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