

huge bureaucracy that would have been created by that government-run health care system proposed by Senator CLINTON when she was the First Lady of the United States. I think it was back in 1993.

But this chart, produced by the U.S. Chamber of Commerce, reflects all of the regulations and mandates of the Boxer climate tax and it indicates the complexity of what has been proposed here, and why I guess it shouldn't be surprising that the pricetag comes in at \$6.7 trillion, and where the Federal Government, through a growth in the bureaucracy, an intrusion in the freedom and lives of the American people and small and large businesses alike, will be the one that will choose the winners and losers in this system, who gets the goodies and who does not; who gets permission to operate their powerplant and who does not. That is why the price of gasoline, that is why the price of electricity is expected to go through the roof as a result of this bill.

I agree with the Senator from Tennessee, Senator CORKER, who called this bill the "mother of all earmarks." There has been a lot of discussion about earmarks here and lack of transparency in the way Congress spends money. Well, this bill, if it is passed and signed by the President of the United States, would empower the Congress to dole out earmarks with a complete lack of transparency, in a way that would allow massive Government intrusion in the free market system. That is why the Wall Street Journal dubbed this bill "the biggest government reorganization of the economy since the 1930s."

The National Association of Manufacturers has estimated the economic impact on my State, the State of Texas. We are fortunate now. While some parts of the country are suffering through a headwind when it comes to the economy, we are doing pretty well, relatively speaking. Unemployment is at 4.1 percent. A lot of new jobs have been created, a lot of opportunity. We have seen a lot of growth in the population because people are moving to where the jobs and the opportunities are. But under the Boxer climate tax bill that we have before us on the floor of the Senate, it is estimated that 334,000 of my constituents would lose their jobs.

Why would they lose their job? Because this bill would be like a wet blanket on the economy, raising electricity prices, raising gas prices on everything from agriculture to small businesses, and it is estimated that it would cost the average Texas household \$8,000 in additional costs. Now, that is on top of the \$1,400 that most Texas households are currently having to pay because of increased gas prices due to the obstruction of Congress in failing to allow development of American natural resources, an American solution to our energy crisis. It would be a \$52 billion loss to the Texas economy. As you see here, it is estimated that electricity

prices would go up 145 percent and gasoline prices 147 percent.

I am sorry the assistant majority leader refused to allow us to offer an amendment designed to lower gas prices, because I can't think of any more urgent, any more targeted relief we could offer the American people today than to provide some relief for the pain at the pump. I think that should be our highest priority as we go about the process of developing a clean energy future for this country, as we transition out of an oil-based economy into one for renewable forms of energy and increased nuclear capacity, and one that will improve the climate at the same time.

Mr. INHOFE. Mr. President, will the Senator yield for a quick question? I don't want to use the Senator's time.

Mr. CORNYN. I will yield.

Mr. INHOFE. I want it made clear today, as we go into the debate, that when we look back at the clean air amendments of the 1990s, we had something like 180 amendments considered at that time and we had it on the floor for 5 weeks. This goes much further than those amendments did, and yet they are cutting us off.

Let us make it very clear: The Republicans on this side of the aisle want to debate this bill, want to vote, we want recorded votes on amendments, and we want to vote on the bill itself.

Mr. CORNYN. Mr. President, the distinguished Senator from Oklahoma is absolutely correct. That is why 74 Senators—I believe 74—voted for the motion to proceed, so that we could get on the bill, so we could offer amendments, and we have a list of amendments we wish to offer. We wish to have debate on those amendments because we think the impact of this proposal would be dramatic on the American people and on the economy and would, in all likelihood, not accomplish the goal Senator BOXER professes to want to accomplish.

If in fact we impose this Draconian bureaucracy and this huge expense on the American people, and our competitors in China and India are not going to do it, we are going to put people out of work in Texas while people in China and India are going to continue to do what they are doing now and enjoying the prosperity caused by their access to the energy which they need to grow their economy. This bill would do nothing to impose the same restrictions on them, the same high prices on them that the Congress proposes to impose on the American people, including my constituents.

So rather than increasing gas prices by 147 percent, I would hope our friends on the other side of the aisle would reconsider and let us take up that most urgent issue in the minds of most of our constituents: How do we bring down the price of gas at the pump? I suggest the first thing we should do is take advantage of the natural resources God has given this great country of ours, which Congress has put out

of bounds because of the moratorium on that development going back to, I believe, 1982.

Mr. President, I yield the floor  
The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The first 30 minutes has expired. It is now the majority's time.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

---

#### REMEMBERING SENATOR CRAIG THOMAS

Mr. ROCKEFELLER. Mr. President, I wish to add my voice of love, respect, and a very deep feeling of comradeship with the good Senator from Wyoming who has died—Senator Thomas. My family has been associated with Wyoming for many years. In a sense, their Senators have been Senators whom we have related to. Senator Thomas, Senator ENZI, now a new Senator, these are people we feel very strongly about. I have particularly strong feelings about both—about Senator ENZI because of his willingness to come to a coal mine in West Virginia and actually write a bill that rewrote 30 years of our mine inspection laws, and Senator Thomas simply because as member of the Finance Committee he was always an even, steady voice—level-headed. You could trust him. He was totally a man of his word, and I will miss him greatly.

---

#### PREWAR IRAQ INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I am pleased to report to the Senate that the Senate Intelligence Committee has completed its review of prewar intelligence related to Iraq. Today the committee filed with the Senate and released to the public the two final reports of what has been called phase 2 of the review. One of these reports examines the public statements of senior policymakers prior to the war and compares those statements to the intelligence that was available to those senior policymakers at the time they made those statements. The second report looks at the intelligence activities of individuals working for the Office of the Under Secretary of Defense Policy.

The first of these reports, report on public statements, has obviously been the most controversial aspect of the committee's work on prewar intelligence. That was inevitable. Much has been said and much has been written since the beginning of the war about how we got into it. In the end, the committee did conclude that the administration repeatedly presented intelligence as fact, when in reality it was unsubstantiated and often contradicted what they were saying, or even was nonexistent.

The committee's July 2004 report found that the prewar assessments on

intelligence related to weapons of mass destruction were clearly flawed. There was a 511-page report and it decimated the whole concept of weapons of mass destruction being there. It turned out most of them were left over from the Iran-Iraq war. Nuclear scientists were kept around, but they had nothing to do. People began to draw conclusions. They understood, at some of the highest levels, that this intelligence was there, but they ignored it. The report we are releasing today indicates that many of the public statements of the Bush administration were, in fact, accurate and substantiated by underlying intelligence, even though that intelligence itself was flawed. So we tried to be fair. No one, however, should interpret these findings as vindication of how the administration was using intelligence to sell to the American people and to the Congress the war in Iraq.

This report documents significant instances in which the administration went beyond what the intelligence community knew—well beyond what the intelligence committee knew or believed, most notably on the false assertion that Iraq and al-Qaida had an operational relationship, a partnership, and the manipulative attempt to suggest, inaccurately, that Iraq had any complicity in the attacks of September 11—shockingly wrong statements which were made and made and made.

Many of them obviously were made prior to the State of the Union Address in an attempt to prepare American public opinion. But, on the other hand, many of them continued well afterwards and even until recently. The committee also found that when administration officials were making statements related to weapons of mass destruction, they often spoke in declarative and unequivocal terms that went well beyond the confidence levels reflected in the intelligence community's intelligence assessments and products.

They omitted caveats. In other words, if the Department of Energy and INR in the Department of State, their intelligence wing, disagreed—those were omitted. Anything that didn't agree was omitted, it was ignored. Dissenting views by intelligence agencies were ignored and did not acknowledge significant gaps in what we knew. In other words, they had a message they were driving and they stopped at nothing to do that.

In short, administration officials failed to accurately portray what was known, what was not known, and what was suspected about Iraq and the threat it represented to our national security. When the Nation is weighing the decision to go to war, they deserve the complete and unvarnished truth, and they did not get it in the buildup to the war in Iraq.

Additionally, the committee found instances where public statements selectively used intelligence information which supported a particular policy viewpoint; that is, public statements made by high officials, the highest offi-

cial, and at the same time they completely ignored contradictory information that weakened the position which they declared to be the truth. While on its face the statement might have been accurate, it nevertheless presented a slanted picture to those who were unaware of the hidden intelligence. Intelligence is complex. It is an art, not just a science. You have to establish all aspects of what goes into an intelligence product before you can make any kind of a declaration or decision.

In fact, the committee's report cites several areas in which the administration's public statements were not supported by the intelligence, and I very specifically wish to state them now. No. 1, statements and implications by the President and the Secretary of State, suggesting Iraq and al-Qaida had a partnership or Iraq had provided al-Qaida with weapons training were not substantiated by the intelligence. No. 2, statements by the President and the Vice President, indicating Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information. No. 3, statements by President Bush and Vice President CHENEY regarding the postwar situation in Iraq, in terms of the political security, the economics, et cetera, did not reflect the concerns and uncertainties expressed in the intelligence products. The results have been there for us to see. No. 4, statements by the President and Vice President, prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities, did not reflect the intelligence community's uncertainties as to whether such production was ongoing. No. 5, the Secretary of Defense statement that the Iraqi Government operated underground WMD—weapons of mass destruction—facilities that were not vulnerable to conventional airstrikes because they were underground, so deeply buried—that was not substantiated by available intelligence information. No. 6, the intelligence community did not confirm that Mohamed Atta met an Iraqi intelligence officer in Prague in 2001, as the Vice President has repeatedly, repeatedly, repeatedly claimed—and may do so again today. That is terribly important. There was all kinds of information which so totally contradicts that it should be embarrassing, but it was not, and they went ahead and used it. No connection between Mohamed Atta and Iraqi intelligence.

In addition, the administration's misuse of intelligence prior to the war was aided by selective declassification of intelligence reporting. The executive branch exercises the prerogative to classify information in order to protect national security. Unlike Congress, it can declassify information unilaterally, and it can do so with great ease. The administration manipulated and exploited this declassification author-

ity in the lead-up to the war, and disclosed intelligence at a time and in a manner of its choosing, knowing others attempting to disclose additional details that might provide balance or improved accuracy would be prevented from so doing under the threat of criminal prosecution. So they could declassify what they wanted. Nobody else could do anything.

This unlevel playing field allowed senior officials to disclose and discuss sensitive intelligence reports when they supported the administration's policy objectives and keep out of the discourse information that did not support those objectives.

In preparing a report on public statements, the committee concentrated on those statements that were central to the debate over the decision to go to war in 2002–2003. We identified five major policy speeches made by President Bush, Vice President CHENEY, and Secretary of State Colin Powell during this period as the most significant expressions of how the Bush administration communicated intelligence judgments to the American people, to the Congress, and to the international community. Additional statements made by senior administration officials during this same timeframe, containing assertions not included in the major policy speeches, were examined as well and they are part of our report.

To the point: The statements we examined were made by the individuals involved in the decision to go to war and in convincing the American public to support that decision. The committee will be criticized for not examining statements made by Members of Congress. A bipartisan majority of the committee—bipartisan—agreed these statements do not carry the same weight of authority as statements made by the President and others in the executive branch. It was the President and his senior advisers who were pushing the policy of invasion, not the Congress. In addition, Members of Congress did not have—do not have—the same ready access to intelligence as the senior executive branch policymakers. We do not see raw intelligence data. We do not get PDEs. We do not receive the daily briefing and were not briefed every morning by the Nation's senior intelligence officers.

It is important to note we did not receive the October NIE, National Intelligence Estimate, critical to the vote, until 3 days before the Senate was expected to vote. Was that initiated by the administration? No. It was initiated, requested and finally agreed to and then rushed up very quickly because Senator Bob Graham was chairman of the Intelligence Committee at that time, and he asked for it.

As I said, the truth of how intelligence was used or misused is not black and white. Supporters from both sides will point to specific findings in this report to bolster their arguments. I consider that to be evidence that the

committee's findings are fair and objective. Our job was to compare statements to intelligence and render a narrow judgment as to whether the statement was substantiated. In those instances where a statement is not substantiated by the intelligence, the committee renders no judgment as to why. All we were interested in was the facts.

The second report we are releasing today deals with operations of the Office of Under Secretary of Defense for Policy. It is a very important report. A February 2007 report from the Department of Defense inspector general addresses many of the issues the committee had originally intended to examine relating to this office. That report concluded that the Policy Office of the Pentagon had inappropriately disseminated an alternative intelligence analysis, drawing a link between Iraq and al-Qaida terrorists—again what the administration wanted—who carried out the attacks on September 11. This hypothesis has been thoroughly examined by the intelligence community and no link was found. That, however, did not stop this office from concocting its own intelligence analysis and presenting it to senior policymakers. The committee first uncovered this attempt by DOD policy officials to shape and politicize intelligence in order to bolster the administration's policy in our July 2004 report and the inspector general's review. Both of these were confirmed.

The committee's own investigation of the policy office's activities had been abruptly terminated by the former chairman of the Intelligence Committee in July of 2004 because the inspector general's report thoroughly covered the issues of alternative analysis when the committee investigation was restarted in 2007, it focused on clandestine meetings between DOD policy officials and Iranians in Rome and Paris in 2001 and 2003.

These meetings were facilitated by Manucher Ghorbanifar, an Iranian exile and intelligence fabricator implicated in the 1986 Iran Contra scandal. During these meetings, intelligence was collected, but it was not shared with the intelligence community. It went right around the intelligence community, including the CIA. They knew nothing about it. George Tenet indicated there was no possible way he knew anything about this.

The committee's findings paint a disturbing picture of Pentagon policy officials who were distrustful of the intelligence community and undertook the collection of sensitive intelligence without coordinating their activities. It was a rogue operation. It went to high levels in the administration; it went right to the National Security Council, totally bypassing all other intelligence agencies. It is infuriating and not the way intelligence should be handled at all.

The actions of DOD officials to blindly disregard the red flags over the role

played by Mr. Ghorbanifar in these meetings and to wall off the intelligence community from its activities and the information it obtained were improper and demonstrated a fundamental disdain for the intelligence community's role in vetting sensitive sources.

The committee's 2004 report presented evidence that the DOD policy office attempted to shape the CIA's terrorism analysis in late 2002, and when it failed, prepared an alternative intelligence analysis attacking the CIA for not embracing a link between Iraq and the 9/11 terrorist attacks. So the CIA and the intelligence community were trying to do what they could, and these people were just end-running them because that is what the White House wanted to see. And then, you know, it was a disgrace, an embarrassment to the Nation. The Department of Defense inspector general found himself that these actions were highly inappropriate.

Our most recent report shows that these rogue actions of this office were not isolated. The committee's body of work on Iraq-related intelligence—a series of six reports issued over a 4-year period—demonstrate why congressional oversight is essential in evaluating America's intelligence collection and analytical activities.

During the course of its investigation, the committee found that the October 2002 National Intelligence Estimate on Iraq's alleged weapons of mass destruction was based on stale, fragmentary, and speculative intelligence reports and replete with unsupported judgments. Troubling incidents were reported in which internal dissent and warnings about the veracity of intelligence on Iraq were ignored in the rush to get to war.

The committee's investigation also revealed how administration officials applied pressure on intelligence analysts prior to the war for them to support links between Iraq and the terrorists responsible for the attacks of September 11, none of which existed.

Our investigation detailed how the Iraqi National Congress and Ahmed Chalabi attempted to influence the U.S. policy on Iraq by providing false information through defectors directed at convincing the United States at the higher levels that Iraq possessed weapons of mass destruction and had links to terrorists and how this false information was embraced despite warnings and fabrication.

The committee's investigation also documented for the public how the administration ignored the prewar judgments of the intelligence community that the invasion would destabilize security in Iraq and provide al-Qaida with an opportunity to exploit the situation and increase attacks against U.S. forces during and after the war. After 5 years and the loss of over 4,000 American lives, these ignored judgments were tragically prescient.

Overall, the findings and conclusions of the committee's Iraq investigation

were an important catalyst in bringing about subsequent legislative and administrative reforms of the intelligence community so that these mistakes will never be repeated again, hopefully.

In conclusion, it has been a long, hard road for the committee to get to this point. There have been and continue to be a lot of finger-pointing and accusations of partisanship. It is important to remember that this undertaking was a unanimous decision—phase 1 and phase 2—was a unanimous decision of the committee in February of 2004. That it took such a long time to do is another subject. It is also important to remember that the committee adopted these two reports, both reports, by a vote of 10 to 5—in other words, bipartisan.

In undertaking these additional lines of inquiry, the committee acted to tell a complete story of how intelligence was not only collected and analyzed prior to the Iraq invasions but how it was publicly used in authoritative statements made by the highest officials in the Bush administration in furtherance of its policy to overthrow Saddam Hussein and more.

I believe these reports will help answer some of the many lingering questions surrounding the Nation's misguided decision to launch the war in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Pennsylvania.

#### ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I have consulted with the Senator from Rhode Island, Mr. WHITEHOUSE, who is next in line, and he has agreed to permit me to—I expected to have 10 minutes at 10:45. Senator WHITEHOUSE has generously permitted me to go ahead for 5 minutes.

I ask unanimous consent that following my 5 minutes, Senator WHITEHOUSE be recognized, and then, as I have already spoken to the Senator from Maryland, Mr. CARDIN, he will be recognized, and then Senator SMITH will be recognized in the regular sequence in morning business.

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

#### JUDICIAL GRIDLOCK

Mr. SPECTER. I thank my colleagues. I have sought recognition to comment on a couple of subjects. One is the gridlock we are facing now in this body on the issue of judicial confirmations.

It is my hope that we will yet be able to find a formula to break this cycle of gridlock. I have spoken on the subject repeatedly—about the events of the last 20 years, where in the last 2 years of each administration, when the White House is controlled by one party, as was the case with President Reagan in