses and in our knowledge of what needs to be done. Fortunately, this election year has focused some on that point. We have seen fingerpointing attempts to lay blame partly to political advantage, but that is not what it is about.

As we move forward with the debate in the Senate, I am hopeful we will never forget that the blame for the attacks on 9/11 rests solely on the al-Qaida terrorists and Osama bin Laden and the people involved in the Middle East for a long time working at these kinds of things. We need to understand also that the threat is not over, and we need to continue to deal with it.

So our focus is trying to figure out ways to improve the situation and correct the problem so the events of September 11 will not happen again.

So this obviously involves increasing both the quality and quantity of human intelligence, and we need to take a look at our overall situation, intelligence as well as military, because things, indeed, have to change. We need to have coordination certainly among all the intelligence agencies throughout the country, in different agencies than they have been in the past. Whether they put them all into one is one of the questions before us, but whether we do or not there has to be coordination and conversation and information exchange among them. There has to be sharing. We have to define the goals we are seeking so we understand what it is we are putting forth and that each of these various units within our intelligence agencies know what their responsibilities are and their goals are and we can put them together to equal what our totals are. We need, obviously, to invest more in the technical intelligence capabilities. Those things change constantly.

So more importantly, I suppose most importantly, we need to ensure the coordinated use of these resources and the personnel and improve communications. It sounds like an easy thing, but apparently it is not. In the end, this type of reform and reform of our intelligence gathering process is necessary. I look forward to the debate we will have soon and I suppose some starting today, as a matter of fact, with the recommendation before us for Director of the CIA.

Again, I hope that we can aim toward fixing the problems, aim toward moving to solutions rather than again finding ourselves in the 40-some days from elections where nearly everything is talked about having to do with the elections.

Of course, overall, the most important challenge we have before us now is to win the war on terrorism in places such as Iraq and Afghanistan.

The problems and the failures in prewar intelligence gathering are troubling, and I am pleased we are doing something about it so our leaders will have the best accurate information on which to make decisions.

And we acknowledge errors in the past. However, the coming debate should not draw from the central fact that operations in Iraq are and always have been a critical part of the war on terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and power to Islamic extremism.

The introduction of a stable democracy in that oppressed region of the world will create an environment in which freedom and liberty and peace have the potential to grow and to thrive. I am persuaded that is really the goal of most of Iraqis. When I visited there some months ago, I was very much impressed with the feeling of most people. You would go out to schools, to powerplants, into the streets of Baghdad, and generally there were all kinds of cars and activity, kids standing on the street waving as we went by in military cars.

I understand how difficult it is with the relatively small group of protesters and persons who do not care about the future and are willing to blow you up with a car bomb. But the fact is most people see the merit of having the kind of government, the kind of country where they can enjoy freedom and the prosperity of freedom. So if we can continue to provide an opportunity for these folks to take care of themselves, form their own government, which is our plan, of course, that is our goal.

Now, it is difficult and I understand politically advantageous to complain about the speed at which or the slowness at which it is taking place. The fact is it is going to be slow. It is going to be difficult. It is a difficult thing to accomplish. We hear complaints about not having a plan. We do have a plan. Is everything perfect? Of course not. But there is a plan. We know what we are doing. I was out to the training facility for the Iraqi police and army, and they are making an effort. It is slower than we thought, of course, but that is the case.

We are going to have the fanatics and the insurgents and they are going to be fighting us and the Iraqis and they will be acting out of desperation, and that is difficult. This is not the kind of war where somebody puts up a white flag and suddenly it is all over. This is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and we do and everyone agrees with that. But there is a sequence in completing our task. There is the first sequence. It will take a long time and there will be casualties and it will be difficult. But there are happy things to talk about. There are more than 400,000 security forces conducting stability operations there. The Government is in close consultation, training commanders; 99,000 Iraqis have been trained in various security forces. There is a lot going on there. Have we accomplished what we want yet? Of course not. Or else we would be saying that we have accomplished everything. But it is so important that we focus not only on that but on those things that now are important to us.

We are focused on our budget. We are focused on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on creating jobs so that we can continue to get strength in the economy. We need to focus on having the kind of intelligence that can avoid these things happening in the future. We need to focus on completing the task we have undertaken.

So we will have an opportunity in the next couple of weeks to do some things, and then certainly we will come back later. I guess my only hope is that we can continue to see the tasks clearly before us, seek to complete the task successfully as opposed to trying to make a political issue out of wherever the controversies lie. That is the challenge for us and a challenge I believe we can accomplish.

Mr. President, I yield the floor. 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. KENNEDY. 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. KENNEDY. I understand now that we are on the time that has been designated for Senator DASCHLE, the minority leader.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I have been yielded 10 minutes and then I understand my colleague and friend from Washington has been yielded 5.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Would the Chair notify me when I have 2 minutes remaining?

The PRESIDING OFFICER. Yes.

EDUCATION FUNDING

Mr. KENNEDY. Mr. President, yesterday, JOHN EDWARDS was in Cleveland, OH, and gave a powerful speech on the economy. He pointed out the struggles of the middle class and asked why President Bush made the choices he has to boost the wealthiest Americans and abandon hard working men and women. I urge my colleagues to take a look at this great speech.

I ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF SENATOR JOHN EDWARDS

It is an honor to be with you.

When I was in school, I remember coming down the stairs at night. I would see the glow of the television, hear the volume on low, and see my Dad working at the kitchen table. He wasn't going over the family bills or paper work from his job at the mill. He was learning math on TV.

After a long day at work, he would come home and turn on a local TV station to learn. Every year, he'd see another young person with no experience and a college degree move past him. And he knew that if he didn't try something his chances of moving up would disappear.

So my Dad—like millions of Americans—did what he could for himself so that he could better provide for his family. I was proud of what he was trying to do. I was sad because he couldn't get a college degree. And I realized that I lived in a country where I could.

Standing in that house, I always had hope. At that time, America was a place where hard work and determination could take you anywhere. My mother ran her own small business, refinishing furniture to help pay for my tuition. Thanks to my mother and father's hard work in that mill, in that business, and at that kitchen table, they were able to buy a house. Later on, they were able to help me become the first person in my family to go to college. And I stand here today because I have lived in the bright light and the blessing of America.

What I saw in that house in Robbins, North Carolina was very American. It was two parents working hard, meeting their responsibilities, and living in an economy that made the American Dream possible. It was a time when you knew that faith, responsibility and hard work would lift your family up. They would give you and your children the future they deserve. And this is the great promise of America.

But I fear today, that that light is flickering and that blessing is no longer there for any but a few. And this great shift away from the power and the promise of our middle class means that the gifts and the graces of too many young people never have a chance to shine.

Today, I fear that a young boy in Athens who goes downstairs and sees his parents at the kitchen table doesn't sense hope in his house. He sees his parents trying to get through the month. He sees them divide up their bills into piles that say ''pay now'' and ''pay later.'' And he sees his mother and father work hard and they can't even break even.

That boy thinks, ''This is what life will be like.'' He looks on with resignation and the false belief that this is as good as it gets.

Two people are responsible for causing this great shift in America: George W. Bush and Dick Cheney. Their policies have decimated the economy of Ohio and the American values we believe in.

This campaign is about different leaders and different economic plans. It's about different visions for America. And it's about what's holding our economy down—the callous view of a few at the top who believe that the values that got us here can now be left behind.

It is because George Bush and Dick Cheney abandoned our values that Ohio has lost 237,000 jobs; family incomes have dropped by more than $1,500; health care costs have gone up more than $3,600; tuition at Cleveland State and Ohio State is up $3000; and once every five minutes an Ohio family files for bankruptcy.

The struggles people face in Ohio and the weakness in our economy are a direct result of decisions made by George Bush and Dick Cheney. And those decisions are the direct result of a vision that honors wealth and privilege rather than work and responsibility.

When our economy suffered after September 11, this President made a choice. He fought for tax cuts for the wealthiest Americans. And he did nothing to put more money into the pockets of working families.

When our country went 7 straight months of losing jobs, this President made a choice. He proposed $25 billion in backward-looking tax cuts for big corporations like Enron. But he did nothing to pass tax cuts that would encourage businesses to create jobs.

When the incomes of working families began to fall after 7 years of strong growth, this President made a choice. He slashed the overtime for six million workers. But he did nothing to raise the minimum wage.

When health care costs skyrocketed out of control, this President made a choice. He gave away $140 billion to the big drug companies and fought to lift the responsibilities of HMOs and insurance companies while taking away the rights of families. But he did nothing to lower health care costs so Americans could keep more of their hard-earned money.

When Ohio schools raised college tuition because of state budget deficits, this President made a choice. He stood up for subsidies to big banks and tried to cut off Pell Grants for 84,000 students. But he did nothing to relieve the burden on our state budgets and increase student aid.

Every choice he made did something to harm our middle class and weaken our economy. So when it comes to what working people need, this really is a Do-Nothing Presidency: Do Nothing to create jobs, do nothing to relieve the pressure on the middle class, do nothing to bring down health care costs, and do nothing to help more young people go to college.

You can count on George Bush and Dick Cheney to do one thing: look out for their friends at the top. It is very simple: they honor wealth, not work.

Make no mistake. This idea is the most radical and dangerous economic agenda to hit our shores since socialism a century ago. Like socialism, it corrupts the very nature of our democracy and our free enterprise tradition. It is not a plan to grow the American economy. It is a plan to corrupt the American economy and shrink the winners' circle.

John Kerry and I believe that the hard work and responsibility of the middle class are the engine of our economy. We believe our government should honor those values and give everyone who works hard and takes responsibility a chance to do well. We believe in expanding the winner's circle. We believe in one America.

History shows us that our approach works better for America. To have real economic growth in this country, we have to strengthen and expand the middle class.

We saw it with the G.I. Bill. Young men had fought for America, and America invested in them. Millions of young people went to college and triggered the greatest expansion of the middle class the world has ever seen.

We saw it in the 1990s. Government lived within a budget just like our families do. A tight labor market drove up wages. The average family made $7000 more, and we lifted 6 million Americans out of poverty.

And look where we are today. George Bush and Dick Cheney have replaced that virtuous path with a vicious circle when it comes to our economy.

We have a labor market that cannot keep up with our growing population. We see declining wages even as health care costs go through the roof. And the gap between the Two Americas is growing. Corporate profits are up. Our most expensive stores' sales are up. But average wages are down over the last year, and the Targets and Gaps are seeing their sales stall. Instead of creating good middle-class jobs, we're creating more temporary positions, part-time jobs, and jobs in fast food restaurants.

When you have a government that does nothing to reward work, our economy doesn't pick up and this vicious circle continues. The people at the top do just fine. The people who make this country work struggle to get through the month, and our economy never picks up steam.

John Kerry and I will break this vicious circle. And we will put America back on a virtuous path where work is rewarded, the middle class expands, and the American Dream is there for all who are willing to work for it.

It is time to build one America with one economy that works for everyone. Where no child ever looks on at his parents and thinks, ''I can't hope for something better.'' But dreams only of building something better. And this is the season for change. It is time to build an economy that honors our values and rewards work.

I know personally what it's like when the factory or the plant closes down. The whole town suffers, and that's what happened when the textile mill my father worked in closed down.

We can prevent some of these jobs from leaving America. And there are real steps we can take that will stem the loss of manufacturing jobs in Ohio. But that alone won't be enough.

One constant of our new global economy is that there will always be change—one sector will be growing while another lags. It is the responsibility of our leaders to anticipate these changes, do what they can to save the old jobs and create new ones, and give our workforce the tools it needs to adapt to the new economy.

What I will present today is our plan to help Ohio and America build one economy. This plan will attract new business to Ohio and create more manufacturing jobs. And it will strengthen and expand the middle class so that the American dream of building something better is never replaced with the dream of just getting by.

First, we are going to create and keep good paying jobs right here in America.

Today, if one company wants to move its factory to China and another company wants to keep its plant open outside of Marietta, the company that ships its jobs overseas is rewarded. They get the tax break while our middle class watches more and more good paying jobs leave this country. They get the tax break while our middle class loses its muscle. And they get the tax break while your friends and neighbors have to figure out how to live on $12,000 less in their new job.

This administration values America's work so little that they actually proposed to offer new tax breaks for companies to go overseas. We should be exporting American products, not American jobs.

When John Kerry is President, we will end the tax deferral rules that encourage companies to ship jobs overseas. Instead, we will cut taxes for businesses that create jobs here. In fact we will cut taxes for 99% of American companies that pay taxes and create jobs.

For those small businesses and manufacturers that want to hire new employees we will create a new jobs tax credit to pay your share of the payroll tax for every person you hire. And for those small business owners who want to hire more employees but cannot afford to insure them, we will give you up to a 50% tax cut on your health care to cover your employees.

You see, we believe government should cut taxes on American business. But it shouldn't cut and run from America's values when it does.

Another way to honor work is to enforce our trade agreements and trade laws so we secure a more level playing field for our workers. We need to trade for our businesses, our consumers, and our economy. But we need to make sure that our trading partners honor their part of the bargain.

Your own Senator, George Voinovich called America's enforcement of trade laws, ''nothing short of abysmal.'' Right now, this administration is using our trade policy to compensate for their own failed foreign policy, by cutting deals with small countries willing to support us. And in the meantime, our major trading partners are cleaning our clock, bringing two or three trade cases against us for every one we bring against them.

Today we are running the biggest trade deficit in history. Exports are down for the first time in history. And no place feels the downside of an Administration that fails to look out for our businesses and our workers more than Ohio.

Ohio has lost 173,000 manufacturing jobs under this President. Here in Cleveland, CHC Industries shut down its plant because of Chinese dumping.

And I heard a similar story from the workers from Techneglas in Columbus. They were part of the television glass and components manufacturer that closed three plants and sent 1,100 workers home. And one of the reasons they closed is China's continued manipulation of its currency. They are able to sell products for up to 40 percent less—not because they're more efficient or cheaper, but because they play games in the currency markets. This president won't even say it's against the rules.

John Kerry will. He will fight China's currency manipulation. And he will stand up and defend the federal trade enforcement law that that has delivered over $200 million to Ohio manufacturers over the last four years.

These trade policies aren't abstract ideas or some things that happen over there. They impact our lives. While we must always trade and open our markets, we must do so in a way that is right for our workers and the world's workers.

We all have to do well if this economy is going to break this vicious circle and start to grow. And that means making sure businesses across America can compete with businesses around the world. Today, health care costs add $400 to the cost of a Japanese car, but $1400 to the cost of an American car. American manufacturers that have always done the right thing and offered health care are at a growing disadvantage compared to our international competition.

We can change that. We can change it by lifting the burden of catastrophic costs from businesses and by offering tax credits to make health care more affordable. We can change it by allowing the reimportation of prescription drugs and the government to negotiate a fair price. And we can change it by passing a new three-strikes-and-you're out rule that targets the lawyers who clog our court systems with meritless cases that should never be filed-not the victims whose injuries are all too real.

John and I also understand that a strong economy isn't just about Wall Street doing well. It's about the strength and livelihoods of our Main Streets and back streets in our small towns and rural areas.

That's why we'll create a venture capital fund to support small businesses and entrepreneurs in small towns that are hurting. We will make sure we have broadband everywhere in America and help small manufacturers upgrade their technology. And we can invest in the new technologies and renewable energies so that America can become independent of Middle East oil.

Here in Ohio, your leading universities, research institutes, and advanced manufacturing industries will spark new growth and innovation. They are critical for strengthening our high tech economy and key to Ohio's economic future.

Since the Second World War, technology has accounted for nearly 50 percent of the state's economic growth. There are 167,000 Ohio workers employed in high tech jobs.

If we expand investment in technology, we can create an economic environment where these kinds of good paying jobs are created every day. And by investing in education, we can use our best and our brightest to solve our countries greatest challenges. The strength and knowledge of our working men and women will launch the next wave of economic expansion. And Ohio can and will lead the way.

Once we take these steps, our walk is not done. When we put America back to work, we also need to make sure that work is honored and rewarded.

George Bush is talking about building an ownership society, but he has spent four years building a debt society for everyone except those at the top. His economic vision has one goal: to get rid of taxes on unearned income and shift the tax burden onto people who work. And he has moved toward that goal with the tax cuts he has passed already.

The President's new ''tax reform'' is the ultimate expression of his values. We don't know all of the details, but we know a lot of them because of a memo released by his former Treasury Secretary.

We know people who inherit hundreds of millions will pay nothing; firemen and waitresses and working people will pay everything. And we know his plan will take away the most important incentive for the single most important form of ownership: it will eliminate entirely the tax deduction for home mortgage interest.

According to the Treasury Department, the effects of this project on the economy as a whole are ''uncertain.'' But the effects on the middle class are clear. It means that they will bear more of the tax burden in America.

It's time to return to the idea that made this country great: Instead of helping wealthy people protect their wealth, we should reward the work of America's middle class.

That is why John Kerry and I have a plan to cut taxes on work and expand our middle class. To help middle class families pay for health care, health care reform and a tax credit to help lower premiums up to $1,000 a year. To help them cover the rising costs of child care, a tax credit up to $1,000 so children have a safe place to go while their parents work. To help middle-class families keep more of their hard-earned money, we will stop the deceptive and unfair credit card deals that cost families billions each year.

And to give more young Americans the chance I had to be the first member of their family to go to college, a plan to make college affordable. We will provide $10 billion in aid for states, including $340 million for Ohio, as long as the state holds tuition in line with inflation. We will provide every person with a tax credit on $4,000 of college tuition. And if young people are willing to give two years of service to their community, state or country, then we'll give them four years of college tuition.

When we say that we want to cut taxes for the middle class, these are more than words. It's what John and I have fought for over and over again. They want more tax cuts for millionaires. We want more tax cuts for the middle class because we know that a strong and growing middle class means a stronger America.

Just as families live within a budget, Washington should too. And we will restore fiscal discipline in Washington. We will roll back tax cuts on multimillionaires, restore real budget rules, and we will cut corporate loopholes, corporate welfare, and the federal bureaucracy that is growing again under George W. Bush. Our plan will cut the deficit in half and this will restore confidence in our markets. It will free up new capital for new businesses and encourage them to start hiring again.

There is a fundamental American principle we all believe in—creating wealth for those who'll work for it and expanding the middle class. But the very idea of the ''working poor'' has no place in our America.

Cleveland is a proud city, a great city. And it belongs at the top of many lists. But not the one we heard about last month—having the highest poverty rate in the nation. We need to see these numbers as a call to action.

Poverty isn't something we can live with. It's something we must strive to end. Based not on handouts, but based on hard work. We will encourage the job creation in Cleveland by fixing our tax policies and our trade policies and investing in our small businesses. We will honor hard work by raising the minimum wage. That will help 396,000 people in Ohio. And we will honor hard work by expanding tax credits for those who work.

In Cleveland, thousands of working families who are eligible for those tax credits

don't collect them. Thousands get advance ''tax refunds'' that are actually loans at interest rates of 100 percent or higher. And often these families see their earnings eroded even more by predatory lending at rates no one should have to bear. Ohio has the highest foreclosure rate in the country, and in Cleveland, 1 in 66 homes were in foreclosure in 2003.

We can do something about it. First, we'll work with Cleveland to lead an outreach campaign, expand voluntary help with taxes, speed up tax refunds, and get the IRS out of the business of encouraging high-interest loans. We will crack down on predatory lending to save Ohio families $300 million a year, and use our laws to prompt banks to offer more loans and services to low income families. And we can make sure fathers honor their responsibilities by paying child support and helping them work.

We can lead a rebirth right here in Cleveland. This city has 350 brownfields covering 6,000 acres. We can clean them up and replace hollowed out buildings with good new homes. And we can strengthen the public schools in Cleveland so that families stay in the city. You just laid off more than 800 teachers because the schools are underfunded. How are we going to educate the best minds of tomorrow without a good teacher at the head of every classroom?

One thing that you understand here in Cleveland is that poverty isn't ''their'' problem. Nobody is more eager than you to fight poverty because you understand that the fate of your city depends on the success of all of your residents. And that is exactly the same thing for America. Creating opportunity for all is not an expression of compassion. It is an expression of our commitment to do what is best for America.

At the heart of this campaign, we want to make sure that everyone has those same opportunities that I had growing up—no matter where you live, who your family is, and what the color of your skin is. This is the America we believe in.

You honor work and inspire confidence by building one economy that honors our values and strengthens our great middle class. With this simple and enduring principle serving as our moral compass, we can break this current vicious circle and put our economy back on a virtuous path.

This is what the politics of what's possible can build and John and I need your support to make this happen in America.

For in the end, this election comes down to a simple choice. If you believe that our economy—Ohio's economy—is strong when month after month jobs are lost and family incomes decline, then you can vote for George Bush and Dick Cheney. But if you want an economy that honors work and lifts up our middle class, then your choice is clear and it is time to make John Kerry our next president.

Many of us are angry at what George Bush and Dick Cheney have done to our great country and the values we cherish. But anger never changed America; our actions do. And this is what we will do create good paying jobs, invest in the jobs of the future, and lift up and expand our great middle class.

We will do this for America.

So that once again, we can live in the bright light and the blessing of America.

Where a child no longer sees despair when his parents sort bills at the kitchen table, but believes in the promise of America. That hard work, responsibility and the love of his family can create a future filled with hope and grace.

Mr. KENNEDY. Mr. President, few issues are more important to a strong America than strong schools. Education can open the doors of opportunity to our people. It helps the next generation realize their potential and fulfill their dreams. A good education strengthens our economy as it prepares young Americans to get good jobs and compete in today's world. Parents want their children to succeed, but over the past 4 years we have seen a President and an administration with an incompetent education policy and incompetent education budget.

President Bush can find more than $1 trillion to give away in tax breaks for the elite but he cuts funding for his own education reforms. He can waste billions of dollars in contracts to Halliburton but cannot find a dime to increase Pell grants. When it comes to the education of our children and helping the middle-class families afford college for their children, and helping workers get retrained for new jobs, this administration has been AWOL.

On issue after issue, the administration has misled the country with the long trail of broken promises and unmet commitments. Incompetence is hurting our families and our communities. On Iraq, the administration manipulated and distorted intelligence in a rush to war. We have had incompetent leadership in trying to find a way of peace, and America is less safe today.

We have had incompetency in the management of our economy with the loss of 1,700,000 jobs. Wages are down. Expenses are up. Health premiums are going through the roof. Gasoline prices are up. College premiums are up. In health care, we have a double-digit increase in premiums. Drug costs are going through the ceiling. There is a rising number of uninsured. Iraq, the economy, health care, and now education.

I have a statement the President made January 23, 2001:

> My focus will be on making sure that every child is educated.

These are the K–12. This is the college education. These are the children who need the training programs and yet we see that under the administration's budget 4.6 million of these children are being left behind.

College tuition has gone up 38 percent in the new calculations since this President took office, which makes payment of the premiums for a college education out of the reach of middle-income families.

We have had an actual $600 million cut in job training programs.

This is what the President said:

> Funding is important and so is reform. So we must tie funding to higher standards and accountability—

We agreed with that—

> for results. Schools will be given a reasonable chance to improve and the support to do so.

Money is not the answer to everything but it is a clear indication of a nation's priorities. This is a commitment of the President to provide the support so we can have higher standards so that we can have higher results and academic achievement for our children. Yet we find that Bush underfunded the reforms of No Child Left Behind this year by $9.4 billion.

There are 6,500 schools identified as in need of improvement and President Bush has never once proposed funding to turn around schools that need improvement.

Here it is. The President said on January 23, 2001:

> Many of our schools, particularly low-income schools, will need help in the transition to higher standards.

Higher standards mean better trained teachers who are teaching in underserved areas. It means support services for those children who are not being able to keep up with the rest of the class. It means help and assistance for limited-English-speaking children, those who are speaking a foreign language who need the extra help and assistance in order to be able to perform at standard, and also reforms for struggling schools in many of our urban areas and some in our rural areas.

There was a guarantee in the No Child Left Behind funding for qualified teachers, funding for afterschool programs, funding for limited-English-speaking children, funding for struggling schools, and yet that has been a failed promise.

This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

This was the commitment in the No Child Left Behind Act that this President signed to say that no child would be left behind, and that every child could reach proficiency.

In my State of Massachusetts, in the last MCAS test, which is generally recognized nationwide, 62 percent of the children were able to get proficiency in reading and 57 percent in math. We are not giving up on those children but evidently the administration has.

Next, in higher education, this is what the President said on August 30, 2000:

> A child eligible for a Pell grant future will be affected by the size of the Pell grant. I am going to ask Congress to bolster the first year aid . . . to $5,100 per recipient of the Pell grant. . . .

That was on August 30, 2000. When was that? Just before the election.

I have the budget of this administration on the Pell grants for the last 4 years: Zero, zero, zero in terms of the increase of the Pell grants at a time when we have increases in higher education going up 38 percent.

This is an abdication of responsibility to the children of this country. We have had an abdication of responsibility in health care, in the economy, and in education.

What we do not have with this administration is attention to special interests. We saw over the passage of the Medicare debate where this administration gave $139 billion in windfall

profits to the drug industry, $46 billion to the HMO industry. Now what do we have, the student loan scandal.

My friend from the State of Washington will speak to this issue, but I wish to point out what was printed today in the New York Times that says it all.

I ask unanimous consent that the whole article be printed in the RECORD.

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

[From the New York Times, Sept. 22, 2004]

BANKS AND THE COLLEGE LOAN LOOPHOLE

The Bush administration has studiously looked the other way while well-connected lenders have exploited a loophole in the student loan program that will reap them nearly a billion dollars in undeserved subsidies this year alone. Congress, which rakes in contributions from banks and other lenders, was reluctant to even discuss this problem until a public outcry recently made it impossible to avoid. The Education Department has claimed that it lacks the authority to close the loophole unilaterally. But that position was blown away this week in an unusually caustic report by the Government Accountability Office, which outlined the scope of the problem and urged the Education Department to solve it quickly.

At issue is a special category of student loans for which the government guarantees the lenders a whopping return of 9.5 percent, even though the prevailing rate charged to students is now less than 3.5 percent. The 9.5 percent loans, backed by tax-exempt bonds, were established when interest rates were high in the 1980's to keep lenders in the college laon business, Congress tried to phase out the high-interest loans in 1993, when it rightly concluded that they were no longer needed, but they have not gone away.

As interest rates declined, the lenders, abetted by the Education Department, developed a series of accounting tricks that create new 9.5 percent loans essentially out of thin air. This process, sometimes described as cloning, has made the number of 9.5 percent loans balloon and ratcheted up the subsidies that the government must pay. Worse still, recent press accounts suggest that higher-ups in the department may have overruled auditors who tried to put an end to this process.

The House voted to end the unfair subsidies temporarily—and is likely to settle on a permanent solution soon. But the Senate Appropriations Committee ducked the issue last week when it rejected a measure that would have driven a stake through the wasteful program and redirected some of the savings to student aid. By one estimate, even six months' delay in dealing with this problem would cost the taxpayers nearly $3 billion in interest payments. That money should be going to poor and working-class college students—not to banks.

Mr. KENNEDY. By one estimate, even 6 months' delay in dealing with this problem will cost the taxpayers nearly $3 billion in interest payments. That money should be going to poor and working class college students, not to the banks.

We have an administration that takes care of the special interests, and now we find they are taking care of the banks as well. They take care of the drug companies, the HMOs, and the banks. All one has to do is read the newspaper. Look at this morning's newspaper on the Federal page, September 22, ''EPA Wording Found To Mirror Industry's.''

For the third time, environmental advocates have discovered passages in the Bush administration's proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing the coal-fired power plants.

There it is again, taking care of the banks, taking care of the powerplants, taking care of the drug industry, but not taking care of working class Americans, not taking care of middle-income Americans.

I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the Washington Post, Sept. 22, 2004]

EPA WORDING FOUND TO MIRROR INDUSTRY'S

(By Juliet Eilperin)

For the third time, environmental advocates have discovered passages in the Bush administration's proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing coal-fired power plants.

The passages state that the Environmental Protection Agency is not required to regulate other hazardous toxins emitted by power plants, such as lead and arsenic. Several attorneys general, as well as some environmental groups, have argued that the Clean Air Act compels the EPA to regulate these emissions as well as mercury.

The revelations concerning language written by Latham & Watkins could broaden an ongoing probe by the EPA's inspector general into whether the industry had an undue influence on the agency's proposed mercury rule, legislative critics of the proposed rule said.

Sen. James M. Jeffords (I-Vt.), ranking member of the Senate Environment and Public Works Committee and one of the senators who called for the probe last spring, said the revelation that the EPA adopted the same wording as an industry source ''no longer comes as much of a surprise.''

''The Bush administration continues to let industry write the rules on pollution, and this is just one more example of how they abuse the public trust,'' he said.

EPA spokeswoman Cynthia Bergman would not comment on the connection between the law firm memo and the agency's proposal beyond saying that it is ''a public document. It was publicly debated as part of the rulemaking process.''

She added that pollutants such as lead and arsenic are not the central issue: ''EPA continues to be most concerned with mercury. We will be regulating mercury emissions from power plants for the first time, and we will concentrate on the need to protect children and pregnant women.''

Environmentalists have assailed the EPA for months arguing that the mercury rule, slated to be finalized next March, would not adequately curb a toxin that can enter the food chain through fish and cause development damage in infants and young children.

The rule, they said, does nothing to limit chromium, lead and arsenic pollution from utilities, all of which exceed mercury emissions and could pose a health threat.

''The big story here is the public health story; things like arsenic, lead and chromium are being released in very large quantities and pose a very serious health threat,'' said John Stanton, a senior lawyer for Clear the Air, an environmental coalition that spotted the similarities between the regulation's language and the industry memo.

The proposed regulation concludes that although the EPA determined in 2000 that arsenic, chromium and other metals are potential carcinogens, there is too much uncertainty to justify regulating them.

That conclusion is backed by two sections of the proposed rule that address whether the EPA is compelled to regulate non-mercury pollutants, an issue that first arose in 1990 when Congress rewrote sections of the Clean Air Act. At the time, Congress made an exemption for the utilities, saying the EPA should study whether it was both ''appropriate and necessary'' to regulate them. In 2000, in the waning months of the Clinton administration, the EPA concluded that utilities should be listed as a source of toxic emissions and regulated accordingly.

In light of the 2000 decision and past studies, EPA officials said they are obligated to regulate only mercury in coal-fired power plants and nickel in oil-fired plants. The nine attorneys general and two state environmental secretaries wrote the agency on June 28 saving the EPA is legally required to address other pollutants as well, citing a 2000 decision by the U.S. Court of Appeals for the D.C. Circuit.

The Aug. 5, 2002, memo from Latham & Watkins, submitted during the public comment period on the rule, said hazardous air pollutants other than mercury did not need to be regulated. It made multiple references to statements by Rep. Michael G. Oxley (R-Ohio) that ''Congress provided a distinct regulatory mandate for utility [hazardous emissions] because of the logic of basing any decisions to regulate on the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.''

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act ''after considering the results of the study required by this paragraph.'' The memo uses the world ''subparagraph'' instead of paragraph but is otherwise identical.

Latham lawyer Robert A. Wyman Jr., who authored the memo, declined to comment last week on grounds that the firm does not discuss client matters unless directed to do so.

The Washington Post and the Los Angeles Times reported earlier this year on instances in which industry-written language had surfaced in the mercury proposal. A spokesman for the inspector general's office said its investigation of the issue should be done by early next year.

That, I believe, is what this whole election is about.

Finally, the President of the United States is out today in Pennsylvania and also in Wisconsin. I hope he will explain to the people in Pennsylvania why he is leaving out 65,800 schoolchildren, who are being left behind in the funding of the No Child Left Behind Act in Pennsylvania. And when he travels to Wisconsin on Friday, I hope he will explain to the parents out there in Wisconsin why he is leaving behind 26,300 children, who are left behind in the State of Wisconsin.

The parents of the children in Pennsylvania, the parents of the children in

Wisconsin, are entitled to answers. They are tired of rhetoric. They are tired of cliches. They are tired of misrepresentations. They want the facts. They want the truth. We have a candidate who will give it to them.

I see my friend and colleague in the Chamber, Senator MURRAY. Whatever remaining time I have, I yield to her, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 5 minutes 15 seconds.

STUDENT LOAN SCANDAL

Mrs. MURRAY. Mr. President, I come to the floor today to talk about this scandal to which the Senator from Massachusetts alluded. It is mentioned in the New York Times today, ''Banks and the College Loan Loophole.''

I talk to families all over the State of Washington, and they are struggling to pay for college for their kids. They all agree college education is far too expensive for many families. You would think the Federal Government would be doing everything possible today to make college more accessible for all of our families. Sadly, that is not the case.

Last week in the Senate we had a chance to help students to get to and get through college. Unfortunately, the majority on the Appropriations Committee blocked my commonsense, student-friendly proposal. Instead of standing up for students, unfortunately the committee stood up for banks and other special interests that have been gaming the system for years, at taxpayer expense.

I am on the Senate floor today to say that students should come before special interests. Student loan programs were started to help our students. They were not started to line the pockets of lenders. It is time to end the taxpayer ripoff that is occurring today and do more to help our students afford college.

Back in the 1980s, interest rates were high. Many people were concerned that our lenders would stop making student loans, so Congress created a temporary—and I emphasize ''temporary''—measure to keep college loans affordable for our students.

At the time, it worked. Lenders kept making loans, and students were able to afford college loans. This was supposed to be, as I said, a temporary measure. In fact, it was supposed to be phased out in 1993, when interest rates started coming back down. Interest rates came down; this subsidy lived on. For the past 11 years, taxpayers have paid these lenders far more than they should have. Taxpayers are actually subsidizing profitable companies to make loans that are far above today's interest rates. Clearly, taxpayers are paying a huge bill while special interests are taking the money to the bank.

Who is paying the price? Our college students. This year we are throwing away $1 billion that we could be using to help more students go to college. So in the Appropriations Committee last week, I offered an amendment to finally stop this taxpayer ripoff. My amendment would have used the savings from this ripoff to help 700,000 students get another $3,000 for college. It would have helped the parents of 25,000 low-income students get child care on campus. It would have helped another 200,000 students get $800 in grants. It would have helped 180,000 low-income and first-generation students prepare for college through TRIO and GEAR UP. And it would have helped thousands of migrant students attend college.

When I offered my amendment, everybody on the committee seemed to agree that this subsidy should end. But when it came time to vote, every Republican member voted against my amendment. They voted against taxpayers, they voted against students, and they voted against our families. They said they wanted to deal with it later. I am here today to say that taxpayers are getting ripped off every day we delay. If we wait 6 months, as was suggested, taxpayers will lose billions of dollars, and students will not get the help they need. The time to do this is now.

I am not willing to waste another dollar that could be in the pockets of our students today, and that is why the Senate needs to act now. The Government is paying 30 times more than it should for these special interest subsidies—30 times more. That is a ripoff.

This is as if you walk into a college book store and a textbook on the shelf costs $100. If that textbook had the same outrageous markup as these loans, that student would be paying $3,000 for the same textbook. Taxpayers are paying $3,000 for something that only costs $100 because of this runaway subsidy, and that is outrageous. There is no reason for taxpayers to be paying a markup of 30 times the real cost.

We were all outraged when Halliburton charged taxpayers $45 for a case of soda that sells for $7 at the supermarket. Halliburton marked those prices up 6 times. Today, lenders are marking up student loans at a price 30 times higher than they should. No wonder the Washington Post called this a scandal.

I ask unanimous consent to have the Washington Post editorial on this printed in the RECORD.

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

[From the Washington Post, Sept. 10, 2004]

STUDENT LOAN SCANDAL

There are bureaucratic errors, there is congressional negligence—and then there are bureaucratic errors and congressional negligence on a scale so vast that it is hard to believe they can be accidental. The hundreds of millions of dollars in unnecessary government payments to the student loan industry in the past 18 months amount to such a scandal. The loans in question, established in 1980, are guaranteed by the government at 9.5 percent. Yet most students are paying interest rates of 3.5 percent or less. The difference—all taxpayers' money—is pure profit for the companies that have taken advantage of a loophole in the law.

According to a recent report by the Institute for College Access and Success, a nonprofit education think tank, Congress had actually intended to end in 1993 the 9.5 percent loan guarantee, one of many programs that provide incentives for institutions to lend to students. In May 2003, one company, Nelnet Inc., wrote to the Education Department to confirm its intention to expand its holdings of old loans with the 9.5 percent interest rate. Nelnet received no answer from the department for a year, during which time the department continued paying the company. In June of this year, the department replied inconclusively—at which point the company's stock price climbed 20 percent. Although Nelnet is the largest holder of loans guaranteed at 9.5 percent—and its holdings of such loans have increased by 818 percent since January 2003—it is only one of many such lenders. According to a preliminary Government Accountability Office report, commissioned by Reps. Chris Van Hollen (D–Md.) and Dale E. Kildee (D–Mich.), 37 lenders receive payments for loans with guaranteed interest rates of 9.5 percent, at a government cost of $1 billion annually, and the volume of such loans is rising.

Why wasn't the loophole shut long ago? Education Department officials argue strenuously that only a two-year regulatory process could have done so, and they didn't initiate one, they say, because they thought Congress would deal with it. Congressional Republicans say they expected to deal with the problem in a comprehensive higher education bill, but that has failed to pass (and in any case the proposed language would not have ended all the payments). Yet, other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Kildee, that would close the loophole completely, albeit temporarily. (Of course, there is no guarantee it will become law.) And one former Education Department general counsel has written to the secretary of education, Roderick R. Paige, arguing that the loophole could have been closed immediately if officials had wished to do so.

There could be other explanations for their reluctance. One is that the president of Nelnet, Don R. Bouc—who has called for the loophole to be shut and the money to be better used—is well-connected enough to have been appointed to Mr. Paige's advisory committee on student financial assistance. Here is another: According to a report in the Chronicle of Higher Education, Nelnet is the second-largest contributor to congressional campaigns in the student loan history, beaten only by industry giant Sallie Mae. Over the past 18 months, the student loan industry has contributed about $750,000 to the 49 members of the House Committee on Education and the Workforce, of which $136,000 has gone to the committee chairman, Rep. John A. Boehner (R–Ohio), and $175,000 to Rep. Howard P. ''Buck'' McKeon (R–Calif.), chairman of the subcommittee on higher education. Mr. Boehner's spokesman vehemently denies any connection between the contributions and the issue and maintains that the committee's bill would have fixed the problem, which was mentioned in the president's latest budget. Still, it is difficult to understand, given the sums involved, why neither Mr. Paige nor Congress made this a higher priority.

For nearly a decade we have argued that Congress should reduce subsidies for banks that lend to students, and instead expand the direct-loan program, which provides about a quarter of student aid—or else reform the system to make it harder to manipulate. This scandal provides an excellent reason to look again at these questions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY. I ask for an 2 additional minutes.

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

Mrs. MURRAY. Mr. President, the Senator from Massachusetts asked unanimous consent to have the New York Times editorial from today printed in the RECORD. It clearly laid out the case for what is happening today to taxpayers who are paying a tremendous price. And who is losing? It is our students.

We have to stop overcharging the American people. We still have time to do it this year and help students get to college at a time when we all know tuition rates are rising. We need to give more to get more students there.

I warn the Senate, the clock is ticking. Every Member of the Senate has to decide if they stand with students and families and taxpayers, or if they are going to stand with the special interests. Millions of students and millions of families are waiting for this answer. We have to stop the special interest subsidy today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I understand we have a colleague who is on her way to the floor. I ask unanimous consent she be entitled to 5 minutes and that we have 5 additional minutes.

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

Mr. KENNEDY. I ask the Chair to remind me when I have 1 minute left.

I ask the Senator from the State of Washington, does she not agree with me that this administration has the power to do something about this, and could do something about it today, this giveaway that is written about in the prominent national newspapers as a giveaway to the banks? Does she agree with me that the Department of Education has said we don't have the authority, we don't have the power, we don't have the legal ability to do something about it? Yet we have the General Accounting Office report:

Family education loan program, statutory and regulatory changes could avert billions—

Hear that? Billions—

. . . in unnecessary Federal subsidy payments.

On page 8:

We disagree with the department's characterization of their authority.

It seems to me, if this President were interested in protecting middle-income families, in avoiding the kind of continued wasteful subsidy and giveaway to the banks, that the President, the Department of Education, this administration, could do something and do something today.

Would the Senator be willing to express an opinion on that?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. The Department of Education could end this today with a simple rulemaking procedure. Instead they are pointing fingers, saying Congress has to do it. Congress had the opportunity in the Appropriations Committee last week. They said, no, we have to wait for an authorization 6 months from now. Every month that goes by we lose billions of dollars in taxpayers' money and thousands of students don't get access to college. We don't need any more fingerpointing on this.

I think the Senator would agree that we don't need the Department of Education pointing to Congress and Congress pointing to the Department of Education. We need to stop this now. The Department of Education can do it by rulemaking and we can do it on any bill that comes before us. But we need to do it and we need to do it quickly.

Mr. KENNEDY. I thank the Senator for her comments.

On August 27, Sally Stroup, Assistant Secretary for Education, said, ''I don't think we have the legal authority to stop them.''

They made no effort to try to stop them. Senator MURRAY is leading the fight in the Appropriations Committee to try to save the taxpayers and save middle-income families who are stretched with their tuition. Now we have the General Accounting Office saying they do have the power.

I wonder if the Senator would agree with me that we see a whole pattern from this morning's newspapers about how the administration is effectively right in the tank for the powerplants with regard to mercury, coal-fired powerplants, and is now with the bank on student loans. We have seen it with regard to the HMOs. I am wondering who is going to stand up for working families and who is going to stand up for middle America.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely right. This is outrageous. We have the Department of Education pointing fingers at Congress when they can make a ruling and stop this practice today. According to all accounts, the delay of this is costing billions of dollars. If we wait for Congress to act on reauthorization of the act 6 months or longer from now, taxpayers are going to lose $2.8 billion in interest payments. We are in the Senate where we know that access to Head Start is critical, we know access to college is critical, and we know that $2.8 billion sent to the bank today means students are not getting higher education.

Mr. KENNEDY. Mr. President, when we made the commitment of No Child Left Behind, we thought we were including all children. When this body committed to Medicare, we didn't say we are going to leave some senior citizens out; we said all seniors. When we made a commitment to voting rights, we said voting rights for all Americans. When we made our commitment to all children in this country, we meant all children.

There it is. This is not disputed. We are failing more than 4 million children. That is unacceptable, particularly when we find that this administration is looking out for their special interests.

I think we have an opportunity to change that on election day, and hopefully will.

I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

THE ECONOMY

Mr. CONRAD. Mr. President, yesterday we heard a number of my colleagues talk about their view of the economy and their view of the fiscal affairs of the country and their view that things are on a positive track. Today, I would like to respectfully offer the other side of the story and what I view as a very dangerous course the Nation is pursuing under the leadership of President Bush.

Earlier this year, on August 30, the President was on the NBC ''Today'' show and the host asked him this question:

Let me ask you about deficits. This year, $445 billion. Ballpark, do you think that's pretty good?

President Bush:

Yes. I do, I do.

That is an odd sense of accomplishment because that is the biggest deficit in the history of the United States. The deficit that is now estimated to be some $422 billion we know is going to be larger because we are funding some of next year's defense money this year because of mounting costs in Iraq. But even at the $422 billion figure, that is the largest deficit in the Nation's history, and by a big margin.

Last year, under President Bush's fiscal plan, we had what was then a record deficit of $375 billion. Now it has increased to $422 billion. But frankly, that understates how serious the situation is.

By contrast, if you go back to the Clinton years, each and every year of the Clinton administration the deficits were reduced and held for a 3-year period. We actually ran budget surpluses. This President has punched us back into deficit, and by a country mile.

The Bush administration now claims that the deficits are coming down. This is the budget director, OMB, chosen by President Bush. He says:

We continue to have deficits, even though they are coming down dramatically.

I don't know what his notion of coming down is, but here is the record. The

deficits are not coming down. The deficits are getting bigger.

The last year of the Clinton administration, the first year of the Bush administration, which is a budget that the President inherited, the budget was in surplus by $127 billion. The next year, 2002, it went to $158 billion of deficit. That was the first year under the Bush administration. The next year, $375 billion of deficits, then the largest dollar deficit in our history. This year, it is $422 billion, and the President's budget director says the deficits are going down dramatically. What is he talking about? The deficits are not going down. The deficits are going up.

The truth is the official deficit, what is called the deficit by the press, what is called the deficit by this administration, badly understates how serious the fiscal condition is of the United States. The debt of our country is not going to increase by the advertised deficit of $422 billion. This may come as a great surprise and shock to many to find that the debt is going to increase by much more than the deficit. But the truth is the debt of the country is going to increase by over $633 billion this year. The reason for the difference is they are not counting the $150 billion—roughly $150 billion—they are borrowing from Social Security, every penny of which they have to pay back. It does not get counted in the deficit calculation. If you add in the money they are borrowing from Social Security, which they have to pay back, the money they are borrowing from Medicare, which they have to pay back, the money they are borrowing from every other trust fund, which they have to pay back, the debt of the United States is going to increase this year by over $630 billion. That is a staggering sum.

The Bush administration promised that deficits will be reduced in the future. President Bush in Annandale, VA, on August 9 of this year said:

> So I can say to you that the deficit will be cut in half over the next 5 years.

This is the same President who said, by the way, in his first year there would be no deficits. In his second year, reporting to Congress, he said the deficits would be small and short term. Both of those statements were wrong and wrong by a country mile. Then he said they would be small by historical standards. Wrong again; biggest deficits we have ever had. Now he says don't worry, I am going to cut the deficit in half over the next 5 years; wrong again.

Don't believe it because it is not going happen. The only way the President comes up with the claim that he is going to cut the deficit in half over the next 5 years is he leaves out whole areas of spending. He leaves out finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn't put money in his budget; none.

Does anybody believe there is no war cost past September 30 of this year? That is what the President said in the budget he sent up here.

He said there is no money needed to fix the alternative minimum tax past this year. Yet we know the alternative minimum tax, that affects 3 million people now and will affect 30 million people by 2010. That is the old millionaire's tax that has now become a middle-class tax. My friends, we all know Congress is not going to allow the alternative minimum tax to affect 30 million taxpayers. Yet the President provides nothing in his budget past next year—nothing.

In fact, if you go back and you put back the items the President has left out—the money he is borrowing from Social Security that he has to pay back; it is not in his budget; if you put in the money needed to fix the alternative minimum tax or the money for the ongoing war costs—this is what emerges as a realistic analysis of what is going to get added to the debt and what the deficits are going to look like over the next decade. Actually, this is conservative because we have left out a lot of things that are also being done by this administration that will add to the debt. So this, too, understates how serious the situation will become.

But even with this look, on just a limited number of items—the President's request for additional tax cuts, the President's need for additional funding for defense, the President leaving out the cost of the alternative minimum tax—you can see we are not going to see a reduction in the deficit in the coming years under the President's plan. No. The amount being added to the debt is going to increase, and increase, and increase. What we see is an ocean of red ink over the next decade.

Let me show you some of the things the President has left out as he has structured his budget. As I have indicated, on the tax cut, he only shows now in his budget the first 5 years of the effect of the tax cut. Before he submitted 10-year budgets; this year, just a 5-year budget. Why? Because he did not want to disclose to the American people what all of us know is the pattern of his tax cuts.

Past the 5-year budget window, the cost of these tax cuts explode. The President is hiding that from the American people with a 5-year budget. He is doing the same thing with the alternative minimum tax, the same pattern. The cost of fixing the alternative minimum tax explodes. He only provided for 1 year of addressing the alternative minimum tax in his budget.

The war cost, it is the same pattern. The President has $25 billion he supported in a reserve fund for next year, money, by the way, he is not waiting to spend next year. He is spending it now. He is spending next year's money this year. Even that dramatically understates what the Congressional Budget Office says the cost of the ongoing wars will be. He has $25 billion reserved in his budget. It was not in his budget, by the way. The budget he sent up had nothing in it. But when Congress said that is not realistic, he supported Congress's move to put in a $25 billion reserve fund. But look what the Congressional Budget Office says the real cost is going to be: over $300 billion. It is not in the President's budget.

Of course, the President has left out the money he is borrowing from Social Security. Mr. President, $2.4 trillion is being borrowed from Social Security over the next 10 years, every penny of which has to be paid back. He has no plan to do so. In fact, he has a plan to add even more costs by having a privatization of Social Security, or at least a partial privatization that would cost trillions of dollars more. From where is the money coming? From where is the money coming? It is all being borrowed.

Is anybody paying attention to what this administration is doing to the fiscal policy of this country? Is anybody paying attention to what this means to our economic future? Is anybody paying attention to what it means to our future military strength? You cannot be strong militarily if you are weak financially. This administration is digging a deeper and deeper hole for this country on the financial front.

You remember, when the President unveiled his tax cuts, 3 years ago, he said he was going to have maximum paydown of the Federal debt. Do you remember that? He said he was going to pay off all of the Federal debt that was available to pay off. But look what has really happened. The debt is not being paid off. The debt is exploding. The debt that was $5.8 trillion in 2001 we now anticipate will approach $15 trillion by 2014, and, of course, all of this is happening at the worst possible time, right before the baby boomers retire.

Not only is the President borrowing every penny available to be borrowed from Social Security—and, by the way, he is doing the same thing with Medicare—he is also now borrowing from countries all over the world. It may surprise people to find out that, under this administration, the borrowing from Japan has risen to almost $700 billion. We borrowed $167 billion from China; $130 billion from the United Kingdom. We have even borrowed over $90 billion from the Caribbean banking centers. The Caribbean banking centers, we are in hock to them for over $90 billion. South Korea—who would have believed it, who would have believed we have borrowed over $60 billion from South Korea? That is the reality. That is the hole that this President is digging.

Just in the last 3 years, this is the increase in foreign holdings of our debt. When the President came in in January of 2001, we owed $1 trillion abroad. Now we are up over $1.8 trillion in indebtedness to foreign countries, an 80-percent increase in our foreign indebtedness in just 3 years.

If it was just what has happened so far I would not be so concerned, but it is the direction this President is taking

us that has to be of foremost concern because the President's plan for the future is more of the same and a whole lot more—a whole lot more debt, a whole lot more in deficits. This fundamentally threatens the economic security of the country.

This chart I show you is not a chart made by me or my staff; this is from the Congressional Budget Office. It is their analysis, assuming an extension of the President's tax cuts, the need for alternative minimum tax reform, maintaining current spending policies. Look where we are headed. This is what CBO says will happen to the deficits and the debt of the country if, roughly, the President's budget policy is pursued.

In fact, this is just the deficit. I misspoke when I said debt. The debt chart would be much worse than this chart. This is just the deficit. This leaves out the money being borrowed from Social Security, this leaves out the money being borrowed from Medicare—trillions of dollars that are not in the President's calculations at all.

This is a course that makes no sense. This is what the CBO Director said, because some around this town say we will just grow out of this problem. This is what the Director of the Congressional Budget Office says. By the way, this man came from the Bush administration. He came directly from the President's Council of Economic Advisers. This is what he said:

> [T]his is a fiscal situation in which we cannot rely on economic growth to cause deficits to disappear.

He is telling the truth. This is what the Federal Reserve Chairman said, Chairman Greenspan, who opposes deficit-financed tax cuts. Everybody knows Chairman Greenspan is a big fan of tax cuts but not deficit-financed tax cuts. This is what he says:

> If you're going to lower taxes, you shouldn't be borrowing essentially the tax cut. And that over the long run is not a stable fiscal situation.

But that is exactly what this President is advocating, not just for this year, for every year for the next 10 years.

Mr. President, what is the outcome of this set of policies? I think the Chairman of the Federal Reserve is warning us of where this is all headed. Back in February, he urged a cut in Social Security. Future benefits must be curtailed. Now he has said, not only cut Social Security but cut Medicare, too.

I hope people are listening. I hope people are paying attention because that is exactly where the Bush fiscal plan is leading. It is leading to cuts—dramatic cuts—in Social Security and Medicare. That is where this is all headed. Why? In part, it is because the tax cuts the President has gotten passed overwhelmingly go to the wealthiest among us; 68.7 percent of the benefits went to the top 20 percent. What is most startling is over a third of the benefits—right at a third, 33.1 percent of the benefits—went to the top 1 percent, or the people earning over $337,000 a year. The people in the bottom 20 percent got virtually nothing. Those in the middle class got pretty modest relief. Those in the middle 20 percent got 10 percent of the benefits. The top 20 percent got 68 percent of the benefits. The top 1 percent, over 33 percent of the benefits.

Mr. President, when our colleagues say everything is going well in the economy, they are living in a different economy than the one I am watching. Look at the difference on this chart. This is what has happened in the last nine recessions. The dotted red line is what has happened to job growth as an average of the last nine recessions since World War II. This black line is what is happening this time. Do you notice the difference? Something dramatically different is occurring between recoveries in the last nine recessions and this one. At this stage of the recovery, we would expect to have, based on what has happened in the nine previous recoveries since World War II, 5.5 million more private sector jobs than we have this time.

Something is wrong. We have already seen 1.6 million jobs lost since January 2001. These are the job loss numbers. We are still 1.6 million jobs below where we were in 2001. The Chairman of the President's Council of Economic Advisers said we expect, sort of on average jobs in 2004 to be 2.6 million more than jobs in 2003. For that to happen, we would have to have monthly job growth of 1.725 million. But what we are getting is 141,000. That is a jobs gap of enormous proportion. The hard reality is that the President's record on jobs shows a loss of private sector jobs for the first time since back to the administration of Herbert Hoover.

The President hates that comparison. In some ways, it is unfair because Hoover presided over the Great Depression. That is certainly not the case now. We are not in a depression. We are not in a recession. But the fact is that every administration since Hoover has seen private sector job growth—every single administration, except this one.

The President's record on jobs, the President's record on the economy, the President's record on deficits and debt is the worst record of any President we have had, certainly in my memory, because he has taken a reckless fiscal course. We all know the story on manufacturing jobs: 2.1 million manufacturing jobs were lost since January of 2001. Now we get an economic report of the President in February of this year saying they ought to consider changing the definition of manufacturing jobs. The way out of this is not to create more manufacturing jobs, it is to change the definition of what is a manufacturing job. Here is what the President's economic report said:

> The definition of a manufactured product is not straightforward. When a fast food restaurant sells a hamburger, for example, is it providing a service or is it combining inputs to manufacture a product?

Now, there are all kinds of ways to deal with a bad jobs record, but to try to redefine manufacturing as McDonald's manufacturing hamburgers is not going to sell.

Mr. DODD. Will my colleague yield for a question?

Mr. CONRAD. Yes.

Mr. DODD. Mr. President, I don't want to interrupt the flow. The Senator is going through a lot of numbers and statistics, and we owe a debt of gratitude to Senator CONRAD for this analysis. I would like to come back to this deficit picture. I think these other numbers on jobs and so forth are in direct relation to our fiscal policies. There is a correlation because of our inability—and I am posing a question to the Senator—or unwillingness to make the kind of important investments that any period of economic growth requires, which are obviously being adversely affected by the amount of debt we are accumulating.

I don't know if my colleague from North Dakota saw the same article I did yesterday, which was the lead story in the World Business section of the New York Times in which the IMF chief sees potential hazard in U.S. fiscal policies. I quote:

> ''We believe that such a large imbalance''

Talking about debt and deficit.

> ''is a risk not only to the United States economy, but for the world economy'' as well.

There are implications of allowing this fiscal situation to get so out of hand so quickly. As I recall it, in January 2001, we were looking at 10 years of surplus of $5.6 trillion. We are told now that the projections over the next 10 years of debt is somewhere around $3.5 trillion.

My question is, what are the implications for the younger generation? We have heard debate about death taxes. What about a birth tax here? What are the obligations of the children being born who are accumulating the debt that is occurring here? I wonder if he might comment on the IMF story and what it means for a child born in the 21st century with this kind of debt, what sort of price tag have they been saddled with as a result of the mismanagement of our fiscal economy?

Mr. CONRAD. It is interesting. This is the second warning the IMF has issued this year about the U.S. deficits and debt. This is the second time the International Monetary Fund has warned us and warned the world that growing U.S. deficits and debt threaten not only our own economic security but the world's economic security. Why? Because as the United States accumulates more and more debt, at some point those dollars that we are sending—that are being borrowed by us, money that is coming from China and Japan and, amazingly enough, South Korea—can you imagine that we have borrowed $60 billion from South Korea. At some point, that money has to be repaid. How is it repaid? How can it be repaid? Well, we have to reduce

our standard of living in order to produce the funds to pay back the rest of the world.

Mr. DODD. Mr. President, I was stunned by those numbers. As I recall, I think you said that we have borrowed around $600 billion from Japan, about $150 billion from China, and billions more from other countries. To make the picture clear, that is like a bank holding a mortgage on your home. They hold the paper on America. They can call due those notes at any time, I presume, or within a reasonable time, and could insist upon us paying back those obligations. So, in other words, our economic well-being is in no small measure tied to the desires of nations that may not have the same goals as we do, either in economic or foreign policy. They hold the mortgage, in a sense, on our future; is that correct?

Mr. CONRAD. That is exactly correct. The foreign debt of the United States under this administration has gone from $1 trillion to 1.8 trillion, an 80-percent increase in our foreign indebtedness.

Mr. DODD. In 40 months.

Mr. CONRAD. In 42 months. I was teaching back home in North Dakota at one of the universities, and I asked the students there: Does it make a difference, should you care, does it matter to you that we owe Japan almost $700 billion? Does it matter we owe China over $160 billion? Does it matter that we have borrowed over $60 billion from South Korea? They said it matters.

I said: How do you think it matters?

They said: If there is a military confrontation of some kind, maybe that affects our ability to do things we might think is in the national interest because we owe them so much money.

On trade, can we really call their hand when they are treating us unfairly in trade relationships when we owe them hundreds of billions of dollars? And what are the consequences here if all of a sudden we do return to economic growth and we have borrowed all this money and we have to start paying it back, what is the effect on interest rates here?

That is what frightens the International Monetary Fund. That is what concerns people such as Chairman Greenspan. That as we see rising interest rates because of this enormous indebtedness, and we have to start paying more interest to keep getting people to loan us money, that all of a sudden, the cost of servicing this debt will go up dramatically, it makes it much worse, and, more importantly, for the economy—because we have millions of people who have variable interest rates on their homes, on their cars, on their student loans—these interest rates will start going up dramatically because countries are less willing to continue to loan us money, and all of a sudden the economic strength of America is weakened.

Mr. DODD. Mr. President, if I may further add, that is just the exact point I wanted to raise with my colleague from North Dakota. We talk about rising interest rates, and we are talking about some tax cuts. As I understand it, when we begin to talk about an interest rate hike, which we invariably are going to see, the actual cost of a college loan, a home mortgage, a car payment, or any other obligation which most middle-income families have to borrow to meet these obligations—we have watched higher education costs go up more than 30 percent; we have watched health care premiums go up 45 percent; we have watched the price of gasoline go up 20 percent; all under this President's watch. To make those payments, it will actually exceed whatever tax cut we may be providing to that middle-income family because of our inability or the unwillingness of this administration to actually be more responsible in managing the fiscal picture of this country, and average consumers are going to see interest rate hikes that are going to dwarf any tax cut they may get; isn't that correct?

Mr. CONRAD. None of us can predict with clarity what is going to happen with interest rates, although we know under this fiscal condition, interest rates are going to go up. Clearly, that is going to offset, if not completely eliminate, the advantage of some of the tax reductions we get.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I know we are out of time. I ask for an additional 30 seconds to close.

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

Mr. CONRAD. Mr. President, I am going to go right to the end of my charts. Real median household income has gone down under this President. That is a serious problem for this country, a serious problem for the middle class, and wages are falling behind inflation. This is something which should concern all of us because we see wage increases falling behind inflation. That is why people feel squeezed, and we have not seen anything yet if the fiscal policies of the country are not altered, if we do not begin to get back to fiscal balance to reduce the threat to the long-term economic security of our country.

I thank the Chair.

Mr. DODD. Mr. President, I ask unanimous consent for 1 minute to conclude my comments.

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

Mr. DODD. I thank my colleagues. Mr. President, I thank the Senator from North Dakota for taking a little time to go over this issue. These are our choices. There are those who may think the path we are on is a reasonable and sound one, that these numbers really do not make any difference. We hear that all the time: Deficits don't matter. My colleague from North Dakota has laid out exactly why they do matter and why we are going to have to pay for these things and get our fiscal picture in shape, or we are going to pay an awful price.

When we think of the IMF warning countries about their economic policies or fiscal policies, we are normally talking about third and fourth world nations. Here is the head of the IMF now telling the greatest economy in the history of the world: You better get your act together; not only are you going to hurt yourself, but you are going to hurt the world economy.

In a few days, Americans have a choice to make, and the choice the Senator from North Dakota laid out is a clear one. Politics is about the future. What the Senator is talking about is the future. I am tired hearing about debates 40 years ago. Americans want to know what is going to happen to their kids and grandchildren, and the Senator from North Dakota laid out the scenario that if we do not make the right choices, it will cost us dearly.

I thank the Senator.

THE TAX BILL

Mr. REID. Mr. President, we are shortly going to have before us a tax bill that will increase the debt of this country by, in some estimates, more than $1 trillion. This year's deficit that the President acknowledges is $430 billion. Of course, as we have learned here today in the presentation of Senator CONRAD, the ranking member of the Budget Committee, that doesn't take into consideration the cost of the war, nor does it take into consideration the fact that he is borrowing money from the Social Security trust fund. So the debt, of course, is closer to $600 billion, this year.

Today we learn from any newspaper we pick up that one way the President is going to try to save a few bucks is by going after the poorest of the poor. He is doing this by changing housing subsidies. I quote: ''The Bush administration is changing the fair market rent to section 8 tenants. The Government pays tenants about 7 percent of this amount. Here's a sampling in metropolitan areas.''

This sampling will cause the hair on the back of your head to come up. What has happened is, to help the President pay for all the things to help the rich of this country, corporate America, he is going after the poorest of the poor. The poor in Boston, section 8 tenants, in a one-bedroom apartment will lose 5 percent; in a four-bedroom apartment, 27 percent. In Detroit, they will lose, in a one-bedroom apartment, 6 percent; a four-bedroom apartment, 21 percent. In New Haven, they will lose 4 percent on a one-bedroom, 21 percent on a four-bedroom; in Trenton, 18 percent on a four-bedroom; in Atlanta, 16 percent; in New York City, 14 percent; in Philadelphia, 13 percent. On and on with these slashes that affect the poorest of the poor.

I hope the people around this country are seeing what has happened to the fiber of our country. We used to talk

about a safety net. There is no safety net anymore. It has been eradicated in the last 4 years. Section 8 tenants in the major cities of America are going to really suffer. It is too bad. It is too bad that the poor are getting poorer, the rich are getting richer, the middle class is becoming smaller and smaller. That is what this administration has done to America.

I yield the floor, and any time I have left in morning business, I yield back.

LOBBYING ABOUT MEDICARE

Ms. STABENOW. Mr. President, I felt compelled to come to the Senate floor today to respond to something I read today that was in the newspaper, the Hill, that relates to another effort to confuse people about what happened with the Medicare prescription drug bill, the Medicare cards that I hate to even call discount cards because they are not discounts. In fact, we are now seeing an effort to pay people to reach out and say something nice about the Medicare prescription drug bill and to get seniors to do it. Let me read to you some of this article.

A Republican lobbying firm is offering healthcare consultants almost $4,000 each to find senior citizens who are willing to speak out in favor of the Medicare drug discount card and write letters to Congress thanking members for saving them money on pharmaceuticals.

Obviously, it is difficult to find people to do that, so now they are paying people to go out in the form of headhunters, if you will, to find people who are willing to say something nice about the new Medicare prescription drug bill.

The DCI Group, a Washington, DC-based lobbying shop that advertises to potential clients that it can treat ''corporate issues like campaigns,'' is offering healthcare consultants $3,750 plus expenses over six weeks [between now and the election] to generate positive news stories about the drug card and offer support to Congress for voting for the Medicare drug law . . .

A recent e-mail sent from the DCI Group's Starlee Rhoades to healthcare consultants says that the campaign will run from September 15 to October 31 and that the client is RetireSafe, which has sponsored the hiring of healthcare consultants . . .

to go out and say good things about the Medicare prescription drug bill.

The DCI Group represents the Pharmaceutical Research and Manufacturers of America—PhRMA.

That is not surprising.

Tony Feather, who helped found the DCI Group, has close ties to President Bush's top political adviser, Karl Rove.

Also not a surprise.

The DCI Group e-mail to healthcare consultants, obtained by The Hill, stipulates a number of ''minimum deliverables'' that come with the job of touting the drug card.

Or duties, if you will.

The e-mail says that RetireSafe wants seniors, families of seniors and healthcare community leaders ''to send letters to their congressmen and senators thanking them for supporting the Medicare benefit, or asking for that support in the future.'' [And by the way] ''We have help available to write letters if the signer is not comfortable drafting the letter entirely on their own.''

For $3,750 plus expenses, health care officials must be available as an expert source of information to the media and that community and personally stop by the offices of their Congressman and Senators and thank them.

This is also very important as part of the deliverability. They must bring at least one senior or health care community leader to stand up at a townhall meeting and thank the lawmaker. I look forward to that.

The DCI group also asked the health care consultant to speak out on their own in support of the drug card.

Finally, every Wednesday from now until the 31st they are expected to send a report to the DCI that answers many questions, including how many events they attended. Did you speak in favor of the card and benefit? How many health care leaders did you ask to stop by the office of their Congressman or Senators? And how many actually did.

Then it says you will be responsible for acting as a local spokesperson at community events and media to get health care professionals' opinions, which goes a long way in making the story seem credible to the general public.

Reached yesterday, the lady involved initially denied she was involved in this campaign. But when told that her e-mail had been distributed widely, she said, ''I can't talk about it.''

I feel compelled to talk about this and to take a moment and say that $3,750 will buy a lot of Medicare for seniors. In fact, I am tempted to actually encourage seniors in my State and around the country to offer to say something nice between now and the election because they can buy a lot of medicine with this. That would be a better way to put it if, in fact, we were giving it directly to seniors.

The truth is, this was a good bill. If the discount cards were really a discount, if the Medicare prescription drug bill was really good for seniors, you would not have to pay consultants $3,750 plus expenses for 6 weeks. And the truth is, it doesn't matter how much you pay. Seniors know. They are the ones who have to write the checks. They are the ones who have to go to the counter every day and every month to look at what the bill is and decide if they walk away with their medicine or leave it there at the counter. They are the ones who decide whether they take them every other day, cut them in half, share them with their spouse, maybe don't get the medicine, pick it up today or get their medicine another day.

This is real for people. No matter how many consultants are paid $3,750 plus expenses, people know. It is unfortunate that there are those who underestimate the intelligence of older people in our country, their families, or the disabled. They know.

I hear stories every day of people who have gone to the Web site for Medicare and tried to wade through all of the cards—up to 70-some different cards—to figure out how to get some kind of discount. Then they look at prices continuing to go up.

I had a lady the other day tell me she bought the card, paid $25, and a couple of weeks later the medicine she was taking no longer had the discount, and she didn't get her money back.

People know. That is the great thing about our country. It doesn't matter what you have or how much you spend. People know whether they are better off. People know what is really happening.

We need to get about the business of getting this Medicare prescription drug bill right. We need to go back and do it over again, and do it right. Pharmacists need to have the ability of doing business with pharmacists in Canada who can really cut prices in half. Then we don't have to pay consultants $3,750 plus expenses to go find the senior citizen who would say something nice about a Medicare bill. People would say it because it would be true and it would be real.

But in the meantime, I say to folks who are today trying to figure out who to pay for their medicine, you might want to try offering, during the next 6 weeks, to say something nice about the Medicare bill for $3,750 plus expenses. I know it would buy my mom a lot of medicine. It would buy a lot of folks a lot of medicine, and it would be a better way to spend it than have more lobbyists trying to tell folks something that is not true.

The PRESIDING OFFICER. All time has expired.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the remainder of the morning business time be reserved.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to begin consideration of Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of PORTER J. GOSS, of Florida, to be Director of Central Intelligence.

The PRESIDING OFFICER. Under the previous order, there are 6 hours of debate on the nomination equally divided between the chairman and vice

chairman of the Select Committee on Intelligence.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that any quorum calls that take place during the consideration of the Goss nomination be charged equally to both sides.

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

Mr. ROBERTS. Mr. President, I rise today to urge my colleagues in the Senate to confirm Mr. PORTER J. GOSS, of Florida, to be the next Director of Intelligence.

On August 10, 2004, President Bush nominated PORTER GOSS to be the next Director of Central Intelligence, or the DCI. In doing so, the President stated that Mr. GOSS ''is a leader with strong experience in intelligence and in the fight against terrorism. He knows the CIA inside and out. He is the right man to lead this important agency at this critical moment in our Nation's history.''

The Goss nomination was received in the Senate on September 7. On September 14 and September 20, the Select Committee on Intelligence held extraordinary open hearings on this nomination that were televised and widely covered in the press.

At the September 14 hearing, Mr. GOSS was introduced to the committee by both of Florida's distinguished Senators, BOB GRAHAM, former chairman of the Select Committee on Intelligence, and BILL NELSON, who is well known to the Intelligence Committee as an interested and informed supporter of our efforts.

That both Florida Senators reached across the aisle to support this nomination is a testament to the wide bipartisan support that it does enjoy.

After 2 days of thorough and wide-ranging public hearings, the Goss nomination was placed before the Intelligence Committee membership for a vote yesterday morning.

In yet another impressive display of bipartisanship, the committee approved the Goss nomination and ordered it reported in a vote of 12 to 4. At this time, I would like to congratulate the Intelligence Committee members of both parties for their sober, penetrating, and thorough consideration of this nomination. The committee's handling of this nomination is very much in keeping with the bipartisan spirit that has animated its work during a very difficult year of challenges in the global war on terrorism in Iraq and in other areas around the world.

This bipartisan spirit did produce important steps forward, such as the committee's report on Iraq WMD, in understanding intelligence problems and gaps and also making recommendations in that regard.

As such, the committee's work will certainly help Mr. GOSS as he strives to make the intelligence community better and to produce the best possible intelligence product. I want to say I also appreciate Mr. GOSS's efforts during his 2 days of public hearings to respond to members' concerns and questions. He took these hearings very seriously and with attention to detail demanded by consideration for a position that has in the past been part of the Cabinet.

In my opinion, during his confirmation hearings Mr. GOSS showed the qualities we want to see in a good DCI. They are coolness under pressure, a willingness to look at alternative views and, very importantly, a willingness to ''take a few licks'' for past judgments.

Most important of all, he demonstrated his ability to put the lawmaker's so-called partisan hat aside and take up the strictly nonpartisan duties of this critical executive branch office.

As I noted at Mr. GOSS's first public hearing on September 14, the role of the Director of Central Intelligence is of paramount importance to the security of this Nation. It is also one of the most challenging jobs in the executive branch today.

Obviously, this Nation is currently engaged in a war not only in Iraq, not only in Afghanistan, but elsewhere around the globe. In this war, for the most part there are no trenches. There is no barbed wire. There is no well-defined no man's land. On the contrary, in this war of shadows and darkness, intelligence defines the front line and indicates its weak points and gaps.

Recently, a distinguished former National Security Adviser remarked to Senators that during the last 3 years our world has changed dramatically. In the old world, the threats were posed by nation states and organized military forces. In our new world, the greatest threats may be domestic. These threats may come from nation states and their agents and terrorist groups such as al-Qaida. Organized military conflict is only one of many threats.

In our new world, we are not fighting against nation states but against a network of disparate terrorist groups that operate not only in the shadows but at times right in our own midst. Whether Afghanistan or Iraq or here at home, defeating this enemy depends primarily upon the ability of our intelligence services to locate, to penetrate and, yes, to destroy the terrorist cells. We are involved in a world war which requires timely and actionable intelligence to ensure victory and the safety of the American people.

The Director of Central Intelligence is personally responsible for producing this intelligence. As we fight Islamic terror, other global threats continue to menace our Nation, and among them are these: The development of nuclear programs by adversary regimes such as those in Iran and also North Korea; the steady transformation of the People's Republic of China into a power capable of challenging our interests broadly and exercising influence over the region; and the continuing worldwide expansion of WMD technology.

The Director of Central Intelligence is also responsible for producing intelligence to keep the President and policymakers informed about these threats.

And if that were not daunting enough, Mr. GOSS has been nominated for a position which in all probability may not exist for much longer. As Senators know, the President and many in the Congress now support the creation of a new national intelligence director. There has been a great deal of discussion among my colleagues about reform. Above all, we must ensure that a national intelligence director is something more than a weak and ineffective figurehead.

Most of the debate outside the Intelligence Committee has centered on how to grant increased authority to the new national intelligence director while leaving the structural status quo undisturbed.

Many on the Intelligence Committee believe this is simply unworkable. In other words, significant structural change is vital to real reform. I believe strongly that we must create a new structure. This new structure must accommodate the diverse activities of our intelligence agency by giving direct responsibility and control of primary intelligence disciplines and the corresponding agencies to a truly empowered national intelligence director and his assistants. And true empowerment includes both budget authority and line authority to direct and control the activities of the intelligence activities. One without the other may leave us with an intelligence head who can neither succeed nor be held accountable, and that would be a most unfortunate outcome.

We don't know how or when reform will finally be enacted. Until then, however, we need a strong Director of Central Intelligence with the necessary skills to manage a community which needs reform. PORTER GOSS understands these issues. As chairman of the House Intelligence Committee he helped create momentum for reform.

PORTER GOSS will be a good man to have in the intelligence community driver's seat as Congress, in cooperation with the executive branch, goes through the consideration of major reform. His unique background will serve him well as he meets these and other challenges while directing our intelligence community.

For over 40 years, PORTER GOSS has been serving his Nation, his State, and his community. As an Army intelligence officer, a clandestine CIA case officer, a newspaper man, a county commissioner, a U.S. Representative, and chairman of the House Intelligence Committee, PORTER GOSS has done his duty with skill, with honor, and with integrity. I believe, and Members on both sides agree, that his experience makes him uniquely suited to serve as the Director of Central Intelligence.

I have known Mr. GOSS personally for 16 years. I served with him in the other body, the House of Representatives. I have worked with him on a weekly

basis since I joined the Intelligence Committee. I have formed a strong opinion about his fitness to lead the intelligence community.

One of PORTER GOSS's most important characteristics is that he does not ride in a partisan posse. In that sense and in many others, the President has selected an outstanding public servant to be his principal adviser on intelligence.

In concluding my opening statement on the Goss nomination, I would like to underscore an important point. If, as I earnestly hope, the Senate approves this nomination today, this body will not simply have performed a routine pro forma duty. On the contrary, PORTER GOSS's confirmation as the DCI represents perhaps the most important changing of the guard for our intelligence community since 1947. This confirmation represents a fresh start for our Nation's intelligence community. He will be the first Director of Central Intelligence in a new and hopefully better intelligence community. It is not the same entity that George Tenet inherited when he was confirmed by this body 7 years ago.

It is not the same entity that existed on September 10, 2001. The intelligence community has undergone vitally important changes since the terrorist attacks of 2001. These changes are the result of many factors: statutory requirements, Executive orders, and other major changes in policy. That snapshot that we took of the intelligence community back on September 10, 2001, and the snapshot today is much better in terms of improvement. A key factor is the vigilance and dedication of the intelligence community rank and file, to include those men and women who, today, as I speak, are putting their lives at risk in remote and dangerous places to protect our Nation.

Still other changes are on the immediate horizon as Congress considers major intelligence reform. So let us understand clearly what we do here today. PORTER GOSS, as the new DCI, will lead a new intelligence community into a new chapter. Senate confirmation of PORTER GOSS does not mean simply painting a new name on the mailbox at Langley. It represents the opening of a new era for the intelligence community. The errors and omissions of Iraq are well known. They must be corrected.

Steps have been taken and will be taken to ensure that. The errors and the omissions of 9/11 are very clearly and thoroughly described in both the joint inquiry that was conducted by the Senate Intelligence Committee, the House Intelligence Committee, and the 9/11 Commission Report.

These errors and omissions must and will be corrected. PORTER GOSS's task will be to build, inspire, and open a new chapter in our intelligence activities. We must never forget the errors of the past or their human cost. Likewise, we should not dwell on them or allow them to paralyze us. We must grapple with them and overcome them. That is what is happening now, with structural intelligence community reform. PORTER GOSS's task will be to open the new chapter and lead the intelligence community into that fresh start.

Today, perhaps our highest legislative priority is to repair what is broken in the intelligence community. We must not let this laudable desire immobilize us.

John McLaughlin, the Acting Director, has done a professional and commendable job as the Acting DCI. He, no less than the rank and file of the intelligence community, needs long-term, permanent leadership, and we need it now.

One of the concerns voiced by the 9/11 Commission was that it takes too long to put key intelligence community officials into place. In the case of this nomination, I believe the Senate definitely got the message. The watch word for this nomination since the beginning has been goodwill and bipartisanship. As I stated at the beginning, Senators GRAHAM and NELSON of Florida introduced and strongly endorsed this nominee at his first confirmation hearing. We had an impressive bipartisan vote on this nomination in the Senate Intelligence Committee. The ranking member of the House Intelligence Committee, the Honorable Ms. JANE HARMAN, has pointed with pride to her committee's involvement in intelligence reform under Mr. GOSS's chairmanship. Expressions of support for this nomination have come from both sides of the aisle and both sides of Capitol Hill.

This nominee is ready to go to work and he is needed. I urge the Senate to confirm him as soon as possible. I, personally, and I think I speak for the members of the Intelligence Committee, look forward to working with PORTER GOSS, the next and possibly last DCI.

I understand the vice chair is waiting to speak, but I ask his indulgence to permit Senator CHAMBLISS to speak first.

Mr. ROCKEFELLER. Yes.

Mr. ROBERTS. How much time does the Senator request?

Mr. CHAMBLISS. I request 7 minutes.

Mr. ROBERTS. I yield him such time as he would consume.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I appreciate the Senator from West Virginia allowing me to go before him. The leadership that the chairman and the vice chairman of the Senate Intelligence Committee have provided has been unparalleled in this difficult time in the history of our country. Both Senators have conducted themselves in a very professional way and have brought continued honor and dignity to the Senate Intelligence Committee in a bipartisan way, and I want to publicly commend both of them for their leadership.

I rise today in support of the nomination of PORTER GOSS to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence perspective, than we are in today. PORTER GOSS has been nominated by the President to be the chief intelligence officer for the United States. PORTER GOSS brings to the office an unparalleled wealth of experience and knowledge relative to intelligence matters. PORTER GOSS has been a friend of mine for 10 years, and I bring to this argument and this debate a little bit different perspective than any other Member of this body because I served in the House of Representatives for 8 years with PORTER GOSS, the last 2 as a member of the House Intelligence Committee under the chairmanship of PORTER GOSS.

During the last 2 years as a Member of the Senate and as a member of the Senate Select Committee on Intelligence, I have continued a relationship with PORTER GOSS in the intelligence community. Both before September 11 and subsequent to September 11, I have seen PORTER GOSS in the trenches doing the kind of work that lawmakers have to do relative to their day-to-day jobs. Nobody has provided stronger leadership on the issue of intelligence than PORTER GOSS has, both before September 11 as well as after September 11, and more significantly after.

As I think about the arguments that have been brought forth in the public hearings over the last couple of weeks regarding Mr. GOSS, the primary thrust of the negative arguments have been that he is too partisan and too political to carry out the job of the DCI.

Well, I will say this about this man for whom I have so much respect: I have seen him in an atmosphere of committee work. I have seen him in an atmosphere of social work. I have seen him in an atmosphere of operating on the floor of the House of Representatives. Certainly, there is nobody who is a stronger advocate for his position on any issue than PORTER GOSS. He is very direct. He is very plain spoken, and it is pretty obvious which side of the issue he is on. But he always does his arguing in a very respectful way, and in a way which advocates his position but does not get into personalities. Unfortunately, that is where the partisanship occurs in both this body and the body across the U.S. Capitol.

PORTER GOSS has conducted himself in a professional and nonpartisan way as chairman of the House Select Committee on Intelligence, as well as a member of the Rules Committee and otherwise in the U.S. House. He is a strong advocate for his positions but he is not a partisan person.

I will discuss very quickly why I feel so strongly about his background and what it brings to the table relative to his confirmation. PORTER GOSS started out early in his career as a military intelligence officer in the U.S. Army. He then moved into the realm of the Central Intelligence Agency and was a

clandestine officer for the CIA in two different overseas posts. He knows the people within the CIA. A number of individuals who he served with during his CIA years are still employees at the CIA. He knows not only the organization, but he knows the personalities, and he knows the kinds of people who are led, and the kinds of people who need to lead at the Central Intelligence Agency.

PORTER GOSS followed his time as an Intelligence Officer in the field with 8 years as chairman of the House Select Committee on Intelligence. He has covered the spectrum from an intelligence perspective. He has been on the ground as an Army intelligence officer, and the Department of Defense is the largest customer of the CIA. He has been at the ground level of the CIA, where the real work is done and where the real intelligence is gathered, by being a clandestine officer within the CIA. Then in his years as chairman of the House Select Committee on Intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided the oversight and been critical where he needed to be critical, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don't know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. GOSS to be the next Director of Central Intelligence.

PORTER GOSS is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, I know the strength of his character, and I know his dedication to duty, which is why he accepted the nomination to become our next DCI. I also know the wealth of intelligence background he will bring to the table as our next DCI.

The main point I want to conclude with is the fact that we are in a very complex world. We are in a world where intelligence matters. We are in a world where we need to have the cooperation of our allies around the world to collect intelligence against common enemies and common threats.

I have been with PORTER GOSS when he has had meetings with numerous—too many to detail—heads of the intelligence communities of our allies, both abroad as well as here in Washington. I have seen the rapport and the relationship he enjoys with these individuals. I have been to other countries around the world to meet with the heads of their intelligence agencies, and the first question they will ask is not how am I doing but, ''How is my friend PORTER GOSS doing?'' He has an unparalleled relationship with the intelligence community around the world—not because he is just a good guy but because they respect him for the work he has done and they respect him for the knowledge and the experience he brings to the table relative to the intelligence community.

I strongly support the nomination of PORTER GOSS to be the next Director of Central Intelligence. I ask my colleagues to review the record on Mr. GOSS, listen to the debates, but at the end of the day I hope we will send a resounding message to the President, and that is: You have picked the right man. Let's confirm PORTER GOSS as Director of Central Intelligence and move forward.

I yield the floor.

Mr. ROBERTS. Mr. President, I yield such time as he may use to the distinguished Senator from Missouri, a member of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished chairman.

It is a pleasure today to rise in support of PORTER GOSS to be Director of the Central Intelligence Agency. The Senate Intelligence Committee has done its due diligence. It has done its duty with regard to examining the nominee's fitness and qualification for the post of Director of the Central Intelligence Agency. His nomination should be approved without delay.

Much of the work that goes on in the Intelligence Committee is conducted in confidence because of the need to maintain confidentiality. But I will say that the thorough hearings we had on Congressman GOSS were similar to the thorough hearings we have had on all of the subjects brought under the jurisdiction and supervision of our distinguished chairman from Kansas, along with the ranking Democratic member from West Virginia.

There is no question that there is a lot of important work awaiting the new Director of Central Intelligence. Somebody has to be in charge. We are at war with those who seek to destroy us and all freedom-loving people's way of life.

Whether we have a new national Director of Intelligence, whether we have a CIA Director with expanded powers or limited powers, the fact remains that we need to move forward with the nomination of PORTER GOSS.

We have a long way to go to hash out what kinds of changes we are going to make to the organization of the intelligence committee. The more I hear, the more I watch other committees working, the more divergence of opinions I see. Whatever structure we have, we need somebody to control intelligence and make sure we put it on the right path.

A cornerstone of our fight in the war against terrorists, as well as other challenges that confront us, is the paramount need for timely and actionable intelligence to ensure good policy decisions, to ensure adequate preparation for actions that we may take, and to ensure victory for our forces that are deployed in the real-life battles against those who threaten us or threaten national security. Our national security depends on the ability of intelligence services to locate, penetrate, identify targets, and/or destroy terrorist cells.

In addition, we need a Director of Central Intelligence who will keep policymakers informed about other global threats facing our Nation. And, yes, while we are looking at the war on terrorism, we need to be concerned about and following developments about the possible nuclear program advances or missile advances in Iran and North Korea, the steady growth of troubling developments in other major world powers, and the continuing proliferation of weapons of mass destruction technology.

The intelligence community needs a leader right now, the support of the President, and the support of this body who has the experience coupled with a commitment to reform. I am convinced that PORTER GOSS possesses these qualities. He was a former intelligence officer, a former CIA clandestine officer, and as chairman of the House Intelligence Committee, where he probably also went in harm's way to handle that post, PORTER GOSS clearly knows the intelligence business and has the experience.

As cochairman of the joint House-Senate inquiry into the 9/11 intelligence failures, he is intimately aware of the problems currently existing within the intelligence community's ability to counter terrorists. He is someone who will work with the Congress and the administration to implement needed reforms.

Mr. GOSS has also earned the respect of his colleagues and fellow policymakers on both sides of the aisle. One of the most, if not the most important principles that applies to our intelligence community and our oversight should be our nonpartisanship.

PORTER GOSS has been praised by his Democratic colleagues year after year for being nonpartisan on national security.

Senator GRAHAM of Florida said of PORTER GOSS, in our hearing:

> He is uniquely qualified to be here today as the President's nominee to serve as the Director of Central Intelligence. . . . He is a man of great character, unusual intelligence, a tremendous work ethic and an outstanding personal and professional standard of integrity.

Senator GRAHAM also went on to say:

> In addition to those personal qualities, when it comes to the intelligence community, Congressman GOSS has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congressman GOSS served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations.

I could cite many other statements by leaders in both bodies. Senator BILL NELSON of Florida, last month, said of Representative GOSS:

He's a class act. Goss combines all of those characteristics, which are kind of somebody I like.

My colleague and friend from Missouri, Representative IKE SKELTON, the minority leader on the Armed Services Committee, said, in 1997, talking about the work on the intelligence authorization bill:

I salute both the chairman, the gentleman from Florida [Mr. GOSS], and the ranking Democrat, the gentleman from Washington [Mr. DICKS] for their dedicated and bipartisan work.

I believe he can work on a bipartisan basis. In addition, PORTER GOSS understands the endemic deficiencies within the intelligence community. There can only be true, meaningful changes if there is a solid understanding of why change is necessary. PORTER GOSS understands what is broken and is determined to work with us to fix what needs to be fixed and not to mess with what does not need to be fixed.

There are some glaring problems we identified in our report on the prewar intelligence on Iraq. One of them was the poor state of human intelligence. That is spies on the ground, HUMINT as it is called in intel-speak. We did not have any. What a disaster. We also have problems in collection in general, analysis, and the consistent problems with information sharing. These are problems that PORTER GOSS has, during his tenure as chairman of the House Intelligence Committee, devoted himself to improving.

As Chairman ROBERTS mentioned in yesterday's open session, PORTER GOSS held over 62 hearings on intelligence community reform issues this year.

Under Chairman GOSS's leadership, the House Intelligence Committee advocated changes and added resources annually to address the intelligence community's most pressing problems, especially those related to HUMINT and analysis.

His commitment to reform forced the CIA to repeal its restrictive internal guidelines that had a ''chilling effect'' on HUMINT operations. He attempted to refocus CIA analytic resources toward longer term, predictive, strategic intelligence, and directed that more attention be paid to language training, breaking down stovepipes, and enhancing information sharing.

I can tell you, the stovepipes still exist. We still have bureaucracies that only want to share information up and down within their little fiefdoms, and we need somebody in charge who is willing to break down those barriers and make sure sensitive information is shared on a need-to-know basis.

PORTER GOSS was a member of the Aspin-Brown commission which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold-War world. The commission made a number of recommendations, including looking how to streamline the DCI's responsibilities and give him more flexibility in managing the intelligence community.

Those who question PORTER GOSS's commitment to change must remember that his leadership and dedication to intelligence community reform is apparent in his work on the ''Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001.'' This report contained 19 recommendations. It laid the foundation for the 9/11 Commission recommendations—the changes that have been the subject of much discussion in the press over the last several months.

Those who question Representative GOSS's commitment to reform as well as his commitment to operate independent of the current administration should recall that Mr. GOSS took the initiative to introduce his intelligence reform legislation on June 16 of this year, H.R. 4584, which called for significant changes in the intelligence community structure in addition to providing a DCI or DNI the much needed personnel and budgetary authority required to be a truly effective leader. It should be noted that PORTER GOSS's legislation did not fall in lockstep with the recent Executive order issued by the President, thus proving that Mr. GOSS will take the necessary bold steps to do what is right for the community.

I quoted Senator NELSON of Florida earlier, but he also said of PORTER GOSS:

. . . Congressman GOSS is someone whose public life has been illustrative of being nonpartisan, fair and independent.

When PORTER GOSS was pressed to defend past partisan statements before our committee, he acknowledged there are times on Capitol Hill when partisanship will rear its head. That is, unfortunately, part of the job. However, he told our committee the following:

I well understand that I am leaving one arena and, if confirmed, heading to another arena that operates completely differently where partisan politics are not part of the job.

A considerable record has been created, embracing both substantial comment on PORTER GOSS on his nomination and several commitments by him on intelligence matters involving counterterrorism and other important activities. I stress again the importance of approving Mr. GOSS's nomination at this time of paramount importance in the intelligence community. I hope my colleagues will join with the chairman, with me, and other members of the committee in extending him our support.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, the nomination of Representative PORTER Goss to be the next Director of the Central Intelligence Agency comes, obviously, at an absolutely critical time in our Nation's history.

The documented intelligence failures prior to the terrorist attacks of September 11 and leading up to the war in Iraq have left the intelligence community's credibility bruised and their image tarnished, which none of us wants.

The community's objectivity, their independence, and their competency have been called into question. That is fair in some cases. As a result, a bipartisan call for reform has steadily grown to the point where the Congress is on the threshold of passing landmark legislation, I believe and I hope, to create a stronger, better managed intelligence community before we adjourn this year. I do not think we should stretch it out and wait. I think we should do it, and do it now.

The next Director of Central Intelligence will be the most important person for that position ever confirmed by the Senate. Our decision on who should lead the Central Intelligence Agency, and the other 14 intelligence agencies, according to the law, should not be a rubberstamp job.

The importance of this position requires a thorough examination of the nominee's record and his ability to carry out the weighty responsibilities of the job.

As I have indicated, never before in the 57-year history of the intelligence community has there been such a need for a Director of Central Intelligence with unimpeachable character, proven leadership and management experience, and strong national security credentials.

The new Director will face, in my judgment, no fewer than four major challenges: waging an unrelenting offensive clandestine campaign against al-Qaida and other terrorist organizations around the world; supporting ongoing military operations in Afghanistan and Iraq; managing an intelligence community in a state of transition; and, restoring the intelligence community's lost credibility.

The next Director of Central Intelligence must be extraordinarily qualified in order to successfully carry out these and other national security tasks.

I simply say all of this to say the stakes are enormous. Perhaps most importantly, the next Director of Central Intelligence must be nonpartisan, independent, and objective. This standard is not simply this Senator's; it is what the law, the National Security Act law, requires specifically in language.

I know of no other position of importance in Government requiring that independence, objectivity, and non-partisanship as a requirement for confirmation. The very first responsibility of the Director of Central Intelligence under the National Security Act—and these are the words—says that his advice to the President, the executive branch, the military, and the Congress must be timely, must be objective, and must be independent of political considerations, and based upon all sources available to the intelligence community. That is the law.

I have reviewed Representative GOSS's record closely. I have gone over his writings and his speeches of the past 10 years. We have just completed two open hearings, which I thought were good hearings, in the Intelligence Committee, where Representative GOSS was asked questions about his past record, his commitment to reform the intelligence community, and his ability to be forthright, objective, and independent.

Representative GOSS is, without question, qualified in many respects. He is a fine person. I have been able to work with him well over the past few years—that is not one of the requirements, but it happens to be true—both in the joint congressional inquiry into 9/11, and also in House-Senate conferences. His past employment with the Central Intelligence Agency, doing extremely dangerous work, and his 7-year tenure as chairman of the House Intelligence Committee, have given him both an insider's and outsider's perspective of the intelligence community. There is no doubt that he is an extremely knowledgeable person with respect to the inner workings of the Central Intelligence Agency and the other agencies he is nominated to manage.

But Representative GOSS's record is troubling in other regards. I wish to speak about them. He has made a number of statements relative to intelligence matters—many in the past year—that are, in fact, highly partisan and displayed a willingness on his part to use intelligence issues as a political broadsword against members of the Democratic Party. Again, ordinarily, that is kind of routine around here, but with respect to the Director of Central Intelligence, that should not be and cannot be according to the law. When taken collectively, this list of partisan statements and actions on intelligence matters raise a serious doubt in my mind as to whether PORTER GOSS can be the type of nonpartisan, independent, and objective national intelligence adviser our country needs.

What is the public record of the person the President has nominated to be the next director of the CIA? Has he been independent, objective, and nonpartisan on intelligence issues, again, as required by law?

In March of this year, Representative GOSS coauthored an intelligence op-ed piece entitled ''Need Intelligence? Don't ask John Kerry.'' In this political attack piece, he made a number of highly charged political allegations relating to intelligence spending. These are quotes from the Congressman:

> . . . when Democrats controlled the Congress, the cuts were deep, far-reaching, and devastating to the ability of the CIA to do its job to keep America safe.
>
> . . . during the Clinton years, the Intelligence Community was given a clear message that if they failed in politically risky operations . . . there would be no backing from the Clinton White House or the Democratic-controlled Congress.

And then Representative GOSS targeted Senator KERRY, who he claims ''was leading the way to make deep and devastating cuts in the intelligence community's budget'' and ''was leading efforts in Congress to dismantle the Nation's intelligence capabilities.'' Severe criticism. A few months later, in a June 23, 2004 statement on the floor of the House, Representative GOSS claimed that ''the Democratic Party did not support the Intelligence Community.'' And in the same June floor debate, he offered the following justification for his claim:

> My comment is that when there was opposition to intelligence and, year after year, efforts to cut the intelligence budget, they did come from the Democratic side through the period of the 1990s.

I have gone back over the record and determined that Representative GOSS's election year claims mischaracterize the intelligence record of both the Democratic Party and Senator KERRY, in my judgment. He also failed to point out his own record as a member, and eventual chairman, of the House Intelligence Committee during this time. Had he stated the intelligence record factually, it would have taken the sting out of his political attacks and created an entirely different picture than the one he painted.

It is true that during the first two years of the Clinton administration, the intelligence budgets declined. That is true. This was a period of deep cuts in almost all areas of Government, as we tried to grapple with the legacy of the previous 12 years of uncontrolled deficits. Over the next 6 years, however, the Clinton administration's budget increased every single year for intelligence. During that 6-year period, fiscal years 1996 to 2001, Republicans controlled both Houses of Congress, and the Congress cut the President's request in 1996, 1997, 1998, and 2001. In 1999, the Republican-controlled Congress initially cut the intelligence budget, but then passed a large one-time supplemental appropriation.

In fiscal year 2001, the Republican-controlled Congress returned to its pattern of cutting intelligence funding. After the 9/11 attacks, Congress once again passed emergency supplemental funding. By that point, the Democrats had a majority of the Senate—briefly.

Representative GOSS voted for every Intelligence authorization bill and every Defense appropriation bill during this period. So he must have thought that the so-called underfunding President Clinton was requesting was acceptable.

Now, I want to look at exactly what Senator KERRY proposed in 1994, and I want to contrast that with a bill, H.R. 1923, introduced by Representative Solomon that had as its first cosponsor Congressman GOSS.

In 1994, Senator KERRY introduced a bill to cut the deficit by $45 billion over 5 years—at a time when Congress was searching for ways to undo the 12 years of uncontrolled deficits under the Reagan and Bush administrations. Senator KERRY's proposal would have rescinded $1 billion from the 1994 Intelligence appropriations and then increased intelligence spending over the next 4 years by the inflation rate. Representative GOSS's proposal in 1995 would have cut not less than 4 percent of the personnel from all intelligence agencies in each of the following 5 years. After the initial cut in 1994, Senator KERRY's proposal would have provided significantly more funding for intelligence than was appropriated by the Congress controlled by the Republicans, beginning with the fiscal year 1996 budget.

Representative GOSS's proposal, on the other hand, would have resulted in dramatically lower intelligence funding and, in fact JOHN KERRY's proposal would have resulted in $8.8 billion more for intelligence than Congressman GOSS's lead-cosponsored bill.

And worse, all of the cuts Representative GOSS proposed in 1995 would have been achieved by firing 20 percent, by law, of America's intelligence officers at the very time the terrorist threat from al-Qaida was growing. In fact, had the Congress followed the Goss plan, the intelligence community would have had tens of thousands fewer intelligence officers in the year 2000: fewer intelligence collectors in the CIA, NSA, and elsewhere; fewer intelligence analysts across the community; fewer intelligence officers in the military service; and fewer counterterrorism officers in the FBI.

The Goss plan would have made, using his own words, in fact, ''deep and devastating cuts in the intelligence community budget.'' But this year, an election year, Representative GOSS chose to level that charge against the Democratic Party as a whole and Senator JOHN KERRY by name. Why? When asked at the nomination hearing to reconcile these facts with his charge that it was the Democrats who did not support intelligence, Representative GOSS simply said, ''The record is the record,'' about four or five times. He also refused to admit that his accusations might have been in error.

When asked whether anyone from the White House or the President's reelection campaign asked him to write the March editorial and to give the June floor statement against JOHN KERRY, he said he couldn't recall.

Representative GOSS's unwillingness to be forthright in his answers on this matter were troubling to me and a number of my colleagues on the committee. His dismissive answers to tough, but as I said repeatedly, I thought fair questions lacked candor.

I was left with doubt that as Director of Central Intelligence, he would have a forceful and independent voice on intelligence assessments that do not necessarily support a political agenda, if there is one, of the current President.

There are other instances where Representative GOSS, as chairman of the House Intelligence Committee, played the partisan blame game. It is against the law for the Director of the CIA to

be involved in such. That was then. He is being confirmed now. Does this man's life change completely after 15 years from partisanship to total nonpartisanship?

In 1999, when it was disclosed that the Chinese espionage efforts against our Department of Energy weapons laboratories may have resulted in loss of sensitive nuclear weapons design information, a counter-investigation was begun, eventually resulting in charges being brought against Los Alamos scientist Wen Ho Lee.

Representative GOSS repeatedly laid the blame for this espionage activity on the Clinton administration's failure to protect national security. In the final days of the 2000 Presidential election campaign, Representative GOSS took to the House floor and stated:

> We have in the Clinton-Gore administration seen a cultural disdain for security.

Again, Representative GOSS's statements on important intelligence issues mischaracterized the record in the attempt to score political points.

The Cox Commission, which PORTER GOSS served on as vice chairman, found that the security problems at the Department of Energy weapons laboratories predated the Clinton administration and that the Chinese espionage collection program against the weapons lab began in the 1970s.

The Cox Commission report also noted it was the Clinton administration that issued Presidential Decision Directive 61 requiring the Department of Energy to improve counterintelligence programs.

Evidently, mentioning these points was not helpful to Representative GOSS when he was making sweeping statements about ''a cultural disdain for security,'' which is highly offensive to me as a Democrat who is vice chairman of the Intelligence Committee, and I think all Republicans and all Democrats care desperately, seriously about what happens in intelligence.

In the rush to assign partisan blame, Representative GOSS ignored the record. In a number of other statements, Representative GOSS erroneously singled out the Clinton administration and congressional Democrats for cutting human intelligence programs in the 1990s that, in turn, he said, limited the intelligence community's ability to carry out its mission.

Yet it was Representative GOSS himself who said in 1998 that human intelligence collection programs needed to be cut by the time the 1990s began. His comment specifically was:

> I am convinced that the U.S. clandestine service, the CIA Directorate of Operations was in the mid to late 1980s too large.

When the identity of Valerie Plame, an intelligence officer with the CIA whose clandestine identity is protected by law from unauthorized disclosure, was leaked and published by columnist Robert Novak, Representative GOSS was asked whether the disclosure warranted investigation. His response was stunning. He said:

> Someone sends me a blue dress and some DNA, I'll have an investigation.

The whole basis for the law protecting the identity of covered intelligence community employees from being disclosed is to protect the lives of American intelligence officials that are endangered if their true identity is known to our adversaries.

As a former CIA case officer and chairman of the House Intelligence Committee, Representative GOSS knows this. For him to make such a statement, with its clearly implied shot at President Clinton, was wrong, inappropriate, and insensitive to the gravity of the matter. I hope Representative GOSS, if confirmed by the Senate to lead the CIA, will have a more serious attitude toward the outing of CIA employees undercover.

When Richard Clarke, the coordinator for counterterrorism for the National Security Council from 1993 to October 2001, provided testimony to the 9/11 Commission that was clearly damaging to Bush administration claims, Representative GOSS, and others, questioned his integrity and claimed he may have lied before the joint congressional inquiry in closed session, vowing to declassify his testimony to prove it.

These claims were never substantiated, and when the National Security Council forwarded to Chairman GOSS, as requested, a declassified version of Richard Clarke's testimony on June 25, nearly 3 months ago, he took no action to publicly release it so that allegations of perjury and the like could be laid to rest.

While the Senate voted to support the creation of the independent National 9/11 Commission, which eventually became the Commission led by Governor Tom Kean and Representative Lee Hamilton, Representative GOSS opposed the measure on the House floor.

When the Senate and House Intelligence Committees met in the fall of 2002 to conference this issue, he continued to oppose the creation of an independent 9/11 Commission stating that the issue would be decided ''above my pay grade.''

When the Senate Intelligence Committee undertook an investigation into the use of intelligence—not the collection, analysis, and production of intelligence, but when you hand it to policymakers—the use of intelligence by the administration officials prior to the war as part of our broader Iraq intelligence inquiry, Representative GOSS made disparaging comments about two Democratic Senators in particular who, like many others in this body, are profoundly concerned about the veracity of public statements made about the U.S. intelligence agency, calling them ''two old attack dogs gumming their way through artificial outrage about something they should know a lot more about and be more responsible about.''

What makes this particular criticism curious is Representative GOSS's lack of action on the issue of pre-war intelligence. Despite assurances over a year ago that the House Intelligence Committee was evaluating the intelligence community's performance on Iraq since the end of the gulf war, Chairman GOSS failed to issue the promised report on the failures and mistakes leading up to the war.

Chairman ROBERTS and I, in a thoroughly bipartisan fashion, did so in a 17-to-0 vote. I think we are both proud of that, and justifiably so, along with our colleagues on the committee. The House produced nothing. They produced press releases, but nothing else.

When both the Senate Armed Services Committee and the Senate Intelligence Committee, as committees with shared jurisdiction, began holding difficult but necessary oversight hearings into the improper treatment and interrogation of prisoners in Iraq, Representative GOSS viewed our actions with disdain, saying:

> I am not comfortable with what the Senate is doing . . . I do honestly question whether or not they have balance over there on this issue . . . We've got a circus in the Senate, which is always the likely place to look for this circus.

PORTER GOSS chose to denigrate the Senate's investigation, while the House chose to largely ignore the matter and not ask the tough questions about what happened inside Abu Ghraib prison and at other detention facilities in Iraq or elsewhere.

All too often, Representative GOSS's statements and actions as chairman of the House Intelligence Committee seemed designed to protect the administration by avoiding contentious issues which could be embarrassing to the administration and placing blame on Democrats for shortcomings in the intelligence community.

Not surprisingly, one thing missing from Representative GOSS's records is any public statements on intelligence critical of Members of his own party or the administration. During his nomination hearing, Representative GOSS assured the committee that these partisan inclinations of the past would not prevent him from carrying out his duties as Director of Central Intelligence. He said he understood the Director must be an independent adviser to the President and the Congress, beyond reproach and beyond the reach of politics.

While I appreciate his testimony and commitment to being a nonpartisan Director of Intelligence, I cannot say with absolute certainty that he will be exactly that. I must vote on his record. I cannot vote on his promise, and I do not think the Senate should. His record is his record. He said it.

The truth is, Chairman GOSS and I have a very good working relationship, one that I expect will continue and improve in the future. We had a good exchange in recent days, even during difficult nomination hearings. In contrast to those who wish to gloss over this issue, PORTER GOSS himself understands exactly the dilemma that I and

many of my colleagues face with this nomination. He knows this is one of only a handful of positions in the entire U.S. Government that requires by law nonpartisanship and objectivity, and in this case the demand is all the greater because it is about our national security.

PORTER GOSS openly acknowledged in his testimony before the committee this week that he has at times approached national security issues with excessive partisanship, and he expressed regret about that. And I respect that. I believe PORTER GOSS knows that in essence, on this whole question of independence, he is asking us to take it on faith, so to speak, that he can make a clean break from the last 10 to 20 years of his political career.

I hope he is right. I very much want him to be right about that, but at end of the day I do not think taking it on faith is enough for this vice chairman of the Intelligence Committee when it comes to such a critical position of Director of Central Intelligence. It does not meet the legal standard, and it does not meet my obligation, in my judgment, as vice chairman.

These are troubled times for the intelligence community in our country. In so many ways, we are still recovering from the tragedy of 9/11. We are grappling with the tragic impact of flawed and exaggerated intelligence leading up to the war in Iraq, and we are struggling still to understand the truth about what is happening in the world.

Just yesterday, our President surprised and shocked many of us by dismissing outright the highest level of consensus view of the intelligence community when he said they were ''just guessing'' about the gravity of the situation in Iraq.

In light of all of this, I believe I owe it to the men and women of the intelligence community to send a clear and strong signal about the paramount importance of independence and objectivity. It needs to be said not only in words but in action. So I will vote against the nomination of PORTER GOSS to be the next DCI.

I sincerely hope PORTER GOSS will prove my vote wrong, and I told him that. In fact, I intend to work with him in order to help him prove me wrong. But based on his record of partisanship, based on the dictates of the law, and based on my own strong conviction against mixing politics and intelligence at the CIA, I must vote no.

I yield the floor.

I yield such time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, in beginning my comments, I first want to commend the chairman, Senator ROBERTS, for the way in which he conducted the hearing. He was eminently fair. I believe I had five rounds of questions myself for the nominee, and I want to express my appreciation to the chairman for the way he conducted the hearings, and also express my thanks to Senator ROCKEFELLER. His leadership on the committee has been invaluable to me.

I also want to commend the vice chairman for an excellent statement this afternoon, much of which I agree with, as he knows.

PORTER GOSS is a good man and a good Congressman, but his long record of supporting business-as-usual intelligence policies is not good enough to warrant his appointment as CIA Director at this dangerous hour. Mr. GOSS showed that on his watch, as chairman of the House Intelligence Committee, he passed on virtually every opportunity to move aggressively for reform. His commitment to public service is unquestioned, but his unwillingness to displease the powerful to force change in our intelligence community is unfortunate.

In the committee, there were three major areas that came up as we sought to evaluate the nominee. The first, as the distinguished Senator from West Virginia has talked about today, has been the issue of partisanship. The second area at which the senior Senator from Michigan, Mr. LEVIN, looked at some length, was the question of the nominee's ability to objectively analyze intelligence. The third was the area that I focused on, which was why the nominee has been so slow to push aggressively for intelligence reform.

I have come to the conclusion that it is possible—and we have all tried, as the Senator from West Virginia has said, to give one the benefit of the doubt in these various areas. I have come to the conclusion that I can give the nominee the benefit of the doubt on the issue of partisanship. I can give the nominee the benefit of the doubt with respect to his pledge to be objective in analyzing intelligence. But I just cannot get over the answers we were given during almost 9 hours of hearings with respect to why the nominee was so slow to be an agent for change in the intelligence community.

It is really that leadership that I find so central. I have tried, as a member of the committee, to be as bipartisan as I possibly can. We understand politics should stop at our borders. We all stand ready to put in place the policies necessary to protect America's security, but to do that we need leadership.

I and others try to be bipartisan. Senator LOTT, Senator SNOWE, Senator GRAHAM, and others sought, for example, to change the way Government documents are classified. I think that is an important issue, to make the right structural changes in intelligence. But if we do not get the right information, information consistent with national security and not classified for political purposes, we are still going to have problems making reforms in the intelligence area.

I want to be bipartisan. I listened carefully to the questions that were asked in the committee, good questions by Senator ROCKEFELLER, and I am willing to give the nominee the benefit of the doubt with respect to the partisanship issue.

But I will tell you, the answers that we were given with respect to why it took the nominee so long to push for changes in the intelligence community still leave me unconvinced. For example, at one point in our hearings the nominee told me it was difficult to get attention to the issues of intelligence on his watch. He said the reason he had not introduced legislation is that people were not focused on it; it was hard to get people's attention.

Let's think about what happened in those years when we evaluate the nominee's response on that question. PORTER GOSS was chairman of the Intelligence Committee in 1998 when al-Qaida bombed our embassies in Kenya and Tanzania. He was chairman of the Intelligence Committee in 1999 when the United States was investigating allegations of Chinese theft of our nuclear materials. He was chairman of the Intelligence Committee when the USS *Cole* was bombed by al-Qaida in October of 2000. And, of course, he was chairman of the House Intelligence Committee when we faced 9/11.

It took him nearly 3 years to introduce reform legislation after 9/11. I believe that is not good enough. I believe a chairman of a key committee can get attention when that chairman wants to use that chairmanship as a bully pulpit to be an agent for change. I believe a chairman who is committed to intelligence reform has the chance, when he bangs his gavel, to speak out for why changes are needed.

A leader must lead. We all get election certificates, in the U.S. Congress, to try to tackle problems, important problems, but chairmen have a special opportunity. If you look at the long record—and he said the record is the record—the nominee passed on virtually every opportunity to use his bully pulpit, to use his gavel, and to work for the kind of changes that would make this country as safe as necessary.

We, all of us, understand it takes courage to rock the boat. It takes courage to be an agent for bold change. But if you want an example of an individual who did it, an individual who is a prominent Republican, you need look no further than former New Jersey Governor Tom Kean and his performance as the Chair of the 9/11 Commission. This stalwart Republican made truth his only goal. He pressed Republicans and Democrats alike to do the same. He was more successful and has already begun to engineer more change than hardly anybody thought possible in this fractured political climate. What a boon it would have been, had we had the same commitment to change on the issue of intelligence, intelligence reform, by the current nominee to head the CIA.

The current nominee had a front row seat during all those years, the years I

outlined when those terrible acts of terrorism occurred, when he could have pushed for reform. Yet after weeks of going through the nominee's record and 2 full days of questioning, I am hard pressed to find anywhere—in a bill, a vote, or an inquiry—anything that demonstrates the nominee will hold people accountable, for example, rather than just going along with the status quo.

The record shows, to me, again and again, the nominee chose to play it safe rather than take the risks necessary to bring about change in the intelligence community. When I looked at Mr. GOSS's record, the first question that occurred to me was could he give us some examples, some concrete examples of when he was willing to stand up, to go against the popular wisdom and even his own party to bring about change; whether he was willing to take the far less dangerous risks that we take as Congressmen and elected officials than lots of other people do, certainly those wearing the uniform.

Right now, we need somebody to head the CIA who is willing to stand up, who is willing to help this country come up with policies that leave the Cold War mentality behind—those are fit for a very different kind of threat—and to hold himself and others accountable.

Mr. GOSS has a long, distinguished career as a Member of Congress. I know him personally. I served with him in the other body. It would be hard to find a more decent individual. I will say there are very few jobs in the Government of our country at which I don't think PORTER GOSS would do a good job. But being effective here on Capitol Hill and in other parts of the Government is not where I set the bar for this key appointment. The bar ought to be set very high because we know we have great challenges ahead of us.

For example, I have come to the conclusion that on the intelligence reform legislation we, hopefully, will be dealing with on the floor of the Senate shortly, it may not be the structural problems that are our greatest challenge in improving intelligence and making our country safer. I think there is more to it than moving the boxes around on an organizational chart with respect to intelligence. I think this is as much a people problem as a structural problem. If you are going to solve those problems, in the area of people, human interaction, you have to have leadership, you have to have somebody who is willing to stick his or her neck out.

That is where I set the bar. I think the long record and the questions I asked established beyond a doubt that PORTER GOSS is a good man. He has been a good legislator. But there simply is no evidence that he is willing to rock the boat in the intelligence community, which I think is necessary to make this country as safe as it needs to be.

For that reason I join the distinguished vice chairman of our committee in opposing the nomination. Like the vice chairman, I am very hopeful I will be proved wrong. As I said, on the issue of partisanship, on the issue of objectivity of analysis, I give the nominee the benefit of the doubt. With respect to his willingness to fight aggressively for bold change, I remain unconvinced. For that reason I will oppose the nominee.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The distinguished Senator from Kansas.

Mr. ROBERTS. I yield as much time as he may need to a valued member of the Intelligence Committee, the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I believe PORTER GOSS is the right man certainly in this crucial time in the history of our intelligence community.

PORTER GOSS spent over a decade at the CIA. He had the opportunity to see it from the inside, to work there in a distinguished career. For the last few years, he has had the opportunity to serve in the Congress, to serve on the Intelligence Committee in the House, and then for the last few years as the chairman. I think it is significant that he has been the chairman for the last few years at the same time many of us have served on the Senate Intelligence Committee, when the force of history has compelled all of us to examine as we have never done before the role of the intelligence community in the world we live in today, a world confronted by the failures of the intelligence community, where we have taken a magnifying glass for the last several years as Members of the House and Members of the Senate to see exactly what is wrong with the intelligence community. There has only been a handful of people who have had that experience. Some of them are in this room today.

PORTER GOSS has distinguished himself in that exercise as chairman of the House Intelligence Committee, as the leader in the House when we went through the joint Senate-House investigation. I had the chance to watch him through that endeavor. I had the chance to watch him learn, as all of us did, about the tragedy of September 11 and how the intelligence community did not function the way we want it to function.

In PORTER GOSS we will have someone who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is wrong, and has looked at it in a critical time in our history. I think that is so very important as we begin the task as a country and he begins the task as the new Director of the CIA to bring about needed reform.

This is a tough job, but I believe PORTER GOSS is a tough man. I believe he is the right man. Some people might say this is an impossible job. I do not know if it is an impossible job, but it is a very difficult job. Let us think about it for a moment.

This is the man who walks in to see the President every morning, walks in to the Oval Office and greets him, gives him the intelligence report. I think we all understand there has to be a chemistry between the President and the Director; that if there isn't, that relationship—and we have seen that in the past with Presidents and Directors, sometimes there isn't that relationship—if there isn't that relationship, they do not talk and the country suffers.

There has to be a relationship of trust, of confidence. Yet that same man who comes in to see the President every morning where there has to be that relationship, that trust, that rapport, is also a man who has to tell the President what the President does not want to hear; a man who has to have the guts to do it; a man who has to look the President in the eye and have the guts to tell the President of the United States, the most powerful man in the world, Mr. President, that is not the way it is; or maybe a more difficult thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don't know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Well, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day in this world because he is the one who has to be in charge of putting together all of the intelligence. And today it is the intelligence that protects us just as much as our national defense. The facts he comes up with, our intelligence community comes up with, are our first line of defense today. Yet we are telling this man today, if you get this job, at the same time you are carrying on this war on terrorism and you are providing these facts, we expect you to go as fast as you can to carry out reform.

Further, we tell this man that he has to deal with whatever today's crisis is. What we are focused on, of course, is terrorism today. But he has to deal with the long-term crises—nuclear proliferation, what is going on in China, you pick the challenge. He has to be 5 years out, or 10 or 15 years out, and he had better not get it wrong.

This is a new era for the CIA, a new era for the intelligence community which came to maturity in the Cold War, the Soviet Union versus the United States. We sort of understood in those decades when we developed that

intelligence community. Official cover worked pretty well. The new head of the intelligence community has to continue that change, continue to change away from that. We have to move out from the official cover to a nonofficial cover. That is just one of the changes that has to take place. It is a tough job.

I think when you vote on someone's confirmation, a lot of this is kind of a gut check. You don't know what the exact issues are going to be in the future. This is an intensely personal job, as I have pointed out. The person who runs the agency, I suspect we are going to end up giving a lot more power. If PORTER GOSS is confirmed, he may end up with an entirely different job later on. He is going to run a big intelligence community, but it is also an intensely personal job in that relationship with the Congress and that relationship with all of the consumers. And the ultimate consumer, of course, being the Commander in Chief, the President of the United States.

I think it gets down to a lot of the person. What do you think of this guy, or woman if that be the case? Can they handle it?

I think it is helpful to talk to some of the persons who know this person best. I was struck by the testimony of the two Senators from Florida, Senator BOB GRAHAM, of course, the senior Senator, but also significantly the chairman of the Select Intelligence Committee of the Senate, and a pretty harsh critic of the intelligence community and of the administration. This is what he had to say:

> Let me say at the beginning that I am not unbiased. I believe that Porter Goss is an exceptional human being and will be an exceptional head of our Central Intelligence.

Senator GRAHAM also said:

> Mr. Chairman, I have known PORTER GOSS for well over two decades, and I can tell you from personal experience that he is uniquely qualified to be here today as the President's nominee to serve as the Director of Central Intelligence. He is a man of great character, unusual intelligence, a tremendous work ethic, and an outstanding personal and professional standard of integrity.

Senator GRAHAM added that as Governor of Florida, when he first met the nominee:

> Party affiliation did not matter then. What was necessary, good men and women who could carry out a difficult task.

My colleagues, I believe party affiliation does not matter today. The challenge that PORTER GOSS, on a much magnified scale, will face as Director of Central Intelligence is very analogous to the challenge he faced 20 years ago in restoring integrity to his local community and completing a very complex project.

As to PORTER GOSS's fitness to serve as an independent, unbiased DCI, this is what Senator GRAHAM of Florida said.

> . . . when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congressman Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations. Since he has been in Congress, especially as a member and chair of the House Permanent Select Committee on Intelligence, he came to know the agencies from an oversight capacity.

Senator GRAHAM continued:

> Some have said he is too close to the intelligence agencies, that he would be too protective of the status quo. Well, most of you served with Porter and myself on the joint inquiry into the events of 9/11. I believe you would join me in saying from that experience Porter is a man who will be independent in his judgments and unflinching in his criticism where he believes they are necessary.

Senator GRAHAM concluded with these words:

> I am confident he will not be a part of the problem but rather a leader in taking us toward principled, thoughtful solutions when it comes to reforming the intelligence community. I strongly recommend the confirmation of Porter Goss.

Senator BILL NELSON also participated in the September 14 Goss confirmation hearing. These are some of the things Senator NELSON had to say:

> I think we need intelligence reform. I think we need it now. And I think Porter Goss is the man to lead the effort.

Senator NELSON also called PORTER GOSS:

> . . . a uniquely gifted individual whose public life has been illustrative of being nonpartisan, fair, and independent.

The Senator further pointed out that:

> Those characteristics in this town that is so highly charged with partisanship are sorely needed in a Director of Central Intelligence.

Those statements are from his two colleagues on the other side of the aisle from Florida.

I think sometimes it is good to know and talk to people who know someone best.

Mr. President and Members of the Senate, let me conclude by saying I have known PORTER GOSS for a long time. I have dealt with him on issues not just in the area of intelligence. Sometimes you get to know people in the Senate and the House working in Congress on a variety of issues.

PORTER GOSS and I had shared a tragic situation when we had constituents, hemophiliacs who acquired AIDS because they had to take massive amounts of blood because of their condition. The blood was tainted. It is a long story. I will not go into it now. But the blood was tainted because we thought there was an error made by the Federal Government, that the Federal Government did not become involved early enough, that the Federal Government made mistakes.

I had constituents. I listened to their tragic story. PORTER GOSS listened to some constituents of his. So we both moved in our respective bodies to try to bring about some help for these folks. I saw how compassionate he was and how strongly he felt about the issue and what he did about it and how he took that passion and feeling he felt for those folks in wanting to do something about it. I worked with him. I traveled with him to Haiti, the poorest country in this hemisphere. I have seen his compassion for the people of Haiti.

I have worked with him on the Intelligence Committee. I will be honest with you, I have had the occasion, many times, to pick up the phone and call across the Capitol and ask PORTER: What is really going on in the intelligence community? What is really going on at the CIA? I will tell you, each time he had an insight that was unrivaled, or rivaled by very few people I have talked to, of what was really going on inside the intelligence community. That is an insight that came about from his years of experience inside the community and his years of experience of watching the community in the oversight capacity while being on the committee and of being the chairman.

He has a passion and an understanding of the intelligence community and of what needs to be done to change it. He understands the importance of human intelligence. Long before it was fashionable in this town to be saying, oh, we have to have more human intelligence, PORTER GOSS was pushing, pushing, and pushing the intelligence community for more human intelligence.

It may not have been flashy, it may not have been with a lot of big speeches, but he was there. He understood it. He understood what the needs were. This man gets it. If you want someone to lead the reform of this community, if you want someone who understands what the problems are, who can do it from the inside, if you want someone who will have the guts to report to the President of the United States and tell it like it is, PORTER GOSS is your man.

So, Mr. President, I am proud to come to the floor today to recommend to my colleagues, based on my personal experience with this man, what I have seen over the years, that we vote for his confirmation. He has a tough job and, yes, it may be almost an impossible job, but I think he is the right man at the right time at this point in our history.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on each side?

The PRESIDING OFFICER. The majority has 124 minutes remaining; the minority has 128 minutes remaining.

Mr. LOTT. Mr. President, I believe the chairman of the committee had indicated a desire to yield 5 minutes, or what time the Senator may consume, to Senator ALLARD of Colorado. It would be my intent to follow Senator ALLARD.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the acting chairman for yielding 5 minutes.

Mr. President, I would like to associate myself with the comments of the distinguished Senator from Ohio. I, too, proudly claim PORTER GOSS as a friend and somebody who I think will do a great job.

There is no doubt that the intelligence community right now is in somewhat disarray, concerned about their jobs and the job they are doing and the public perception.

I say, first, there are a lot of good people at the Central Intelligence Agency. I think Congressman GOSS recognizes that. I think there are some bureaucratic problems over there, too.

I think he has the temperament to deal with some of those problems. PORTER GOSS is a strong leader. He is a quiet individual. He doesn't grandstand. He is a hard worker. He is intelligent and he understands the intelligence community.

I have had an opportunity to serve on the Intelligence Committee in the Senate for 4 years, and I even developed a greater appreciation for the job Mr. GOSS did on the House side in his service on the Intelligence Committee.

For those reasons, I rise to support the President's nomination to head the Central Intelligence Agency. That nominee is Representative PORTER GOSS. I believe he is the right man at the right time for the job. That has been stated a couple of times already. I truly think that is the case. I am glad to see other colleagues recognize that fact. I am asking my colleagues to join me in voting for his confirmation.

The intelligence community is at a critical juncture. It is clear that after the horrific attacks of September 11, and the problems involved with uncovering weapons of mass destruction in Iraq, the intelligence community needs firm leadership during a time when reforms are needed. The President has heeded that call.

President Bush has put into motion, through executive order, most of the recommendations of the 9/11 Commission, and he is committed to strengthening the budget authority given to the intelligence community head administrator. The next step in intelligence reform is to bring in someone who is committed to reforming the Central Intelligence Agency from the inside out. That man is PORTER GOSS.

I have had the pleasure of knowing Representative GOSS personally and professionally. I was lucky enough to serve with him in the House of Representatives, and I value his knowledge of national security issues. Even then, when I served with him in the House, he was a voice both Democrats and Republicans turned to when debating important intelligence issues, and he continues to be a leader in the House today. More importantly, I got to know PORTER GOSS on a personal level. He is someone I trust and have come to call my friend. There is no one I would rather see as director of the agency.

I am convinced Representative GOSS is ready for this challenging task. Representative GOSS will bring a unique perspective to the Director's office in the Central Intelligence Agency. His perspective will not only drive the much-needed changes in the CIA, but will also bring our concerns as a Congress to the agency.

PORTER GOSS has been an Army intelligence officer. He has served as a clandestine agent in the CIA and has chaired the House Intelligence Committee. There is no one better prepared or qualified to be the Director of the Central Intelligence Agency. There should be no doubt that the combination of experience Representative GOSS has will serve the American people well.

I have heard concerns raised that Mr. GOSS is too partisan. I simply have to discount those concerns. This is a man who has served as an officer in the Army and understands very well his duty to the United States and to the citizens he will soon swear to defend.

I am pleased to see the bipartisan support Representative GOSS has already received. His nomination was approved by the Senate Intelligence Committee by a 12-to-4 vote. His colleague from Florida, BOB GRAHAM, has come out strongly in favor of Mr. GOSS.

It is time for the Senate to act on this nomination so we can continue the reforms to the intelligence community that are badly needed. Representative GOSS is prepared to take the agency in a direction that will strengthen our collection and analytical intelligence activities and provide the information we need to keep America safe. He is a man who is truly interested in the needs of our country. He is somebody that I feel I can work with on the Armed Services Committee. I have some of the intelligence programs under my jurisdiction in the subcommittee which I chair, and they are extremely important programs. They are programs that are badly needed, they are expensive programs, and they do have some problems. We need somebody who has the background in intelligence to tackle those, and somebody I think I can work with.

I ask my colleagues to support his nomination because I personally think he is the best man for the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. I yield to the chairman.

Mr. ROBERTS. Mr. President, I will be happy to soon yield to the distinguished Senator from Mississippi, a valued member of the Intelligence Committee.

On the issue of the HPSCI activity, the House intelligence activity, in regard to reform and other intelligence challenges during the last 3 Congresses, which has been brought up, I ask unanimous consent to have printed in the RECORD the Survey of Activities of the Permanent Select Committee on Intelligence During the 107th Congress. I also commend to my colleagues the Survey of Activities of the Permanent Select Committee on Intelligence during the 106th Congress and the 105th Congress.

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

SURVEY OF ACTIVITIES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE DURING THE 107TH CONGRESS

Mr. GOSS, from the Permanent Select Committee on Intelligence submitted the following report.

This report covers the activities of the House Permanent Select Committee on Intelligence during the One Hundred Seventh Congress. Porter J. Goss (Republican, Florida) served as Chairman; Nancy Pelosi (Democrat, California) served as the Ranking Minority Member.

The stated purpose of H. Res. 658 of the 95th Congress, which created the House Permanent Select Committee on Intelligence, was to establish a committee ''to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and intelligence-related activities and programs.''

H. Res. 658 also indicated that the Committee ''shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States.''

In carrying out its mandate from the House regarding oversight of U.S. intelligence and intelligence-related activities, the Committee created four subcommittees:

SUBCOMMITTEE ON HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

Jim Gibbons (R-NV), Chairman,
Leonard L. Boswell (D-IA), Ranking Member,
Sherwood Boehlert (R-NY),
Alcee L. Hastings (D-FL)*,
Ray LaHood (R-IL),
Silvestre Reyes (D-TX)*,
Randy ''Duke'' Cunningham (R-CA),
Gary Condit (D-CA),
Peter Hoekstra (R-MI),
Collin C. Peterson (D-MN),
Richard M. Burr (R-NC),
Sanford D. Bishop, Jr. (D-GA)*,
Saxby Chambliss (R-GA),
Robert E. (Bud) Cramer, Jr.* (D-AL).

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

Michael N. Castle (R-DE), Chairman,
Sanford D. Bishop, Jr. (D-GA), Ranking Member,
Jim Gibbons (R-NV),
Jane Harman (D-CA),
Sherwood L. Boehlert (R-NY),
Alcee L. Hastings (D-FL)*,
Randy ''Duke'' Cunningham (R-CA),
Silvestre Reyes (D-TX),
Peter Hoekstra (R-MI),
Leonard L. Boswell (D-IA),
Richard M. Burr (R-NC),
Robert E. (Bud) Cramer, Jr.* (D-AL),
Terry Everett (R-AL).

SUBCOMMTTEE ON INTELLIGENCE POLICY AND NATIONAL SECURITY

Douglas K. Bereuter (R-Nebraska), Chairman,

Gary A. Condit (D-CA), Ranking Member,
Ray LaHood (R-IL),
Sanford D. Bishop, Jr. (D-GA),
Michael N. Castle (R-DE),
Tim Roemer (D-IN),
Saxby Chambliss (R-GA),
Collin C. Peterson (D-MN),
Jim Gibbons (R-NV),
Terry Everett (R-AL).

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Saxby Chambliss (R-GA), Chairman,
Jane Harman (D-CA), Ranking Member,
Peter Hoekstra (R-MI),
Gary A. Condit (D-CA),
Jim Gibbons (R-NV),
Tim Roemer (D-IN),
Ray LaHood (R-IL),
Alcee L. Hastings (D-FL)*,
Richard M. Burr (R-NC),
Silvestre Reyes (D-TX)*,
Terry Everett (R-AL),
Robert E. (Bud) Cramer, Jr.* (D-AL).

*Member served on Subcommittee for only part of 107th Congress.

SCOPE OF COMMITTEE REVIEW

U.S. intelligence and intelligence-related activities under the jurisdiction of the Committee include the National Foreign Intelligence Program (NFEP), the Joint Military Intelligence Program (JMIP), and the Department of Defense Tactical Intelligence and Related Activities (TIARA).

The National Foreign Intelligence Program consists of activities in the following departments, agencies or other intelligence elements of the government: 1) the Central Intelligence Agency (CIA); 2) the Department of Defense; 3) the Defense Intelligence Agency (DIA); 4) the National Security Agency (NSA); 5) the National Reconnaissance Office (NRO); 6) the Departments of the Army, Navy, and Air Force; 7) the Department of State; 8) the Department of Treasury; 9) the Department of Energy; 10) the Federal Bureau of Investigation (FBI); 11) the National Imagery and Mapping Agency (NIMA); and, 12) the Coast Guard (USCG).

The JMIP was established in 1995 to provide integrated program management of defense intelligence elements that support defense-wide or theater-level consumers. Included within the JMIP are aggregations created for management efficiency and characterized by similarity, either in intelligence discipline (e.g., Signals Intelligence and Imagery Intelligence) or function (e.g., satellite support and aerial reconnaissance). The programs comprising the JMIP also fall within the jurisdiction of the House Armed Services Committee.

The TIARA are a diverse array of reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information support to military operations. TIARA, as defined by the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence programs that respond to requirements of military commanders for operational support information, as well as to national command, control, and intelligence requirements. The programs comprising TIARA also fall within the jurisdiction of the Armed Services Committee.

OVERSIGHT ACTIVITIES

During the 107th Congress, the House Permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

— Responded effectively to the catastrophic attacks on September 11, 2001, by the al Qai'da terrorists by conducting investigations jointly with its sister committee in the Senate, the Senate Select Committee on Intelligence, to determine whether the IC should have been more adept, better resourced and more capable of thwarting the attacks;

— Promoted a bipartisan effort to continue rebuilding and refining the nation's intelligence capabilities to meet increasingly complex geopolitical and technological challenges to national security; and

— Advanced the education of Members of Congress and the public on matters of vital interest to national security and the distinct role intelligence plays in its defense.

Although the end of the Cold War warranted a reordering of national priorities, the steady decline in intelligence funding since the mid-1990s left the nation with a diminished ability to address emerging threats—such as global terrorism—and the technical challenges of the 21st Century. Further, the IC's lack of a corporate approach to addressing enduring intelligence problems helped to create a culture that hindered data collection (especially human intelligence collection), data sharing, and collaborative analysis.

The revitalization of the National Security Agency (NSA) was the Committee's top priority during the 107th Congress. Although this continues to be one of the Committee's priority concerns, the focus has turned to information sharing and cross community analysis. The Committee notes that the individual intelligence agencies and, moreover, their extremely talented and dedicated people, labor continuously to provide the absolute best intelligence products possible in defense of the Nation. These efforts are, however, generally conducted in isolation from one another, and, most disturbingly, existing rules and procedures often restrict information from the community's depth and breadth of analytic talent. Therefore, those individual efforts can usually only piece together fragments of the overall intelligence puzzle. Crucial in the post–9/11 era is having a community that is, to the maximum extent possible, liberated from information sharing restrictions and one that fosters a culture focused on greater collaborative analysis. The Authorizations for fiscal years 2002 and 2003 included detailed language on the need for the IC to breakdown barriers to information sharing and the need to cease the practice of allowing agencies to routinely restrict ''their data'' from other agencies, including law enforcement.

In order to maximize further the IC's analytic effectiveness and output, we must ensure that the dedicated professionals of the IC are properly trained and provided the skills necessary for the tasks that are required to fight the global war on terrorism and other daunting threats. For a number of years, the Committee has articulated its specific concerns about the dearth of language skills throughout the IC. The lack of depth in the so-called ''low-density' languages was acutely experienced during operations in Afghanistan The Committee finds this situation unacceptable and has emphasized the critical need for a robust effort to improve foreign language capabilities throughout the Intelligence Community.

The Committee remains concerned about the viability and effectiveness of a future overhead architecture, given the apparent lack of a comprehensive architectural plan for the overhead system of systems, specifically in the area of imagery. For example, the Committee believes the Administration is facing a major challenge in addressing technical and funding problems with the Future Imagery Architecture (FIA) program that could force untenable trades between critical future capabilities and legacy systems. In the Authorization for fiscal year 2003, the Committee has addressed the known FIA problems as well as the need to develop imagery alternatives if developmental problems exist or persist. The Committee noted, however, that the Intelligence Community has engaged in a continuing pattern by which many individual programs have been provided resources with little or no regard to the entire set of IC collection capabilities, including space-based and airborne. The Committee believes that, although individual systems certainly have specific merit, it would be wiser for the Intelligence Community to consider whether the overall collective mix brings the appropriate assets to bear against the range of threats to U.S. national security. Moreover, the ability to fund all legacy, developmental, and desired systems has a finite limit. Therefore, there is a critical need to review each program mindful of the strategic needs so that and necessary tradeoffs are made based on substantive requirements.

Finally, the Committee continued its focus on a number of enduring IC challenges—the need to improve NSA acquisition efforts, the need to improve the depth and breadth of Human Intelligence (HUMINT), and improving research and development (R&D). With respect to NSA, the Committee has been pleased with the Director's attempts to baseline current capabilities so that future needs can be properly identified and resulting acquisition decisions can be appropriately made. To assist the Director in completing these efforts, the Committee included incentives in the Authorization Act for fiscal year 2003. Regarding, HUMINT, the Committee focused on improvements in training, enhancing technical resources to operations, and properly funding analytic efforts. All of these capabilities are supported by R&D efforts. Therefore, the Committee has supported the Administration's increases in basic R&D programs. The Committee believes that the IC must continuously renew itself in this ever-changing world. Intelligence is the first line of defense against elusive and unstructured threats and enemies that use asymmetric means to harm America and her people. Only through providing these much needed resources and a long-term commitment can the IC be prepared for the global challenges that confront us.

INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2002 AND 2003

During the 107th Congress, particularly in the aftermath of the September 11th attacks, the Committee continued to pursue its objective of rebuilding and revitalizing our national intelligence capabilities to better meet the threats of the 21st century. Finally, after eight years of congressional admonition to the executive branch to develop a long term funding program to correct serious and critical Intelligence Community (IC) deficiencies, the President's budget requests provided a down payment on the resources necessary to ensure that our policymakers and military commanders have timely and reliable intelligence support that is crucial to our nation's security.

The Committee reviewed extensively the President's budget submissions for Fiscal Years 2002 and 2003, fulfilling its responsibility to closely examine the nation's intelligence programs and proposed expenditures. These reviews included substantive and programmatic hearings, Member briefings, and numerous staff briefings. Testimony on the President's budget submissions was taken from the Director of Central Intelligence (DCI); the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C31); the Directors of DIA, NSA, NIMA, NRO, and the FBI; and other major intelligence program managers.

The Committee's examination of the President's Fiscal Years 2002 and 2003 intelligence budgets included 13 committee budget-related hearings principally on a program level. Additional hearings were held addressing the DCI's overall budget submission, the state of health of the IC, and the DCI's views and plans for the future of intelligence and the IC.

In reviewing the President's budget requests, the Committee found that the President has begun to aggressively address the lack of investment and years of neglect that has harmed our nation's intelligence capabilities. The fiscal year 2002 budget request, submitted before the tragic events of September 11, 2001, reflected no major improvements or investment in intelligence capabilities. The fiscal year 2003 budget submitted by the President included the most substantial increase for programs funded in the National Foreign Intelligence Program in history, however, the intelligence authorizations for both fiscal years 2002 and 2003 reiterated the need for renewed investment by focusing on enhancing programs and information sharing across the various IC agencies.

In addition to budget-related hearings, the Committee held over 58 committee hearings and briefings on various issues vital to our IC and national security. Among the subjects examined by the Committee were: terrorism, HUMINT, and developments in Colombia, Southeast Asia, and rogue states.

Given the September 11, 2001, terrorist attacks, the Committee's immediate priority was, and continues to be, the effectiveness of our counterterrorism efforts and the security of our nation. In the last two budget authorization bills, the Committee addressed critical and immediate counterterrorism needs as well as long-term intelligence issues facing the United States.

The ''Intelligence Authorization Act of Fiscal Year 2002'', (P.L. 107–108), in addition to authorizing generally the activities of the U.S. IC, directly addressed IC shortfalls in domestic counterterrorism efforts, intelligence collection and analysis, threat reporting, aggressive recruitment of human assets, foreign language capabilities, and sharing of intelligence information and analysis across the government. For example, the Congress specifically enacted legislation that repealed restrictions on human intelligence sources. In the wake of the September 11, 2001, attacks on America, the House and Senate significantly increased spending authorizations for intelligence activities well beyond that level requested by the President. The committee also directed significant resource allocation to countering terrorism.

The ''Intelligence Authorization Act of Fiscal Year 2003'', (P L. 107–306), in addition to authorizing the intelligence activities of the U.S. IC highlighted five priority areas that must receive significant, sustained attention if intelligence is to fulfill its role in our national security strategy. Those areas are: (1) improving information sharing and all-source analysis; (2) improving IC professional training with a major emphasis on developing language skills; (3) ensuring national imagery collection program viability and effectiveness; (4) correcting enduring systemic problems, deficiencies in HUMINT, and rebuilding a robust research and development program; and (5) establishing a budgeting process that no longer relies so heavily on supplemental appropriations. For example, the fiscal year 2003 legislation provided very clear policy direction to the Administration to improve the cross-community sharing of information from material seized as part of the global war on terrorism. This resulted in new processes and procedures being implemented to improve the access that community analysts have to this material. Further, the fiscal year 2003 authorization legislation provided significantly enhanced funding for skills training in areas such as foreign languages, analyst-to-analyst technical exchanges and in-area familiarization travel. And finally, the Committee's legislation also provided critically needed direction and funding to ensure the nation's imagery architecture will be capable of supporting customer needs long into the future.

COMMITTEE INVESTIGATIONS

Terrorism Review

The Committee, through its THLS Subcommittee at the behest of the Speaker and Minority Leader as the focal point and coordinating mechanism in the House of Representatives for post–9–11 counterterrorism and homeland security oversight activities.''

Prior to the 9–11 terrorist attacks, the Committee's Working Group on Terrorism and Homeland Security held numerous classified hearings and briefings on the terrorist threat, gaps in the IC's counterterrorism capabilities, the need for a more focused and better coordinated national effort on homeland security, and a variety of related matters.

Following 9–11, the Working Group was converted into a full subcommittee with expanded powers of jurisdiction to act as the lead entity in formulating the House's response to the attacks. The new Subcommittee on Terrorism and Homeland Security held what for the Committee was an unprecedented series of televised hearings culminating in a field hearing with then-Mayor Rudy Giuliani in New York City. A significant number of closed hearings and briefings on all aspects of the attacks followed; along with a report to the Speaker and Minority Leader on the gaps in counterterrorism capabilities at CIA, NSA, and the FBI leading up to 9–11. Following publication of this report, the Committee, in conjunction with the Senate Select Committee on Intelligence, established a Joint Investigative Staff on 9–11 that conducted a thorough investigation of the Intelligence Community's inability to prevent the 9–11 attacks. The work of the JIS included a series of open and closed hearings, and the publication of a classified report.''

Committee Investigations

At the behest of the Speaker and Minority Leader, the Committee's Subcommittee on Terrorism and Homeland Security was directed in the immediate aftermath of 9–11 to evaluate the performance of the CIA, and FBI against the terrorist target. To this end, the Subcommittee issued a report in July 2002 that offered the fo11owing conclusions:

America's intelligence capability shortfalls prior to 9–11 were significantly affected by resource constraints imposed during much of the 1990s, but also by a series of questionable Intelligence Community management decisions on funding priorities.

As a first step, the USG should adopt a single definition of terrorism, which it currently does not have at a cost of significant inefficiencies.

CIA: The availability and allocation of resources, including the redirection by CIA managers of funds for core field collection and analysis to headquarters bureaucracy, hurt CIA's counterterrorism (CT) capabilities prior to 9–11. Internal human rights guidelines issued in 1995 also had a ''chilling effect'' on CT operations, and these guidelines were only repealed after the Subcommittee's report was released in July 2002. CIA chronically lacks foreign language skills and core CT-specific training, and has become overly reliant on foreign liaison at a cost to its unilateral capability.

FBI: Preventing terrorism was less important than solving crimes prior to 9–11, when FBI decentralized CT information and investigations. FBI also had insufficient linguists and analytic capability and an outdated IT infrastructure. It paid little attention to financial tracking, and did not share information.

NSA: The CT mission was not given a high enough priority in the competition for limited resources prior to 9–11, and NSA must reform program management, systems engineering and integration, and budget management for new investments to have a lasting impact. NSA has been chronically short of linguists, and must better leverage industry for technical solutions to collection problems.

Congressional oversight of counterterrorism is highly duplicative and inefficient. A leadership staff mechanism should be created to streamline the oversight process on both counterterrorism and homeland security matters.''

JOINT INQUIRY INVESTIGATIONS

In February, 2002, the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks against the United States. This bicameral investigation, supported by a separate, unified, professional staff, sought to identify what the Community knew or should have known regarding those attacks prior to September 11th, the nature of any systemic problems that may have impeded the Community's ability to prevent those attacks, and recommendations for reform to improve the Community's ability to uncover and prevent similar attacks in the future.

In the months that followed, the Inquiry's investigative staff reviewed massive amounts of information within the Intelligence Community. This included the review of almost 500,000 pages of relevant documents, 300 interviews, and participation in numerous briefings and panel discussions, involving about 600 individuals. Although the inquiry was primarily focused on the Intelligence Community, the investigation also considered relevant information from federal agencies outside the Intelligence Community; from state and local authorities; from foreign government authorities; and from private sector individuals and organizations. Building on the extensive investigative work, the Committees held nine joint public hearings and, given the highly classified nature of much of this information, thirteen joint closed sessions. In December, 2002, both Committees approved, by separate votes, the classified Final Report of the Joint Inquiry. The Committees are currently working with the Intelligence Community in an effort to declassify, consistent with national security interests, as much as possible of the Final Report for public release.

The work of the Joint Inquiry confirmed that although the Intelligence Community had relevant information that was, in retrospect, significant regarding the September 11th attacks, the Community too often failed to focus on the information and to appreciate its collective significance in terms of a probable terrorist attack. The Inquiry's factual record identified not only the information that was overlooked but also a number of systemic weaknesses that contributed to the Community's inability to detect and prevent the attacks. These included a lack of sufficient focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, insufficient analytic focus and quality, a reluctance to develop and implement new technical capabilities aggressively, and inadequate sharing of

relevant counterterrorism information. To correct such deficiencies, the Final Report includes nineteen recommendations for reform, including such things as the creation of a Cabinet-level Director of National Intelligence and prompt consideration of whether the FBI, or a new agency, should perform the domestic intelligence functions of the U.S. Government.

OPEN HEARINGS

During the 107th Congress, the Committee held 13 open hearings on issues of concern to the Intelligence Community and the American people. While committed to the protection of sources and methods and ensuring the security of our nation's secrets, it is the intention of the Committee, whenever possible, to hold open hearings in an unclassified setting on issues of vital importance and concern to the public.

The Committee held four open hearings: Defining Terrorism—September 26, 2001; Asymmetric Threats to Homeland—October 3, 2001; Role of NSC in Current Crisis—October 11, 2001; Domestic Preparedness & Emergency Response—October 29, 2001.

The Joint Inquiry Committee held nine open hearings: Family Advocates for September 11 Victims—September 18, 2002 and September 19, 2002; Intelligence Community Knowledge of September 11 Hijackers—September 20, 2002; Phoenix Memo—September 24, 2002 and September 26, 2002; Counterterrorism Information Sharing—October 1, 2002; Intelligence Community Reform Proposals—October 3, 2002; Past Terrorist Attacks—October 8, 2002; Factual Finding of Inquiry—October 17, 2002.

Mr. ROBERTS. Mr. President, I yield as much time as he may consume to the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the chairman. I also commend the chairman and the vice chairman of the Intelligence Committee for the very difficult job they have been performing, leading the Intelligence Committee. It has to be one of the toughest jobs that I have witnessed in the Senate. It takes time, it takes experience, and it takes intellect to be able to deal with the issues that come before this committee.

I also commend them for the way they have handled this particular nomination. They were patient. They gave every Senator ample time to make their points and ask questions, and they have been commended by Members of both sides of the aisle for the way they handled the nomination. That is why I think the nomination was approved by the Intelligence Committee, and why I believe this nomination will be confirmed by a wide margin.

Before I get into a little more discussion about why I support PORTER GOSS to be head of the CIA and director of intelligence, I will talk about my overall concerns regarding the intelligence area.

As a member of the leadership over the years, I was able to have briefings and meet with Director Tenet. There are specific requirements in the law that certain Members have to be notified when particular actions are taken. I always took those matters very seriously and spent the time that was necessary to get those briefings. For the last year and a half, I have been on the Intelligence Committee. I must confess that when I went on the committee, I thought I would be a big defender and big supporter of our intelligence community, because I think that what they do is so important. I do support the men and women who work in that community.

But I must say, over the last year and a half, I have developed many concerns about how that job is being done, how the Congress does its job. I didn't appreciate how important oversight is regarding intelligence matters, how important it is that a Senator develop expertise to be able to ask the right questions, do the oversight, and understand what is going on.

I have come to the conclusion that our intelligence community is not set up properly and we are not doing our job in the Congress. We can point fingers and blame somebody else, but a lot of the problem resides here in this body and in the Congress—not because we don't try to do our job, but we are not organized properly to do it. We have this multifaceted process of so many committees claiming jurisdiction, and with good reason. Armed Services needs to be aware of what's going on, as do Foreign Relations, Appropriations, and Governmental Affairs. Is there anybody who doesn't have their finger in this intelligence pie a little bit? Basically, nobody is doing the oversight job properly, because the members of the Intelligence Committee are not there permanently; they come and go and are on the Committee maybe 2 years, 4 years, or 8 years. Once you get to where you know what to ask and what is going on, you leave the Committee.

Frankly, I think the CIA and the intelligence community's attitude is: Don't give them anything; give them a little bit of a courtesy, a brush-off, and we will get what we want from the appropriators in the end.

I think we have real problems in the intelligence community and in the Congress, and we need to fix them. I don't have a magic design. I want to hear what the experts have to say and see what legislation is proposed. I know this: Something has to be done in the way the intelligence community operates. You cannot operate under a construct where you have 15 different agencies and 80 percent of the money going to the Defense Department, with the director of intelligence having little or no control over the money or many of those intelligence agencies.

We need major changes, and we need them now. I am concerned about concerns that were raised yesterday that if we do not do this right, if we rush to reorganize the intelligence community, we could do damage because the job of gathering intelligence has to go on every day. Men and women are putting their lives on the line to gather intelligence. We need to be careful, but we need to press forward with change.

I know this body is loath to change anything. Any kind of reform is looked at suspiciously: Oh, we can't do that; it has always been done this way. I have taken the time over the years to look at a lot of these issues, and it has not always been done this way. A lot of what we do and say around here, which some say is sacrosanct and cannot be changed, is relatively new. It evolved over the years.

At some point, you have to say there is a higher priority, that there is something more important than turf or jurisdiction or the way it was or is being done.

What is most important is how we are going to do the best job for the men and women in uniform, men and women in intelligence, and for the American people. So I think we need to make necessary changes.

The important point is that we have to have somebody in charge. We have good people in the CIA doing the job. We have an Acting Director who is a good man doing a good job. But we do not need an Acting Director forever. We need a man or woman in charge making decisions, making changes that need to be carried out even without legislation that overhauls the whole operation, and we need it now.

This is a dangerous time we are in. We need to not only confirm this nominee right away, but we need to do it overwhelmingly. We need to show him, we need to show the agencies, and we need to show the departments that he has the confidence of the American people through their representatives in the Senate. We are dealing with very important issues, and it is so important that we have leadership at the top. We need to do it right away.

We have a good man who has been nominated. A lot of thought went into his selection. I know the President sought out the counsel, advice, and the thinking of a number of Members of Congress on both sides of the aisle, in the House and Senate, before he went forward with this nomination. He has nominated a man who is uniquely qualified to be the Director of Intelligence.

PORTER GOSS is the right age. He is in his mid-sixties, still young enough to do the job, and old enough to know what needs to be done. He has a background of military experience, where he was in Army intelligence for 2 years. He worked in the Directorate of Operations of the CIA for many years. Most of this is in the RECORD, but I think it is worth repeating so that my statement will make sense, hopefully, in its entirety.

When he left the CIA, he continued to be involved in trying to serve his fellow man and his community. He was a leader in his hometown in Florida. He served on the city council, was mayor, was a member of the board of commissioners, and has served in Congress since 1988, which is a pretty good period of time. He eventually became chairman of the House Permanent Select Committee on Intelligence where I know he did a good job.

I have watched him. I have watched him deal with difficult issues. I have watched him take a leadership role, and I have watched him work with the ranking member of that committee and with Democrats, and I have been impressed with the job he has done on the Intelligence Committee in the House.

So he knows the CIA. He knows it from having been in Army intelligence, he knows it from having been in the CIA, and he knows it from the position he held as chairman of the Intelligence Committee. He knows where the problems are because he was there, and he knows how to strengthen the intelligence community and make it better. He is no stranger to the difficulty and the complexity of foreign intelligence.

When I look back on some of the former heads of the CIA, frankly, some of them did not have much of a background in that area. But here is a man who is uniquely qualified. He has been in the intelligence community. I know that some people say that if you are in the institution, you are part of the problem. But, my experience leads me to ask, how can you solve a problem if you do not really understand an institution? There are some in Washington that say, if you know the subject, whether it is transportation or oil or intelligence, you should not be in government because you have been co-opted.

I think absolutely the opposite is the case. Practical experience is invaluable. You have to understand the culture, you have to understand the people, and anybody who has paid close attention to the intelligence community in recent months and years knows what changes should be made and have to be made.

PORTER GOSS, a Member of Congress, has been critical of the intelligence community. He does not sugar-coat it. He has called the human intelligence program dysfunctional. He has spoken the truth about the way we have funded the CIA, which he says has not been adequate, it has not been done in the right way, and we have not put enough emphasis on human intelligence. In fact, Congress stopped this nation from having the human intelligence we needed, if we go back and look at the results of the Church Commission some 30 years ago. Once again, we are part of the problem.

He knows we need to do more in linguistic training, and he has raised these questions as chairman of the committee and in his communications with the DCI.

His confirmation would bring stability and experience to the intelligence community. One thing that worries me, as I have talked to some of our intelligence personnel, is a certain concern about whether they are really appreciated, and are the old experienced hands going to stay, or are they going to leave. I have noticed some of the intelligence people I see are getting younger, younger, and younger. They need a firm and experienced leader. They need a person who has been there with them, understands their needs, and appreciates the job they do, and PORTER GOSS would do that.

He does support what Congress is about to do. We are going to create a national intelligence director position, and we are going to pass legislation that is going to reorganize the intelligence community at some point, maybe sooner than later.

Again, he has the right attitude and supports the position I believe that Congress is going to be taking.

There are those who have questioned his independence. Is he a partisan? Is he a politician? Whatever happened to congressional courtesy? Over the years, I have supported Members of the other party from this body and the other body, even though they have sometimes been very partisan politicians, very aggressive in their speeches on the floor of the House and Senate, but I knew them to be good men and women, and I knew when they took on a different role. When you are in Congress, when you are in politics, you are a politician. That is not a damnation. That is somebody involved in the art of government. When you are a member of a party, sometimes members of the other party get under your skin, and you speak out.

I noticed over the years, PORTER GOSS has not been one of those rabid partisans. He has been very calm and very stable. Sometimes he gets a little upset. Maybe he thought perhaps the Senate was getting carried away with some of our hearings recently. On occasion, I have thought we did a little grandstanding in the Senate, and I said so even though it was sometimes directed at my own party.

I know he is an independent thinker, and I know he will put his job as head of the CIA, uppermost. He will put his political past and his partisanship behind him. He also will be a man, I believe, who can go in and meet with the President at those early morning meetings and say: Mr. President, this is what we know, this is the truth about the situation, and if you go this way, you are going to have certain problems.

He has that stature, he has that credibility, and he will have the independence to do that.

I think having served so many years, having been on the Intelligence Committee, and having the record he built at the Intelligence Committee, is proof that he will be independent to do that job for the American people. I believe he will be more candid with the Congress.

Quite often when we had testimony before the Intelligence Committee, I felt as if I did not get a complete story. Frequently, testimony was less than fully satisfactory or sufficient. PORTER GOSS is going to be able to speak to us on a level basis, not from the perspective of a former staff member. He was one of us, and he will not try to fool us. I think he will tell us the truth.

By the way, I think we will be very comfortable telling him: Mr. Director, we don't believe that. We will be able to be very candid with him. I believe he will show flexibility as we move from where we are to where we need to be.

He has been questioned about the positions he has taken, but he satisfied the members of the Intelligence Committee by a vote of 12 to 4 with several Democrats voting for his confirmation. They asked him the tough questions. They had their reservations, and those reservations have been satisfied.

I cite one point of how he dealt with the former Director. On September of 2003, he wrote a letter to DCI Tenet pointing out concerns he had with intelligence. He joined with the ranking member of the Intelligence Committee in the House, Congresswoman HARMAN, and indicated there were significant deficiencies with respect to the intelligence community's collection activities concerning Iraq's WMD programs and ties to al-Qaida prior to the commencement of hostilities there.

So he did not wait until after the fact; he raised concerns when they needed to be raised. If my colleagues have taken a look at that letter, it certainly shows independence and it was the kind of thing that the DCI needed to hear at that particular time.

So I can attest from experience, from observation, and from a written record that this Congressman will be an independent, thoughtful, strong voice at the CIA.

I urge my colleagues, let us have our discussion but let us have a vote and let us make it overwhelming. Let us do it now because we need strong leadership and we have the right man to do this job. PORTER GOSS will provide leadership for the intelligence community. He will be able to work with Congress and he will help give the intelligence community the ability to do an even better job.

I thank the chairman for yielding me this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield such time as he may consume to the distinguished Senator from Utah and thank him for his service on the Intelligence Committee.

Also, I thank the Senator from Mississippi for his excellent commentary, more especially highlighting Mr. GOSS's independence and the fact he will be a nonpartisan DCI.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague and I certainly appreciate the leadership Senators on the Intelligence Committee, in particular the Senator from Kansas. He has done a great job. I think Senator ROCKEFELLER has worked with him very well for the most part.

I associate myself with the remarks of the distinguished Senator from Mississippi. There are very few people around here who have had to deal with

the personalities of so many people as Senator LOTT has. He has done a terrific job throughout both his House and Senate career, and I think we ought to listen to the wise people like that with regard to whether we should vote for PORTER GOSS.

There is no doubt in my mind that PORTER GOSS is worthy of this position and, in my mind, he will do it in an effective way. I compliment the distinguished Senator from Mississippi for his cogent remarks and his very practical remarks to which we ought to all be paying attention.

I remember when George Tenet was nominated, and George Tenet was a Democrat. He was a staffer to Senator Boren. Senator Boren, George Tenet, and I traveled all over the world together. There was not any question that we were going to support George Tenet when he came up for CIA Director, and I think he did a much better job than all of his critics are saying. A lot of that was because he worked very hard for Senator Boren and for the committee and knew an awful lot about intelligence to begin with. This is a tough job. It is almost an impossible job to do. In fact, I think it is an impossible job to do in every way, in every respect, totally right.

The fact is, we supported Mr. Tenet and he was a member of our family. I believe PORTER GOSS is a member of our family, too, and a person who is worthy of this position. We should not politicize this appointment.

The next person to head the Central Intelligence Agency will lead the organization at its most demanding time in history. The next Director of Central Intelligence will have to provide leadership in shepherding that organization through a much needed reform while continuing to play a major role on the ongoing global war on terror. The next person to hold this post will require much more than a passing experience with the workings of the intelligence community. He will need to understand the role of the executive in conducting our foreign policy at war, and the essential role of congressional oversight and support in ensuring that our intelligence community is flexible enough to address threats that have never before been the primary focus of our foreign policy.

President Bush made the right call when he chose PORTER GOSS to fill this role. I am happy to note that an overwhelming majority of my colleagues on the Senate Select Committee on Intelligence have also recognized this, having approved his nomination yesterday. I commend Chairman ROBERTS for his leadership and I thank our majority and minority leaders for bringing this nomination to the floor today. It is important.

I have had the opportunity to work closely with the chairman of the House Permanent Select Committee on Intelligence. In the months of collaboration between our two committees which produced the joint inquiry, I had the opportunity to take the measure of PORTER GOSS's mind, as well as his experience and his commitment to the intelligence community. I totally support this nomination.

As we all recognize, the intelligence community will be undergoing a major reform, a process that can only succeed if there is close cooperation between the White House and all the relevant executive agencies, the Congress—and that includes Democrats and Republicans—and especially this committee, and the intelligence community.

The reform that will be promoted should not be a mere bureaucratic reshuffling; it should be a reform of our intelligence community that enhances and strengthens our ability to understand, penetrate, co-opt, and neutralize the threat of armed groups to our national security. The success of the next Director of the Central Intelligence Agency must understand this to be successful.

The next Director of Central Intelligence must understand that the new initiatives we are debating in draft legislation this month, legislation we are referring to as an intelligence community reform, will be the beginning, not the end, of reform. In fact, I fear that once we pass a reform package some of us will believe we will have accomplished reform. In fact, we will have only begun.

Everyone agrees that we need better results from our intelligence community. I suppose that is always going to be the case. Most of us, I hope, also agree that the efforts of the intelligence community, from the Director on down, have been admirable, brave, selfless, and intense. I believe former Director Tenet worked hard to revitalize capabilities that devolved after the end of the Cold War. I know he worked hard. He inherited an agency that needed a lot of improvement, and to the extent that he could, he did his best to do so.

The next Director of Central Intelligence must recognize that our goal should not be to rebuild a capability but to build a new capability. We need better results and we need a strategy for achieving them.

Director Tenet was candid in speaking before the 9/11 Commission in saying that our human intelligence capabilities would take at least 5 years to rebuild. PORTER GOSS, when confirmed, must recognize that this will be the issue I will address in our first closed hearing. I will ask: How do you intend to rebuild the capability? What is your strategy? To what standards of measurement will you hold yourself?

The American intelligence community of the 21st century will face traditional geopolitical threats, as we did in the past. We will need intelligence to address the question of rising powers, such as China, and remilitarizing states, such as Russia. We will need intelligence to deal with the failing States of North Korea and Cuba.

As we all know, we will also need to develop intelligence capabilities to gain a strategic advantage against the threat we face now and will face for some time to come: the threat of armed groups—terrorists, if you will.

I strongly believe al-Qaida will be defeated in the coming years. It is not going to be easy, but we will defeat them. On the other hand, I think a somber analysis of the world we live in today should remind us that, even when al-Qaida is defeated, we will face the threat of other armed groups. Nations that have developed a strategic advantage to understand, penetrate, co-opt and, when necessary, destroy armed groups will enhance their national security.

We rely on our intelligence community for that strategic advantage. PORTER GOSS understands these requirements. He has worked within the intelligence community, and he has performed years of congressional oversight over that community. He respects the community and he knows what is expected of it. If we do our jobs, I can assure PORTER GOSS, when he is confirmed, he will be the Director made most accountable to Congress in the history of intelligence community oversight.

As I said, when the next director comes before our committee, we should not settle for reports. We must demand strategy for achieving reform and measurement standards. Our legislative initiatives can only do so much. Our oversight, and the stewardship of a responsible and experienced director, will be what advances reform.

There is no doubt in my mind that this man can do the job and can do it well. There is no doubt in my mind that as a Member of Congress he has occasionally made statements that have irritated the other side of this aisle. That is probably true of everyone on both sides of the floor. I have to admit I have been irritated from time to time by statements made by my colleagues on the other side—and even by some of my colleagues on our side—and I am sure I have made statements from time to time that have irritated colleagues on the other side as well. I have not wanted to, but I am sure I have. It is just the nature of being in this political arena. But to then presume a person is an indecent partisan because occasionally they find fault with the other side, I think shows a degree of immaturity, of political and professional immaturity that is unworthy of the nomination process.

Nobody is going to come before us who is perfect in every way. But I have to say, there are very few people who have served as much as PORTER GOSS has and who have as much knowledge of the intelligence community as he has, who have ever been members of the top echelon of the CIA.

I have every confidence in him. I am going to support him. I hope all my colleagues also will support him. He is worthy of it. He is a Member of Congress. He is a person who deserves our support. I hope we all get together and

support him and continue to support him as he serves in this job which almost nobody can completely fulfill. This is a job that takes immense capabilities and, I might add, commitment. He has both and we should support him.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from West Virginia.

Mr. ROCKEFELLER. I yield such time as the Senator from New Jersey wishes to express his views. I yield him that amount of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we are discussing the nomination of Representative PORTER GOSS to be Director of Central Intelligence. This nomination comes to the floor at a critical time for our Nation's intelligence community. With Chairman COLLINS's leadership and Senator LIEBERMAN's ranking membership, the Governmental Affairs Committee is in the process this very day of marking up legislation to reform the intelligence community. It is a task that all of us on the committee are taking very seriously. After all, it was the failures of intelligence that led to the horrors of 9/11 and the loss of almost 3,000 lives. Seven hundred of them came from my home State of New Jersey. It was a painful moment in American history.

It was failures of intelligence that led to our false premises for invading Iraq. I thought everyone from the President on down had agreed that we needed to take intelligence data more seriously. That is why it was so shocking to hear President Bush's odd statement yesterday about our Nation's intelligence data on Iraq. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about the CIA report that he had received in July, regarding the deteriorating situation in Iraq, which could even lead to a full-blown civil war.

The President at that moment dismissed the CIA report by saying that the CIA might have been ''just guessing.'' Just guessing? The Central Intelligence Agency just guessing? That is quite a way to describe their activities.

On this placard we see what President Bush actually said.

> The CIA laid out a—several scenarios that said, life could be lousy, life could be OK, life could be better. And they were just guessing as to what the conditions might be like.

That is quite a description, on September 21, yesterday, at the Waldorf-Astoria in New York. If the President thinks our Nation's intelligence system is just guessing, then we are really in trouble. Casual statements.

I remind President Bush that when you pronounced ''mission accomplished'' on the deck of that aircraft carrier, we had lost 138 American citizens. But since then, since the mission was accomplished—''mission accomplished'' means job done—almost 900 people, 900 Americans have perished.

How do we treat subjects so casually, statements like this? Does President Bush believe Congressman GOSS will simply direct the guessing game at the CIA? Is that all he expects from our main intelligence agency?

As we now know, in July the CIA sent the President a report that laid out three scenarios for Iraq, with the rosiest scenario being the continuation of the disastrous status quo. Under this scenario, we see an average of 87 attacks a day against our troops, and 1,037 dead to date. That is a horrible situation.

The CIA report to the President identified the worst scenario as an all-out civil war, with our troops in the crossfire. This is not what the President wanted to hear. So what did he do? He ignored it. And now when asked how the information came to him, he said: The CIA—just guessing.

President Bush's comments are a frightening sign he is not dealing with reality, in that he continues to ignore the truth about what is happening on the ground in Iraq. That is why I am so concerned about the nomination of PORTER GOSS to head the CIA.

I know Mr. GOSS only casually. Certainly he seems like a nice enough, intelligent fellow. But what the President needs more than ever is an intelligence chief who will tell it like it is, and not revamp intelligence to meet the President's expectations.

Congressman GOSS has not shown himself to be a person who will deliver nonpartisan, objective information to the President.

At a time when the independence and the objectivity of the CIA is more crucial than ever before, President Bush has nominated a politician who has been particularly partisan. In a PBS ''Frontline'' interview after 9/11, Representative GOSS refused to characterize what happened as an intelligence failure. How could one argue that 9/11 was not an intelligence failure? He also opposed the creation of the 9/11 Commission.

Congressman GOSS attacked Senator KERRY claiming that Senator KERRY tried to cut the Nation's intelligence budget during the Clinton administration. But Congressman GOSS made the attack against Senator KERRY while not revealing that he cosponsored a bill during the same period that would have made even deeper budget cuts.

Here is what Mr. GOSS called the Senate Armed Services Committee in recent hearings on the Abu Ghraib prison scandal. I quote him. He said:

> We've got a circus in the Senate which is always a likely place to look for the circus.

Quite a commentary about what Mr. GOSS thinks of our Government. First of all, the abuse of prisoners at Abu Ghraib—he thinks the Senate is a circus in hearings, and then he describes this place as a big circus tent. Is that what he thinks of us? I hardly think that is the kind of person who ought to be taking this serious job.

When asked whether he would investigate the disclosure of covert CIA agent Valerie Plame's identity, he dismissed the scandal, saying, ''There's a much larger dose of partisan politics going on right now than there is worry about national security.''

Then he added flippantly, ''Somebody sends me a blue dress and some DNA and I will have an investigation.''

What kind of an insulting comment is that intended to be? Do you want to trust this individual with a bipartisan responsibility to the entire Nation who can be so casual, so insulting, so sarcastic in his view of what takes place here? Do we honestly expect someone who has been a partisan attack dog for President Bush's reelection efforts to be independent and nonpartisan? It is just not realistic.

It is time for the President and this administration to return to reality—the reality of Iraq, the sadness of the loss of life, the ruination of families, the emotional disturbances that occur. We have some reservists from the State of New Jersey on active duty in Iraq. We just had our 33rd death of service people from New Jersey in Iraq. The disturbances that go to normal life, the daddies missing, mommies missing in the household—it is terrible. We have to get back to reality, the reality of Iraq, the reality that our Nation's intelligence is not just guessing, and the reality is that we need an objective, nonpartisan intelligence chief in this Nation.

I say with regret that we cannot accept turning responsibility over for managing this Nation's intelligence gathering to someone who first looks at which side of the political aisle someone is on before he makes decisions about the responsibility for the CIA.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Kansas.

Mr. ROBERTS. Thank you, Mr. President.

I now yield as much time as the distinguished Senator from Maryland may use. I thank the distinguished Senator for her service on this committee as she always provides the committee with very candid, independent, and right-on views. I am delighted to yield time to her at this time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the chairman of the Intelligence Committee for his words. I also thank him for the process he provided for us to evaluate the suitability of PORTER GOSS to be the Director of the Central Intelligence Agency. He gave us a lot of time to be able to interview Mr. GOSS directly. His staff has been quite collegial and quite cooperative, and we want to thank him for providing us with that type of environment in which to make a wise and prudent decision.

Indeed, deciding on this nomination is vitally important. The Director of the CIA needs to be up to the job.

These are very dangerous times, and it is vitally important that we make the right choice. Now more than ever, the security of our Nation depends on timely, reliable intelligence to detect, disrupt, and deter terrorist attacks on the United States of America and to also make sure attacks don't happen to treasured allies, and to help policymakers, from the President and his Cabinet to Members of Congress, to make the right decisions about what we need to do related to diplomacy and the deployment of our troops.

The next Director of the CIA will have to do all of this and even more. The next Director will also have to push through the much needed reform at the CIA and to cooperate in the reforming of other intelligence agencies. We want to make sure there are no more 9/11's and no more wars based on dated and dubious evidence.

The constitutional duty of the Senate is to review the nominations of the President. I take that very seriously. When a nominee comes, regardless for what position or from whatever party is in power, for an important position like this, I ask four questions: Is that person competent? Do they bring integrity to the job? Are they committed to the core mission of the agency? And will they function in an independent way?

As I said at our hearings, I know PORTER GOSS, and I have worked with him over the years. I have no doubt that Congressman GOSS is competent based on his years of service, both as an agent at the CIA as well as in the House of Representatives chairing the House Intelligence Committee. From my knowledge, he has been a man of integrity. And yes, he is committed to the mission of the CIA and the importance of intelligence to help protect the United States of America. The great big caution yellow light I have is the one about independence—the willingness to speak truth to power, committed to reform, to be nonpartisan, and also never to sugarcoat, dilute, or twist the information going to the President of the United States and top policymakers.

During the last year, I have become very concerned about Mr. GOSS's partisan activities. He has unfairly attacked Democrats. He has been strident in other statements in terms of the political campaign for the Presidency.

My questions are, Who is this PORTER GOSS? Is he the one I served with in the House who was a moderate conservative, straightforward, and also someone who said we have to think out of the box so we don't end up in a box? Or is he a rather an aggressively partisan person? My question about PORTER GOSS is, Would he be an independent voice in the administration as well as a strong advocate for real and deep reform? Would he present the President with the best information based on facts and sound analysis without regard to ideology or conventional wisdom? Would he tell the President what he should hear, not what the President would like to hear? That is what speaking truth to power means.

Speaking truth to power is not easy. It is very difficult. Yet for the Director of the CIA it is important that he speak the whole truth and nothing but the truth, without sugarcoating, no matter how difficult. The President must receive the best judgment and information. That is what I am looking at.

Now, having had those questions when Mr. GOSS was before the committee, in my usual way I asked very direct questions. I raised those issues. I even raised the issue the previous Senator, the Senator from New Jersey, Mr. LAUTENBERG raised. What about this investigation, the blue dress, and the DNA? Well, I put it to him. And his answer back was, yes, he would be nonpartisan. That he understood the role of the Director of the CIA is different from being a Congressman. That it is not a political job, it is a job that is both policy and operational.

He said he would speak truth to power to both the President and to the Congress. And if anyone knows the importance of congressional oversight, it is PORTER GOSS. He agreed to work with the Congress to reform our intelligence agencies.

As you can see, at the hearing, in response to both my questioning and questioning by the chairman and other members, particularly on this independence issue, he said he would raise these issues.

So when I have to think about, is this the PORTER GOSS who is moderate, straightforward, willing to work across the aisle, or is this the aggressively partisan and even intemperate person, I take him at his word. However, in the words of Ronald Reagan, who said ''trust but verify,'' that is the way I feel about the PORTER GOSS nomination. I accept him at his word, which he not only gave to me but he gave to the entire committee in a public format, that he would be nonpartisan, committed to the truth, a leader for independence and reform, and would always speak truth to power. So I accept him at his word, but I also believe we must engage in vigorous congressional oversight to make sure PORTER GOSS does the job he is to do, and to make sure he does what he has committed to do.

So when my name is called, I will vote for PORTER GOSS. But I want to make it very clear that in voting for PORTER GOSS to be the Director of the CIA, I am not voting for him to be the future NID. As you know, we are not clear on what is the framework for reform we will adopt. There are ideas coming forth that I know we will be debating and voting on next week and in the weeks ahead. So we want to be sure whatever framework we create, and if we do create the National Intelligence Director, a position I have supported for many months, that person's nomination come to us separately. In voting for PORTER GOSS, I am voting for him to be the head of CIA, but I am not using this vote for him to be the NID by proxy.

Again, let me conclude by thanking the chairman and the vice chairman for their hard work on this committee. It is a committee with great responsibility. We take it seriously. But at the end of the day, my analysis concludes that I will vote for PORTER GOSS. I will trust, but I will use congressional oversight to verify.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank Senator MIKULSKI for her very forthright statement. Like the Senator, I understand the point raised by Senator LAUTENBERG and would only make two points about the notion of PORTER GOSS's alleged lack of independence from the administration.

First, Mr. GOSS sent a very candid letter to DCI Tenet, along with Congresswoman JANE HARMAN, who is the ranking member of the House Intelligence Committee, expressing deep concern about our intelligence on Iraq. That letter is not the work of a shrinking violet, I can assure you.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

U.S, HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, September 25, 2003.

Hon. GEORGE J. TENET,
Director of Central Intelligence,
Washington, DC.

DEAR MR. TENET: At the outset, we reaffirm our support for the dedicated men and women working in the Intelligence Community (IC). Their deep commitment to our country and to their profession is evident. The nation owes these professional men and women its gratitude for their tireless efforts to provide policymakers with the intelligence they need to make informed decisions about the security of Americans at home and in places like Iraq.

Thank you, again, for promptly responding to the Committee's request for all intelligence information related to Iraq's weapons of mass destruction (WMD) capabilities, as well as any ties to terrorist organizations, including al Qa'ida. The Committee has reviewed all 9 volumes of material that you provided, Additionally, it has held several closed hearings and an open hearing, conducted a number of interviews, made several oversight trips to Iraq, and reviewed additional materials over the last four months. Although the Committee's work continues, we have some preliminary views that we offer so that the IC can begin to consider necessary improvements. In addition, we offer these views to provide you a chance to answer questions or clarify any issues that will assist us in concluding our review.

At this point, several months into our review, we believe there were significant deficiencies with respect to the IC's intelligence collection activides concerning Iraq's WMD programs and ties to al-Qa'ida prior to the commencement of hostilities there.

We have a fundamental disagreement generally on whether the National Intelligence

Estimate on Iraq's WMD programs and the intelligence on Iraq's ties to al-Qa'ida were deficient with regard to the analysis and presentation, especially in the certainty of the IC's judgments. The Ranking Member believes it was. The Chairman believes it was not.

Additionally, the Committee is also reviewing the intelligence assessments that existed pre-March 2003 regarding the nature and level of resistance that U.S. troops could expect in Iraq and the health of Iraq's civilian infrastructure.

IRAQ'S WMD

In October 2002, the Intelligence Community produced a National Intelligence Estimate that included statements that ''We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons . . .'' and ''in the view of most agencies, Baghdad is reconstituting its nuclear weapons programs.'' (Iraq's Continuing Programs of Weapons of Mass Destruction at p. 5 (hereafter ''NIE'')). The Committee thoroughly reviewed the underlying intelligence supporting these conclusions, that you have provided, as well as the reporting from the early efforts to locate WMD after the cessation of major military action in Iraq. Thus far, it appears that these judgments were based on too many uncertainties.

IRAQ'S POSSESSION OF CHEMICAL AND BIOLOGICAL WEAPONS

The U.S. and the U.K. took limited air strikes in 1998 (Operation Desert Fox), based on Iraq's lack of cooperation and violation of United Nations Security Council resolutions regarding weapons of mass destruction. In early 1998, while the UN inspectors were still in Iraq and providing some amount of solid information about the WMD programs, the IC's judgments were based, in substantial part, on circumstantial information. Such information—among other things—identified: gaps and inconsistencies in Iraq's WMD declarations to the UN; Iraq's obstruction of United Nations Special Commission (UNSCOM) inspections and monitoring activities; Saddam's efforts to declare certain sites exempt from inspections; and Saddam's efforts to end inspections entirely.

After the departure of UN weapons inspectors and Operation Desert Fox, in 1998, some new information continued to be developed on Iraq's capabilities, but access to ''ground truth'' corroboration was lost. The IC was also faced with the daunting challenge of trying to interpret snippets of information in an environment where the regime was engaged in massive denial and deception efforts. Based on past assessments and some new ''piecemeal'' intelligence, which was otherwise seemingly valid, the Community's analysis of Iraq's WMD programs and capabilities reflected an assumption that these long-standing judgments on the issue were still valid. The absence of proof that chemical and biological weapons and their related development programs had been destroyed was considered as proof that they continued to exist.

The dearth of post-1998 underlying intelligence reflects a weakness in intelligence collection, The Committee on a number of occasions in the past expressed its concern that the IC was facing serious shortfalls in specific areas of intelligence collection—to include intelligence from human sources (HUMINT) and from technologies designed to tell us about weapons development (Measurement and Signatures Intelligence, or MASINT). The issues presented with respect to Iraq's WMD programs and capabilities appear to be a case in point. Lack of specific intelligence on regime plans and intentions, WMD, and Iraq's support to terrorist groups appears to have hampered the IC's ability to provide a better assessment to the policymakers from 1998 through 2003.

Iraq has held a place of priority in U.S. foreign policy and national security during successive Administrations. For instance, in 1998 U.S. policy toward Iraq was clarified by Congress and the President to reflect an unequivocal policy to seek regime change, See Iraq Liberation Act of 1998 (P.L. 105–338 Oct. 31, 1998). Given the high priority placed on Iraq policy, we believe greater efforts should have been made to acquire more and better sources of information—particularly well-targeted, close-in HUMINT.

RECONSTITUTION OF IRAQ'S NUCLEAR WEAPONS PROGRAM

In October 2002, the NIE on Iraq's WMD programs made a statement about Iraq's nuclear program, ''. . . in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.'' (NIE at page 5.) The NIE cited six factors in making this judgment:

Iraq's aggressive pursuit of high-strength aluminum tubes;

Iraq's attempts to obtain permanent magnet production capability;

Iraq's attempts to obtain high-speed balancing machines;

Iraq's attempts to obtain computer-controlled machine tools;

Iraq's efforts to re-establish and enhance its cadre of weapons personnel, which included appearances by Saddam on Iraqi TV exhorting his nuclear scientists; and

Activities at suspected nuclear sites.

Our examination has identified the relatively fragile nature of this information. With respect to the aluminum tubes, as was stated in the NIE, the Bureau of Intelligence and Research (INR), citing the Department of Energy (DoE) analysis, disagreed with the view that these tubes were intended for Iraq's nuclear program. The other items that Iraq was seeking (permanent magnet production capability, high-speed balancing machines, and computer-controlled machine tools), in addition to having utility in a nuclear weapons program, also have civilian uses. Other elements of information available to the IC on the topic of nuclear reconstitution may have been susceptible to Iraqi denial and deception efforts. These included trying to determine the nature of Iraqi activities at suspected nuclear sites or the purpose of Saddam's TV appearances exhorting his nuclear scientists. We have not found any information in the assessments that are still classified that was any more definitive.

IRAQ'S TIES TO TERRORISTS INCLUDING AL-QA'IDA

The Committee has reviewed the three volumes of information provided by you on Iraq's ties to terrorism, most of which remains classified. We have found no reason to question the State Department's decision to designate Iraq as a state sponsor of terrorism for at least a decade.

On the issue of Iraq's ties to al-Qa'ida, however, we believe substantial gaps in collection—particularly HUMINT—contributed to the Intelligence Community's inability to give policymakers a clear understanding of the nature of the relationship.

In place of an assessment characterizing the relationship between Saddam and al-Qa'ida, the Intelligence Community reported on possible contacts between al-Qa'ida associates and Iraq. As in other cases of IC reporting on terrorism generally, we believe that there was either a ''low threshold'' or ''no threshold'' for disseminating information on ties between Iraq and al-Qa'ida. As a result, intelligence reports that might have been screened out by a more rigorous vetting process made their way to the analysts' desks, providing ample room for vagary to intrude. Although the Intelligence Community often noted that the reports were ''from sources of varying reliability,'' these reports did not make clear which of them were from sources that were credible and which were from sources that would otherwise be dismissed in the absence of any other corroborating intelligence.

NATURE OF IRAQI RESISTANCE AND THE STATE OF IRAQ'S INFRASTRUCTURE

In addition to these two issues, we are concerned whether the policymakers were warned adequately about the nature and level of resistance our troops would face in Iraq, or about the dilapidated state of Iraq's civilian infrastructure. The Committee will be reviewing the intelligence available to policymakers prior to the commencement of hostilities to determine if there were shortcomings in the support provided on these issues. The Committee will seek to understand what requirements were levied on the IC prior to the invasion, what assessments were made, whether the assessments were completed in a timely manner, and, with the benefit of hindsight, how well the assessments match what has been found in Iraq since the cessation of major hostilities.

POLICYMAKERS STATEMENTS ON IRAQ

The Committee has reviewed extensively allegations that there was a disconnect between public statements by Administration officials and the underlying intelligence, The Committee's purview does not extend to the formulation or articulation of foreign policy. We do believe, however, that if public officials cite intelligence incorrectly, the IC has a responsibility to go back to that policymaker and make clear that the public statement mischaracterized the available intelligence. The IC exists to inform policymakers on matters of foreign intelligence. It does not make policy. The IC is one of many sources of information available to policymakers. Policymakers are under no obligation to believe or adhere to the IC's judgments. Nor should the IC dictate U.S. foreign policy.

SUMMARY

The assessment that Iraq continued to pursue chemical and biological, weapons remained constant and static over the past ten years. The U.S. understanding of Iraq's ties to terror groups was also longstanding. We note, however, that there was insufficient specific information regarding the following:

Saddam's plans and intentions,

the status of Iraq's WMD programs and capabilities, and

Iraq's links to al-Qa'ida, specifically.

The intelligence available to the U.S. on Iraq's possession of WMD and its programs and capabilities relating to such weapons after 1998, and its links to al-Qa'ida, was fragmentary and sporadic. These assessments and longstanding judgments were not challenged as a routine matter within the IC. Saddam Hussein, for his part, apparently made no effort to dispel the conclusions that he possessed weapons of mass destruction, had programs in place to produce them and had the capabilities to deliver them, or that he had links to terrorist groups.

Underlying these problem areas were serious deficiencies in our HUMINT collection capabilities against this target. HPSCI has consistently recommended greater management attention and allocation of resources to core intelligence mission areas—such as HUMINT and analysis. We believe Iraq is, in many ways, a case study for improvements in these areas.

We would appreciate your response to the issues raised in this letter. In addition, we

seek your assurance that the shortcomings identified will be promptly addressed. Finally, we intend to have additional hearings, open and closed, as appropriate.

Sincerely,

PORTER J. GOSS,
Chairman.
JANE HARMAN,
Ranking Democrat.

Mr. ROBERTS. Second, the independence issue was thoroughly explored at Mr. GOSS's confirmation hearing as of this week. Mr. GOSS has assured the committee—and I do believe him, knowing him for 16 years in the Congress—that he has the integrity, as Senator MIKULSKI put it, to look the President in the eye and say no.

Mr. President, at present, it does not appear either side has a Member requesting time, so 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. NELSON of Florida. 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. ROBERTS. Mr. President, I yield such time to the distinguished Senator from Florida as he might consume and thank him for his contributions, not only with his strong interest in the Intelligence Committee and the leading intelligence issues and challenges we face today, but for his service on the Armed Services Committee as well, for working with me with regard to Captain Spiker and other issues. I look forward to his comments.

Mr. NELSON of Florida. Mr. President, we are at ''no fooling time'' with regard to our intelligence activities. Because the only thing that is going to prevent another terrorist attack, of which there are many attempts, is the accuracy and quality and the timeliness of the intelligence information we get. In dealing with a secretive nation such as North Korea, which in this Senator's opinion is one of the gravest threats to the interests of the United States because of their outspoken attempt to acquire nuclear capability, we simply have to penetrate a secret society such as that with our intelligence apparatus more than we have been doing.

Therefore, who is going to lead this administrative apparatus on intelligence gathering and intelligence analysis and intelligence coordination, with the multitude of agencies all dealing with intelligence, is extremely important. That is why I am standing here speaking on behalf of my fellow Floridian and my friend PORTER GOSS.

This Congress will have a monumental task before it very shortly on the reorganization of the intelligence apparatus as well as the reorganization of putting our own house in order as we exercise that oversight or give direction to the executive branch of government. And that needs to be done better than we have in the past.

But the task before us right now is to exercise our constitutional duty in confirming or rejecting an appointment by the President to lead the intelligence apparatus, right now as symbolized by the Director of the Central Intelligence. That is why I am here to speak on behalf of PORTER GOSS.

It has already been said before many times that he started in 1960 as an Army intelligence officer, right out of school. Having gone into the CIA from that, with a distinguished career, he ended up back being a city councilman and a mayor in a little town on the southwest coast of Florida. Then-Governor GRAHAM, now my senior colleague in the Senate, when three vacancies occurred on the Lee County Commission—they had occurred for whatever reason, but they were there—then—Governor GRAHAM chose PORTER GOSS to fill one of those vacancies. Then his public service expanded, and he later ran and won a seat in the U.S. House of Representatives. We have known of his public service through his capacity as the chairman of the House Intelligence Committee.

Now, has PORTER said some things he probably wishes he would not have said? Yes. But who among us has not made those kinds of mistakes? This Senator knows him to be, in this political cauldron of highly charged partisan politics, one of the most bipartisan of all Members of Congress that I have had the pleasure of knowing. It is my understanding that he made a commitment to the Intelligence Committee, and specifically to questions propounded by the vice chairman of that committee, the distinguished Senator from West Virginia, Mr. ROCKEFELLER, that he would not engage in a partisan manner, which is the least that can be expected of the Director of the CIA. The stakes are too high for this country for any of that kind of nonsense.

I believe PORTER is a man of his word to the Senate Intelligence Committee. I believe, given the circumstances of where we are now, with so much at stake and having to have the right kind of leader, this is the leader the President has nominated. We are now in the process of advising and probably consenting, and with the admonitions he has received, with the exceptional educational background he has had, with the breadth of his experience, not only as an agent but as the chairman of the committee, I think it is the constitutional duty of the Senate to render a verdict. I think that verdict ought to be for the approval of PORTER GOSS as Director of Central Intelligence.

Mr. President, that is my effort to lend to this debate. It is short and sweet. This Senator, as well as my senior colleague from Florida, will be voting in favor of PORTER GOSS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, seeing no other Senators requesting time now, 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.

Mr. REID. Mr. President, following Senator DORGAN's remarks, I ask unanimous consent that the Senate stand in recess until 4 o'clock, and that the time during the 4 o'clock period be equally charged against both sides.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. Reserving the right to object, and I shall not object, it is my understanding, or I can ask the distinguished Senator—

Mr. REID. He said he has a short statement.

Mr. ROBERTS. He would be able to finish his remarks at 3, in time for the meeting?

Mr. REID. Especially if we didn't talk more.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. No.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not have a long presentation. My guess is the 3 o'clock briefing is one most Senators want to attend. I do want to, however, visit a bit about this issue of the Director of the Central Intelligence Agency.

We have been through pretty tough times with respect to intelligence in this country, and this is a critically important position. The President's choice is an important choice, especially given what we have been through. Let me make a couple of comments.

First of all, I am going to vote for this nomination, but I do so without great enthusiasm, and I would like to explain why.

PORTER GOSS, I think, is qualified to assume this role. There is little in his record that suggests he is a reformer, and there is some piece of that record that suggests there is some partisanship, which bothers me. But I know PORTER GOSS. I have known him for a long while. When I served in the House of Representatives, I knew him.

While I would not have made this choice had I been President, the President has the opportunity to make the selection and deserves, in this case, his own team. My hope is the questions asked of Mr. GOSS at his hearings will make certain he will run the CIA with a reformist attitude, with an understanding that things need to change, with an understanding that this cannot, under any circumstance, be a position from which partisanship flows, and that we have to get straight answers, as does the President, from the Central Intelligence Agency.

Over the years, we have had many, many failures in intelligence. For those of us who have been through top secret briefings in room 407 of the Capitol Building, it is nearly unbelievable what they told us they knew from all their different kinds of intelligence-gathering devices and their analysis, and what we subsequently learned were the facts or the truth of the matter.

I am telling you because we need a good intelligence system to protect our country and protect our homeland. I worry about all of this, knowing that the intelligence system was deeply flawed. In candid moments, most Members of the Senate would tell you that which was told them as top secret intelligence information has often turned out to be fundamentally wrong.

We now read, for example—and I am not now discussing that which comes from top secret briefings; I am discussing things that come from the periodicals—we read, for example, that the intelligence we were given in briefings about the issue of mobile chemical weapons laboratories, it turns out came from one source, a source they call ''Curve Ball.'' I am describing this from Newsweek and Time magazine, not from top secret briefings. One source turns out to apparently have been a drunk and a fabricator and, as a result of that source, we get top secret briefings and the Secretary of State makes a presentation at the United Nations about something that apparently we now know was untrue. What kind of intelligence system is that?

We learned that Germans provide the name and information of a terrorist to the CIA here in the United States and the telephone number and nobody checks on him, nobody follows up at all. Our intelligence folks cannot find a couple of alleged terrorists living in San Diego when their names and telephone numbers are in the phonebook? What on earth is this? I suppose it is Keystone Kops, except this is about the security of the United States of America.

I want the CIA and the Intelligence Community to succeed. Our country depends on it being able to succeed in gathering good intelligence and protecting this country.

There is so much that is wrong here. Hans Blix, the U.N. weapons inspector, said he was ''not impressed'' by the intelligence presented by the administration regarding Iraq's weapons of mass destruction. The Blix team checked every site where U.S. intelligence indicated weapons of mass destruction would be found in Iraq, and there was nothing.

It goes on and on.

David Kay, the CIA chief weapons hunter, said the intelligence community failed.

On the 9/11 issue, the intelligence community failed to connect the dots. I am not talking here just about the CIA; I am talking about the FBI. The list goes on.

When we are talking about 9/11, we also ought to talk about a report that was done by the Joint Intelligence Committee in December of 2002 that was published with 28 pages missing. Those 28 pages are about the Saudis. Fifteen of the 19 who attacked this country were Saudi citizens. But when the report was published for the public to read, the White House redacted or eliminated the 28 pages that dealt with Saudi Arabia.

On October 29 of last year, I offered an amendment to the Foreign Operations appropriations bill, a sense-of-the-Senate resolution, calling on the administration to declassify those 28 pages. If one is talking about 9/11, and talking about intelligence, I believe the American people and every Member of this Senate and the Congress need to understand what is in those 28 pages dealing with Saudi Arabia.

It is interesting, even the Saudi Ambassador and the Saudi Foreign Minister, publicly insisted that this information be declassified. Senator SHELBY, the top Republican Senator on the 9/11 inquiry, said that 95 percent of the classified pages of these 28 pages could be released without jeopardizing our national security.

I say once again to the administration and to my colleagues that the 28 pages dealing with Saudi Arabia and 9/11 needs to be released to the American people. This Congress and the American people should not be evaluating 9/11 and our intelligence without releasing those 28 pages, so that the American people see what was deemed required to be classified. It should not have been classified.

Whether we are talking about Iraq, Afghanistan, Pakistan, Syria, or back even further, Libya or the old Soviet Union, there have been intelligence failures. We spend a great deal of money on U.S. intelligence. We want it to work. I do not want our intelligence system to fail our country, because our country requires a good intelligence system to prevent the next terrorist attack and to attack terrorists where they live.

The attack on Iraq was a preemptive strike that the President said was necessary to protect our country. Well, it is very important when talking about preemption, which is a doctrine that has been foreign to this country's interests in the past, to have good intelligence. Preemption can never occur based on what one thinks. Preemption could only occur based on what one knows. What one knows must come from good intelligence.

We have discovered, since the time preemption was discussed by this administration, that the intelligence was just plain horrible on major points delivered in top secret briefings to Members of this Congress. Our intelligence community was just flat wrong. So we all need to fix it.

There is no Republican or Democratic way to deal with intelligence. We need to fix this system in the interests of this country. Our safety depends on it.

I am going to vote for Mr. GOSS. I think he is qualified to do this job. As I indicated, I am concerned about some things he has done in the past. I hope that is over. I am concerned about the intelligence agencies themselves. I believe they are in desperate need of reform. I hope Mr. GOSS will be a reformer. Most importantly, our country, all of us, each of us, needs to work together to create an intelligence system that works for the safety of this country and works in a way that a President, a Congress, a Director of the CIA can rely on good intelligence from all around the world.

My understanding is that we will be in recess for 1 hour until the hour of 4 p.m.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, we will now stand in recess until the hour of 4, with the time charged evenly to both sides.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of PORTER GOSS.

Mr. DURBIN. Mr. President, I rise to speak in reference to that nomination.

Mr. President, I will vote against the nomination of Congressman PORTER GOSS to serve as the next Director of Central Intelligence. I do so reluctantly. I have known Congressman GOSS for a number of years, and I consider him a good person and a good public servant. But we are on the verge of enacting significant, historic, and much needed reform of the U.S. intelligence community. It is more important than ever that the next leader of the intelligence community be nonpartisan and firmly committed to meaningful intelligence reform.

Based on his record and his public statements, and on the confirmation hearings before the Intelligence Committee on which I serve, I do not believe Mr. GOSS is the right person at this moment in time for this vitally important national security position.

Mr. GOSS has served as chairman of the House Intelligence Committee for almost 8 years, the second longest tenure in that position in the almost 30 years since its creation. The chairman of a congressional committee has considerable power in determining on which issues the committee will focus,

and the manner in which they will conduct their oversight. I believe this oversight record is a reasonable measure of Mr. GOSS's likely effectiveness in managing the intelligence community during this highly challenging transitional period.

Despite having served on the Aspin-Brown-Rudman commission on the roles and capabilities of the U.S. intelligence community in 1996, 8 years ago, and cochairing, along with Senator BOB GRAHAM, a joint inquiry into the 9/11 terrorist attacks, and serving on the House Permanent Subcommittee on Intelligence for almost 10 years, Congressman GOSS's record demonstrates that he has been more a protector of the status quo than an agent of meaningful reform. Only a few months ago did Congressman GOSS introduce, for the first time, legislation to reform the intelligence community. It should be noted that on July 25, 2002, Mr. GOSS voted against the amendment of Congressman Tim Roemer of Indiana on the House floor creating the independent National Commission on Terrorist Attacks Upon the United States, commonly known as the 9/11 Commission. That is an incredible fact that must be taken into consideration.

The man who is seeking to be head of the Central Intelligence Agency, at this moment, when significant reform is about to take place, voted against the creation of the 9/11 Commission, which has inspired both parties and the President to our current state.

This 9/11 Commission Report is the foundation upon which current intelligence reform efforts are being undertaken. I met personally with Congressman GOSS because I do respect him, and I wanted to hear his explanation. How can he ask to be head of the CIA, when he voted against the creation of the 9/11 Commission?

His argument was not convincing. He argued it was a matter of timing; that while he was undertaking a joint inquiry about 9/11, the creation of a separate commission might, in fact, lead to the executive branch stalling information or refusing to cooperate. That was hardly a satisfying answer.

In addition, it appears that as chairman of the House Intelligence Oversight Committee, Congressman GOSS has been reluctant to conduct aggressive oversight of Intelligence Committee issues, particularly when they appear to deal with issues that may be embarrassing to the current administration. For example, although the Senate Intelligence Committee completed the first phase of its inquiry into the intelligence community's performance regarding prewar intelligence related to Iraq, and issued a public report, the House Intelligence Committee, under Mr. GOSS's leadership, has yet to complete a similar thorough investigation, despite starting it last year.

As another example, in June of this year during the House Intelligence Committee's markup of the fiscal year 2005 Intelligence Authorization Act, Mr. GOSS led a party-line vote to reject an amendment that would have required the Department of Defense to provide an accounting of the nature and extent of its contacts with the Iraqi exile leader, Ahmed Chalabi.

Why is that significant? I hope that people who are following this debate remember Ahmed Chalabi. He was the self-proclaimed leader of an Iraqi national congress. He was the one you couldn't miss on talk shows before the invasion of Iraq. He was the one spreading the information far and wide across America and around the world about the threats of Saddam Hussein. He was the person who was the favored and trusted ally of our Department of Defense when they made critical decisions about committing thousands of American soldiers and their lives to the cause of Iraq.

What do we know of Ahmed Chalabi? We know that some 5 years ago, the Central Intelligence Agency and the Department of State stopped dealing with Mr. Chalabi because they did not believe he was credible. They didn't trust his judgment. They wouldn't bring him into the councils to make important decisions.

But Department of Defense Under Secretary Rumsfeld and his special assistant, Mr. Douglas Feith, thought Chalabi was just what the doctor ordered. He was there to confirm the fears that they spread across America about Saddam Hussein. He was there to confirm the presence of weapons of mass destruction, which became the clarion call of this administration, drawing us into an invasion of Iraq. He was the one constantly suggesting that there was a connection between the 9/11 terrorism in the United States and Saddam Hussein.

What happened to Ahmed Chalabi? Those who follow news know what happened. He went to Iraq, became a somewhat controversial figure in the provisional government, returned to the United States, and was treated by some in the administration as a conquering hero.

In fact, at one moment in time, to the embarrassment, I am sure, of everyone involved today, Ahmed Chalabi was positioned behind the First Lady at one of President Bush's State of the Union Addresses so that he would be on camera, showcased before the American people.

Fast forward just a few months. Ahmed Chalabi has now been the subject of extensive searches by the American Government because of our suspicion that he has not only misled us about information on Iraq but has had some connection with Iran of an entirely dubious nature. Ahmed Chalabi is persona non grata in this country. We are no longer sending him some $350,000 to $360,000 a month to subsidize his lifestyle. He virtually has been banished from his role as prime adviser to the United States.

When Mr. GOSS was confronted with this and asked by his own committee for an investigation as to how Mr. Chalabi, discredited by the CIA, discredited by the State Department, became the darling and favorite of the Department of Defense, peddled bad information to the United States and the American people, and may have betrayed us to Iran—when he was asked to investigate this, he declined. He refused. You have to ask yourself: If Mr. GOSS was unable or unwilling to ask the most basic questions about Ahmed Chalabi, how aggressive, how objective will he be as Director of the CIA?

That is not the only thing. One of the most important issues we have to keep in mind is that the men and women of our intelligence community are dedicated, patriotic, hard-working people committed to the security of our Nation. Occasionally, there will be those who will disappoint us, but that is true of virtually every institution in America. But remembering their patriotism and the fact that many of them put their lives on the line, there came a moment in time when columnist Robert Novak outed the identity of a CIA agent, Valerie Plame. This is not only disgraceful, it is dangerous. It meant that her life and her career were in danger. It sent ripples through the intelligence community of men and women in similar positions wondering who would step forward in Washington to stand up for the integrity of our agents in the intelligence community. Mr. GOSS was then chairman of the House Select Committee on Intelligence. He was asked in October 2003 whether he would investigate the purposeful identification of covert CIA agent Valerie Plame. Mr. GOSS responded, ''If somebody sends me a blue dress and some DNA, I'll have an investigation.''

Mr. GOSS apologized publicly and privately for that statement, but the fact remains that he was loathe to challenge any intelligence-related decision of this administration.

That is not at all reassuring when we consider the well-documented intelligence failures leading up to 9/11 and prior to the invasion of Iraq.

This is not a routine appointment. This is not a routine position. Intelligence is the first line of defense in our war against terrorism. It is the first line of defense for the American people and our national security. Having the best intelligence network and the best intelligence agency will be critical if we want our children to live in peace and safety. That is why it is so essential that we bring a person to this job who understands what we have lived through during the past 4 years.

Lengthy reports by the 9/11 Commission, as well as the Joint Intelligence Committee's inquiry, have come to the conclusion that our intelligence agency failed us before the 9/11 attack. We know now that they should have gathered more information, shared more information, drawn obvious conclusions, and done something proactive to protect America. They did not and 3,000

innocent Americans died in Pennsylvania, Virginia, and New York.

Similarly, there came a point in time when we had to make a critical decision in America whether to launch a preemptive attack against Saddam Hussein in Iraq, the first such preemptive attack in our history. We were told it was essential that we do so. We were told by the President, the Vice President, the Secretary of State, the Secretary of Defense, the head of the CIA, and virtually every spokesman of the Government that it was essential we attack Saddam Hussein because he had arsenals of weapons of mass destruction which could be used against the Middle East, other countries in the region and the United States, that he was developing nuclear weapons that would be a danger to the world, that he possessed unmanned aerial vehicles that could even strike the United States, that he was linked with the al-Qaida attacks of 9/11, and the list goes on and on. Today, a year and a half after the invasion, we have found that intelligence information was wrong, just plain wrong.

Think of it. Depending on the intelligence community as our first line of defense, it failed. It failed to alert us of the danger of 9/11, it failed to accurately assess the state of one nation, Iraq, before we launched an invasion which has cost us over 1,000 American soldiers' lives, over 7,000 seriously wounded, and literally billions of dollars.

Can the intelligence community continue with business as usual? No. If there was ever a time in our history when we needed someone clearly nonpartisan, someone who would stand up to a President of either political party and tell them the sober, cold truth, even if it wasn't popular, if there was ever a time that we needed a Director of the CIA determined to reform that agency and the other intelligence agencies under his supervision, that time is today. This is not a routine nomination. This is a nomination as important as any to be considered by the Senate.

I will not go into the lengthy partisan statements made by Mr. GOSS so many times in the past where he has taken to task my political party, members of it, suggesting that we were weak on defense, weak on intelligence. In fact, he was drawn into this Presidential campaign in a role now which he has neither explained nor given us much to work with.

When we went to Mr. GOSS and said, You have criticized Senator KERRY and Democrats for intelligence spending but back in 1995 you were the cosponsor of a budget proposal that would have had a minimum 20-percent cut in our intelligence community personnel, he wouldn't answer the question. When confronted by Senator ROCKEFELLER with his obvious contradiction between his accusations and his actions, Mr. GOSS refused to acknowledge the obvious. The best he could tell us was, ''The record is the record.'' I don't know what that means. I have never before heard it from another witness nor nominee. But it basically told the Intelligence Committee he wasn't about to discuss the issue with us.

I am sorry. I think Mr. GOSS should have been open and candid and told us exactly what he meant, and if he made a mistake to concede that point. It would have put him in a much better position to be a credible agent for nonpartisan leadership and for change as Director of the CIA.

Because I have serious doubts about Mr. GOSS's commitment to reform, his ability to be independent and nonpartisan, I do not believe he is the right person to be serving at the helm of the intelligence community during this extraordinarily challenging time and I will oppose his nomination.

I concede the outcome of the vote on this nomination. I assume he will be comfortably confirmed by the Senate.

I sincerely hope Mr. GOSS will take my comments and the comments of those who vote against him as a challenge to him in his new role at the CIA. I hope he proves me wrong. I hope that I stand before this Chamber in the future and say he was nonpartisan, he was committed to reform, he was prepared to tell this administration and any administration he served the truth, even if it was politically painful. I hope that day will come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I have listened with interest to the comments of my good friend from Illinois, as I did earlier today by my friend from West Virginia. I respect their analysis of this nomination. I hope they respect my disagreement with that analysis.

I rise today to support the nomination of a friend, a man with whom I have worked for over 25 years, a fellow Floridian whose judgment and integrity I highly regard.

I support the confirmation of PORTER GOSS as the next Director of the CIA. I have known Congressman GOSS and his wonderful family for more than two decades. I commend them for their willingness to delay the well-earned retirement which they thought would lie before them at the end of this session of Congress to take on this very difficult and important responsibility.

My colleagues know that I have been extremely critical of this administration for, among other things, its failure to hold anyone accountable for the intelligence failures that allowed terrorists to strike our Nation on September 11, 2001, and for the failure that led us into the war in Iraq.

I have been extremely critical of the President and the Vice President for allowing America to be distracted from the real war against terror in Afghanistan and to call upon us to retreat from that real war against the real terrorists who had killed 3,000 Americans and using fabricated intelligence to draw us into the war in Iraq.

I have repeatedly questioned why the President has waited more than 3 years since September 11 to begin a serious discussion of restructuring, reorienting, and reforming our intelligence capabilities.

I am here today to support the nomination of PORTER GOSS precisely because of these concerns. From my personal experience, I can tell you that PORTER GOSS is the right man for this job. He is uniquely qualified to serve as America's Director of Central Intelligence. He is a man of great character, exceptional intelligence, a tremendous work ethic, and outstanding personal and professional integrity.

Let me share a story.

As Governor of Florida, I had known of PORTER GOSS as he served as a distinguished mayor of the town of Sanibel Island, FL. In the early 1980s, the county in which Sanibel is located, Lee County, FL, was in the midst of probably the largest public works project in the history of that county, a major new airport which is now known as the Southwestern Florida International Airport.

In the midst of that, three of the five members of the county commission were indicted for corruption, largely relating to activities involving the construction of the airport. The county government was in disarray. Public confidence in the county government had sunk to a new low, and this major, critically important project to the future of the citizens of southwest Florida had come into question. It was my responsibility as Governor of Florida to first suspend from office those individuals who had been indicted, and then to look for three citizens of Lee County who could assume the important responsibility of restoring the integrity of county government and completing the important airport project.

Although I am a Democrat, and had just been reelected as a Democrat, and PORTER is a Republican, it was my feeling that his personal characteristics were more important than his party label, and so I appointed him to one of those three positions. And from that appointment, he quickly became the chair of the Lee County commission.

Party affiliation did not matter then. I do not believe party affiliation should matter today in determining who should be the next Director of our Central Intelligence operation. What mattered then was the fact that PORTER, with his clear commitment to public service, his integrity and his leadership skills, at a time when his community desperately needed all of them, was able to recapture the confidence of the people, was able to restart this important airport project, which now is one of the most important economic assets of the community.

When it comes to the intelligence community, Congressman GOSS has the balanced perspective of having been

both an insider and an outsider. For a decade early in his career, he served the Nation both in Army Intelligence and the CIA. He knows from personal, firsthand experience the value and the risks of clandestine operations.

Since he has been in Congress—elected in 1988—and especially as a member of the House Permanent Select Committee on Intelligence, he has come to know the agencies from an oversight capacity.

Now, some have said he is too close to the intelligence agencies, that he is too protective of the status quo. But from my partnership with him as co-chairmen of the congressional joint inquiry into the events of September 11, it is my firm belief, and my assurance to my colleagues, that PORTER GOSS can and will be independent in his judgments. PORTER GOSS will also be clear and tough minded in determining where there are needed reforms and leading us to those reforms.

If any of my colleagues or citizens of this great Nation wish to have an indication of where those reforms are likely to take us, I would direct you to the 19 reforms recommended by that congressional joint inquiry, upon which our Presiding Officer participated with great distinction.

As we move to implement much-needed reforms in our intelligence community, I am confident PORTER GOSS will not be part of the problem but will be a leader in taking us toward principled and effective solutions which will make Americans safer.

This time the President got it right. I strongly urge the confirmation of his nominee to be the Director of Central Intelligence, PORTER GOSS.

Mr. KOHL. Mr. President, I intend to vote today to confirm the nomination of Representative PORTER GOSS to be the Director of Central Intelligence. I recognize the deep experience that Representative GOSS brings to this position as the recent Chairman of the House Permanent Select Committee on Intelligence, and as a former CIA officer and Army intelligence officer. I also understand the unique role the DCI plays in providing the President with intelligence and advising him on intelligence matters. Thus, I believe that on balance Mr. GOSS's qualifications are sufficient to confirm the President's choice for this position.

However, I want to express concerns about PORTER GOSS and the very partisan way in which he has conducted himself. His statements mischaracterizing Democratic presidential nominee Senator JOHN KERRY's positions on intelligence and accusing Congressional Democrats of being weak on intelligence are not the sort of rhetoric we want associated with the leader of our intelligence community. As former Secretary of State Henry Kissinger testified in the Appropriations Committee yesterday, the ideal leader for our Nation's intelligence community should be as non-partisan as possible. Mr. GOSS has acknowledged that as DCI he will need to be non-partisan and objective if he is to provide the President with independent judgments about the intelligence he provides, and during his nomination hearings, he made a commitment to do just that. We must hold him to his commitment.

Many of my colleagues have come to the floor today to speak of PORTER GOSS's integrity and his strong qualifications. He will no doubt be confirmed and will take on one of the most critical jobs in our government at a time of uncertainty about how his very job will be structured. The 9/11 Commission has made a compelling case for making major changes to the organization of our intelligence community. The new threats which confront us require a more cohesive intelligence effort that emphasizes shared intelligence over turf battles. To meet this challenge, we need a leader at the helm of the intelligence community who embraces the spirit of reform—even if not all the specifics of the 9/11 Commission recommendations—and who is willing to implement the reforms that all agree are sorely needed. I have no doubt that PORTER GOSS is capable of managing the changes that need to take place and I am hopeful that he will dedicate himself to these efforts.

Mr. LEVIN. Mr. President, the most important quality I am looking for in a Director of Central Intelligence is someone who can be relied upon to provide objective intelligence assessments independent of the policy and political agenda of the White House. Too often we haven't had that.

The massive intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA's errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the administration's decision to remove Saddam Hussein from power. Nuances, qualifications and caveats were dropped; a ''slam-dunk'' was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, to push for passage of the Gulf of Tonkin resolution, which was then used by President Johnson as the legislative foundation to expand the war in Vietnam.

Intelligence was manipulated by then-DCI William Casey during the Iran Contra period. The bipartisan Iran-Contra report cited evidence that Director Casey ''misrepresented or selectively used available intelligence to support the policy he was promoting.''

We need a different kind of DCI, one who is not going to be influenced by the policy choices or politics of whatever administration is in power. After reviewing Congressman GOSS's record, I am not convinced that he would be that kind of DCI. For example, the Washington Post reported that in 2002, when asked about intelligence failures in Iraq, Congressman GOSS said ''I don't like to see the left-wingers splattering mud on an agency that's done some very fine work.'' The Senate Intelligence Committee produced a unanimous 500-page report on the massive CIA failures leading up to the Iraq war. I would not characterize the committee as ''a bunch of left wingers.'' We need someone who is committed to independence and reform, not an ideology.

During his nomination hearing, Congressman GOSS was very reluctant to admit there had been intelligence failures on the part of the intelligence community during the most recent Iraq War. And, when asked questions about some of his partisan comments, Congressman GOSS answered many of them by simply saying ''the record is the record.'' Whatever that means, it is not an acceptable answer from a nominee for Director of Central Intelligence.

I will vote against Congressman GOSS. I hope that, if confirmed, he will prove me wrong.

Mr. DODD. Mr. President, I rise today to speak about the nomination of PORTER GOSS to be the Director of the Central Intelligence Agency, CIA. Yesterday the Senate Intelligence Committee voted 12-to-4 to send Representative GOSS' nomination to the Senate floor. I welcome the opportunity to say a few words about this important nomination and about the state of our Nation's intelligence community.

As my colleagues know, in 1947, President Harry Truman signed legislation which provided for the establishment of the CIA. This important agency supports the President, the National Security Council, and American officials who play a role in shaping or executing the national security policy of the United States. The CIA engages in research and analysis of information, as well as a host of other activities related to foreign intelligence and national security.

However, as every American knows all too well, times have changed since 1947. We are now engaged in new battles. We are facing new threats. The Soviet Union is no longer our arch enemy. Instead we face an enemy that is dispersed throughout the world in small cells—sometimes connected, sometimes acting independently. The new threat—terrorism—is an asymmetrical one.

Nonetheless, we must remember that terrorism alone is not our enemy. It is a tactic used by our enemies. Therefore, our task is twofold. First, we must defeat soundly those who would attack our country and endanger the security of Americans. But secondly, we must also defeat the murderous ideology of terrorism. That is because terrorism is the enemy of all humankind.

It knows no faces, names, or nationalities. And I am confident that a strong America, which is respected by our friends and allies, can defeat this scourge.

Indeed, one thing we can all agree upon in this body is that a strong and capable intelligence effort has never been more important to the security of our Nation. That brings me to the nomination before us today. At the best of times the job of Director of Central Intelligence is a difficult one. And we all know that these are not the best of times. Our intelligence infrastructure failed this Nation when we needed it most.

There are two important traits that the next Director of the CIA needs to possess in order to be successful in restoring the effectiveness of our intelligence capabilities.

First, it is of the utmost importance that the Director of the CIA be nonpartisan. The safety of the American people is not a matter of political parties. National security is an issue that must unite us in a common cause. To that end, I share the deep concerns of several of my colleagues that some of Representative GOSS's comments during his tenure as chairman of the House Intelligence Committee were overly partisan and blindly supportive of the Bush administration.

Moreover it is critical to recognize that he chose to become involved in the political process. That decision was not forced on him. He chose it freely. And I believe that it has undermined his ability to be a nonpartisan Director of Central Intelligence, DCI. There is no question that intelligence has been politicized in this administration. I know it. The American people know it. And the civil servants who work at the CIA know it. To rush to confirm an individual who has played a role in politicizing intelligence is extremely unwise and only serves to further demoralize the individuals who are working so hard to protect our national security.

Second, he or she must have the knowledge and experience necessary to lead some of our most critical intelligence efforts. We cannot ignore the fact that the most egregious lapses in history by our Nation's intelligence community happened while Mr. GOSS was chairman of the House Intelligence Committee—the committee responsible for ensuring that US intelligence agencies function effectively. If he failed in his oversight responsibilities, as I believe he has, how then can we have any confidence that he is capable of accomplishing an even more difficult task—the fundamental reform of the entire intelligence apparatus? I do not believe that we can.

We all know that the 9/11 Commission has recommended a major overhaul of our intelligence operations. Much of that will have to be done at the CIA. It is going to take an individual with very strong management skills to carry out the restructuring of that agency. He will have to have credibility within the institution of the CIA if he is to be successful. Institutions resist change. Based upon Mr. GOSS' weak oversight of the agency, I am not confident that he has the wherewithal to overcome the resistance he will confront to the fundamental reforms being contemplated.

Actions always speak louder than words. Unfortunately, we don't know what Mr. GOSS's actions will be as director, but we do know what his actions have been as chairman of the House Intelligence Committee. In my opinion, to confirm Mr. GOSS with such uncertainty about his ability to get the job done would be irresponsible.

This position is too critical to leave to chance. The agency is currently being led by a very able career intelligence director. He is already working with the committees of Congress to devise a plan to restore the effectiveness and credibility of the US intelligence community. In the immediate future, he will continue to do so.

For those reasons, I will oppose this nomination when the Senate votes today.

Mr. KENNEDY. Mr. President, I intend to vote against the nomination of PORTER GOSS to serve as Director of Central Intelligence.

The American people have learned much since 9/11 about the vital role of objective, nonpolitical intelligence in keeping us safe at home and in protecting American interests abroad. We also have witnessed the disastrous consequences of the administration's manipulation of intelligence in its rush to war in Iraq—disastrous for our brave troops on the ground, for their families, for our country, and for our standing in the world.

When it comes to intelligence, this is no time for politics. As we reorganize and strengthen our intelligence structures, we need a leader of the CIA whose only loyalty is speaking truth to power.

We need an unbiased advisor to the President, not a partisan—someone who will deliver the good news and the bad with candor, foresight, and authority. With PORTER GOSS, however, we get not only a partisan, but a cheerleader for the Bush campaign.

What is most disturbing about the PORTER GOSS nomination is that he has offered no explanation for his partisan behavior as chairman of the House Permanent Select Committee on Intelligence.

He has made partisan attacks on JOHN KERRY for cutting intelligence budgets, when Mr. GOSS himself voted 7 out of 10 years to scale back intelligence appropriations.

He was initially unwilling to pursue the administration's vengeful leak of the name of CIA agent Valerie Plame to the press, which ended her career as a covert CIA officer and endangered her life.

He rushed to discredit former counterterrorism czar Richard Clarke after Mr. Clarke's testimony to the 9/11 Commission became so embarrassing to the White House.

He did not support an inquiry into Ahmad Chalabi, even after allegations that Chalabi had leaked American secrets to Iran, because the Chalabi affair was embarrassing to White House and the Pentagon.

Mr. GOSS waited until June of this year to introduce legislation to reform our intelligence community a full 18 months after the initial joint congressional inquiry that he helped lead uncovered massive structural problems the resulted in the intelligence failures before 9/11. That is not leadership. That is not vision.

In his confirmation hearing, when asked repeatedly about his partisan statements and actions, he offered no explanation. He repeatedly offered the same unsatisfactory response: ''the record is the record.''

If the record is the record for Mr. GOSS, then it is a record that puts politics above the national interest. If the record is the record, then it is one that places partisan gain ahead of the facts. If the record is the record, then Mr. GOSS is the wrong person to serve as our Nation's Director of Central Intelligence.

Mr. GOSS cannot, even now, cite a single instance in which public statements of Bush administration policymakers mischaracterized the available intelligence prior to the Iraq war. If he can't speak the plain truth about such an obvious fact, how can the American people have any confidence in him as the head of our intelligence community?

The challenges of 9/11 and the administration's misuse of intelligence in rushing to war in Iraq demand that any reforms to our intelligence community be rooted firmly in the principle that intelligence must be completely insulated from partisan politics and ideology. The confirmation of PORTER GOSS as Director of Central Intelligence violates that principle in the most fundamental sense.

We owe it to our fellow citizens to do better. I oppose the nomination of PORTER GOSS.

Mrs. BOXER. Mr. President, I will vote for the nomination of PORTER GOSS to be Director of the Central Intelligence Agency.

I served with PORTER GOSS during my time in the House of Representatives. He is a good, intelligent man with a tremendous work ethic. He has served his country honorably in the Army, as a CIA officer, and as a congressman from Florida.

He is the President's choice and I am willing to give the benefit of the doubt. However, the two days of nomination hearings held by the Senate Select Committee on Intelligence highlighted several areas of concern, and my vote today should not be seen as support for Congressman GOSS to become the National Intelligence Director.

Mr. BIDEN. Mr. President, Congressman PORTER GOSS will become Director

of Central Intelligence at a difficult and important time for the U.S. Intelligence Community. In the coming months, he must help both Congress and the administration to take sensible steps on intelligence reform. In the years to come, if he remains in office, Mr. GOSS must lead our intelligence agencies into a new era of flexibility, skill, and inter-agency cooperation.

I will vote in favor of confirming Mr. GOSS to this position, although not without some misgivings. I will support his confirmation in part because I know him to be a gentleman and a man with a deep and sincere interest in intelligence, as well as substantial background in the field. I will support him because many others who know him well, including our colleagues from Florida and others whose views I respect, have contacted me and testified to his integrity and capabilities.

And I will support Mr. GOSS because the President wants him. A CIA Director cannot succeed unless the President likes and respects him enough to take seriously the facts and warnings the Director conveys to him. The President must be willing to accept advice when the Director says that something is not ''a slam dunk,'' and I hope that this President will be willing to accept such advice from this nominee.

As a matter of general policy, however, I have real concerns about appointing a partisan politician to such sensitive positions as Director of Central Intelligence or Director of the FBI. In 1976, I voted against George H. W. Bush as Director of Central Intelligence for precisely that reason. I suggested: ''The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure.''

The need for a DCI to transcend partisan politics is crystal clear. He is the person who must be able to tell the President that the world is not as the President might wish it, that a cherished policy proposal will not work, or that some unforeseen development poses a threat to our national security. As we remove the walls between domestic and foreign intelligence, moreover, the DCI—like the FBI Director—will be handling and presenting sensitive information on American citizens.

The next DCI will preside, moreover, over great and perhaps wrenching transition in U.S. intelligence. The report of the 9/11 Commission highlighted a series of long-standing shortfalls in our intelligence agencies. Although the particulars regarding the fight against al-Qaida may have been new, the challenges facing U.S. intelligence are ones that go back many years:

We need to provide instant and accurate intelligence to our military forces, and this drives much of our intelligence collection and analysis today. At the same time, however, we need to provide a wide range of so-called ''national'' intelligence to the rest of the national security community. Balancing those needs is a continuing challenge, especially as the funds for intelligence will often compete against other defense priorities.

We need intelligence collectors and analysts with a wider range of linguistic and cultural skills than ever before. Once we fought a communist enemy that was worldwide, but centrally directed. Now we must vanquish the twin perils of radical Islamic terrorism and the proliferation of weapons of mass destruction, both of which are nearly world-wide, but no longer controlled by a central, well-defined enemy.

And we need technical intelligence collection systems that are ever more powerful, that provide more real-time information, and that will be effective in a world where technology often favors secrecy over transparency.

We need seamless sharing of very sensitive intelligence information—between agencies, between countries, and between Washington and the State and local forces that guard us from terrorism on a daily basis. ''Stovepipes'' and ''rice bowls'' are outmoded and in need of a real make-over to meet the needs of the 21st century.

At the same time, however, we need strong protections for our civil liberties, which are the very foundation of our society. When the most recognizable member of this Senate is denied an airline ticket in his home town because his name shows up on some Government list, we know that the intelligence feeding into our homeland security programs leaves a lot to be desired.

That is quite a menu of challenges, and they must all be addressed. There is no ''pick one from column A'' option in heading U.S. intelligence.

In addition to all that, the Director must be willing and able to ''speak truth to power.'' He must have the stature and Presidential trust that leads top officials to accept his warnings and advice. And he must be an able defender of the independence of intelligence analysis, while still insuring that it is relevant to the needs and concerns of policy-makers.

I will support the confirmation of Mr. GOSS in the hope that he will transition successfully from a serious congressman and a leading partisan figure to a clear-eyed, independent Director of Central Intelligence who is able to rally his troops, to make them as effective as possible, and to keep policymakers from misusing or ignoring the work of the thousands of skilled and patriotic men and women who work in U.S. intelligence today. The perilous times in which we live demand nothing less than complete dedication to those objectives.

Mr. CORZINE. Mr. President, after much deliberation, I have decided to vote against the confirmation of PORTER GOSS to be Director of Central Intelligence. The conclusions of the 9/11 Commission, as well as the failures of our pre-war intelligence on Iraq, have demonstrated the enormous challenges we face in restructuring, reforming and improving our intelligence capabilities. At this critical moment, we should be focusing our efforts on enacting into law the recommendations of the commission, including the creation of the position of National Intelligence Director. The confirmation of a new Director of Central Intelligence, when the role of the DCI has yet to even be defined, does not advance the hard reform work yet to be done. Nor does the appointment of PORTER GOSS, whose objectivity, capacity to work across party lines, and openness to reform are subject to serious question.

The National Intelligence Director envisioned by the 9/11 Commission will oversee our intelligence community, including the DCI. It is critical that we clarify, in law, the relationship between these two positions. Unfortunately, the administration, by prioritizing the nomination of the DCI over the restructuring of our intelligence community, seems to be signaling an attachment to the status quo.

Congressman GOSS's record, in which he has repeatedly rejected independent efforts to improve our intelligence whenever those efforts were perceived to be contrary to the interests of the Bush administration, is also cause for concern. He opposed the establishment of the 9/11 Commission, he attacked the integrity of Richard Clarke, the former coordinator for counter-terrorism at the National Security Council, he opposed an investigation into the disclosure of the identity of a CIA operative, and he referred to the bipartisan Senate investigation into the abuse of Iraqi detainees as a ''circus.''

Congressman GOSS has also opposed investigations into intelligence on Iraq, in particular the use of intelligence by the administration. He dismissed Senators who called for an examination of the circumstances that led us to war as ''attack dogs'' and charged that they were expressing ''artificial outrage.'' He has also implied that open discussions of the challenges facing our intelligence damage the morale of our armed forces and aid our enemies. These are not the statements of someone who appears prepared to undertake the difficult work of reform, without regard to political considerations.

This reform will require cooperation between the administration and the Congress and between Republicans and Democrats. Unfortunately, Congressman GOSS has made repeated, incendiary charges, including allegations that the Democratic Party does not support the intelligence community and that Senator KERRY seeks to ''dismantle the nation's intelligence capabilities.'' These charges are not only flat wrong, they are completely counterproductive to the bipartisan effort that is urgently needed at this moment.

Repairing our intelligence capabilities is critical to fighting the war on

terrorism and is an urgent priority. We must enact into law the recommendations of the 9/11 Commission. We must examine the failures of our intelligence related to Iraq. We must begin the work of restructuring our intelligence community so that it is more effective and less politicized. These challenges require the utmost objectivity, independence, and nonpartisanship from the Director of Central Intelligence. Any reluctance on the part of the DCI to fully engage in the reform process, for whatever reason, could set us back at a moment when we can least afford it.

Mr. BUNNING. Mr. President, I speak today in support of the nomination of Representative PORTER J. GOSS to the Director of Central Intelligence. He is a good man and a good friend. President Bush could not have selected a more capable and qualified man for the job. He brings to the Central Intelligence Agency and the intelligence community what they have needed for years—intelligence experience, political experience, an open mind, and forward thinking.

I first met Representative GOSS shortly after he was elected to the House of Representatives in 1988. We served together for 10 years before I was elected to this body. Representative GOSS and his wife, Mariel, are personal friends of my wife and myself to this day. I know his personal character and I am confident he will bring integrity, honesty, and forthrightness to his new job.

The Director of Central Intelligence holds one of the most important and unforgiving jobs in our Government. All his actions and decisions are analyzed and criticized by politicians, the press, and the public. And the pressures on the intelligence community are immense. They must be right 100 percent of the time, while the terrorists only have to be right once. That is a heavy burden for one man to bear, but I believe Representative GOSS is up to the challenge.

I cannot think of anyone with more experience for this job. Representative GOSS has extensive experience in intelligence, on both the practical and policy sides. He knows firsthand the importance of human intelligence, serving as an intelligence officer in the Army and as a case officer in the agency he will now lead. At that time the United States was promoting freedom and fighting the evil of communism. Though the evil we now face takes a different form, the value of information and power of knowledge remain the same.

We are in the midst of a review and reform of our intelligence organizations, and, going forward, one of the most important jobs for the Director of Central Intelligence will be working with Congress. Again, Representative GOSS's experiences will be an asset to the intelligence community and the Congress. For the last 8 years he has been chairman of the House Permanent Select Committee on Intelligence. In that position he has worked fairly with both parties and both bodies of Congress without compromising his beliefs. I am confident he will continue to work honestly and fairly with Representatives and Senators of both parties in his new job.

Representative GOSS's practical and political experience will also pay dividends as the entire intelligence community is reformed in the coming weeks and months. He has proven his openmindedness in constantly seeking to improve our intelligence capabilities and structures during his tenure in Congress. He has held dozens of hearings on problems in the intelligence community and how to fix them. He was a member of the Aspin-Brown Commission, which took a deep look at our intelligence community and provided some of the recommendations that we are currently reviewing. He also cochaired the bicameral investigation on intelligence issues surrounding the 9/11 terrorist attacks. His open mind and willingness to think critically about the status quo will serve us all well.

I have seen firsthand his dedication, integrity, and character, and I support Representative GOSS's nomination without reservation. I wish him well in that extremely important job and I look forward to seeing him in briefings and hearings in the coming months.

Mr. REED. Mr. President, I rise to discuss the nomination of PORTER GOSS to be Director of Central Intelligence. I served with PORTER GOSS in the House of Representatives and I respect him. However, I do not believe he is the best choice for the position in these times.

On September 11, 2001, our country suffered a devastating attack. Now our country is in the midst of a war on terror and a war in Iraq. There have been many examinations of our intelligence leading up to September 11, leading up to the war in Iraq, and as we continue to wage the war on terror. There are many unanswered questions about whether the intelligence was accurate, whether it was manipulated, whether our soldiers and leaders can rely on it each and every day as they make difficult decisions.

I recognize that members of the President's Cabinet, like the Secretary of Defense and the Secretary of State, must weigh political considerations as they develop policy. However, the Director of Central Intelligence is a unique position. It should stand above politics. The citizens of the United States have the right to assume that the Director of Central Intelligence is providing objective information and analysis to allow the President to make the best possible decisions.

When Director Tenet resigned, the President had an opportunity to appoint a nominee who was nonpartisan, nonpolitical. He did not do so. Instead he chose Mr. GOSS, who clearly knows the intelligence community well, but is also clearly partisan and political.

The CIA is in turmoil. The hardworking men and women of the Agency need a strong leader who will reform the system to make sure that the information they offer is used in a proper and timely fashion. The people of this country need to know that the U.S. intelligence community is doing its best to protect and serve U.S. national interests.

I do not believe that Mr. GOSS is the best candidate to lead the intelligence community through a difficult task of reform and restoring confidence in the midst of a war.

It is important that our intelligence not be partisan, yet Mr. GOSS has been partisan in his comments over the past year. He has been fiercely critical of former President Clinton, our colleague Senator KERRY, and the Democratic Party. His comments do not lead me to believe that he will now abandon his partisanship or his political approach as the Director of CIA.

No greater task lies before us today than to reform the intelligence community so that it is effective as the leading weapon in the war on terrorism. Mr. GOSS certainly knows the CIA and the intelligence community, but in these times, experience is simply not enough. A leader committed to reform without regard to politics is also critical. Those attributes, I fear, Mr. GOSS does not have, and therefore I oppose his nomination.

Mr. MCCAIN. Mr. President, I rise to express my support for the swift confirmation of Congressman PORTER GOSS as Director of Central Intelligence. I have been privileged to know Mr. GOSS for a number of years, and I can attest that he is a leader, a man of personal intelligence and integrity, and a true patriot. He is also extremely well qualified for the position to which he has been nominated.

I do not believe I am divulging any state secrets when I mention that PORTER GOSS knows the intelligence community from the ground up—beginning with his service as a young case officer and most recently as chairman of the House Intelligence Committee. His 10-year career with the Central Intelligence Agency gave him a thorough understanding of how that large organization operates—invaluable background as the Congress and the executive branch proceed with various plans for reorganizing the intelligence community. His experience on the CIA staff, combined with his oversight responsibilities in the House, makes him perhaps uniquely qualified to understand the challenges and opportunities facing the community today. Congressman GOSS has demonstrated time and again his commitment to the needs and goals of the intelligence community in its service to our Nation and the American people. He is not merely qualified. He was meant for this position.

When he takes up his duties, he will do so at a time of great change in the intelligence community. Reeling from the intelligence failures of 9/11 and

Iraq, and faced with comprehensive reorganization, the community's leadership has rarely been so important. I am confident that Mr. GOSS will lead the CIA in an independent and nonpolitical manner as he has committed to do, ensuring that policymakers receive the best intelligence and analysis that our government can provide. I am also confident that he will be helpful as the Congress reorganizes itself in order to better conduct oversight over the intelligence community. We in the Congress sometimes forget that intelligence failures the Nation has experienced are not limited to the agencies alone. Congressional oversight has been, as the 9/11 Commission put it, ''dysfunctional,'' and must be changed.

As we face the national security challenges that are so evident to all of us, the Nation will be privileged to have PORTER GOSS at the helm of the CIA. America needs an individual who will help lead our intelligence agencies into a new era. I wholeheartedly support his confirmation.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of PORTER GOSS to be Director of Central Intelligence. Few people are as eminently qualified as he to lead the CIA at this critical time in our Nation's history.

PORTER GOSS combines experience as both a U.S. Army Intelligence and CIA officer with 15 years as a Member of the U.S. House of Representatives. During his time in Congress he has used his knowledge and experience to serve as chairman of the House Permanent Select Committee on Intelligence. He is a public servant who has earned our confidence and that of the President to lead the dedicated men and women of the CIA who work tirelessly to preserve our Nation's security.

Now at this time when Congress is working hard to reshape our intelligence services, I applaud the President for nominating a man like PORTER GOSS who understands what is working with intelligence and that which needs to be improved. And based on his experience, he will undoubtedly be as well prepared as any DCI to communicate with Congress concerning the needs of the CIA, and to understand the oversight responsibilities of the legislative branch as it pertains to the intelligence community.

The challenges we face in defeating global terrorism remain great. PORTER GOSS understands where we have made mistakes in both intelligence operations and assessment. He understands that we need improved human intelligence capabilities, as well as a culture of competition among intelligence analysts, to ensure that policymakers have objective information and a range of options to choose from in meeting the terrorist challenge. PORTER GOSS is committed to making these changes on behalf of the American people.

In conclusion, I believe the President has chosen the right man to lead the CIA in its very important work, and I strongly support the nomination of PORTER GOSS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have two speakers. I inform the distinguished leader, the minority whip, a man from Searchlight, that we have two speakers.

If I could ask Senator SNOWE how much time she would like to have.

Ms. SNOWE. About 12 minutes. And I would like to yield 2 minutes to the Senator from Oklahoma.

Mr. ROBERTS. All right. So a total of what, 15 or 20 minutes?

Ms. SNOWE. Yes.

Mr. ROBERTS. I am assuming by about 4:45—I am not anticipating any further speakers on our side. That could change.

Mr. REID. If my friend will yield?

Mr. ROBERTS. I am delighted to yield.

Mr. REID. We could not have a vote before 5 o'clock.

Mr. ROBERTS. Right.

Mr. REID. We have a couple people off campus doing other things.

Mr. ROBERTS. Could we agree to have a UC request in regard to a vote certain at 5 o'clock?

Mr. REID. Mr. President, I would be happy to agree to having a vote at 5 o'clock and having the time between now and then evenly divided. I frankly don't think we are going to be using any more time, so if you need more time on your side, you could have part of ours.

Mr. President, I ask unanimous consent that the vote occur at 5 o'clock and that the time between now and then be evenly divided.

Mr. ROBERTS. I have no objection. I think that is an excellent suggestion.

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

Mr. ROBERTS. Mr. President, I yield whatever time she may consume to the Senator from Maine.

Ms. SNOWE. Fifteen minutes.

Mr. President, I thank the Senator from Kansas, and I am glad to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Maine.

Let me make a couple comments about this man.

First of all, before he leaves the Chamber, I want to thank the Senator from Florida for his comments and for his efforts in this nomination. I also thank the chairman of our select committee in the Senate, the Senator from Kansas.

Two years after I was elected to the House—I believe it was 2 years afterward—PORTER GOSS was elected to the House from Florida. It took us no time at all to figure out this guy was one of the foremost authorities on the intelligence community. He had experience with the CIA, with Army Intelligence. We relied on him. I am talking about way back 16 years ago.

When I went from the House to the Senate in 1994, I took the place of Senator David Boren, who is now the president of Oklahoma University. He is a very close friend of mine. He was my predecessor in this Senate seat. He was also chairman of the Senate Select Committee on Intelligence. The thing he warned me of when I first came in was: You are going to have to do something about this mess we have in intelligence. He said: You have the DIA and the CIA and the FBI and the NSA, and nobody is talking to each other.

I found out before too long that was the case. He said he had been working on this for about 6 or 7 years and had not been able to achieve it. It became a turf battle. On one occasion I found there was a listening device the NSA had that they would not even share with the FBI for some of their investigations. This was wrong.

We have come a long way since that time. It has been my experience in both Kosovo and Bosnia that you have a lot of these agencies around the table sharing information and working together that did not do so before. So I believe we have come a long way.

One of the reasons I have been resisting a lot of changes within our intelligence system is I wanted to wait until PORTER GOSS came on board. I believe PORTER GOSS has more knowledge on intelligence than anybody else who could have been nominated.

I think the President made an excellent nomination. I think we see by this bipartisan support that we are going to be able to overcome the obstacles and move ahead aggressively in achieving quality intelligence to protect the American people.

I thank the Senator from Maine for yielding to me.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today regarding the nomination of PORTER GOSS as our next Director of Central Intelligence. I commend the President for his timely submission of this nomination as Director of the Central Intelligence Agency. Given our war on terror and the missions in Afghanistan and Iraq, now is not the time to leave a vacuum in leadership for our Nation's intelligence.

On that note, I also commend our chairman, Senator ROBERTS, for his leadership in conducting the hearings and shepherding the entire process so we can complete this confirmation and ensure our intelligence apparatus has the direction it deserves and the leadership it must have in order to move forward.

As we all know, this nomination arrived during a time in which we are compelled to undertake the most profound, sweeping reform of our entire intelligence community in nearly 60 years, 3 years after the worst attack ever on American soil. Indeed, there is no longer a question whether we are at the threshold of the single most comprehensive and critical restructuring of

the manner in which intelligence is gathered, analyzed, and disseminated in at least a generation. The questions are: What shape will this reform take? How will the leadership of the intelligence community implement and execute these changes? And how will the nominee, PORTER GOSS, synthesize and translate his knowledge and depth of experience into specific, tangible changes in how the intelligence community performs? Because the person who is asked to implement this type of reform must be firm, bold, visionary, and lay the foundation for our intelligence community for the 21st century.

Many of us who serve on the Intelligence Committee—indeed, throughout the Senate—have been advocating for comprehensive improvements in the intelligence community structures and methods. Shortly, the Senate will have the opportunity to deliberate with respect to overall and fundamental reform. It is absolutely the type of change and reform not only this Senate, this Congress, and the President must embrace; this permanent reform is essential to address the grave failures in communication, coordination, and cooperation that certainly the 9/11 Joint Inquiry, the Senate Intelligence Committee, the 9/11 Commission, and others have found with respect to the attacks on September 11, 2001, as well as the pre-Iraq-war assessment of weapons of mass destruction that failed to reconcile with the realities in the postwar chapter. Indeed, with the new reality in which we live, delaying reforming the intelligence community is no longer an option.

As a member of the Senate Intelligence Committee, this last year we have undertaken a major review of the prewar intelligence of Iraq's weapons of mass destruction, the regime's ties to terrorism, Saddam Hussein's human rights abuses, and his regime's impact on regional stability. That report was a detailed, comprehensive cataloguing not only of the facts but also a stunning revelation of systemic, pervasive flaws in our intelligence community that coalesced to produce broad failures in intelligence gathering and analysis. It revealed a pervasive complacency as well as a lack of accountability throughout the chain of command that allowed outdated assumptions about intelligence to be carried forward for years unquestioned and that tolerated an absence of rigorous analysis and a kind of monolithic grouping.

From that report, we now know that even after the lack of information sharing was found to have played a key role in the intelligence failures of 9/11, intelligence reporting continues to be highly compartmentalized, and analysts with a need to know are not given access to information. Essentially, the intelligence community continues to operate in a ''stovepiped'' manner, preventing critical information sharing essential for sound analysis. There was a lack of analytic rigor on one of the most critical and defining issues spanning more than a decade: the question of the preponderance of weapons of mass destruction within Iraq. The community had failed to do its analysis for more than a decade, we soon discovered.

Moreover, there was a lack of human intelligence that is so critical to assessing the enemy's capabilities and intentions. They were forced to rely on outdated, vague intelligence from less than credible sources.

I say all of this because that is the reality that our next Director of Central Intelligence must not only confront, but he also must address. It is in that light that our committee, during the confirmation process, reviewed the qualifications, the credentials, and the qualities that PORTER GOSS possesses in order to address some of the most systemic and profound changes this intelligence community is going to face since its inception in 1947.

I have come to believe that PORTER GOSS, in examining his record, his testimony before the committee, his responses to the committee, has the experience, the character, the credibility, the knowledge, the disposition, and the predilection for reform to lead this comprehensive overhaul and restructuring of our entire intelligence community.

Let me first say that I worked with Congressman GOSS in the House of Representatives for 6 years. I have no doubt about his competence, certainly his intelligence, his character, his unimpeachable integrity, or his bipartisanship. He was far from a polarizing or partisan force in the House of Representatives. Rather, what I discovered in working with him in the House, he was interested in solving problems rather than creating political points or sound bites. He was interested in reaching a consensus on the issues.

I know there had been some questions during the course of the hearing as to whether PORTER GOSS would be able to be sufficiently independent minded in a position where he will be the President's chief adviser on intelligence issues. Certainly this was an issue that was thoroughly explored in the confirmation hearings just concluded. At the opening of that hearing, Congressman GOSS addressed the issue directly when he told the committee:

> . . . I understand completely the difference in obligations the position of [director of Central Intelligence agency] carries with it and that which the role of a Congressman carries. These are two completely distinct jobs in our form of government. I understand these distinctions and if confirmed commit myself to a nonpartisan approach to the job of [director of Central Intelligence agency].

That is important to underscore.

Moreover, in response to questions about some specific political statements that PORTER GOSS had mentioned a few months ago on the floor of the House of Representatives, he expressed regret and apologized if he sounded any partisan notes in the past on any issues or matters of national security.

I know others have raised the question of whether PORTER GOSS will be willing to inform administration officials if or when public statements deviate from or distort available intelligence. In responding to this question, I would refer directly to the House Intelligence Committee's 2003 interim assessment of the pre-Iraq-war intelligence when then-Chairman GOSS stated that if public officials cite intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would PORTER GOSS be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that PORTER GOSS brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also later served as chairman of the House Intelligence Committee. He can view the intelligence community through the eyes of a former CIA officer and intelligence officer and also as someone who has stood outside of that world looking in with his oversight of the intelligence apparatus as chair of the House Intelligence Committee.

I know there has been some concern expressed that maybe PORTER GOSS will be too wedded to the CIA or that he is too CIA-centric and, therefore, would not have the independent vision necessary to institute the required changes and the reforms that surely are to come. I would argue that it is precisely because of his past work within the community that he is best suited to take it into the future, all the more so as his service imbues him with an indispensable credibility that would engender the kind of trust within a community where some continue to believe that necessary changes have already been made, that we should not identify the failures that we did in our comprehensive report within the intelligence community in the prewar assessments as egregious or systemic or broad or comprehensive failures. That is the kind of atmosphere that he will be entering as the new Director of the Central Intelligence Agency and trying to bring about the kind of reform that is absolutely vital.

His own record of reform initiatives is also important to explore because it also will belie the claim that somehow he will not be predisposed or have a predilection for the type of reform we certainly are going to be considering, hopefully next week, and enacting in Congress, and also the reform that has also been brought about as a result of the President's Executive orders.

Still others have questioned whether PORTER GOSS could have done more to institute intelligence reform prior to the attacks of 9/11. Again, I think as we review the 9/11 Commission's recommendations, we can see much could

have been done in all spheres. Whether it was on the part of former Presidents, on the part of Congress, committees, individuals, agencies, and bureaucracies, we know that the history documented in the 9/11 report was replete with examples of what could have been and should have been done differently.

What is required now is that we look at the totality of the record of the nominee we are considering today. In so doing, I believe we will see an individual who is wholly committed to providing the impetus and the leadership required to institute critical reform. Indeed, who better than someone who has not only been a member of the intelligence world but also one who has investigated that world to understand why change is necessary.

The most glaring of problems—those we identified in the Senate Intelligence Committee report, such as the poor state of human intelligence, operations, intelligence collection in general, analysis, and the pervasive problems with information sharing—these have all been issues that PORTER GOSS has been committed to addressing throughout his tenure as chairman of the House Intelligence Committee. Indeed, Mr. GOSS has held over 62 hearings on intelligence community reform just this year. So I do believe that he shows a predisposition and indeed a drive for reform.

I think we also see that commitment reflected in Mr. GOSS's contributions as a member of the Aspin-Brown commission, which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold-War world. This commission made a number of recommendations including looking at how to streamline the DCI's responsibilities and provide him with additional flexibility in managing the community.

He provided insights and leadership in the ''Joint Inquiry Into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001''—a report that contained 19 recommendations, including the creation of a director of national intelligence among the many changes that we have now been debating in Congress.

So all of this undoubtedly served as a catalyst for Congressman GOSS authoring his own reform legislation, which he introduced this past June, that calls for significant reform of the intelligence community's structure, as well as enhanced DCI, with critically needed personnel and budgetary authority—going beyond even what the President issued in his own Executive orders.

But I think PORTER GOSS also understands, in response to many of the questions that were raised during the course of the confirmation hearing, that a director of national intelligence will need to possess both the budgetary and personnel authorities that will be vital to a newly created director of national intelligence in order for that individual to be effective in implementing the kinds of changes that need to be brought about within the overall intelligence community.

Finally, there is further evidence of the extent to which PORTER GOSS is compelled to remedy our intelligence shortcomings. He has recognized—after his committee's investigation into the failures that occurred prior to the Iraq war—that the intelligence community has repeatedly fallen short in the area of information collection, most notably in the area of human intelligence.

For those who are not convinced he understands what is required to be done—particularly in this regard—as PORTER GOSS himself has said, the CIA's human spy operation was headed ''over a proverbial cliff'' and in danger of becoming only a fleeting memory of ''the nimble, flexible, core, mission-oriented enterprise'' it once was. Sounds like a person who is convinced of the need for change.

He has also stated that the intelligence community failed to provide the best possible intelligence to policymakers, and that the requisite, both from a collection and analytical viewpoint, was not provided.

I believe PORTER GOSS embodies the credibility and credentials that will be required to lead the intelligence community agencies and the professionals within that community in implementing the types of reforms from within—by Executive order or through congressional enactment. He brings unique and exceptional experience both in the field and behind the gavel. I believe he is well prepared to see our intelligence apparatus as it undergoes the major transformation necessary for a new era.

I yield the floor.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the distinguished chairman of the Armed Services Committee, a vital member of the Intelligence Committee, be recognized for 5 minutes. Senator WARNER is a previous member of the Intelligence Committee, now again on the Intelligence Committee, and he is chairman of the Armed Services Committee. He has a unique perspective to offer my colleagues. Is 5 minutes appropriate?

Mr. WARNER. Yes, thank you.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my good friend and colleague, the chairman of the Intelligence Committee. I hope the Senate appreciates the thoroughness with which Chairman ROBERTS has gone into this nomination. He has provided the members of the committee and many others with an opportunity to express their views with regard to the nomination. An extensive series of hearings have been held—more than have been held on a nominee in a long time. Maybe only Supreme Court Justices occasionally see the volume and thoroughness with which this nomination has been carefully viewed by the Senate. I compliment the chairman, and indeed the ranking member who participated very actively in this, as well as the members of the committee.

I first came to know the nominee about a decade ago. I remember one of our most revered, distinguished contemporary colleagues, Senator Moynihan, who sat right back there. I was on the floor and he stood and said it was time to abolish the CIA. He had a lot of concerns about the Agency. At that time, I was the vice chairman of the Intelligence Committee. Together, with PORTER GOSS and some others, we put together a piece of legislation establishing a commission to examine some of the concerns of our distinguished late colleague from New York. PORTER GOSS and I served on that commission. Les Aspin was the first chairman. He had an untimely early death and he was followed by Harold Brown. That was my initiation to work with this fine, able individual.

I commend the President for selecting him to take on this important assignment. I thank Representative GOSS, his wife, and family for undertaking another chapter of public life.

All of his credentials have been carefully reviewed. I would like to talk about somewhat of a different aspect of the challenges that will face PORTER GOSS. We just concluded a very extensive briefing upstairs with the Secretary of Defense, Ambassador Negroponte, the commander of CENTCOM, the Chairman of the Joint Chiefs, and the Deputy Secretary of State, almost three-quarters of the Senate being present. The briefing was about the situations primarily in the Iraq and Afghanistan theater, but it was about terrorism on the whole.

As part of our discussion, we talked about the ongoing work in the Congress of the United States with regard to the 9/11 report, which all of us believe is a very significant contribution by a conscientious group of tried, tested, and able public servants. But we worked through these equations and options. The Governmental Affairs Committee is doing the markup of what will be the primary vehicle. Senator ROBERTS contributed his views on it.

The Senate Armed Services Committee had a hearing with the Secretary of Defense, as well as the Acting Director of the CIA. So the Senate has done a lot of work in preparation.

How does that relate to PORTER GOSS? I cannot predict, and I don't think anyone can, at this time what will eventually evolve with regard to the legislative achievements of this body and the House in a conference. Perhaps a lot of people have high expectations that a bill will be before our President shortly.

I intend to work conscientiously, as I have, and will continue to work, forgetting any question of turf, to try to achieve a strong bill that clearly improves and strengthens our intelligence system.

I brought in a reference to the briefing today because in some discussion

with our colleagues—and it was a classified briefing, but I can share this—General Abizaid said he is acting on intelligence daily to conduct his mission. Lives are at risk, and he clearly, drawing on his extensive experience in the Army said: Today the intelligence collection that my soldiers, sailors, airmen, and marines need and have and use is vastly improved over what we had in gulf war 1 in 1991.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WARNER. Mr. President, I ask unanimous consent that I may speak for another 4 minutes.

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

Mr. WARNER. Mr. President, there has been steady progress in the improvements in our intelligence system. The Department of Defense is the largest user, and these senior people in the Department of Defense—civilian and military alike—have not tried to tell the Congress what to do but respectfully told us what not to do: Don't do anything to weaken the improvements that we have achieved—I say we, working with the Congress and the President—we have achieved to date since 1991 in the first gulf war and, indeed, since 9/11 with President Bush and Executive orders, a wide range of implementation of important things that have been done to improve our intelligence system, particularly from the standpoint of the tactical use by the U.S. military.

If confirmed and if we pass a new law signed by the President, PORTER GOSS will be the man entrusted to implement that law. And I say to my colleagues with the deepest respect, that is a daunting task—to do it in a way not to shake the confidence of the tens upon thousands of conscientious employees in the various departments and agencies, the CIA, the Department of Defense who are concerned about their jobs, concerned about their futures. We need to hold the team in place. We need to keep what is working now going as we phase in such new laws and provisions as this body, working with the House and signed by the President, may enact.

I do not know of another individual who has the experience of PORTER GOSS or is better qualified to take on the task of implementing such new laws as the Congress and the President may enact.

I urge my colleagues to give this very fine, outstanding American who, once again, was thinking about a quieter form of life the opportunity to move into this job.

There was printed in the RECORD a report that was issued by the CSIS, prepared by a number of former colleagues and others in the intelligence community trying to say to the Congress we best move with considerable caution as we enact this new legislation. I found this very helpful in my work participating in drawing up this bill, and I commend it to my colleagues.

Mr. President, again I thank the distinguished chairman and the distinguished vice chairman of the committee for their work in making it possible for this nomination to have been carefully reviewed by the Senate in terms of a series of hearings and a very active and thorough debate on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, with this debate and the vote certain at 5 o'clock, I think there has been an extraordinary level of examination of this nomination. Two days of open hearings were held. By way of comparison, that is one day more than Secretary of State Powell had during his confirmation in early 2001.

It is certainly understandable that an official of the DCI stature would be the subject of close Senate scrutiny. I think we have achieved that level of scrutiny, and members of the Intelligence Committee on both sides have expressed satisfaction with the way this process has unfolded. It was not by accident. It was in close conference and cooperation with the distinguished vice chairman of the Intelligence Committee, the Senator from West Virginia.

I think Mr. GOSS has been forthcoming. I think he has been candid with the committee. He provided literally dozens of written answers to questions sent to him by the committee, both before and after his confirmation hearings. He also provided complete and exhaustive details about his background and his professional life in connection with his nomination.

In short, I believe the examination of this nomination has been thorough and informative. The nominee and Members on both sides should be complimented for the way it has unfolded.

Expressions of support for his nomination have come from both sides of the aisle and both sides of Capitol Hill. This nominee is ready to go to work, and he is needed.

I urge the Senate to vote for his confirmation, and I look forward to working with PORTER GOSS as the next and, by the way, possibly last DCI.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, at the proper time, which I believe will be at 5 o'clock, I will call for the yeas and nays, or can I do that now before I make a statement?

The PRESIDING OFFICER. The Senator can do it any time he chooses.

Mr. ROCKEFELLER. I wish to make a short statement, and then I will call for the yeas and nays.

PORTER GOSS has been very well vetted. What has come from this discussion back and forth are several things.

One, he is a very good man. Second, he knows the intelligence business. Third, I think there is still a question of whether he has run any larger organizations, and that becomes a factor. The third had to do with partisanship. It was interesting to me that a number of people said everybody around here is partisan. Of course, that is true. But this has to do with a nomination for the Central Intelligence Agency. That is a position where the national security law forbades a nominee from being political in any way, shape, or form.

I think the question really is with him. I want to believe it is true, but based upon the record, I cannot accept it as true to this point, and I have to look at what has happened as opposed to what he says will happen; that he has been very partisan and very partisan within the field of intelligence and very partisan within the field of intelligence very recently at a time, obviously, when we are engaged in a broad election.

I think it is probable that he will be confirmed, but that does not take away from my responsibility to point out what I think is critical: That now, more than ever, it is important for a CIA Director or for anybody in intelligence to tell the truth, to make sure that if there was a reference in a Cincinnati October 2 speech about Niger and uranium enrichment and the possible seeking of it by Iraq, and then when it comes to the State of the Union that somehow that the CIA Director disappeared and never said, Oh, no, that shouldn't be in the State of the Union because it was never true—I don't want to get into that now. The point is we need somebody who is independent and takes pride, who describes himself, defines himself as being independent and standing up for the intelligence business and, therefore, is speaking the truth. I hope that person will be PORTER GOSS. That is not yet proven, and based upon the record it is not possible for me to vote anything but no at this time.

It being very close to 5, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of PORTER J. GOSS, of Florida, to be Director of Central Intelligence? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 77, nays 17, as follows:

[Rollcall Vote No. 187 Ex.]

YEAS—77

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

NAYS—17

Bingaman	Durbin	Reed
Byrd	Harkin	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Lautenberg	Stabenow
Corzine	Leahy	Wyden
Dodd	Levin	

NOT VOTING—6

Akaka	Jeffords	Santorum
Edwards	Kerry	Specter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Kansas.

MORNING BUSINESS

Mr. ROBERTS. Madam President, I ask unanimous consent that there now be a period of morning business, in the evening, with Senators speaking for up to 10 minutes each.

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

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On November 20, 2000, in Savannah, GA, the body of Billy Jean Levette, a transgender individual, was found in a secluded area. His body was face up with a wound to the back of the head, his pants pulled halfway down and his shirt pulled up. Levette was the second transgender individual killed in the Savannah area in a year.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SECURITY FOR SUPREME COURT JUSTICES

Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of S. 2742, which is a short but important piece of legislation that Senator HATCH and I have cosponsored at the request of the Supreme Court. This legislation would renew authority to provide security for the Justices when they leave the Supreme Court. Recent reports of the assault of Justice Souter when he was outside of the Supreme Court highlight the importance of security for Justices. If no congressional action is taken, the authority of Supreme Court police to protect Justices off court grounds will expire at the end of this year.

Another provision in this legislation allows the Supreme Court to accept gifts ''pertaining to the history of the Supreme Court of the United States or its justices.'' The administrative office of the Courts currently has statutory authority to accept gifts on behalf of the judiciary. This provision would grant the Supreme Court authority to accept gifts but it would narrow the types of gifts that can be received to historical items. I think this provision strikes the proper balance.

Finally, this legislation also would provide an additional venue for the prosecution of offenses that occur on the Supreme Court grounds. Currently, the DC Superior Court is the only place of proper venue despite the uniquely Federal interest at stake. This legislation would allow suit to be brought in United States District Court in the District of Columbia.

ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT

Mr. JEFFORDS. Mr. President, this week, seventy-four nations are meeting in Geneva at the first Conference of the Parties to the Rotterdam Convention on Prior Informed Consent (PIC) for Certain Hazardous Chemicals and Pesticides. This important international agreement establishes a legally binding framework that requires exporters of listed substances to secure informed consent from governments of importing countries prior to any shipment of such chemicals. Simply put, the convention recognizes and incorporates the basic principle of right-to-know with respect to trade in hazardous chemicals. As such, it marks yet another positive step in the direction of a comprehensive international approach to chemicals management.

Unfortunately, the United States is not yet a party to the convention, and thus will not be at the table this week when important decisions are made regarding organization, scope, and future direction. Earlier this week, for example, the parties agreed to add fourteen new chemicals to the convention's list of substances requiring informed consent. Because we are not a party, the United States did not participate in that decision.

Lest one think this is an exceptional case, the Rotterdam Convention is one of three important international agreements on chemicals that the United States has signed, but so far failed to ratify. The two other agreements—the Stockholm Convention on Persistent Organic Pollutants (POPs) and the POPs Protocol to the Convention on Long Range Transboundary Air Pollution—ban or severely restrict the production and use of some of the most hazardous chemicals in existence. Both agreements have entered into force, and preparations are being made for the first meetings of the parties. Yet, the United States is not on board.

Although our Government played a leading role in negotiating all of these agreements and despite the fact that the United States is a signatory to each, the current administration along with the leadership in Congress has so far failed to move the necessary implementing legislation that would allow the United States to become a party. Such legislation involves the work of four different committees in the Congress. To date, however, only the Senate Environment and Public Works Committee has reported a bill, which I co-sponsored with Senator CHAFEE. This bill provides a reasonable and effective approach to meeting our current obligations under all three of these agreements, while also providing a robust mechanism for accommodating future decisions of the parties. I would urge my colleagues to follow our lead and swiftly enact sensible implementing legislation. The United States cannot afford to sit on the sidelines any longer.

LANHAM ACT CLARIFICATION

Mr. CRAIG. Mr. President, I ask unanimous consent to have printed in the RECORD some additional information about the genesis and intent of a bill introduced last week, strengthening and clarifying a provision of the Lanham Act. Specifically, S. 2796 was introduced to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, privileges of trademarks.

It is my hope that the Congress will act on this measure in short order, and I offer this information to assist my colleagues in evaluating the bill.

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

AMENDMENTS TO LANHAM ACT

[Indicated by Brackets]

Sec. 3 [15 U.S.C. 1053]. Service marks registrable

Subject to the provisions relating to the registration of trademarks, so far as they are

applicable, service marks shall be registrable, in the same manner and with the same effect as are trademarks, and when registered they shall be entitled to the protection[s, rights and privileges] provided in this chapter in the case of trademarks. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

Sec. 4 [15 U.S.C. 1054]. Collective marks and certification marks registrable

Subject to the provisions relating to the registration of trademarks, so far as they are applicable, collective and certification marks, including indications of regional origin, shall be registrable under this chapter, in the same manner and with the same effect as are trademarks, by persons, and nations. States, municipalities, and the like, exercising legitimate control over the use of the marks sought to be registered, even though not possessing an industrial or commercial establishment, and when registered they shall be entitled to the protection[s, rights and privileges] provided in this chapter in the case of trademarks, except in the case of certification marks when used so as to represent falsely that the owner or a user thereof makes or sells the goods or performs the services on or in connection with which such mark is used. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

BACKGROUND AND JUSTIFICATION

Section 4 of the Lanham Act, 15 U.S.C. §1054, states that certification marks and collective marks ''shall be entitled to the protection provided'' to trademarks. This section expresses the congressional intention that all certification marks and collective marks be treated with equivalent rights and protections to trademarks, except where Congress, by statute, has expressly provided otherwise.

It is common in trademark, service mark, collective mark and certification mark licenses to include provisions under which licensees acknowledge the validity of an agree not to challenge the marks. These ''no challenge'' provisions play an important role in protecting the marks, reducing mark owners' litigation costs, and providing assurances to licensees that the marks they are investing in will have continued validity. After applying principles of equity, many courts have upheld such ''no challenge'' provisions in trademark licenses and dismissed validity challenges.

Recently, the Second Circuit Court of Appeals in the case of *Idaho Potato Commission* v. *M & M Produce Farm and Sales*, 335 F.3d 130 (2d Cir. 2003), interpreted the Lanham Act as requiring that certification marks be treated differently from trademarks with respect to ''no challenge'' provisions. The court reasoned that the public policy underlying certification marks was more analogous to the public policy underlying patents. As a result, the court ruled that licensee certification mark no challenge provisions are governed by the Supreme Court's decision in *Lear, Inc* v. *Adkins*, 395 U.S. 653 (1969). The Second Circuit's decision appears to have gone beyond congressional intent relating to certification marks. Certification marks have none of the preclusive effects of patents. Rather, the competitive effects of certification marks are the same as trademarks. Certification marks guard the public from deception and protect mark owners' and their licensees' investments. Like trademarks, certification marks provide information vital to consumers' purchasing decisions. Certification marks help consumers identify goods and services that have the quality and safety features they want.

It is important to remove any perceived distinction between certification marks and collective marks as compared to trademarks, except as expressly provided otherwise by statute. Therefore, this bill clarifies Congress, original intentions regarding the treatment of certification marks and collective marks through this amendment to Section 4 of the Act. Licenses governing certification marks, and the provisions contained in such licenses, should be treated no less favorably than licenses for trademarks and other marks. ''No challenge'' provisions, and other non-quality related provisions in certification mark licenses or agreements are to be accorded the same respect and treatment, and are to be the subject to the same principles of equity, as like provisions in trademark licenses and agreements. While nothing in this revision to the Lanham Act should be read as impairing a court's ability to apply existing principles of equity, where their application is appropriate, such licensing provisions are essential to preserving the public benefits of such marks without increasing the litigation and other transactional costs for certification mark owners. Similarly, certification and collective mark owners have the same remedies for infringement of their marks that are available to trademark owners.

Section 3 of the Lanham Act, 15 U.S.C. §1053, is amended in the same manner as Section 4 to maintain the parallel language of the two sections and to evidence congressional intent that all four marks protected by the Lanham Act are to be accorded the same rights and protections except as specifically provided by statute.

HONORING WORLD WAR II VETERANS

Mr. BAYH. Mr. President, throughout my service to the State of Indiana, I have been honored to represent thousands of Hoosier veterans who have fought bravely for our country. It is with great honor that I recognize the sacrifices of these three courageous men, Private First Class Leo Wilson Landess, Private First Class Robert Eugene Osborn, and Private First Class John Lee Reynolds, who were called to service in World War II to safeguard American freedom. These valiant young men defended our Nation and our liberty in the face of evil, before they had a chance to receive a high school diploma. It was more than 60 years ago that these three men left Governor I.P. Gray High School and were inducted into the Army. I applaud the Jay County High School Corporation for honoring these three World War II veterans, on June 12, 2004.

Their effort and unwavering commitment along with 120,000 other Hoosier World War II veterans, played a vital role in the long and difficult process of helping others enjoy freedom and democracy. By the end of the war, almost 13,000 Hoosier soldiers lost their lives. I am reminded by a quote by Douglas MacArthur, ''The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war.'' I would like to express my deep appreciation for their dedicated service and the many sacrifices they made on behalf of our Nation.

MISSOURI RIVER DROUGHT CONSERVATION PLAN

Mr. JOHNSON. Mr. President, last Tuesday, September 14, the Senate Appropriations Committee reported out the Fiscal Year 2005 Interior Appropriations bill on a unanimous and bipartisan vote. The bill funds several of the Federal agencies that are responsible for managing millions of acres of land in South Dakota, including the U.S. Forest Service, the Fish and Wildlife Service, and the National Park Service. Included in that bill was a provision directing the Corps of Engineers to immediately implement the drought conservation measures outlined in the 2004 Missouri River Master Water Control Manual. This is an important provision that will better balance the competing uses of Missouri River water and, more importantly, bring a sense of equity and fair play to a process long-slanted toward a single group of navigation interests.

Perhaps no Federal agency has a more direct impact on South Dakotans than the U.S. Army Corps of Engineers. The Corps of Engineers has a tough job in South Dakota, balancing a host of competing and, it appears from time to time, mutually exclusive interests. However, on the key issue of managing the Missouri, the Corps has consistently come up short as a steward of America's longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

Unfortunately, yesterday, in an unprecedented maneuver to strike out and cancel the express will of the Appropriations Committee, a provision was inserted in the fiscal year 2005 Veterans, Housing and Urban Development, and Independent Agencies Appropriations bill that cancels out the drought conservation plan. The proponents of this new provision had already been rebuffed last week when attempting to change the original section. Surely we can find some common ground for the upstream states struggling with the lack of water flow. I expect an uphill battle, but I will do everything I can to fight for the needs of upstream states.

JUMPSTART OUR BUSINESS STRENGTH ACT

Mr. SMITH. Mr. President. I rise to speak about an important piece of legislation that is pending before Congress. The Jumpstart Our Business Strength, JOBS, Act, also known as FSC/ETI. This bill was passed by both the House and the Senate earlier this year and now awaits the appointment of conferees by the House of Representatives. As a Senate conferee, I am hopeful that we can move quickly toward a conference with the House and

complete action on FSC before the 108th Congress adjourns.

This bill has aptly been named the JOBS Act because of the direct impact it will have on businesses and employment in the United States. I believe this bill can strengthen the U.S. shipping industry. Over the past year I have worked closely with my colleagues, Senators TRENT LOTT, JOHN BREAUX and others, to provide critical tax reform for the U.S. maritime industry. I intend to work in conference to provide necessary relief to the maritime industry in Oregon and elsewhere throughout our country.

It is clear to me that the ability of the American shipowner to operate ships on a comparable economic basis as foreign competitors is vital to the competitiveness of the U.S.-flag industry. Yet United States shipping companies are subject to significantly higher taxes than their foreign-based competition, particularly those that operate foreign vessels under what are commonly known as ''flag-of-convenience'' countries. Thus, American shipowners are increasingly unable to compete with their foreign-flag counterparts in the foreign trade of the United States.

Recently, many of the industrialized trading partners of the U.S., including the United Kingdom, Norway and Germany, have developed tonnage-based corporation tax regimes, known as ''tonnage tax'' regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer's U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. merchant mariners. At this time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional reform measure to defer U.S. tax on the foreign shipping income of a controlled foreign corporation, CFC—but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, the U.S. does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC's foreign shipping income is taxed to its U.S. shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the communities of Pennsylvania—baseball. Like our Nation's democracy, baseball is a part of our country's collective definition of community, history, and heroism.

The Pittsburgh Pirates and Philadelphia Phillies are recognized by fans for their hometown affiliation but more for their heroes. In Pennsylvania, we have plenty of players to boast about, but one in particular comes to mind, Roberto Clemente. Clemente is Pittsburgh's most reversed hero. He was the first Latin-American to be inducted into the Hall of Fame and the first player for whom the Hall's required 5-year waiting period was waived. In honor of the humanitarian work in which he was so involved, the Roberto Clemente Foundation now serves Pittsburgh's inner-city through programs to instill responsible community behavior in disadvantaged youth, and to provide them with organized recreation. Clemente's example is an amazing illustration of how powerful professional sports heroes can be as role models.

Roberto Clemente Day was established in 2002 to increase awareness of the Roberto Clemente Award and the amount of time and effort its recipients dedicate towards community and charitable endeavors. Since 1971, Major League Baseball has annually presented an award that recognizes a player who best exemplifies the game of baseball through sportsmanship, community involvement, and positive contributions to his team. The award was named in honor of Clemente in 1973. The national recipient of the 2004 Roberto Clemente Award will be announced during the 2004 World Series. This year, September 22 has been designated as 2004 Roberto Clemente Day.

PNC Park in Pittsburgh will be among the many ballparks around the country that will hold a ceremony commemorating Roberto Clemente Day. As residents of Pittsburgh cross the Roberto Clemente Bridge, which spans the Allegheny River, may they remember the example that Roberto Clemente set for us all.

Roberto Clemente Walker was born in Barrio San Anton in Carolina, Puerto Rico, August 18, 1934. Roberto always excelled at track and field; however, his real love was baseball.

Clemente joined the Pittsburgh Pirates in 1955, where he played his entire 18-year Major League Baseball career from 1955 to 1972. Clemente is considered one of the finest outfielders to ever play professional baseball, amassing over 3,000 hits, 12 Golden Glove Awards, a league MVP Award, and leading the Pittsburgh Pirates to World Series victories in 1960 and 1971.

Clemente was also a devoted father. With his wife Vera Cristina, he raised three sons: Roberto Jr., Luis Roberto, and Roberto Enrique. Proud of his heritage Roberto insisted that Vera give birth to all three sons in Puerto Rico.

I will always remember feeling deeply saddened upon hearing the news, on December 31, 1972, that Clemente had died in a tragic plane crash off the coast of Puerto Rico. The plane was taking medical, food, and clothing supplies to earthquake stricken Nicaragua. Clemente will always be remembered as one of the greatest humanitarians of all time.

Aside from playing baseball myself over the years, the culture of identifying with star baseball players and my hometown team is an inextricable part of my boyhood. As a young boy playing and watching baseball, I learned the value of hard work, the importance of teamwork, how to deal with success and failure, how to concentrate and stay focused on a goal, and how to look beyond personal achievement to something bigger than oneself. Roberto Clemente embodied all of these virtues.

As our Nation recognizes Hispanic Heritage Month during the month of September, this is an ideal time to honor this exceptional person and personal hero and his legacy that lives on through the recipients of the Roberto Clemente Award.

IN MEMORIAM TO STATE SENATOR HENRY J. MELLO

Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of one of California's dedicated public servants, California State Senator Henry Mello. Senator Mello passed away on September 4, 2004. He was 80 years old.

Senator Mello was first elected to the Santa Cruz County Board of Supervisors in 1966, where he served for 8 years. In 1976, he was elected to the California State Assembly. After serving for two terms in the assembly, Senator Mello was elected to the California State Senate, where he spent the majority of his career in public service. During his tenure as a member of the California State Legislature, Senator Mello carried a record number of bills and resolutions—727—of which 456 were signed into law. Because of his successful leadership skills and his ability to work across partisan lines, Senator Mello served as the State Senate's majority whip from 1981 to 1992, and as the majority leader from 1992 to 1996.

Whether he was championing childrens' rights or seniors' rights, environmental issues or public education, residents of the central coast knew they had an advocate in Senator Mello. Among his many accomplishments in the State legislature, Senator Mello advocated for the establishment of the Monterey Bay National Marine Sanctuary; the creation of the California

Senior Legislature, and the conversion of Fort Ord Army Base into California State University Monterey Bay. A particular highlight in his career, Senator Mello cosponsored the Mello-Roos Act, which established tax-exempt bonds and special districts for school construction and other public improvements.

Senator Mello was proud of his Portugese heritage, and regularly traveled to Washington, DC to advocate for increased foreign aid to Portugal. The King of Portugal knighted Senator Mello for his efforts. In his spare time, Senator Mello was also an avid deep-sea fisherman and jazz pianist. In 2002, Senator Mello played with the Jimmy Dorsey Orchestra at the performing arts center in Watsonville that is named after him—the Henry J. Mello Center for the Performing Arts.

Senator Mello was a deeply loved member of both the California State legislature and the central coast community, and a strong, tenacious man who championed the causes of those he represented. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his spirit, his vision, and his leadership.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF DISHA PANCHOLI

• Mr. BUNNING. Mr. President, I wish to pay tribute to and congratulate Disha Pancholi of Louisville, KY, on being awarded a Boren Undergraduate Scholarship from the David L. Boren National Security Education Program, NSEP.

Ms. Pancholi was one of 181 applicants nationwide to receive one of these scholarships. NSEP administered within the National Defense University in the Department of Defense. It funds outstanding U.S. students to study critical languages and world regions in exchange for a commitment to seek employment with the Federal Government in the arena of national security.

Ms. Pancholi has been studying Arabic and will spend her fall term in Egypt. She attends the University of Louisville and is majoring in biology and political science.

The citizens of Jefferson County should be proud to have a women such as Disha Pancholi in their community. Her example of dedication and hard work should be an inspiration to the entire Commonwealth. She has my most sincere admiration for this work and I look forward to her continued service to the United States.•

REMEMBERING DONALD M. DOCKERY III

• Mr. COCHRAN. Mr. President, my dear friend, and neighbor for many years, Donald M. Dockery III, died on September 7. As a World War II veteran, he was pleased that he lived to watch on television the dedication of the memorial on the Mall here in Washington honoring those who served in that great conflict.

He served in Europe as a pilot in the U.S. Army Air Corps. After the war, he remained in the Reserves and retired as a Lieutenant Colonel in the U.S. Air Force.

Donald Dockery was a special friend. He and his family were our closest neighbors when I was growing up in the Byram community, 7 miles south of Jackson, MS. His wife, Stella, and their children, Donna, Kay, and Billy were also very close friends of mine, and my family.

Donald's death was like having a death in our own family. He and Stella watched after me as I grew up in the neighborhood. Donald was the personification of a good citizen, the kind who enriches our country with a strong spirit of community.

He was active in the boosters club at our school, helping children who needed money for lunch room tickets or a band uniform. He was a very successful businessman. He owned a store and was in the pulp wood and cattle business. He also got into the bottled water business; and, with his father-in-law and his son, he developed their company into a very impressive enterprise.

When my father's health began declining several years ago, Donald would visit him every day. Their friendship was steadfast and enduring for over 50 years.

It is impossible to measure the influence another person can have on one's life, but I am sure Donald Dockery helped shape my views of the role a good citizen should play in his community and the importance of being a loyal and caring friend.

My family and I will miss him very much.•

TRIBUTE TO DONALD COMLISH

• Mr. TALENT. Mr. President, I rise today to mourn the passing of Donald Comlish, who was the vice president for international affairs of the Air Transport Association. Through his years of service, Mr. Comlish helped provide great service to our airline industry as well as the traveling public, and he will be truly missed.

Mr. Comlish worked for the ATA for 22 years as the chief representative of the airline industry in the negotiation of the international agreements between the United States and foreign countries that provide the legal and operational basis for international airline flights.

He participated in the negotiation of aviation agreements with France, Germany, Japan, Thailand and many other countries during his career, helping to literally open up the world to American travelers. Mr. Comlish helped to negotiate the 1977 Bermuda II agreement, which eased restrictions on air travel between the United States and Britain. He also helped to complete a partnership between the United States and China that provided for post-World War II resumption of direct air service between the two countries.

Donald Comlish was born in Stratford, CT and enlisted in the Navy after high school. He attended the Navy School of Music in Washington and played with the Navy Band. He graduated from St. Bonaventure University in 1961, and received a law degree from Catholic University in 1965. He began his career as a law clerk for the firm of Spencer & Whalen and the Civil Aeronautics Board, and then began working for the ATA. Donald was a well-respected and accomplished attorney who was admitted and qualified as an attorney and counselor to the Supreme Court. After leaving the ATA in the mid-1990s, he remained a consultant to the airline industry until his retirement in 1999.

Shortly before he retired, he decided to once again pursue his love of music and began playing saxophone and clarinet for the Montgomery Village Community Band and the Virginia Grand Military Band. He was also a member of the International Aviation Club.

Mr. Comlish's survivors include his wife of 42 years, Carol Comlish; 6 children: Jeannie, Michael, Gregory, Matthew, Paul, and Chrissy; and 1 grandson. His efforts improved the lives of every American who travels, and he certainly left the world better than he found it.•

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S.J. Res. 41. Joint resolution commemorating the opening of the National Museum of the American Indian.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2663. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 2966. An act to preserve the use and access of pack and saddle stock animals on

public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes.

H.R. 3257. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

H.R. 3334. An act to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California.

H.R. 3632. An act to prevent and punish counterfeiting and copyrighted copies and phonorecords, and for other purposes.

H.R. 4459. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

The message also announced that pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon: Mr. J. Richard Fredericks of San Francisco, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2663. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2966. An act to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3257. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; to the Committee on Energy and Natural Resources.

H.R. 3334. An act to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California; to the Committee on Energy and Natural Resources.

H.R. 3632. An act to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes; to the Committee on the Judiciary.

H.R. 4459. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2823. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9353. A communication from the Acting Assistant Director, Directives and Regulations Branch, Forest Service, transmitting, pursuant to law, the report of a rule entitled ''Sawtooth National Recreation Area-Private Lands; Increasing Residential Outbuilding Size'' (RIN0596–AC00) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9354. A communication from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Quarantined Areas'' (Doc. No. 04–045–1) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9355. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9356. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9357. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9358. A communication from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR part 592, Rough Diamonds Control Regulations'' received on September 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9359. A communication from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1005; to the Committee on Banking, Housing, and Urban Affairs.

EC–9360. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled the ''Research and Special Programs Reorganization Act''; to the Committee on Commerce, Science, and Transportation.

EC–9361. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 2 regulations): CGD001–04–099, CGD01–04–111'' (RIN1625–AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9362. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 3 regulations): CGD07–04–103, CGD05–04–143, CGD05–04–157'' (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9363. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (Including 3 Regulations): CGDF13–04–031, CGD05–04–170, CGD05–04–172'' (RIN1625–AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9364. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (Including 4 Regulations): CGD01–04–114, CGD01–04–105, CGD08–04–031, CGD08–04–024'' (RIN1625–AA09) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9365. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Wiscasset, Maine; Demolition of Maine Yankee Former Containment Building CGD01–04–099'' (RIN1625–AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9366. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events: Patapsco River, Inner Harbor, Baltimore, MD CGD05–04–158'' (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9367. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Ballast Water Management Program for U.S. Waters USCG–2003–14273'' (RIN1625–AA52) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9368. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA CGD13–04–019'' (RIN 1625–AA87) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9369. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission USCG–2003–16688'' (RIN 1625–AA82) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9370. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Generic Letter 2004–02: Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors'' received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9371. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Classifications for the 8-Hour Ozone National Ambient Air Quality Standards'' (FRL#7816–2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Kentucky and Indiana: Approval of Revisions to 1-Hour Ozone Maintenance Plan for Louisville Area'' (FRL#7812–4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Raleigh/Durham Area and Greensboro/Winston-Salem/High Point Area Maintenance Plan Updates'' (FRL#7815–9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Nevada; Las Vegas Valley Carbon Monoxide Nonattainment Area'' (FRL#7801–8) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9375. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL#7816–9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9376. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Missouri; Final Approval of Missouri Underground Storage Tank Program'' (FRL#7816–1) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9377. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, Antelope Valley Air Quality Management District'' (FRL#7812–2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9378. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Certain Settlement Funds as Pertaining to Purchase Price Allocations in Deemed and Actual Asset Acquisitions'' (RIN 1545–BD59) received on September 17, 2004; to the Committee on Finance.

EC–9379. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Place for Filing Returns or Other Documents'' (TD9156) received on September 17, 2004; to the Committee on Finance.

EC–9380. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2004'' (Rev. Rul. 2004–96) received on September 17, 2004; to the Committee on Finance.

EC–9381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Returns Relating to Interest Payments on Qualified Education Loans'' (Notice 2004–63) received on September 17, 2004; to the Committee on Finance.

EC–9382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Concerning Use of 2001 CSO Tables Under Section 7702'' (Notice 2004–61) received on September 17, 2004; to the Committee on Finance.

EC–9383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rule 2004–70) received on September 17, 2004; to the Committee on Finance.

EC–9384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments on Staggered Remedial Amendment Period Revenue Procedure'' (Ann. 2004–71) received on September 17, 2004; to the Committee on Finance.

EC–9385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Electronic Filing of Duplicate Form 5472'' (TD 9161) received on September 17, 2004; to the Committee on Finance.

EC–9386. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Manufacturer's Submission of Average Sales Price Data for Medicare Part B Drugs and Biologicals (ASP)'' (RIN 0938–AN05) received on September 17, 2004; to the Committee on Finance.

EC–9387. A communication from the Regulations Coordinator, Office of the Secretary, transmitting, pursuant to law, the report of a rule entitled ''Civil Money Penalties: Procedures for Investigations Imposition of Penalties and Hearings—Extension of Expiration Date'' received on September 17, 2004; to the Committee on Finance.

EC–9388. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9389. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–9390. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–9391. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9392. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–9393. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment to Spain; to the Committee on Foreign Relations.

EC–9394. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment in Egypt; to the Committee on Foreign Relations.

EC–9395. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report relative to supporting Iraq's political transition, creating democratic institutions, and rebuilding the country's social and economic infrastructure; to the Committee on Foreign Relations.

EC–9396. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9397. A communication from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, a report relative to the Commission's work over the past three years; to the Committee on Governmental Affairs.

EC–9398. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report of the Office of Inspector General's results of our audit of undefinitized contractual actions; to the Committee on Governmental Affairs.

EC–9399. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Fire Protection in Shipyard Employment'' (RIN 1218–AB51) received on September 21, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9400. A communication from the Director, Regulations Management, Board of Veterans' Appeal, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects'' (RIN 2900–AL77) received on September 21, 2004; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

*Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Coast Guard nominations beginning Capt. Gary T. Blore and ending Capt. Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2004.

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Kenneth W. Megan.

Coast Guard nominations beginning John B. McDermott and ending David C. Clippinger, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nomination of Karen W. Quiachon.

Coast Guard nominations beginning Michael H Anderson and ending Gordon K Weeks, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nominations beginning Scott B. Beeson and ending Needham E. Ward, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2004.

National Oceanic and Atmospheric Administration nominations beginning Jonathan W Bailey and ending Richard A Edmundson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

National Oceanic and Atmospheric Administration nominations beginning Timothy J Gallagher and ending Bernerd R Archer, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

*James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Tamar Jacoby, of New Jersey, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Craig Haffner, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*James Davidson Hunter, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Harvey Klehr, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Thomas K. Lindsay, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Iris Love, of Vermont, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Ricardo Quinones, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Gail Daly, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006.

*Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005.

*Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007.

*Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004.

*William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

*Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

*John H. Hager, of Virginia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

*Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation for a term of six years.

Mr. GREGG. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Public Health Service nominations beginning Terence L. Chorba and ending Parmjeet S. Saini, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Public Health Service nominations beginning Daniel Molina and ending James D. Warner, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

Public Health Service nominations beginning Songhai Barclift and ending Gregory Woitte, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

Public Health Service nominations beginning Alvin Abrams and ending Ariel E. Vidales, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 2829. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, and supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2830. A bill to amend part A of title IV of the Social Security Act to promote healthy marriages and responsible fatherhood, and for other purposes; read the first time.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. HATCH, and Mr. THOMAS):

S. 2831. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DURBIN, and Mr. DASCHLE):

S. Res. 432. A resolution expressing the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush's Social Security Commission; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 847

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 1945

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2526

At the request of Mr. BOND, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2560

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2560, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

S. 2561

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2561, a bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2731

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2759

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2781

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2794

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2794, a bill to improve elementary and secondary education.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2815

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2815, a bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

S. 2822

At the request of Mr. REID, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2822, a bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

S.J. RES. 31

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S.J. Res. 31, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S.J. RES. 32

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S.J. Res. 32, a joint resolution to provide

for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in may each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 127

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 408

At the request of Mr. SMITH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as ''Protecting Older Americans From Fraud Month''.

S. RES. 427

At the request of Mr. SARBANES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 427, a resolution congratulating the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the 2004 United States Olympic Team, athletes from around the world, and all the personnel who participated in the 2004 Olympic Summer Games in Athens, Greece.

S. RES. 431

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 431, a resolution expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by conditions in Burma under the illegitimate rule of the State Peace and Development Council.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy, to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, today, I rise to introduce the Patients' Privacy Protection Act, legislation that will close a loophole in the Federal Rules of Evidence and ensure that every American's medical records remain confidential. I want to acknowledge my friend Congressman NADLER who is introducing the House companion to this bill today as well as Senators CORZINE, WYDEN, LAUTENBERG, BOXER, JEFFORDS, and MIKULSKI who join me as original cosponsors of this critical measure.

I began exploring this issue when I learned that Attorney General John Ashcroft had subpoenaed the confidential medical records from thousands of women around the country to defend the first-ever Federal abortion ban in Federal court. The fact that the women in question were not a party to the lawsuits did not deter him.

Such a deliberate intrusion into people's medical privacy record is deeply disturbing. Americans deserve full confidence that the government is not looking into their medical records. Without such an assurance, how will Americans trust their doctors? What procedures, discussions, and diagnoses will they avoid for fear that these records could shame them or adversely impact their future if unearthed?

At issue in this bill is what a reasonable person should expect when they walk into a doctor's office. That person expects that what they say to her doctor stays with her doctor. Only because of that confidence are people able to be honest. And only through that honesty are people able to obtain the healthcare they need.

The right to private medical records is an issue that, in rhetoric at least, has broad support on both sides of the partisan divide. In fact, it was President Bush himself who, as recently as 2001 during a statement on the Medical Privacy Rule said, ''I believe that we must protect both vital health care services and the right of every American to have confidence that his or her personal medical records will remain private.''

Even Attorney General Ashcroft has made strong statements in support of the privacy of medical records. Back in 1998, in a press release put out by his Senate office in which he is referred to as a ''consistent champion of privacy rights,'' then-Senator Ashcroft says ''We should guarantee that the federal government does not undermine an individual's fundamental right to privacy . . . Without privacy protections in place, people may be discouraged from seeking help or taking advantage of the access to health care.''

I agree. But unlike Attorney General Ashcroft, I believe preserving patient privacy entails more than issuing a press release. Patient privacy doesn't end when it conflicts with a political agenda, no matter how deeply felt that conviction.

Throughout this Administration, we have seen Attorney General Ashcroft disregard civil liberties in the name of preventing terrorism. But through this action, we see him disregarding civil rights in the name of outlawing abortion. This is a very slippery slope that, if unchecked, could affect not just women seeking reproductive healthcare, but all Americans. Over the past few months, the Department of Justice has asserted that federal law does not recognize the doctor-patient privilege, and that individuals no longer have a reasonable expectation of medical privacy. These are alarming statements.

Thankfully, Attorney General Ashcroft is not being allowed to run roughshod over our right to privacy and medical confidentiality. On March 5, 2004, a San Francisco court ruled that the Department of Justice has no right to view the records in question in the Planned Parenthood Federation of America lawsuit against the abortion ban. The decision issued by Judge Phyllis Hamilton soundly affirmed women's right to privacy. She said, ''There is no question that the patient is entitled to privacy and protection. . . . Women are entitled to not have the government looking at their records.''

Nevertheless, we cannot take a chance that once again, when it suits the political or ideological interests of this Administration or Administrations to come, the federal government will intrude upon the most personal of information. That is why I stand before you today.

The Patient Privacy Protection Act of 2004 is very simple. It states that a patient's medical records and any communication about their medical history are confidential unless a judge determines that the public interest in those records being made public significantly outweighs the patient's privilege. In the cases where a judge orders the records to be disclosed, the court shall, to the extent practicable, eliminate any and all personally identifiably information.

I am pleased to be introducing this simple, straightforward, common-sense piece of legislation. I do not believe there is a Member of either Chamber of Congress who in good faith could oppose this measure, and I look forward to working with my colleagues, Representative NADLER and others to see it enacted into law expediently.

By Mr. McCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. McCAIN. Mr. President, I am pleased to be joined by my good friend and colleague from Wisconsin, Senator FEINGOLD, and our good friends who lead the campaign finance reform fight in the House, Representatives SHAYS and MEEHAN, in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

As my colleagues know, a number of 527 groups have been raising and spending substantial amounts of soft money in a blatant effort to influence the outcome of this year's Presidential election. These activities are illegal under existing laws, and yet once again, the Federal Election Commission (FEC) has failed to do its job and has refused to do anything to stop these illegal activities. Therefore, we must pursue all possible steps to overturn the FEC's misinterpretation of the campaign finance laws, which is improperly allowing 527 groups whose purpose is to influence Federal elections to spend soft money on these efforts.

Last week, we filed a lawsuit to overturn the FEC's failure to issue regulations to stop these illegal practices by 527 groups. President Bush and his campaign filed a similar lawsuit against the FEC last week as well, and I also appreciate President Bush's support for the legislative effort we begin today on 527s. We are introducing legislation that will accomplish the same result. We are going to follow every possible avenue to stop 527 groups from effectively breaking the law, and doing what they are already prohibited from doing by longstanding laws.

The bill we introduce today is simply. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization efforts effecting both federal and local races and, therefore, use both a federal and a non-Federal account under FEC regulations. The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

Let me be perfectly clear on one point here. Our proposal will not shut down 527s, it will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if it weren't for the abject failure of the FEC to enforce existing laws. As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, have had a major impact on this year's presidential election by raising and spending illegal soft money to run ads attacking both President Bush and Senator KERRY. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they have been allowed to continue unchecked is unconscionable.

The blame for this lack of enforcement does not lie with the Congress, nor with the Administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the nation's campaign laws—and the FEC has failed, and it has failed miserably to carry out that responsibility. The Supreme Court found that to be the case in its McConnell decision and Judge Kollar-Kotelly found that to be the case in her recent decision overturning 15 regulations incorrectly adopted by the FEC to implement the new BCRA law. That is why a Los Angeles Times editorial today stated that, ''her decision would make a fitting obituary for an agency that deserves to die.''

It should be clear by now why we have introduced legislation to abolish the FEC and replace it with a new enforcement agency. And we will be conducting a major effort starting at the beginning of next year to enact our bill to get a new, true enforcement agency and to pass the 527 reform act we are introducing today. We are not going to allow the destructive FEC to continue to undermine the nation's campaign finance laws as it has been consistently doing for the past two decades. In the mean time, given the unmitigated failure of this agency, I believe that its Chair, Bradley Smith and its Vice Chair, Ellen Weintraub, should resign and recognize that they have failed to carry out their responsibilities as public officials.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that the Bipartisan Campaign Reform Act of 2002 (BCRA) has failed in its stated purpose to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the 194 law and the failure of the FEC to do its job and properly regulate the activities of these groups.

As further evidence of the FEC's lack of capability, let me quote from a couple of recent court decisions which highlight this agency's shortcomings. First, in its decision upholding the constitutionality of BCRA in McConnell v. FEC, the U.S. Supreme Court stated that the FEC had ''subverted'' the law, issued regulations that ''permitted more than Congress had ever intended,'' and ''invited widespread circumvention'' of FECA's limited on contributions. Additionally, just this past Saturday, a federal district court judge threw out 15 of the FEC's regulations implementing BCRA. Among the reasons for her actions were that one provision ''severely undermines FECA'' and would ''foster corruption'', another ''runs completely afoul'' of current law, another would ''render the statute largely meaningless'' and, finally, that another had ''no rational basis.''

The track record of the FEC is clear, and by their continued stonewalling, the Commission has proven itself to be nothing more than a bureaucratic nightmare, and the time has come to put an end to its destructive tactics. The FEC has had ample, and well documented, opportunities to address the issue of the 527s illegal activities, and each time they have taken a pass, choosing instead to delay, postpone, and refuse to act.

Enough is enough. It is time to stop wasting taxpayer's dollars on an agency that runs roughshod over the will of the Congress, the Supreme Court, the American people, and the Constitution. We've fought too long and too hard to sit back and allow this worthless agency to undermine the law.

So, here is the bottom line: if the FEC won't do its job, and its commissioners have proven time and time again that they won't, then we'll do it for them. The bill Senator FEINGOLD and I introduce today will put an end to the abusive, illegal practices of these 527s. And we will fight beginning next year to replace this rogue agency with a real enforcement agency.

I urge my colleagues to support swift passage of these bills and put an end to this problem once and for all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''527 Reform Act of 2004''.

SEC. 2. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)(A)) is amended to read as follows:

''(A) any committee, club, association, or other group of persons that—

''(i) during one calendar year, receives contributions aggregating in excess of $1,000 or makes expenditures aggregating in excess of $1,000; and

''(ii) has as its major purpose the nomination or election of one or more candidates;''.

(b) DEFINITION OF MAJOR PURPOSE FOR SECTION 527 ORGANIZATIONS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SEC. 325. DEFINITIONS AND RULES FOR DETERMINING ORGANIZATIONS AND DISBURSEMENTS INFLUENCING FEDERAL ELECTIONS.

''(a) MAJOR PURPOSE OF SECTION 527 ORGANIZATIONS.—For purposes of section 301(4)(A)—

''(1) IN GENERAL.—A committee, club, association, or group of persons that—

''(A) is an organization described in section 527 of the Internal Revenue Code of 1986, and

''(B) is not described in paragraph (2),

has as its major purpose the nomination or election of one or more candidates.

''(2) EXCEPTED ORGANIZATIONS.—Subject to paragraph (3), a committee, club, association, or other group of persons described in this paragraph is—

''(A) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986, or

''(B) any other organization which is one of the following:

''(i) A committee, club, association, or other group of persons whose election or nomination activities relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(ii) A committee, club, association, or other group of persons that is organized, operated, and makes disbursements exclusively for one or more of the following purposes:

''(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

''(II) Influencing one or more State or local ballot initiatives, State or local referenda, State or local constitutional amendments, State or local bond issues, or other State or local ballot issues.

''(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

''(IV) Paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code.

''(3) SECTION 527 ORGANIZATIONS MAKING CERTAIN DISBURSEMENTS.—A committee, club, association, or other group of persons described in paragraph (2)(B) shall not be considered to be described in such paragraph for purposes of paragraph (1)(B) if it makes disbursements for a public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the period beginning on the first day of the calendar year preceding the calendar year in which the general election for the office sought by the clearly identified candidate occurs and ending on the date of the general election.''.

SEC. 3. CERTAIN EXPENSES BY MAJOR PURPOSE ORGANIZATIONS TREATED AS EXPENDITURES.

(a) IN GENERAL.—Section 301(9)(A)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)(i)) is amended by inserting '', including any amount described in section 325(b)'' after ''office''.

(b) APPLICABLE COMMUNICATIONS.—Section 325 of the Federal Election Campaign Act of 1971 (as added by section 2(b)) is amended by adding at the end the following new subsection:

''(b) CERTAIN EXPENDITURES FOR MAJOR PURPOSE ORGANIZATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value for—

''(A) a public communication that refers to a clearly identified candidate for Federal office or to a political party (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes, supports, attacks, or opposes a candidate for that office or a political party (regardless of whether the communication expressly advocates a vote for or against a candidate), or

''(B) voter registration activity, voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot),

shall be an expenditure under section 301(9)(A)(i) if made by, or on behalf of, a political committee (as defined in section 301(4)) or a committee, club, association, or other group of persons for which the nomination or election of one or more candidates is its major purpose.

''(2) EXCEPTION.—Any funds used for purposes described in paragraph (1) that, in accordance with allocation rules set forth in section 325(c), are disbursed from a non-Federal account shall not be treated as expenditures.''.

SEC. 4. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

Section 325 of the Federal Election Campaign Act of 1971 (as added by section 2(b) and amended by section 3) is amended by adding at the end the following:

''(c) ALLOCATION AND FUNDING RULES FOR EXPENSES OF SEPARATE SEGREGATED FUNDS AND NONCONNECTED COMMITTEES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.—

''(1) IN GENERAL.—In the case of any disbursements by any separate segregated fund or nonconnected committee for which allocation rules are provided under paragraph (2)—

''(A) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this subsection and regulations prescribed by the Commission, and

''(B) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

''(2) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—Disbursements by any separate segregated fund or nonconnected committee in connection with Federal and non-Federal elections for any of the following categories of activity shall be allocated as follows:

''(A) At least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

''(B) At least 50 percent of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization.

''(C) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account.

''(D) 100 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account.

''(E) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this subparagraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(F) At least 50 percent of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly defined non-Federal candidates, without regard to whether the communication refers to a political party, shall be paid with funds from a Federal account.

''(3) QUALIFIED NON-FEDERAL ACCOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified non-Federal account' means an account which consists solely of amounts—

''(i) that, subject to the limitations of subparagraphs (B) and (C), are raised by the separate segregated fund or nonconnected committee only from individuals, and

''(ii) with respect to which all other requirements of Federal, State, or local law are met.

''(B) LIMITATION ON INDIVIDUAL DONATIONS.—

''(i) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

''(ii) AFFILIATION.—For purposes of this subparagraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

''(C) FUNDRAISING LIMITATION.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

''(4) VOTER DRIVE ACTIVITY AND FEDERAL ACCOUNT DEFINED.—For purposes of this subsection—

''(A) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

''(i) Voter registration activity.

''(ii) Voter identification.

''(iii) Get-out-the-vote activity.

''(iv) Generic campaign activity.

''(B) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists

solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.''.

SEC. 5. CONSTRUCTION.

No provision of this Act, or amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission, or

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 2005.

Mr. FEINGOLD. Mr. President, I am pleased to once again be working with my partner in reform, the Senator from Arizona, Senator MCCAIN, and also with the Senator from Connecticut, Senator LIEBERMAN, who was so instrumental in getting the 527 disclosure bill passed in 2000. We are introducing today the 527 Reform Act of 2004. This bill will do what the FEC could and should do under current law, but, once again, has failed to do.

It sometimes seems like our mission in life is to clean up the mess that the FEC has made. We had to do that with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late '70s and expanded in the '90s. We are doing it again with the regulations that the FEC put in place after BCRA passed. Just this past weekend an extraordinary court decision came down that threw out 15 of the 19 FEC regulations challenged by Representatives SHAYS and MEEHAN in a lawsuit under the Administrative Procedures Act. That decision was an extraordinary rebuke to a Federal agency.

And now we are here to introduce a bill that will make absolutely clear that the Federal election laws apply to 527 organizations. Let me emphasize one thing. We believe that current Federal election law requires these groups to register as political committees and stop raising and spending soft money. But the FEC has failed to enforce the law, saying it is too complicated or that it is too late in the election cycle to take action. Those excuses are unacceptable, so we must act in the Congress.

This bill will require all 527s to register as political committees unless they fall into a number of narrow exceptions. The exceptions are basically for groups that Congress exempted from disclosure requirements because they are so small or for groups that are involved exclusively in State election activity.

Once a group registers as a political committee, certain activities such as ads that mention only Federal candidates will have to be paid for solely with hard money. But the FEC permits Federal political committees to maintain a non-Federal account to pay a portion of the expenses of activities that affect both Federal and non-Federal elections. Our bill sets new allocation rules that will make sure that these allocable activities are paid for with at least 50 percent hard money.

Finally, the bill makes an important change with respect to the non-Federal portion of the allocable activities. We put a limit of $25,000 per year on the contributions that can be accepted for that non-Federal account. And we prohibit corporate or union funds from being given to those non-Federal accounts. So no more will million dollar soft money contributions be used to pay for get-out-the-vote efforts in the Presidential campaign.

Nothing in this bill will affect 501(c) advocacy groups. The bill only applies to groups that claim a tax exemption under section 527. And it would be effective in the next election cycle, not this one.

The soft money loophole was opened by FEC rulings in the late '70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign. When we passed BCRA, I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we have been doing for the past 2 years, and what are again doing today.

I have no doubt that if we don't act on this 527 problem now, we will see the problem explode into scandals over the next few election cycles. This time we're not going to wait.

I ask unanimous consent that the text of our bill and a section-by-section analysis be printed in the RECORD.

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

527 REFORM ACT OF 2004 SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The bill may be cited as the ''527 Reform Act of 2004.''

Section 2. Treatment of Section 527 Organizations. This section revises the definition of ''political committee'' in the Federal Election Campaign Act (''FECA'') to add the requirement that an organization ''has as its major purpose the nomination or election of one or more candidates.'' This language is taken from the Supreme Court's decision in Buckley v. Valeo, which added this ''major purpose'' test to the existing statutory definition that a ''political committee'' is a group that raises or spends $1,000 or more in a year in contributions or expenditures to influence federal elections. The ''major purpose'' test has not previously been codified.

This section also provides that 527 organizations have the ''major purpose'' of nominating or electing candidates, and thus satisfy that portion of the test for political committee status, unless they meet one of the following exceptions:

(1) has annual receipts of less than $25,000;

(2) is the campaign committee of a non-Federal candidate;

(3) is a state or local party committee;

(4) is devoted exclusively to election activities relating to an election where no candidate for federal office appears on the ballot;

(5) raises and spends money exclusively for the selection, nomination, election or appointment of non-Federal candidates;

(6) raises and spends money exclusively to influence state or local ballot initiatives, referenda, constitutional amendments, bond issues, or other ballot measures;

(7) raises and spends money exclusively to influence the selection, appointment, nomination, or confirmation of individuals to non-elected offices.

An organization that makes a disbursement for a public communication that promotes, supports, attacks or opposes a clearly identified candidate for Federal office during the two-year election cycle of that candidate cannot qualify for exceptions (2)–(7) above.

Section 3. Certain Expenses by Major Purpose Organizations Treated as Expenditures. This section supplements the definition of ''expenditure'' for any organization whose ''major purpose'' is the nomination or election of one or more candidates. (This goes to the other portion of the test for ''political committee'' status: whether a group with a ''major purpose'' to influence federal elections spends $1,000 in ''expenditures'' in a year.)

Payments for the following activities by ''major purpose'' organizations, which under Section 2 include 527 organizations involved in Federal elections, will be considered expenditures:

(1) public communications that promote, support, attack, or oppose a clearly identified Federal candidate or a political party;

(2) voter registration activity, voter identification, get-out the vote activity, or generic campaign activity conducted in connection with an election where a Federal candidate appears on the ballot.

Section 4. Rules for Allocation of Expenses Between Federal and Non-Federal Candidates. This section provides allocation rules for political committees (other than candidate committees or political party committees) that engage in both Federal and non-Federal election activities. If a political committee engages in activities that mention a clearly identified Federal candidate or candidates, or a political party generally, it must fund at least 50% of those activities from a Federal account that contains only hard money, even if such activities also mention, or are for the benefit of, non-Federal candidates. The other portion may be funded from a ''qualified non-Federal account.'' An activity that mentions both Federal candidates and a political party generally must be paid for entirely with hard money. These allocation rules apply to administrative expenses, the costs of fundraising programs or events, public communications, and voter drive activities, which are defined in this section as voter registration, voter identification, get out the vote, and generic campaign activities.

The section also provides that contributions to ''qualified non-Federal accounts'' used to pay the non-Federal portion of expenses that are allocated under this section must come only from individuals and may not exceed $25,000 per donor per year. ($25,000 per year is the same contribution limit that applies to contributions by individuals to national party committees.) Individuals can contribute $5,000 per donor per year to the Federal account of political committees.

Section 5. Construction. This section provides that the 527 Reform Act shall not be construed as approving, ratifying, or endorsing any regulation issued by the FEC. It therefore will have no effect on pending litigation concerning regulations issued by the FEC to implement the Bipartisan Campaign Reform Act of 2002. The Act also shall not be construed to establish, modify, or otherwise affect the definition of political organization for purposes of the Internal Revenue Code.

Section 6. Effective Date. The amendments made by the 527 Reform Act shall take effect

on January 1, 2005. They will have no effect on the 2004 elections.

Mr. LIEBERMAN. Mr. President, I rise today as a cosponsor of the legislative efforts of my friends and colleagues Senators MCCAIN and FEINGOLD to close the ''527'' loophole that threatens the health of our Federal elections by allowing unlimited amounts of soft money to dictate the terms of debate in defiance of the letter and spirit of the McCain-Feingold Bipartisan Campaign Reform Act.

These 527 groups have become nothing more than multi-million dollar megaphones advocating the special interests of wealthy individuals and groups. And it will only get worse in years to come.

527 groups have been growing since the mid-1990s thanks to loopholes resulting in part from puzzling decisions by the Internal Revenue Service and the Federal Election Commission.

The 527 groups would get tax-exempt status from the IRS by claiming they existed to influence elections. But then they would avoid election disclosure laws by denying to the Federal Election Commission they were trying to influence elections because they did not use the magic words like ''vote for'' or ''vote against.''

The result was a tax exemption for groups influencing Federal campaigns, but a lack of disclosure so voters did not know who the groups were, who they gave their money to and where they got their money from.

Congress partially closed this loophole in June 2000, by passing the first significant campaign finance reform measure in a quarter century. This legislation was passed out of the Government Affairs Committee, of which I was chairman at the time, and signed into law later that year by President Clinton.

The new law required 527 groups to give notice of their intent to claim tax-exempt status; to disclose information about their large contributors and expenditures; and to file annual informational returns along the lines of those filed by virtually all other tax-exempt organizations.

But this only partially closed this loophole. Despite the McCain-Feingold campaign finance reforms, 527s can still raise unlimited amounts of cash from just a few wealthy individuals or groups whose interests and motivations are likely unknown to the American public. The Federal Election Commission could have closed this loophole but has failed to act despite massive evidence that 527s are skirting Federal election law.

This is both an end-run around our campaign finance laws as well as a direct assault on our democracy. Elections should be determined by millions of individual voters who cast their ballots uninfluenced by the millions of dollars of advertising paid for a by a few individuals or groups with special interests.

Reform of the 527 loophole does not mean silencing these groups or taking away their right to put their message on the air. All this reform would require from 527s is to follow the same rules as other political advocacy groups when it comes to raising and spending money on federal elections. The money must come from individuals in amounts no larger than $5,000, with no contributions from corporations or unions allowed.

If the 527 groups' support is as widespread as they claim, they will have no problem getting their message out.

We started the job in 2000. We knew it was not enough. Now it's time to finish the job and get unlimited soft money out of the system.

The voices of millions of average Americans should not be reduced to a whisper because they can't afford the price of the pulpit.

And the voices of a few should not shout like thunder because they have the money to command the air waves.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 2829. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, and supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise today to introduce the Samaritan Initiative Act of 2004, and I am pleased to have Senator DOLE join me in this effort. The Samaritan Initiative would mark the beginning of a new, collaborative approach in the Federal effort to end chronic homelessness.

The Initiative would create a groundbreaking joint effort between the Department of Housing and Urban Development, the Department of Health and Human Resources, and the Department of Veterans Affairs. Each department would contribute money to a joint fund and would coordinate in the effort to end chronic homelessness. This coordinated approach will streamline the grants application process and will ensure consistent standards. It will also ensure that each department continues to provide its own particular expertise. I am hopeful that other Federal agencies will join in the effort as well.

Homeless individuals often have needs far beyond simple shelter; they may need assistance with healthcare, substance abuse, mental illness, job training, or other basics of life. Providing shelter without any supportive services may fail to address some of the underlying problems that can cause an individual to become, and remain, homeless.

By addressing the comprehensive needs of homeless individuals, the Samaritan Initiative will help reduce incidents of chronic homelessness. According to the Interagency Council on Homelessness, this 10 percent of the homeless population consumes more than half of the resources. The Samaritan Initiative will help provide the flexible resources necessary to move chronically homeless individuals into stable, permanent, supportive housing, which will in turn free up other resources.

For many years now I have been a strong advocate for the Government Performance and Results Act, which requires a focus on outcomes through clear, measurable goals. I am pleased to say that the Samaritan Initiative embodies this outcome-based focus and requires visible, measurable, quantifiable performance outcomes in reducing and ending homelessness. A focus on outcomes, rather than case management or process, also allows for new, innovative solutions to chronic homelessness. This will ensure that taxpayer dollars are spent in a responsible, effective manner.

I am proud to say that the Samaritan Initiative is supported by The U.S. Conference of Mayors, The National Association of Counties, The National League of Cities, The Enterprise Foundation, The National Alliance for the Mentally Ill, the National AIDS Housing Coalition, The National Alliance to End Homelessness, The Corporation for Supportive Housing, the Association for Service Disabled Veterans, the National Coalition for Homeless Veterans, and many other groups. I look forward to working with them, along with my colleagues in the Senate, to end chronic homelessness in America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Samaritan Initiative Act of 2004''.

SEC. 2. SAMARITAN INITIATIVE.

Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11136 et seq.) is amended by adding at the end the following:

''Subtitle H—Samaritan Initiative

''SEC. 495. PURPOSE.

''The purpose of this subtitle is to authorize competitive grants for coordinated comprehensive housing, treatment, and support services to chronically homeless persons—

''(1) to reduce the prevalence of chronic homelessness;

''(2) to support promising strategies to move chronically homeless persons in urban and rural communities from the streets to safe, permanent housing;

''(3) to provide for integrated systems of services to improve the effectiveness of programs serving chronically homeless persons;

''(4) to promote self-sufficiency and recovery among chronically homeless persons; and

''(5) to encourage programs serving chronically homeless persons to promote access to Federal, State, and local non-homeless specific programs of assistance for which such persons are eligible.

''SEC. 495A. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) CHRONICALLY HOMELESS PERSON.—The term 'chronically homeless person' means an unaccompanied individual with a disabling condition who—

''(A) has been sleeping in 1 or more places not meant for human habitation, or in 1 or more emergency homeless shelters, for longer than 1 year; or

''(B) has had 4 or more periods of homelessness that, in total, have lasted more than 3 years.

''(2) DISABLING CONDITION.—The term 'disabling condition' means a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of 2 or more of such conditions, that limits the ability of an individual to work or perform one or more activities of daily living.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, unit of general local government, public housing agency, local workforce investment board, or private nonprofit organization, including a faith-based or community-based organization.

''(4) ELIGIBLE VETERAN.—The term 'eligible veteran' means a person who served in the active United States military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

''(5) HOMELESS MANAGEMENT INFORMATION SYSTEM.—The term 'homeless management information system' shall means a computerized data collection application maintained by an eligible entity, that—

''(A) enumerates the homeless population within the jurisdiction of the eligible entity and the number of homeless individuals that received services from the eligible entity; and

''(B) compiles information on the characteristics and service needs of homeless individuals.

''(6) HOMELESSNESS.—The term 'homelessness' means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

''(7) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The term 'interagency implementation and monitoring team' means the interagency implementation and monitoring team established under section 495B(d).

''(8) PARTICIPATING FEDERAL AGENCY.—The term 'participating Federal agency' means the Departments of Housing and Urban Development, Health and Human Services, and Veterans Affairs, or any other Federal agency that may receive appropriations for purposes of participating under the provisions of this subtitle.

''(9) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means a private organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board; and

''(C) that has an accounting system or a designated fiscal agent in accordance with requirements established by the participating Federal agencies.

''(10) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the same meaning as in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).

''(11) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the State with regard to provisions of this subtitle.

''(12) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means—

''(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State; and

''(B) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this subtitle.

''SEC. 495B. GRANT AUTHORITY AND ADMINISTRATION.

''(a) IN GENERAL.—The participating Federal agencies shall enter into a cooperative agreement to make and administer competitive grants to eligible entities, including faith-based and community-based organizations, in accordance with the provisions of this subtitle for the purpose of providing treatment and support services that are coordinated with the provision of housing for chronically homeless persons.

''(b) DELEGATIONS.—No provision of this subtitle shall limit the ability of the participating Federal agencies to delegate, assign, or share administrative responsibilities as the participating Federal agencies may determine to be necessary or appropriate.

''(c) COORDINATION AMONG PARTICIPATING FEDERAL AGENCIES.—The Secretary of Housing and Urban Development shall coordinate with the participating Federal agencies to implement and administer the grant program established under this subtitle.

''(d) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The participating Federal agencies shall establish an interagency implementation and monitoring team to review and conduct oversight of the award of grants, and the use of grant funds awarded under this subtitle. Each participating Federal agency shall appoint appropriate designees to serve on the interagency implementation and monitoring team.

''(e) COORDINATION REQUIREMENTS.—

''(1) IN GENERAL.—In carrying out this subtitle, the interagency implementation and monitoring team shall, as appropriate and to the extent feasible, establish uniform or coordinated requirements, standards, procedures, and timetables with respect to—

''(A) application procedures and grant requirements, including those providing for—

''(i) a single consolidated application form; and

''(ii) a single timetable, location, and procedure for filing of a consolidated application;

''(B) criteria for the award of grants;

''(C) a coordinated process for review and the approval or denial of the consolidated application;

''(D) the establishment of performance standards and measures of performance outcomes, including—

''(i) the requirement that the Secretary of Housing and Urban Development attempt to quantify the reduction in chronic homelessness; and

''(ii) the requirement that, where applicable, the grantees utilize a homeless management information system;

''(E) oversight, including monitoring, audits, and evaluations of grantees, and requirements for annual reports by grantees; and

''(F) such other factors that the interagency implementation and monitoring team determines are necessary or appropriate.

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The interagency implementation and monitoring team shall establish such performance standards, performance measures, and annual reporting requirements, and make such performance reviews and audits as may be necessary or appropriate—

''(i) to determine whether a grantee has carried out its activities in a timely manner and in accordance with the applicable requirements of this subtitle;

''(ii) to assess the effectiveness of a grantee in accomplishing the objectives of this subtitle; and

''(iii) for other purposes as the interagency implementation and monitoring team determines significant with respect to the performance assessment of a grantee.

''(B) PROVISION OF SUPPORT AND STAFF.—The Secretary of Veterans Affairs may provide program monitoring and evaluation services and staff to participating Federal agencies. In such cases, participating Federal agencies may reimburse the Department of Veterans Affairs for the cost of such staff and services.

''(f) PROVISIONS AND REQUIREMENTS APPLICABLE TO GRANTS UNDER THIS SUBTITLE.—

''(1) IN GENERAL.—A grantee under this subtitle shall establish and operate a system of assistance to chronically homeless persons that identifies such persons and provides them access to affordable permanent housing that is coordinated with appropriate treatment and support.

''(2) REQUIRED GRANTEE ACTIVITIES.—A grantee under this subtitle shall carry out, directly or through arrangements with a network of other entities, activities relating to the housing, treatment, and support of homeless persons, which may include the following:

''(A) HOUSING ACTIVITIES.—Eligible activities specified in section 495C(a) that ensure the placement of chronically homeless persons in safe, affordable, permanent housing.

''(B) TREATMENT AND SUPPORT ACTIVITIES.—Eligible activities specified in section 495D(a) to address the multiple physical health, mental health, and substance abuse treatment needs of chronically homeless persons who are eligible for or residents in housing under section 495C(a).

''(C) SERVICE COORDINATION.—Activities, including those coordinated with local planning bodies, that promote the access of eligible chronically homeless persons to a range of services that contribute to self-sufficiency, recovery, employment, stability in housing, and access to health care.

''(D) ADMINISTRATION.—Administrative and planning activities, including the development and implementation of comprehensive plans for housing and services at the grantee level with costs not to exceed 6 percent of total costs of carrying out the program under this subtitle.

''(E) OTHER SERVICES.—Such services and activities as the participating Federal agencies may find necessary and appropriate.

''(3) CRITERIA FOR GRANT AWARD.—In awarding grants under this subtitle, the participating Federal agencies shall consider—

''(A) the extent to which the applicant demonstrates an understanding of the unique characteristics of chronically homeless persons;

''(B) the adequacy of the approach of the applicant in addressing the needs of the chronically homeless;

''(C) the capacity of the applicant to carry out and sustain required activities;

''(D) where services are to be provided through a network of entities, the adequacy of the qualifications of such entities, and the

stated willingness of such entities, to collaborate and participate in carrying out proposed activities;

''(E) the extent to which the applicant has been involved in Federal, State, or local non-homeless specific programs of assistance that could provide additional assistance to eligible chronically homeless persons;

''(F) the commitment and the demonstrated ability of the applicant to achieve the reduction in the number of chronically homeless persons; and

''(G) such additional factors as the participating Federal agencies may determine significant or necessary with respect to the potential success of the applicant in carrying out the purposes of this subtitle.

''(4) INITIAL TERM OF GRANT.—Notwithstanding any other provision of law, each grant awarded under this section shall be for an initial term of 3 years.

''(5) GRANT RENEWAL.—Upon the expiration of a grant under this section, the participating Federal agencies may award, on a competitive basis, a renewal grant under this subtitle for an additional 3-year term, subject to the continued qualification of the grantee for the grant as determined by the participating Federal agencies. The amount of a renewal grant under this paragraph may be up to 50 percent of the cost of the activities to be carried out by the grantee.

''(6) FEDERAL MATCHING.—

''(A) IN GENERAL.—A grant under this subtitle shall be available to pay the Federal share of the costs incurred by the grantee for activities under this subtitle.

''(B) FEDERAL SHARE.—For purposes of subparagraph (A), the Federal share shall be—

''(i) 75 percent of the cost of the program for the first year of the grant;

''(ii) 75 percent for the second year of the grant; and

''(iii) 50 percent for each succeeding year, including each year of a renewal grant term under paragraph (5).

''(C) NON-FEDERAL SHARE.—The non-Federal share of costs incurred by the grantee may be in cash or in-kind, as appropriate.

''(7) GEOGRAPHIC DISTRIBUTION.—The participating Federal agencies shall ensure that consideration is given to geographic distribution (such as urban and rural areas) in the awarding of grants under subsection (a).

''(8) DISCLOSURE.—Section 12(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3537a(a)) shall not apply to this subtitle.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2005.—There are authorized to be appropriated to carry out this subtitle $70,000,000 for fiscal year 2005, of which—

''(A) $50,000,000 is authorized to be appropriated to the Department of Housing and Urban Development;

''(B) $10,000,000 is authorized to be appropriated to the Department of Health and Human Services; and

''(C) Not more than $10,000,000 is authorized from the amounts to be appropriated to the Department of Veterans Affairs for treatment of homeless veterans under medical care to carry out section 495D.

''(2) FISCAL YEARS 2006, 2007, AND 2008.—There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of fiscal years 2006, 2007, and 2008.

''(h) AUTHORITY TO CONSOLIDATE FUNDS.—

''(1) IN GENERAL.—For purposes of carrying out this subtitle, and in accordance with the agreement under subsection (a), the participating Federal agencies are authorized to transfer to the Secretary of Housing and Urban Development funds appropriated for use under this subtitle, and the Secretary of Housing and Urban Development may receive such funds.

''(2) RULE OF CONSTRUCTION.—Notwithstanding subsection (g), in the event that funds are not appropriated for use in accordance with this subtitle to one or more participating Federal agencies in any fiscal year, paragraph (1) shall not be construed to require a participating Federal agency that has been provided with budget authority pursuant to subsection (g) in a fiscal year to use such budget authority to fund grants for activities that are not in accordance with the primary mission of such participating Federal agency.

''(i) TECHNICAL ASSISTANCE AND SUPPORT.—In addition to funds otherwise provided for agency administrative costs, not more than 2 percent of amounts appropriated for the activities under this subtitle may be used by the participating Federal agencies for administrative costs, including costs associated with—

''(1) providing technical assistance to applicants and grantees; and

''(2) providing support and assistance in selecting and assessing projects to carry out this subtitle, including any preparation necessary for such selection and assessment.

''SEC. 495C. HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Subject to section 495B, a grant under this subtitle shall be used for activities in support of permanent housing for chronically homeless persons, including the following:

''(1) PROVISION OF HOUSING.—

''(A) ACQUISITION.—The acquisition of occupancy-ready real property.

''(B) REHABILITATION.—The minor rehabilitation of real property for housing.

''(C) OPERATING COSTS.—The costs of operating a housing project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings.

''(D) LEASING.—Leasing of an existing structure or structures, or portions thereof to provide housing.

''(E) HOUSING COUNSELING.—The costs of counseling and advice services with respect to property maintenance, financial management, and other such matters as may be appropriate to assist chronically homeless persons in obtaining housing.

''(2) RENTAL ASSISTANCE.—Project-based or tenant-based rental assistance for chronically homeless persons, which assistance shall be provided to the extent practicable, and administered in the manner provided under the rules and regulations governing the provision of assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(3) OTHER ACTIVITIES.—Such other activities as the Secretary of Housing and Urban Development determines to be appropriate.

''(b) PROGRAM REQUIREMENTS FOR HOUSING ACTIVITIES.—

''(1) REQUIREMENTS CONCERNING REAL PROPERTY.—

''(A) USE RESTRICTION.—Each grantee under this subtitle shall ensure that permanent housing for chronically homeless persons that are acquired or rehabilitated with grant amounts under this subtitle is used for such persons for not less than 10 years.

''(B) HOUSING QUALITY.—Each grantee under this subtitle shall ensure that housing assisted with grant amounts provided under this subtitle is decent, safe, and sanitary, and complies with all applicable State and local housing codes, building codes, and licensing requirements in the jurisdiction in which the housing is located.

''(C) PREVENTION OF UNDUE BENEFIT.—Subject to section 495B(e), the Secretary of Housing and Urban Development may prescribe such terms and conditions as the Secretary considers necessary to prevent grantees from unduly benefiting from the sale or other disposition of projects, other than a sale or other disposition resulting in the use of a project for the direct benefit of chronically homeless persons.

''(2) HOMELESS MANAGEMENT INFORMATION SYSTEM.—Each grantee shall be required to provide such information to the appropriate administrator of the local homeless management information system, as is necessary for the implementation and operation of homeless management information systems.

''SEC. 495D. TREATMENT AND SUPPORT SERVICES.

''Subject to section 495B, a grant under this subtitle shall be used to provide treatment and support services, which may include the following:

''(1) PRIMARY HEALTH SERVICES.—Primary health services, including the following:

''(A) PHYSICIAN AND OTHER SERVICES.—Health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and where appropriate, physicians' assistants, nurse practitioners, or nurse midwives.

''(B) DIAGNOSTIC SERVICES.—Diagnostic laboratory and radiological services.

''(C) PREVENTIVE SERVICES.—Preventive health services.

''(D) EMERGENCY SERVICES.—Emergency medical services.

''(E) ACCESS TO PHARMACEUTICAL SERVICES.—Access to pharmaceutical services.

''(2) ALCOHOL AND DRUG ABUSE SERVICES.—Services or activities designed to prevent, deter, reduce, or eliminate substance abuse or addictive behaviors, including a comprehensive range of personal and family counseling methods, early interventions, methadone treatment for opiate abusers, or detoxification for alcohol and other drug abusers, and treatment services such as intake and assessment, behavioral therapy and counseling, clinical and case management, pharmacotherapies, and self-help and peer support activities.

''(3) MENTAL HEALTH AND COUNSELING SERVICES.—Mental health and counseling services, including services and activities that apply therapeutic processes to personal, family, or situational problems in order to bring about a positive resolution of the problem or improved individual functioning or circumstances, including crisis interventions, individual supportive therapy, and prescription of psychotropic medications or explanations about the use and management of medications.

''(4) OUTREACH AND ENGAGEMENT.—Outreach services including extending services or help to homeless persons to develop a relationship of trust and engage such persons into appropriate service programs.

''(5) INFORMATION AND REFERRAL.—Services or activities designed to provide information about services and assistance provided through public and private programs, including Federal, State and local non-homeless targeted programs that provide or financially support the provision of medical, social, educational, or other related services, and a brief assessment of client needs to facilitate appropriate referrals.

''(6) CASE MANAGEMENT.—Case management services and activities, including the arrangement, coordination, monitoring, and delivery of services to meet the needs of individuals who are homeless, including individual service plan development, counseling, monitoring, securing and coordinating services.

''(7) OTHER SERVICES.—Such other services as the Secretary of Health and Human Services determines appropriate.

"SEC. 495E. VETERANS' BENEFITS.

"Subject to section 495B, the Secretary of Veterans Affairs is authorized to provide eligible veterans with case management services.

"SEC. 495F. AUTHORITY OF OTHER FEDERAL AGENCIES TO PARTICIPATE UNDER THIS SUBTITLE.

"Federal agencies other than the participating Federal agencies may participate in the grant program established under this subtitle to the extent that funds are appropriated for such purpose to each agency.".

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. HATCH, and Mr. THOMAS):

S. 2831. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to speak about the need to clarify the legal status of employee benefit plans offered by Indian tribal governments.

In the past, the pension and welfare benefit plans of Indian tribal governments enjoyed the same status as granted to state and local governments. However, in recent years, a legal cloud has developed over the status of these plans. Confusion has arisen regarding whether or not the existing definition of a governmental plan includes plans sponsored by Indian tribal governments. In part, this has been a result of the Internal Revenue Service's lack of guidance to tribal governments on this issue; the inconsistent practice of granting governmental plan status to plans sponsored by Indian tribal governments; and finally a January "no ruling" position by the Internal Revenue Service that places many plans in the status of operating without a current determination letter recognizing the legality of their plan. As a result, many tribal governments have limited their offering of such welfare and retirement benefits to employees.

Today, I am introducing legislation—the Government Pensions Equalization Act—to remove this legal uncertainty by amending the definition of a governmental plan to explicitly include plans offered by Indian tribal governments. Indian tribes, like all employers, require legal certainty regarding the status of their employee benefit under the Internal Revenue Code and ERISA. Moreover, Indian tribes should be afforded the same sovereignty status given state and local governments.

Governmental plans are relieved from many of the requirements governing the operation of tax qualified pension and welfare benefit plans. There are several reasons for this relief. Governments exist for the benefit of their citizens and are not subject to the profit and loss pressures affecting the private sector. Governments offer redress for grievances under their own judicial systems. Elected officials who are responsible for government benefit programs are directly accountable to their constituents via the ballot box. Governments often offer more generous benefit plans for key officers, such as judges, legislators, and key executive personnel as a means to gain the valuable services of these skilled individuals. They also offer special pensions for public safety officers who can retire at a relatively young age and short period of service. This flexibility is impossible without the special relief provided governmental plans.

Indian tribal governments meet all the special protections, conditions, and needs I have described. This legislation clarifies once and for all that they should be afforded the same treatment as their state and local government counterparts.

Passage of this legislation is an important step in the fight to protect the sovereignty of Indian country and to foster the ability of tribal governments to provide retirement security to their employees and nation. I look forward to President Bush signing this legislation into law. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed ion the RECORD, as follows:

S. 2831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Governmental Pension Plan Equalization Act of 2004".

SEC. 2. CLARIFICATION OF "GOVERNMENTAL PLAN" DEFINITIONS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 414(d) of the Internal Revenue Code of 1986 (definition of governmental plan) is amended by adding at the end thereof the following new sentence: "The term 'governmental plan' also includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40)), a subdivision of an Indian tribal government (determined in accordance with section 7871(d)), an agency or instrumentality of an Indian tribal government or a subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.".

(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 3(32)of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)) is amended by adding at the end the following new sentence: "The term 'governmental plan' also includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.".

SEC. 3. EXTENSION TO ALL GOVERNMENTAL PLANS OF CURRENT MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) of the Internal Revenue Code of 1986 are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) of such Code and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 401(a)(5)(G) of such Code is amended to read as follows:

"(G) GOVERNMENTAL PLANS.—".

(2) The heading for section 401(a)(26)(H) of such Code is amended to read as follows:

"(H) EXCEPTION FOR GOVERNMENTAL PLANS.—".

(3) Section 401(k)(3)(G) of such Code is amended by inserting "GOVERNMENTAL PLAN.—" after "(G)".

SEC. 4. CLARIFICATION THAT TRIBAL GOVERNMENTS ARE SUBJECT TO THE SAME DEFINED BENEFIT PLAN RULES AND REGULATIONS APPLIED TO STATE AND OTHER LOCAL GOVERNMENTS, THEIR POLICE AND FIREFIGHTERS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) POLICE AND FIREFIGHTERS.—Subparagraph (H) section 415(b)(2) of the Internal Revenue Code of 1986 (defining participant) is amended—

(A) in clause (i) by inserting ", Indian tribal government (as defined in section 7701(a)(40)),'' after "State", and

(B) in clause (ii)(I) by inserting ", Indian tribal government," after "State" both places it appears.

(2) STATE AND LOCAL GOVERNMENT PLANS.—

(A) IN GENERAL.—Subparagraph (A) of section 415(b)(10) of such Code (relating to limitation to equal accrued benefit) is amended by inserting ", Indian tribal government (as defined in section 7701(a)(40)),'' after "State".

(B) CONFORMING AMENDMENT.—The heading for section 415(b)(10) of such Code is amended to read as follows:

"(10) SPECIAL RULE FOR STATE, INDIAN TRIBAL, AND LOCAL GOVERNMENT PLANS.—".

(3) GOVERNMENT PICK UP CONTRIBUTIONS.—Paragraph (2) of section 414(h) of such Code (relating to designation by units of government) is amended by inserting ", Indian tribal government (as defined in section 7701(a)(40)),'' after "State".

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 4021(b)of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321(b)) is amended—

(1) in paragraph (12), by striking "or" at the end;

(2) in paragraph (13), by striking "plan." and inserting "plan; or"; and

(3) by adding at the end the following new paragraph:

"(14) established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to years beginning before, on, or after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT SOCIAL SECURITY PRIVATIZATION PROPOSALS, INCLUDING THOSE THAT REQUIRE DEEP CUTS IN SOCIAL SECURITY BENEFITS, SUCH AS THE PROPOSALS OF PRESIDENT BUSH'S SOCIAL SECURITY COMMISSION

Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DURBIN, and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 432

Whereas Social Security is based on a promise to the American people: if you work hard and contribute to Social Security, you will be able to retire and live in dignity;

Whereas Social Security is the primary source of income for two-thirds of American seniors;

Whereas Social Security benefits for retired workers average only about $900 per month;

Whereas $900 per month is insufficient to maintain a decent standard of living in many parts of the United States, especially for seniors with relatively high health care costs;

Whereas in 2001, President George W. Bush created the President's Commission to Strengthen Social Security (referred to in this resolution as the ''Bush Social Security Commission''), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security;

Whereas the Bush Social Security Commission produced Social Security privatization proposals that required deep cuts in Social Security benefits;

Whereas the Bush Social Security Commission's proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent;

Whereas under the Bush Social Security Commission's proposal, the cuts in Social Security benefits would apply to all seniors, not just those seniors who choose to participate in privatized accounts;

Whereas the cuts in Social Security benefits could be even deeper if individuals do shift funds to privatized accounts;

Whereas privatization advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent;

Whereas in order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as $4,700,000,000,000 in Federal debt (in today's dollars) by 2041;

Whereas in response to the Bush Social Security Commission's report, 50 members of the Senate wrote to President Bush, urging him to reject the Commission's proposed cuts in Social Security benefits;

Whereas the President has not complied with the request of the Senators and instead has reiterated his intention to move toward the privatization of Social Security; and

Whereas the deep cuts in Social Security benefits proposed by the Bush Social Security Commission could jeopardize the financial security of millions of Americans: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush's Social Security Commission.

Mr. CORZINE. Mr. President, today, along with Senator DASCHLE, Senator BAUCUS and Senator DURBIN, I am submitting a resolution that calls on the Congress to reject Social Security privatization plans, including those that require deep cuts in guaranteed benefits, such as the proposals by President Bush's Social Security Commission.

For nearly 70 years, Social Security has reflected the best of America's values. Social Security promises Americans that if you work hard, pay your taxes, and play by the rules, you will be able to retire and live in dignity.

Social Security benefits are far from lavish. The average retiree receives only about $900 a month. That doesn't go far in many parts of the country—certainly not in New Jersey. Unfortunately, even the benefits promised under current law are now at risk.

President Bush says he wants to move toward privatization. But what he does not say is that shifting funds from the Social Security Trust Fund into privatized accounts almost inevitably leads to deep cuts in guaranteed benefits.

To appreciate the depth of the cuts that flow from privatization, one need only consider the privatization plans developed by President Bush's own Social Security Commission. That commission included only proponents of privatization selected by President Bush, and it developed privatization plans that call for deep benefits cuts. According to the nonpartisan actuaries at the Social Security Administration, those cuts would exceed 25 percent for some current workers. In the future, seniors could face a 45 percent cut in benefits.

The President likes to argue that privatization is about choice. But there would be no choice about these cuts—they would harm every senior. In fact, those who chose to participate in privatized accounts would see their benefits cut even deeper.

That is why, in response to the Bush Commission's report, 50 members of the Senate wrote to President Bush, urging him to reject the Commission's proposed cuts in benefits. Unfortunately, we have yet to receive a response.

Privatization advocates try to justify cuts in Social Security by pointing to future projected shortfalls in the Trust Fund. But diverting payroll taxes from the Trust Fund only makes matters worse, and would substantially accelerate the date by which the Fund would become insolvent. That is why privatization almost inevitably leads to deep cuts in benefits.

It is critical that this issue be fully discussed now—before the election. So I will be looking for an opportunity to bring this resolution before the Senate before the end of the year. I hope we can kill this radical idea before it has a chance to get off the ground.

We must never accept any plan that takes the security out of Social Security.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held Wednesday, September 29, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2378, to provide for the conveyance of certain public land in Clark County, NV, for use as a heliport; S. 2410, to promote wildland firefighter safety; H.R. 1651, to provide for the exchange of land within the Sierra National Forest, CA, and for other purposes; H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, CA, that have been identified for disposal; H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; and Senate Resolution 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545, Frank Gladics at 202–224–2878, or Amy Miller at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2004, at 2 p.m., to conduct a hearing on ''Examination and

Oversight of the Condition and Regulation of the Insurance Industry.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m., on pending committee business.

AGENDA

1. S. 2541, NASA Authorization Act of 2004, Floyd DesChamps/Jean Toal Eisen;
2. S. 2393, A bill to improve transportation security, Robert Chamberlin/Chris Bertram/Sam Whitehorn/Gael Sullivan;
3. S. 1798, American Home Fire Safety Act, Ken Nahigian/David Strickland/Cathy McCullough;
4. S. , Public Safety Spectrum Proposal, Bill Bailey/James Assey/Rachel Welch;
5. S. 1963, Wireless 411 Privacy Safety Act, Bill Bailey/Paul Martino/James Assey/Rachel Welch;
6. S. 1380, Rural Universal Service Equity Act of 2003, Bill Bailey/James Assey/Rachel Welch;
7. S. 2145, The Spy Block Act, Paul Martino/James Assey/Rachel Welch;
8. S. 2647, National Ocean Policy and Leadership Act, Drew Minkiewicz/Margaret Spring;
9. S. 2489, Coastal and Ocean Mapping Integration Act, Drew Minkiewicz/Margaret Spring;
10. S. 480, Training for Realtime Writers Act of 2003, Bill Bailey/James Assey/Rachel Welch;
11. Nomination of Deborah P. Majoras, PN 1899, of Virginia, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough;
12. Nomination of Jon D. Leibowitz, PN 1898, of Maryland, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough; and
13. Nominations for Promotion in the U.S. Coast Guard, PNs 1953, 1919, 1918, 1917, 1876, 1856, Drew Minkiewicz/Virginia Pounds/Amy Fraenkel.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 22, 2004, at 2 p.m., to hold a nomination hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m. on ''A review of Counter-Terrorism Legislation and Proposals, including the USA Patriot Act and the SAFE Act'' in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: The Honorable Larry Craig, United States Senator, R–ID and The Honorable Richard Durbin, United States Senator, D–IL.

Panel II: The Honorable James Comey, Deputy Attorney General, United States Department of Justice, Washington, DC.

Panel III: The Honorable Bob Barr, R–GA, former Member, United States House of Representatives and Daniel Collins, Esq., Munger, Tolles & Olson, LLP, Los Angeles, CA.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 3:30 p.m. on ''Judiciary Nominations'' in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators.

Panel II: Christopher Boyko, to be United States District Judge for the Northern District of Ohio.

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

UNANIMOUS-CONSENT REQUEST—S. 2273

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, which is S. 2273, at a time to be determined by the majority leader, in consultation with the Democratic leader, but no later than Friday, October 1, and that the measure be considered under the following limitations: There be 30 minutes equally divided and controlled in the usual form for debate on the bill and the committee-reported amendments; that the only amendments in order other than the committee-reported amendment be a Reed-Sarbanes transit amendment, the text of which is S. 2453; that there be 1 hour for debate on the amendment; that the time be equally divided and controlled between the bill managers and the amendment sponsors or their designees; that upon the use or yielding back of the time on that amendment without further intervening action or debate the Senate proceed to a vote with respect to the amendment; that upon disposition of the Reed-Sarbanes amendment all time be yielded back, the committee amendments be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will have to object because there is objection on our side, we are prepared to pass the Rail Safety Act, S. 2273, without amendment, but I am not at liberty to agree to taking up the bill in the context that was suggested by my good friend from Nevada. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Mr. President, consistent with what I just said, I am going to propose a unanimous-consent agreement to which I am sure my good friend will then object. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2273, the rail safety bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 709, S. 2826, the District of Columbia appropriations bill; that the bill be read a third time; that the Appropriations Committee then be discharged from further consideration of H.R. 4850, the House-passed DC appropriations bill, and the Senate proceed to its consideration.

I further ask unanimous consent that all after the enacting clause of H.R. 4850 be stricken; the text of S. 2826 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on behalf of the Senate.

Finally, I ask unanimous consent that S. 2826 then be returned to the calendar.

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

Mr. DEWINE. Mr. President, I thank the Senator from Louisiana, Ms. LANDRIEU, the ranking member on the DC Appropriations Subcommittee, for her hard work and efforts in helping to

draft the appropriations bill before us today. This bill provides $560 million in Federal funds for the District of Columbia and includes the city's own local budget of $6.2 billion.

The funds in this bill focus on a number of key priorities for the District of Columbia: First, improving the lives and opportunities for children in the District; second, reducing and preventing crime in the District; and third, increasing security in our Nation's capital.

The bill continues an initiative we began last year to help improve the city's long-troubled foster care system by providing funds for intensive intervention when children first enter care; providing resources for early and continued mental health services for all children in foster care; providing incentives to retain qualified social workers and foster parents; and funding a new computer tracking system for children in foster care.

The bill also focuses on children by enhancing educational opportunities for inner-city students. We are continuing to provide a total of $40 million for three interrelated educational components: $13 million to promote excellence in traditional public schools; $13 million to expand choice through high quality charter schools; and $13 million for opportunity scholarships for low-income students in failing schools.

The second priority that this bill funds crime fighting in the District. The federal government entirely funds the D.C. Courts and the Court Services and Supervision Agency. The committee is providing a total of $337 million for these agencies, which is $55 million more than the fiscal year enacted level. Most of these additional resources are for renovations and repairs to the City's 4th oldest building, the Historic Old Courthouse, which will make it habitable once again and provide much-needed courtroom capacity. The bill also provides additional resources to enhance supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

With this bill, we are beginning an important federal investment in a new forensics lab for the District of Columbia. Currently, the city must rely on the generosity of the FBI's crime lab. Because of its own heavy workload, the Bureau limits the amount of evidence that it can process for the city. With so many unsolved rape, murder, and other violent crime cases in the District, a new crime lab is a crucial need.

The sobering fact is that, as the seat of our Nation's capital, the District of Columbia is a target of bioterrorism attacks. And, those attacks must be investigated. Indeed, the anthrax attacks of 2001 and the ricin scare of 2004 have shown that a forensics lab is vital to public safety in the District and deserving of federal support.

The final priority in this bill is improving security in the District. As the seat of the federal government and as a symbol of our democracy, the District of Columbia faces increased risks of terrorist attacks. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center, which will be the center for coordinated multi-agency responses in the event of regional and national emergencies. The bill also continues to provide funds to reimburse the city for increased police, fire, and emergency personnel costs associated with events that occur in the District because of the presence of the Federal Government.

I take this opportunity to recognize the city's leadership in improving the financial condition of the District. Recently, the District received a vote of confidence from Wall Street when its bonds were upgraded two steps from ''BBB+'' to ''A''. Despite this good news about the city's short-term financial performance, I am well aware that the city faces a long-term economic structural imbalance. This imbalance represents a gap between the District's ability to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents.

I recognize that the structural imbalance is driven by expenditure requirements and revenue restrictions which are mostly beyond the control of the District's leadership. Clearly, the city's revenue capacity would be larger without Federal constraints on its taxing authority, such as its inability to tax Federal property or the income of nonresidents.

I agree that the city faces a troubling problem in the long-term. I want to help close the financial gap and help ensure the long-term economic health of our Nation's capital. This is a Federal enclave, established by the Constitution, and it must live by the constraints imposed on it by the Federal Government. I believe that the Federal Government must recognize the costs it places on the city and the burden it places on the city's infrastructure, all the while limiting the ability of the city to raise revenue. Indeed, many of the problems facing the District result from it being the seat of the Federal Government.

This bill takes two small steps to begin to address the structural imbalance. First, we are providing $4 million to assist the city with its annual operating payment to the Washington Metropolitan Transit Authority, commonly referred to as the ''Metro''.

The District's share of the Metro operating subsidy is $208 million. Whereas the State governments of Maryland and Virginia both help subsidize the Metro, the District does not have a State to help share the burden of this cost. In addition, many Federal workers use the Metro system to travel between Federal buildings throughout the workday.

Second, the bill provides $10 million for a combined sewer overflow system. The current system was constructed in 1890 and overflows 60 to 70 times each year, dumping raw sewage into the Anacostia River. Clearly, the Federal Government places a heavy burden on this system and should help share the cost of upgrading it. I believe these small Federal contributions for infrastructure are important, but clearly the Federal Government must do more to help eliminate this structural imbalance that it has helped create.

I again thank Senator LANDRIEU. She and I share the same concerns for the children and residents who live in the District of Columbia, as well as the millions of visitors who come here every year to see America's seat of government. She and I have worked as close partners in writing this bill. Together, we have put together a bill that focuses on improving the well-being of the District's children and protecting the safety of all who live and work here. I thank the Senator from Louisiana, and I turn to her now for her remarks.

Ms. LANDRIEU. Mr. President, I am pleased to join Chairman DEWINE in presenting the bipartisan fiscal year 2005 District of Columbia appropriations bill to the Senate. The bill totals $560 million, which is an increase of $18.3 million from fiscal year 2004. The chairman and I moved this bill through the full Appropriations Committee on Tuesday, September 21 by a near-unanimous vote with no controversial amendments. During our 3-year chairman and ranking membership of the D.C. subcommittee, we have met many policy and partisan challenges and remained great friends. This year is truly an achievement of the chairman's bipartisan lead of this bill. We continue to marry our interests in strengthening education and child welfare in the District.

Great communities need great schools. This bill includes $26 million for public education in support of the committee's goal to improve education in the District. Fifty years after the landmark Brown v. the Board of Education decision of the Supreme Court, 3 years after enactment of the significant No Child Left Behind Act, we are still working to shape the two-sided face of public education, excellence and failure, into a more equal experience for children. The District's schools have been mired in years of changing superintendents, management and oversight challenges. A new superintendent has been hired, Dr. Clifford Janey, we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to, hopefully, contribute to Dr. Janey's work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of $7 million for a new incentive grant program for public education improvement in both traditional public schools and public charter schools. These grants will be

awarded to the principal of high performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive. These grants could be for a specialized librarian, new books, and bonuses for excellent teachers, or even to support sports and recreation with a new basketball court. It is entirely up to the principal to decide. In addition, the bill includes $5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids exciting about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter school, is supported by robust support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as leader in the effort to use charter schools to spur system-wide improvement from within our system of public education. Senator DEWINE and I maintain our commitment to serve as a full and equal partner in this endeavor.

It is important to note that while the primary reason for the rapid growth in the number of charter schools was the unmet desire of education reformers to find a way to ''step out of the box'' that had become our public school system, charter schools are by definition independent public schools. With their relative autonomy, charter schools are a way to provide greater educational choice and innovation while not abandoning the public school system. Recent studies show that the existence of a charter school in a district not only increases the quality of education available to the students served directly by the charter school but in all surrounding public schools. In addition, charter schools provide a healthy dose of competition into the public school system and have the effect of accelerating reforms and improvements in traditional public schools.

Despite the increased challenge of educating students with the greatest need, objective surveys and reports show that the academic progress among charter schools students outpacing that of their cohorts in traditional public schools. Those successes included gains in reading and math performances; test scores higher than district, state and neighborhood schools; increased parental involvement; and higher attendance and fewer disciplinary problems.

Strengthening charter schools, which were created in the D.C. by Congress in the 1995 School Reform Act, is a primary tenant of our work to improve education. Pursuant to Section 120 of P.L. 106–522, the Fiscal Year 2001 DC Appropriations Act, the local government is prohibited from amending the School Reform Act. Therefore, Congress has continued our oversight responsibility of the charter school law this year. The bill fortifies the environment where strong, accountable, academically excellent charter schools flourish.

This bill includes language which will encourage public schools to convert to charter schools. The 1996 School Reform Act allows for traditional public schools to petition to convert to a public charter school, if the teachers and parents in the community want a more responsive and engaging school. However, to date, only one school, Paul Junior High, has exercised that option. We are not trying to say that every public school should be a charter school, but we support if the community of a particular school sees a benefit in becoming a charter school and can gain a majority consensus of that community, a conversion is possible.

In addition, we toughen oversight of chartering boards to better screen applications and strengthen oversight of existing schools. We think this will make a stronger public charter school community, and should not create any additional bureaucracy which would tamp down reform. Finally, we included language which will improve access to facilities for charter schools, which can be their greatest challenge. The buildings in which children learn are just as critical as the other tools available to make these kids a success.

Under the kind leadership of Chairman DEWINE, we have also invested in the welfare of the most vulnerable children in the District, those in the custody of the abuse and neglect welfare system. Just in the last week, the District has suffered the loss of another child, Angel Fleming, who was put in the custody of the Child and Family Services Agency.

The bill supports our priority of reforming child welfare by providing the tools necessary to the foster care system with $5 million. We are funding for early intervention services to try to keep kids with relatives, rather than send them to temporary foster care homes. The bill also continues to ensure that all kids in foster care get mental health assessments and services. Finally, Senator DEWINE has ensured that an area often forgotten, foster parents, receive the respite services necessary and promote grassroots foster parent recruiting and training efforts.

This bill meets our Federal responsibility to the criminal justice system and infrastructure investments requested by the mayor and council. The new family court, which embraces the ideal of one family-one judge, is fully funded and we continue to provide for their new building. In addition, the bill initiates a new investment in the administration of justice in the District by contributing $8 million to the construction of a new forensics lab. This laboratory will alleviate contract pressure D.C. imposes on other Federal agencies, such as the FBI, to complete local forensic work. The bill also contributes to security and emergency preparedness in the Nation's capital with $22 million to bolster the police and first responders. In addition to all of the important initiatives in the District this bill invests in, there is $13 million for cleaning up the Anacostia River and providing recreation for the entire region and $5 million for transportation improvements.

I want to thank the mayor of the District, Anthony Williams, the entire council, particularly the Chair Linda Cropp, and the D.C. Delegate to Congress ELEANOR HOLMES NORTON for their many contributions and advice in developing this bill. They are great partners for Chairman DEWINE and I to ensure the bill meet the needs of the District. I appreciate the chairman's consideration and our ability to work together on this bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The Chair appointed Mr. DEWINE, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. STEVENS, Ms. LANDRIEU, Mr. DURBIN, and Mr. INOUYE conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 2830

Mr. MCCONNELL. Mr. President, I understand that S. 2830 is at the desk. I ask its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2830) to amend part A of title IV of the Social Security Act to promote healthy marriages and responsible fatherhood, and for other purposes.

Mr. MCCONNELL. I ask for its second reading, and in order to place the bill on the calendar in accordance with rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

RESPONDING TO CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE PEACE AND DEVELOPMENT COUNCIL

Mr. MCCONNELL. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 431 and the Senate

proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 431) expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by conditions in Burma under the illegitimate rule of the State Peace and Development Council.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

Whereas the National League for Democracy, headed by Daw Aung San Suu Kyi, is the legitimately elected political leadership in Burma;

Whereas the ruling State Peace and Development Council, headed by General Than Shwe, and its affiliated organizations continue, through a variety of means, to violate the human rights and dignity of the people of Burma through murder, torture, rape, forced relocation, the employment of child soldiers, the use of forced labor, and the exploitation of child laborers;

Whereas the State Peace and Development Council has detained over 1,300 prisoners of conscience, including National League for Democracy leaders and supporters of democracy;

Whereas, under the repressive rule of the State Peace and Development Council, the situation in Burma poses an immediate and growing threat to the Southeast Asia region, including through the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts to purchase weapons from North Korea, China, and Russia;

Whereas, at the 58th session of the United Nations General Assembly, a resolution was adopted by the General Assembly that expresses grave concern about the ongoing systematic violations of human rights inflicted upon the people of Burma and calls on the State Peace and Development Council to release all political prisoners, respect the results of the national elections in 1990, and restore democracy to Burma; and

Whereas the National League for Democracy has called upon the United Nations Security Council to intervene on behalf of the people of Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the illegitimate rule of the State Peace and Development Council, including the threats posed by widespread human rights violations, the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts by the State Peace and Development Council to purchase weapons from North Korea, China, and Russia.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY AYAD ALLAWI, PRIME MINISTER OF THE INTERIM GOVERNMENT OF THE REPUBLIC OF IRAQ

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort His Excellency Ayad Allawi, Prime Minister of the Interim Government of the Republic of Iraq, into the House Chamber for the joint meeting tomorrow.

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

MEASURE PLACED ON THE CALENDAR—S. 2823

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The assistant legislative clerk read as follows:

A bill (S. 2823) to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

Mr. MCCONNELL. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, SEPTEMBER 23, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, September 23. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee.

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

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning there will be a joint meeting of Congress to receive a speech from Prime Minister Allawi of Iraq. We will convene following that speech for a short period of morning business. Following morning business, we hope to consider the Foreign Operations appropriations bill. We have been working on an agreement and we hope to have that language worked out by tomorrow morning. We would like to finish that legislation and consider the family friendly tax bill when that conference report becomes available sometime tomorrow. Therefore, Senators can expect votes throughout the day.

Mr. REID. Mr. President, on the Foreign Operations bill, we are anxious and ready and willing to have an agreement. We think the bill can be resolved very quickly, and we want the RECORD to reflect our willingness to go to the bill tonight, tomorrow, anytime. We think it is very important that we get as many appropriations bills completed as possible. We are not in any way standing in the way of this. There is no objection on our side to going to this bill.

I also say that this Friday is the most holy of all holidays for those of the Jewish faith, Yom Kippur. We have a number of Senators who must travel west that day to prepare for the holiday. They cannot make their transportation arrangements unless they can leave here at 10:20 on Friday morning. The leader has spoken to some of the Jewish Members of the Senate and he recognizes the problem. We have this tax bill of which we know the importance. But we have to let the high holy day take precedence over what has to be done here on Friday.

I hope the two leaders and my distinguished friend on the floor now and the Republican leader will take that into consideration. It has been brought to my attention by several Senators this afternoon.

Mr. MCCONNELL. Mr. President, let me say that there are Members on both sides of the aisle for whom Friday is an exceedingly important day. We are certainly aware of that. That is another good reason for finishing the family friendly tax bill tomorrow night. We will press on and try to complete both Foreign Operations and the family friendly tax bill tomorrow night.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Thursday, September 23, 2004, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 22, 2004:

CENTRAL INTELLIGENCE

PORTER J. GOSS, OF FLORIDA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.