

overall assessment of Iraq as a threat was mistaken. U.N. Resolution 1441 gave Saddam ample opportunity to come clean about his weapons, but he refused. The reports from David Kay and his WMD task force have since shown that Saddam violated 1441 in multiple ways.

Saddam retained a "just-in-time" capability to make WMD, even if he destroyed, hid or removed the "stockpiles" that the CIA believed he had. It's fanciful to think, especially in light of the Oil for Food scandal, that U.N.-led containment was a realistic option for another 12 years, or that once containment ended Saddam wouldn't have expanded his weapons capacity very quickly. The Senate report makes clear we need a better CIA, not that we should have left in power a homicidal, WMD-using dictator.

Mr. BOND. I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). Who yields time? The time is under the control of the majority.

Mr. REID. Mr. President, on behalf of the minority, are we now on the constitutional amendment?

The PRESIDING OFFICER. No, we have 4 minutes 45 seconds left on the Republican side.

The Senator from Montana.

#### CONGRATULATIONS

Mr. BURNS. Mr. President, I wish to make a short statement of congratulations to my good friend from Missouri, Senator BOND, and also congratulate his son on graduating OCS at Quantico, now a fresh new lieutenant in the U.S. Marine Corps looking for assignment. He is talking recon. I know that is a tough road. So congratulations on your son. We wish him well in his tour in the U.S. Marine Corps.

Mr. BOND. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 4 minutes.

#### CRITICAL ISSUES

Mr. LOTT. Mr. President, I urge my colleagues and our leadership on both sides of the aisle to find a way for us to work together to address some of the critical issues facing this country. We have in conference now on a highway bill, a transportation bill that is important for economic development, for the creation of jobs, and for safety. I hope the conference will not become so obsessed with achieving the highest possible funding level that we wind up not getting a bill. It takes leadership and courage. It also takes being willing to accept what you can get, and get a conclusion that is good for everybody and move forward.

We need an energy bill. The very idea that we still do not have a national energy policy is indefensible. Yet we continue to labor over how do we get an energy bill, what is in the package, and how are we going to get back to the floor of the Senate. We need to find a way to do that.

The very idea that there is an effort to block the FSC/ETI JOBS growth bill, which involves a ruling by the WTO which has led to American products being hit with a penalty in Europe, and that we are not going to go to conference until we get some guarantee of what the result will be or that one Senator will be able to decide the conference report, what have we come to? We should get this bill in conference and get a result. Does it need to be changed? Yes. Has it become bloated? Absolutely. But if we don't deal with this, American products are going to wind up facing a penalty of 12 percent or more before we get a chance to address it again. It could go up to 17 percent. We are not going to deal with the job growth provisions in this legislation. We need to find a way to get it done.

I hope our leaders will find a way to get these conferences going or get us into conference and get a result, because we need to get this done for the American people. I know it is a political season—Presidential campaigns, Senate races, and congressional. I still maintain, as I always have, that the best politics is results. Get things done for the people. There is plenty of credit to go around.

If we stand here and find a way to question each other's motives and block and obstruct and confuse, we are going to pay a price as an institution. I worry about that.

#### REPORT OF SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, on the Select Committee on Intelligence report, I emphasize again, this was a unanimous bipartisan vote. There are problems with the intelligence community. We did not get what we needed before we went to war in Iraq. It was flawed and misleading and inaccurate. We should acknowledge that. But all the effort that is going on now to find a way to fix political blame is a mistake. We should be working together to produce results. That is why I am working with Senator FEINSTEIN of California on some proposals. That is why I am working with Senator WYDEN on some proposals.

We have 1 minute remaining?

Mr. REID. Mr. President, I am happy to not object, but Senator LAUTENBERG was on the floor this morning and asked for an additional 5 minutes, and it was objected to.

Mr. LOTT. I think I have 1 minute left.

Mr. REID. I was just waiting for an opportunity to say what I just said.

Mr. LOTT. Mr. President, we need to find a way to deal with the problem.

The point I want to make is, Congress is now like somebody that has been at the scene of an accident. We saw it happen, but now we are pretending we weren't there. Congress is a part of this problem. For 20 years we have underfunded, we have limited

human intelligence. We have improperly funded the intelligence community. We have allowed a situation where 80 percent of the money for the intelligence community is under the Department of Defense, not the CIA.

Let me give some numbers. During the 1990s, the number of CIA stations declined by 30 percent. The number of agents declined by 40 percent. The volume of intelligence reports decreased by 50 percent.

The intelligence community connected the dots, and got it wrong. It was not just our intelligence community that got it wrong—there was a global breakdown in intelligence analysis. The report is not an indictment of the hard-working and dedicated men and women who put their lives on the line, and are charged with connecting the dots. It is a criticism of the process and community at large, and demonstrative of a lack of leadership, oversight, and insufficient investment.

The breakdown in intelligence capability evolved over several years. It was recognized in 1976 by a 5-volume report by the Church committee. Our intelligence gathering and analysis capability—especially human intelligence and linguists—was gutted in the 20 years that followed, particularly in the 1990s, when the Congress did not adequately fund the intelligence community.

President Clinton relied on this same analysis of the Iraqi threat when he signed the Iraqi Liberation Act. The Congress relied on this same intelligence when we passed several resolutions regarding Iraq; President Bush relied on this intelligence when making his decisions as well. Many have asked whether I want to change my vote given today's assessment of pre-war intelligence—I do not.

Saddam Hussein was a mass murderer who used weapons of mass destruction on his own people; supported terrorism and trained terrorists; provided "bonuses" to the families of terrorists; a destabilizing factor in the Mideast.

Let's not play armchair quarterback by asking "what would have happened if." The country would be much better served if the Congress and the President took action as soon as possible to fix the organization, leadership, and oversight problems that we have with our intelligence community.

When the American people read the Intelligence Committee's report, they will see some fundamental things that need to be changed in the intelligence community. First and foremost it is evident that the Director of Central Intelligence does not really control all aspects of the intelligence community. In fact, as I have said, 80 percent of intelligence dollars go to the Department of Defense, not the CIA. Moreover, many of people that lead the 15 agencies that comprise the intelligence community work for the Department of Defense, not the Director of Central Intelligence.

To fix this problem, Senator FEINSTEIN and I are about to propose legislation that will establish a Director of National Intelligence—or DNI. The DNI will be a Cabinet-level position that will lead the intelligence community, and be responsible for aggregating intelligence for the President.

As for the specific processes that cry out for reform, the report focuses on two in particular. One, layering of uncertain conclusions—judgments were layered upon other judgments, and specific concerns and uncertainties were simply lost; two, group think—because we knew Saddam Hussein had weapons of mass destruction, and used them on his people, any data that appeared to support this continued behavior was viewed favorably, and dissenting data was discounted or underreported.

Those “process” types of deficiencies quickly lead one to ask: How can the intelligence community provide better oversight and supervision of “expert” analysts; and how can the Congress provide more effective oversight of the intelligence community? There are clearly process reforms needed within the intelligence community, and Congress’s oversight of that community.

I know that Chairman ROBERTS and Vice Chairman ROCKEFELLER, are very concerned that our intelligence community is broken, and are committed to taking action in the coming weeks and month to address many of the most critical deficiencies.

With particular regard to congressional oversight, I believe that there are some fundamental things that need to be changed such as term limits of committee members. Currently, members can only serve on the Senate Intelligence Committee for 8 years. That means that when they know enough to be conversant in the intelligence business, they need to rotate off of the committee. We need intelligence committee members who can speak the lingo and understand the processes. Consequently, term limits need to be eliminated.

Also, the jurisdiction of the Intelligence Committee regarding classified matter is sometimes muddled due to overlap with the Armed Services Committee. I submit that a simplified approach to jurisdiction could enhance oversight and accountability.

The process of document classification and redaction also needs to be reviewed. When the Intelligence Committee first prepared this report, the CIA recommended that about half of it be redacted. I understand the need to protect the names of sources and intelligence methods. But I can tell you that most of those redactions were not of that nature; they were everyday, unclassified words.

The report you see today is less than 20 percent redacted, and the Intelligence Committee is still working with the CIA to release more of the report.

Notwithstanding, it is my belief that in matters such as these, the CIA is too

close to the intelligence process to provide an objective view of what really needs to be classified. Consequently, I am working with Senator WYDEN to propose legislation that will establish a small independent group under the President that will review documents such as this report to ensure that classification decisions are independent and objective. In addition, I urge the President to nominate as soon as possible a candidate to serve as the Director for Central Intelligence.

This is a critical time of this Nation as we fight the global war on terrorism, and we need to have effective leadership in-place at the CIA as soon as possible. As we make progress in fixing the intelligence community, I repeat my call to both sides of the aisle to not politicize the issues or the prospective remedies. We owe it to the American people and to the members of the intelligence community to fix the fundamental problems outlined in this report, and create an intelligence community that can best serve the national security interests of the United States.

We are part of the problem. Let’s find the solution.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### FEDERAL MARRIAGE AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 40, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to consideration of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

The PRESIDING OFFICER. Under the previous order, the time until 8 p.m. shall be equally divided between the chairman and ranking member or their designees.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I take this opportunity, before we continue with the debate, to talk about how important it is that we debate in an earnest and sincere way the issue of marriage. Marriage does matter. It is important to the American people.

We heard earlier comments about how bringing up issues such as class action lawsuits, the marriage amendment, and trade were just wasting the Congress’s time. Yet the other side doesn’t think it is a waste of time to raise taxes, to increase more laws so we have fewer and fewer rights, to restrict the free enterprise system, and in a sense create more government.

In the debate on marriage, we are trying to accomplish a number of

things. No. 1, we want to define marriage as the union of a man and a woman. No. 2, we want to restrict the action of the court’s ability to define marriage. Then, No. 3—and perhaps the most important part of this debate—we want to give the American people an opportunity to debate this through their elected representatives in the Congress here and in the State legislatures.

It has been a grassroots type of process from the bottom up. We have heard a lot of concerns from people all over America about the way the courts are dealing with the issue of marriage and their frustrations in not being able to address this issue.

We heard a lot of good comments from some of my colleagues yesterday in debating the marriage amendment. In favor, we have had Senators HATCH, SANTORUM, SMITH, FRIST, BUNNING, KYL, CORNYN, SESSIONS, LOTT, and BROWBACK—all explaining why it is important that we move forward in passing this amendment.

We have heard pretty much procedural arguments from the other side. Our side was talking about their concern about losing the institution of marriage, that it is basically a fundamental building block of society, and if we want democracies such as the United States to survive, we need to have good, functioning families. If families do well, children do well. We will hear more about that today. Then we will hear about the democratic process in which we allow American citizens to participate. This is the essence of what we were talking about yesterday and the inevitability of what is going to happen through our courts, that there is a master plan out there from those who want to destroy the institution of marriage to, first, begin to take this issue to a few select courts throughout this country at the State level.

We begin to see this in States such as Vermont and Massachusetts and a number of other States, and then proceed up through the States; and once they get favorable rulings from a few courts that are dominated pretty much by activist judges and judges who want to ignore the tradition of marriage for thousands of years, and want to bypass the legislative process—then once they have established their basis, they want to take it to the Federal courts, and they will eventually move it to the Supreme Court.

We heard arguments yesterday about how Members of this Congress and constitutional scholars believe that the Supreme Court—if it reaches the Supreme Court—by a very slim majority is probably prone to rule in a way that would eliminate the traditional family as we know it.

So this is an important issue. It is a very timely issue. We have 46 States that have individuals living in them—at least 46—who have same-sex marriage licenses. They have been granted them as a couple through either Massachusetts or Oregon or California. We