ORDER OF PROCEDURE

Mr. REID. Mr. President, there is a unanimous consent agreement that has been made, an order dividing the time on the Democratic side. Senator CARPER is not going to come, so that being the case, I ask unanimous consent that Senator SCHUMER be given 10 minutes, Senator WYDEN be given 10 minutes, and Senator DORGAN be given 10 minutes—in that order, changing the order now in effect.

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

Mr. REID. Senator SCHUMER is on his way.

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. SCHUMER. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. SCHUMER. Mr. President, I ask unanimous consent that I be recognized for 10 minutes of our side's morning business time.

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

The Senator from New York.

THE 9/11 COMMISSION

Mr. SCHUMER. Mr. President, I would like to talk a little bit about the 9/11 Commission which, of course, is right now beginning to interview some of the most high-level people in our Government. The Commission has an important and, I would say, sacred mission, and that mission is to find out what happened and why so many people were killed in the tragedy of 9/11. Of course, many of those people were from my city and State—the vast majority. Some of those people I knew: someone I played basketball with in high school, someone who was a businessman who befriended me on the way up, someone who was a brave firefighter from the Marine Park neighborhood from where I come. And the families mirror—of course with greater intensity—the determination of the American people to get to the bottom of this.

The unfortunate situation is the 9/11 Commission—which is bipartisan and has an important mission that transcends any politics, any one administration, any one Secretary of Defense or Secretary of State or President—is being thwarted as it tries to do its work. They have not been given documents. They have been delayed. Even to this day, Condoleezza Rice has said she will not testify to the Commission in public, even though she was in probably the most sensitive staff position there could be in regard to figuring out the signals before 9/11 and what should be done as a result of 9/11.

I think this is regretful. I think this shows, unfortunately, a pattern in this administration of not wanting facts, of sort of making up your mind first and then trying to get the facts to fit that.

It is no secret I have been sympathetic to the President on the war in Iraq. I disagree with certain things he did, but I voted for the war. I voted for the $87 billion. I think we have to fight terrorism. And I do think it is easy to second-guess. I also believe we could get so hamstrung and do nothing that the terrorists would gain more than they have.

Having said that, if there is one thing we thrive on, if there is a thing that is a hallmark not only of winning a successful war on terrorism but of defending the very democracy the terrorists hate and fight, it is that all information come out so we can make an accurate assessment.

I have to tell you, as you look at it, it seems this administration does not want all the facts to come out and, in fact, oftentimes thwarts facts coming out; and then, when they hear facts they do not like that come out not because of administration auspices, they start kneecapping the bringer of bad news.

This has not just happened in one instance; this has happened in instance after instance after instance. Today there is a whole machine discrediting Richard Clarke—certainly disagree with his arguments, certainly disagree with his interpretations of what happened in the White House.

There are two sides to every argument. But to say Mr. Clarke—who, until 2000, according to the newspapers, was a registered Republican, whom I know well, whose sole mission was to defend us against terrorism—to call him names and say he is motivated by partisan politics and he has one friend in the John Kerry campaign, that does a disservice to America; to do the same thing to Mr. Foster, who had numbers on how much the prescription drug bill would cost; to do the same thing to Ambassador Wilson; to do the same thing to Chief of Staff General Shinseki, this is a pattern that does not do the President, the White House, or the administration proud. In fact, it has an antidemocratic tinge to it that should make all of us worry, that should make all of us troubled by what has happened.

Probably the last analogy to 9/11 was Pearl Harbor. And what did this country do? What did Franklin D. Roosevelt and the leaders of this country do? They said: We need to find the facts as to why we were so unprepared. Might those facts have damaged people in office? Surely. But, nonetheless, pursue the facts we did, and a comprehensive report on why America slept was issued.

This 9/11 Commission is in that tradition. Yet this 9/11 Commission has been thwarted every step of the way. Governor Kean is a Republican, greatly respected, not a partisan man. The vice chairman is Lee Hamilton, whom I served with in the House—the same way, a Democrat, but not regarded as partisan. In fact, sometimes the Democratic leadership in the House would tear their hair out at Lee Hamilton's bipartisan nature.

Yet there is almost a fear of facts coming out. What does this say to the American people? Do we believe our country is right? I do. Do we believe, unlike other countries, that we search for the truth, even though that truth sometimes creates bad currents, dissension, whatever, but that truth is the hallmark of our democracy? I do. I think the vast majority of Americans do. I think if you ask President Bush, he would say he does.

But yet, over and over again, with the 9/11 Commission, with Richard Clarke, with Mr. Foster, with Ambassador Wilson, there has been not only an aversion to facts coming out but a kind of ''McCarthyism'' in sort of calling names at the person who had a different interpretation instead of debating whether their interpretation was right or wrong.

This is bad for our democracy. This does not bring credit to this President or the Presidency. This has to stop. I hope today, as the 9/11 Commission begins to interview a series of very important witnesses—two Presidents, two Vice Presidents, many of their leaders—maybe we can turn over a new leaf; that maybe, instead of stonewalling and name-calling and hiding from the truth, this administration will say, look, when you are President you have the powers of the incumbency, but it is also a tough country to govern and sometimes you have to take one for the truth, you have to take one because the facts do not quite square how you thought they did, and explain that to the American people.

I see my colleague from Oregon in the Chamber, and I know he is going to speak on the same subject.

But, again, this 9/11 Commission is extremely important. As Santayana said: Those of us who don't learn the lessons of history are condemned to repeat them. As a New Yorker, I believe that particularly in regard to 9/11. If we cannot get a full, unvarnished, nonpartisan reading of the facts—an analysis of why we were caught so unprepared on that awful day, 9/11—it will hurt us in fighting this war on terrorism, which I believe will be with us for a generation.

If we start off in a way that we are afraid of the facts, if we start off seeming to believe only one side is right and the motivation of anyone who disagrees is suspect, I fear we will not win the war on terror because we will not learn what has happened and we will not be able to correct the mistakes that have been made by many different people of both political parties in the past.

My final plea to our President at 1600 Pennsylvania Avenue is, don't hide the facts. Don't be afraid of the facts. Don't try to undermine those who will present the facts. Our country will be better and stronger for it if you can stick to those rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. WYDEN. Mr. President, I thank my colleague from New York for taking this time. I want to spend a few minutes trying to put in context the debate about Mr. Clarke's new book. It seems to me that first and foremost this debate is about more than ''he said/she said.'' Invariably that is what these discussions become fairly quickly. I want to review a couple of instances that have caused me to be particularly concerned about the way the Clarke book has been handled.

When former Ambassador Wilson was concerned that the administration had no evidence that the Iraqis had attempted to buy yellow cake from Nigeria, there was a very significant effort to try to discredit him. When former Treasury Secretary O'Neill, a close friend of the Vice President, in effect talked about the administration going after Saddam Hussein, everybody in the administration said he was all wet as well. Now we see the same tactic employed against Mr. Clarke, who served both Republican and Democratic administrations, beginning with the Reagan administration.

Having worked closely with Mr. Clarke on a number of issues relating to cyber terrorism, Mr. Clarke has been very critical of actions taken by executive branch officials of both political parties.

My sense is that, when you look at what people such as former Post reporters Bob Woodward and Carl Bernstein have said over the years, you don't go with a story unless you have two independent sources to confirm it. What you have this morning is Mr. Clarke in effect confirming Secretary O'Neill's account of the administration's focus on Saddam Hussein.

That is particularly important. These are two people with a long history of working in Washington, DC. Both of them have been fiercely independent. Both are known for calling the issues on the basis of how they see them. In effect, you have Mr. Clarke now confirming Secretary O'Neill's account with respect to the focus on Saddam Hussein.

There is an old saying that all roads lead to Rome. It seems the administration so often clearly believes that no matter what the evidence was at any particular time, essentially everything led to Saddam Hussein.

It is clear that Saddam Hussein, throughout his leadership in Iraq, consistently looked for opportunities to inflict pain and trauma on the people of that country. It is beyond question that this was an evil individual. But at the same time, it is critically important that we be in a position to follow the facts.

I sit on the Senate Intelligence Committee. I have always tried to work in a bipartisan way. I see the Presiding Officer of the Senate, Mr. SMITH. He and I together have tried to set an example of bipartisanship. That is the way we need to proceed in this critical area. When you have the Clarke book backing up what former Secretary O'Neill said, that ought to set off alarm bells. That ought to set off alarm bells with respect to exactly how information is filtered now in the executive branch.

I am hopeful we will see this independent inquiry get to the bottom of the situation and find out exactly what transpired after this critical situation with the attack on our country. It is important that our Nation get the facts. It is important that they are found in a dispassionate fashion. Now with this new book by Mr. Clarke making it clear that he shares the judgment of Secretary O'Neill, it ought to renew a concern in the Congress and a concern on a bipartisan basis that this country has a right to know, this country has a right to the facts. Certainly the question of responsibility for 9/11 is an issue the American people should be able to see in a dispassionate fashion, what really happened and how it happened. If anything, the events of the last week reaffirm in my mind how important it is that the American people get the real story.

I yield my time. I note the Senator from North Dakota is on the floor as well. He and I have worked together on many issues. Certainly on the foreign policy arena, we share the view that these issues have to be worked on in a bipartisan way. I will continue to focus on the evidence and focus on that evidence no matter where it leads.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me follow on the comments of my colleagues from New York and Oregon. The issue of 9/11 is very important. I have spoken a couple of times about it previously, only because we created a commission to take a look at what happened with respect to 9/11, events leading up to it and following, to try to understand what happened, how did it happen, and what lessons can we learn.

I have been very distraught that the 9/11 Commission has actually had to issue subpoenas. This Commission that we, with the President, have impaneled to find the answers of what happened and what we can learn has had to issue subpoenas to our government to get information. I don't understand that. Why on earth should this Commission have had to use any subpoena power at any time?

Why would not the administration have said to all of the agencies under their control, anything this Commission wants, anything they ask for—they are doing the country's work—provide complete information? Instead, they have met with roadblocks. I do not understand that.

I learned this morning that National Security Adviser Condoleezza Rice is willing to testify but not in public and in limited circumstances. The fact is, on Sunday she was a guest on all five network morning shows. She has plenty of time to do that, but somehow there is not enough time to appear publicly before the 9/11 Commission to give testimony. I do not understand that. I believe and hope that all Republicans and Democrats, this President and this Congress, just want the unvarnished facts, what happened and what can we learn from it.

I know in recent days there have been discussions about a number of books that have been written. I was on the floor also and spoke about former Treasury Secretary O'Neill's book. The Secretary described circumstances where almost instantly, in meetings in the White House, the question posed by the President and the Vice President and Mr. Wolfowitz and others was, What about Iraq? Let's get the evidence on Iraq. Suggesting that there was only one issue, and that was to use 9/11 to get Iraq.

My colleague from Oregon said it well. The leader of Iraq was a murderer. We are unearthing football-field-sized graves in Iraq.

This man was a butcher, no question about that. But there are bad people around the world who are in place now and there are no plans in this Chamber or at the White House to go after them.

The pretext of dealing with Iraq was that they had weapons of mass destruction, we were told. The CIA and others provided secret briefings to us, and Condoleezza Rice, George Tenet, and many others provided the evidence. Secretary Rumsfeld said, ''We know where those weapons of mass destruction are, where they exist.''

The Secretary of State went to the United Nations and laid it out with pictures and slides and said, ''Here is the evidence.'' It turns out that evidence wasn't accurate. So Mr. O'Neill writes a bit about that. Now Mr. Clarke writes a book about it. He is not a Democrat; he is a Republican. There is now an industry in the last 24 hours to try to destroy his credibility. I don't know Mr. Clarke. I don't believe I have ever met him. All I know is that legitimate questions are being raised about these issues, about intelligence, about Iraq, and about the commission that has been impaneled to look into 9/11.

It all has the same kind of origin; that is, let's not ask questions, let's not disclose this or that, let's keep it all secret, if we can. Part of this shroud of secrecy that Mr. Krugman writes about, in fact, I believe in this morning's New York Times, also relates to something we learned last week that is of incredible importance. We learned last week that this issue of the Medicare bill being discussed on the floor of the Senate—adding prescription drugs to Medicare—that the estimates of the cost of that proposal that were given to Congress were wrong and, in fact, the administration had estimates that would have had a substantial impact, perhaps, on the debate on that legislation. They had those estimates, but the

person who had them, the chief actuary—again, no Democrat, just a career public servant who, by all accounts, is a wonderful public servant—had the estimates and was told: If you provide the real estimates to Congress, you will be fired.

If anything demands an investigation, it is that. It demands an immediate investigation. If you cannot rely on information coming from the executive branch about programs we are considering on the floor of the Senate because someone threatened to fire someone if they tell the truth to the Congress, there is something radically wrong. So it doesn't matter whether it is Mr. Clarke who writes a book and describes what he found in the White House. He also worked, as you know, for the Clinton administration. He worked for the first George Bush Presidency. He has worked for George W. Bush for the last couple of years. He writes a book and raises serious questions about the information that was used to decide to focus on Iraq rather than on al-Qaida. I think many of us now, at least in the rearview mirror, look at that and say moving from Afghanistan to Iraq and not continuing to focus on the destruction of al-Qaida may have been a serious mistake.

How did that happen? Why did that happen? These are legitimate public policy questions. I suppose there is politics in some of it. I think the well-being and future of this country depends on our getting this right. We talk about the quality of intelligence and the questions about that, and whether intelligence information was misrepresented.

Look, the next potential terrorist attack against this country will be thwarted—if it is thwarted, and we certainly hope it is—by good intelligence. We must rely on our intelligence system. Is there something wrong with that system? If there is, it must be fixed now. It is not sufficient just to say, somebody wrote a book, so let's trash this person time and time again. That is not what we ought to do. We ought to get to the bottom of what is happening here, what caused all these things to happen, what can we learn about it and what can we do to protect our country.

Mr. President, I yield the remaining time I might have to the Senator from Delaware, Mr. CARPER. How much time remains?

The PRESIDING OFFICER. Just under 7 minutes.

ENERGY INDEPENDENCE

Mr. CARPER. I thank my colleague for yielding. Before he leaves the floor, I want to take a moment and thank him for his leadership on another issue. As we have sought to become more energy independent, Senator DORGAN has led the charge, saying maybe part of that would be to practice better conservation. He focused, among other things, on the efficiency of air-conditioners. It may sound like a small thing, but in the scheme of things, it is a big step. I thank him for his leadership on that.

I bought gasoline in my hometown of Wilmington, and I think it cost $1.77 per gallon, a little higher than it has been in recent months. I read a news account the other day that said we might be looking at prices as high as $3 per gallon in some parts of America before the end of the summer. We are also hearing a fair amount of concern about the price of not just gasoline but of natural gas. Natural gas is what we use to provide a feedstock for many of our chemical companies. A lot of agribusinesses use it for fertilizers. Natural gas is also the fuel of choice for many of the new electric-generating powerplants that are being built across this country.

I want us to go back in time about 4 years to the last year of the Clinton administration. In 2000, the Clinton administration suggested, through regulation, that we call on the makers of air-conditioners in this country to create and begin selling more energy-efficient air-conditioners in 2006. Something was adopted called the SEER 13, seasonal energy efficiency rating. The idea behind the regulation was that, by 2006, air-conditioners would have to be 30 percent more energy efficient than those currently available. We adopted a standard that was implemented and then withdrawn by the Bush administration in the following year or two, and it was replaced by a less rigorous standard.

There has been a court battle over the last year or so, and the outcome is that the court battle has sustained the more rigorous standards, the SEER 13 standard, which says that manufacturers in this country, by 2006, should be producing air-conditioners that are 30 percent more efficient than those available in 2000. That may or may not sound like a very big deal, 30 percent more energy efficient, but I ask my colleagues to think about this. When was the last time we had a blackout during March or April or May or, frankly, in October, November, December? I don't recall one. My guess is that you don't, either. We have them, for the most part, in the summer. We have blackouts, for the most part, when temperatures get hot and people turn on their air-conditioners.

If we begin buying more energy-efficient air-conditioners in 2006, we will do a couple of things: One, reduce the likelihood of blackouts and the kind of calamity they create for our economy; two, we reduce the need to build new electric powerplants. Some 48 fewer electric powerplants will have to be built because of the higher standard. In addition to that, we will reduce, with a higher efficiency standard for air-conditioners, the emissions of carbon dioxide from our electric-generating plants by 2.5 million tons by 2020.

In addition, if we are building more power-generating plants that will use natural gas, it will have a positive effect on the price of natural gas and, I think, a positive effect on the manufacturing industry in this country.

The second district court has ruled that the Clinton standard—the SEER 13 standard—should prevail. Last week, the association that represents the air-conditioning manufacturers joined, saying they thought they could build and begin selling, by 2006, air-conditioners that met the more rigorous standard.

I hold a letter signed by 53 colleagues, Democrats and Republicans, that was sent last week to the President.

It is a letter that simply says: Mr. President, we do a lot of good for our country. We can help ourselves on the manufacturing side. We can help ourselves by building fewer electric-power-generating plants. We can reduce the price of natural gas to some extent. We can reduce the emissions that are coming out of our electric-power-generating plants by millions of tons of CO2 each year. We can do that, Mr. President, if the administration does not appeal the decision of the second district court.

If the Association of American Air-Conditioning Manufacturers can say we have the ability to live up to this more rigorous standard, more than half the Senate can say: Mr. President, we believe we, too, have the ability to live by this more rigorous standard.

I am tempted to say let's let sleeping dogs lie. But rather than say that, let's let the more rigorous standard stand. Whether or not we pass an energy bill this year or not—we need an energy policy desperately—I will say one thing: One good component of energy policy in this Nation is conservation. One good way to conserve a whole lot of electricity, particularly starting in 2006, is making sure that when we turn on the air-conditioners in our homes, offices, and buildings, they are meeting the more tough and rigorous standard. That would be a good thing for America.

I ask unanimous consent that a copy of this letter signed by 53 of our colleagues be printed in the RECORD.

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

U.S. SENATE,
Washington, DC.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

MR. PRESIDENT: A recent federal court decision regarding energy efficient air conditioners is a significant victory for consumers, for the environment, and for our nation's energy future. We respectfully request that you do not appeal the decision to the U.S. Supreme Court.

Last month, the U.S. Court of Appeals for the Second District (Natural Resources Defense Council et al v. Abraham, Docket 01–4102) affirmed that central air conditioners sold beginning in 2006 must be at least 30 percent more energy efficient than those available today.