

happen, and there is no certainty that the level of Social Security benefits will be maintained the same if those revenues are not appropriated.

I will not take the time of my colleagues to respond to each of Cato's claims—I am putting out a written statement today that deals with each of the points they have made in a sort of 15-, 16-page report—which they put out in a 5-minute morning radio address.

When you cut through all the misleading arguments, there are a few simple truths to keep in mind about the privatization of Social Security as proposed by the Bush Commission. It would cut guaranteed benefits by 25 percent for current workers and up to 45 percent for many workers in the future. Those cuts would apply to everyone, even those who choose not to take on the responsibility of private accounts. And the cuts would force many Americans to delay their retirement to make sure they had adequate resources in their retirement years.

For these reasons, I believe the Bush Commission's plans to privatize Social Security would be a mistake for our country. Notwithstanding attacks from folks at the Cato Institute and other privatization advocates, I intend to continue to make this argument over and over so that we can raise this issue and have a real debate about the direction for Social Security before this year's election. We really need to have that.

This is a fundamental shift in American policy. We Democrats, and most Americans, are very secure with the idea that Social Security provides one of those three legs to the retirement of every individual. It is one of those initiatives that has worked. Americans feel very comfortable knowing that there is a baseline to their retirement security.

I hope we can have a real debate demonstrating that changing its nature, therefore, would undermine people's retirement security in the years ahead. So that is why it is important to speak on this issue over and over, to engage this as a debate the American people need to hear.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FBI FAILURE

Mr. SPECTER. Mr. President, I have sought recognition to comment about the failure of the FBI to act on the Phoenix memorandum in a timely way—that memorandum had reasonably explicit warnings about a terrorist

attack, al-Qaida, and a sneak attack—and especially about the failure of the Federal Bureau of Investigation to call that matter to the attention of the Judiciary Committee as a matter of oversight.

We have since learned that the FBI had information, in 1995 and 1996, which referenced the possibility of a hijacking and hitting the CIA headquarters or some other building in Washington, DC, and apparently that information was not transmitted to the White House. It was not transmitted to the Senate Intelligence Committee either at that time because I chaired the Intelligence Committee in 1995 and 1996.

According to reports, when the President was briefed on August 6 of last year, there were only generalized warnings given, and the CIA, which reportedly gave the briefing, did not have the information about the matters known to the FBI back in 1995 and 1996.

It is my view that the Director of the FBI ought to be called upon by the Senate Judiciary Committee to answer some very fundamental questions. I say the Judiciary Committee because the Judiciary Committee has the primary responsibility for oversight on the FBI.

It was the Judiciary Committee which confirmed Director Mueller, and I spent considerable time with Director-designate Mueller before he was confirmed, meeting with him in a so-called courtesy call, and then questioned him at some length before the Judiciary Committee. At that time we received commitments that the new Director would not make the same mistakes which had been made in the past by the FBI and would, in fact, turn over his own information which was proper for Judiciary Committee oversight.

One of the subjects I discussed with Director-designate Mueller at that time was a key memo in the FBI file going back to December of 1996 when the Department of Justice was pulling its punches because of concern that Attorney General Reno might not be retained for President Clinton's second term. It was my view that this memo should have been turned over on a voluntary basis as a matter of appropriate disclosure.

The Judiciary Committee did not receive that memorandum until a subpoena was issued by a subcommittee that I chaired, and not until April of 2000. While the Intelligence Committees do have the primary responsibility for investigating the intelligence failures of September 11, 2001, the Judiciary Committee has the responsibility on FBI oversight and on the question of reorganization of the FBI. There are major issues that have to be answered as to why the FBI did not tell the CIA about the 1995 and 1996 incidents so that the CIA would have that material available when they briefed the President.

This is reminiscent of a major intelligence failure that goes back to September of 1997, when the Senate Gov-

ernmental Affairs Committee was investigating campaign finance reform. At a joint hearing with the FBI and CIA, the CIA disclosed what the FBI had in its files, which the FBI had not disclosed, saying they had not realized it was in their files.

So there are some very fundamental questions to be answered, which do not get into any of the confidential memos and any sources and methods; and that is why Director Mueller of the FBI did not turn over the Phoenix memo to the Judiciary Committee on their own before it was sought after, and why the FBI did not tell the CIA this fundamental information so that the CIA would have it when they were briefing the President.

Last Thursday, I wrote to FBI Director Mueller calling on him to answer these questions, and I sent a copy of the letter to Director Tenet of the CIA asking him similar questions. When I saw the reports in the New York Times on Saturday morning about the information from 1995 to 1996 which, I repeat, I had not been told about when I chaired the Intelligence Committee, I called Senator LEAHY and Senator HATCH and urged that we have hearings very promptly to find out these basic questions about communications. It is not even necessary to see the Phoenix memorandum to question why it was not disclosed, to find out why the FBI does not communicate with the CIA.

I then called Director Mueller to ask if he would be willing to come in to testify early this week. He said he would have to take the matter up with someone else and get back to me. In a second telephone conversation on Saturday, he said he was not prepared to testify until there had been negotiations completed between the Judiciary Committee and the Department of Justice about the disclosure or production of certain documents. I replied that it was not a matter of production of documents; these fundamental questions ought to be answered and ought to be answered promptly for the American people, for Congress, and for the Judiciary Committee in our oversight function.

I then reminded Director Mueller that he had a 10-year term. The Congress has given the FBI Director a 10-year term so that he does not have to ask permission from anybody—not the Attorney General, not the President, not anybody—when it comes to a matter where there may be a conflict of opinion between congressional oversight and what the Department of Justice may have in mind. It is up to Director Mueller to make an independent judgment. That is why he has a 10-year term.

I did not tell Director Mueller he was subject to a subpoena. That is a matter only for the committee. I did discuss that possibility with the chairman, Senator LEAHY, and with the ranking member, Senator HATCH. I then called all of my Republican colleagues on the Judiciary Committee to discuss the situation and discuss the possibilities of a

subpoena. However, I did not—I repeat, I did not—talk to Director Mueller about a subpoena. That is a matter for the committee to decide and on which to take the lead. It is not something that I would do. Nor did I ask Director Mueller, or anybody else, for a copy of the notes of the briefing materials that went to President Bush in the purported briefing back on August 6, 2001. No request was made for that.

My view—and it is a very strong one, as you can tell from my tone—is that the FBI has questions to answer, and it is a matter for the Judiciary Committee because we confirmed Robert Mueller. We are the ones who asked him the questions and laid down certain parameters for his expected conduct as Director of the FBI, the most important of which is to tell the Judiciary Committee on his own when there are matters such as the Phoenix memorandum; just as the FBI should have told the Judiciary Committee about the Department of Justice memorandum in December of 1996, which was a smoking gun, with the Department of Justice pulling its punches on the campaign finance investigation because of the concern of Attorney General Reno's retention in the second term.

I make these comments very briefly this morning, and I know the assistant majority leader is waiting to proceed to the business at hand. I think these matters are of the utmost importance; the American people need to know about them. I hope Director Mueller will appear promptly before the Judiciary Committee and not wait until after our lengthy recess to take up the issues that require answers now.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, what is the business before the Senate?

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### ANDEAN TRADE PREFERENCE EXPANSION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Rockefeller amendment No. 3433 (to amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for as-

sistance with health insurance coverage and interim assistance.

Daschle amendment No. 3434 (to amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance.

Dorgan amendment No. 3439 (to amendment No. 3401), to permit private financing of agricultural sales to Cuba.

Allen amendment No. 3406 (to amendment No. 3401), to provide mortgage payment assistance for employees who are separated from employment.

Hutchison amendment No. 3441 (to amendment No. 3401), to prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits.

Dorgan amendment No. 3442 (to amendment No. 3401), to require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Kerry) amendment No. 3430 (to amendment No. 3401), to ensure that any artificial trade distorting barrier relating to foreign investment is eliminated in any trade agreement entered into under the Bipartisan Trade Promotion Authority Act of 2002.

Reid (for Torricelli/Mikulski) amendment No. 3415 (to amendment No. 3401), to amend the labor provisions to ensure that all trade agreements include meaningful, enforceable provisions on workers' rights.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from DOHA.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Boxer/Murray amendment No. 3431 (to amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3401), to ensure that the United States Trade Representative considers the impact of trade agreements on women.

Reid (for Durbin) amendment No. 3456 (to amendment No. 3401), to extend the tem-

porary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3457 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC Committees are representative of the Producing sectors of the United States Economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes of debate in relation to amendment No. 3433, to be equally divided. The time will expire at 11 a.m.

The Senator from Nevada is recognized.

AMENDMENT NO. 3470 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU, and I ask unanimous consent that after it is reported it be laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 3470.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows: