

not enough to ensure that this legislation is properly applied and that the States are able to collect taxes on other telecommunications services.

Technology, as you well know, is still developing. In the near future, the providers of Internet services may offer telecommunications services as part of a premium package of technology products. Digital content presents additional challenges. I believe somebody purchasing a new movie should be taxed on that, whether they download the movie from the Internet provider or they purchase it from Amazon.com or they walk over to Blockbuster and buy it off the shelf. As technology develops and more and more options are available to consumers, Congress will obviously need to revisit this issue of what exactly falls within this moratorium since the technology changes so often.

This amendment would protect States' rights to impose fair and equitable taxes on products other than Internet access. As a former Governor, I remember very well the difficulty of financing critical State services. I was Governor some 20 years ago, but we were having those troubles then. They are much worse now.

I worked hard with the State legislature to achieve the right balance of taxes and spending. That was hard. I needed the maximum flexibility. It has been some time now, as I indicated, since I was Governor, but over the last few years we have witnessed again how States often struggle to balance their budgets and how, in fact, virtually every single State is going through that process.

It seems somewhat arrogant and unfair for us as Federal legislators to permanently limit the options available to States. I feel very strongly about that. I in no way want to disadvantage development of the Internet, but I want to respect the rights of other elected officials in West Virginia and in other States, and I believe in that strongly.

I believe a 2-year extension of the moratorium is the best of all solutions. It protects Internet access from State and local taxes for a while longer, as more Americans get access to the benefits of the Internet. It preserves for the future the flexibility that State and local governments need as they try to balance their budgets while providing for good education, improved infrastructure, adequate police and fire-fighting forces—all these things in this new age of terrorism. And it gives Congress the responsibility and the opportunity to revisit the issue, which is absolutely key, in 2 years, as the technology evolves.

Let me be clear. I strongly supported the previous moratorium on Internet access taxes because I recognized the value of expanding Internet use to more Americans. I believe Congress ought to do what it can to ensure the Internet becomes like the radio and the telephone and the television before it—

technology that connects with all Americans and connects all Americans to each other.

In my home State of West Virginia, we are still working hard to ensure that all our citizens will have access to the latest broadband technology, so I am eager to support efforts that can make the Internet more affordable and more available, including extending the current moratorium for 2 years. However, I cannot ignore my concerns with the permanent moratorium we are asked to consider today.

I urge my colleagues to join me in supporting this amendment which a number of other former Governors and I have put forward.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

POLITICIZING THE SENATE INTELLIGENCE COMMITTEE

Mr. FRIST. Mr. President, I want to spend the next several minutes commenting on a matter that I regard, as majority leader of this body, to be one that is very serious. As is the case with a number of my colleagues, in fact, most of the U.S. Senators, we have been given the opportunity to reflect on the publication of a very disturbing internal memorandum, a memorandum that lays out a blatant, partisan strategy to use the Senate Intelligence Committee to politically wound the President of the United States.

That is unacceptable. There is really no other way to read this memo. I am deeply disappointed that anyone—that anyone—would have a plan to so politicize the Intelligence Committee of the U.S. Senate, to render it incapable of meeting its responsibilities to this institution, to the U.S. Senate, and, indeed, to the American people.

Moreover—I had hesitated to come to the floor to address this directly, but now is the time to do that—the response by those behind this memo has been miserably inadequate, has been disappointing, and has been disturbing.

We are at a time of peril in our Nation's history. As our intelligence agencies and our Armed Forces in the Middle East are at war against our mortal enemies, those responsible for this memo appear to be—and anybody can read this memo. It is available now. The copy I have here is actually on the FOXNews Web site. But if you read it, those responsible for this memo appear to be more focused on winning the White House for their party than on winning the war against terror.

Those priorities are wrong. They are dead wrong.

As majority leader of the U.S. Senate, as one responsible for preserving the integrity of this institution and the direction of this institution, it is incumbent upon me to make sure we address this matter properly, appropriately, and adequately.

In the aftermath of the war in Iraq, the failure thus far to find deployed weapons of mass destruction is a legitimate matter for inquiry by this body, this institution, for our colleagues. After all, for nearly 10 years—throughout the 8-year tenure of President Clinton and the first 2 years of President Bush—the U.S. Congress and the White House were given a steady flow of information by the intelligence community that suggested such weapons did exist.

In fact, it was this information that precipitated, in 1998, the U.S. military attack Operation Desert Fox, ordered by President Clinton at that time, and, in part, Operation Iraqi Freedom, ordered by President Bush in 2003.

Thus, if there is incomplete or imprecise information that had been provided to President Clinton or President Bush and the U.S. Congress over a 10-year period, the intelligence community should be asked to explain. That is what the Intelligence Committee is expected to do; it is really charged by this body to do; and that is exactly—that is exactly—what Senator ROBERTS, chairman of the Intelligence Committee, set out to do.

Last spring, Senator ROBERTS, as chairman of the Intelligence Committee, made a commitment, jointly with Senator ROCKEFELLER, to conduct a thorough review of U.S. intelligence on the existence of and the threat posed by Iraq's weapons of mass destruction programs.

The review was also intended to cover Iraq's ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his violations of human rights, including the demonstrated actual use of weapons of mass destruction; namely, chemical weapons against his own people.

The review was intended to examine the quantity of information, the quality of U.S. intelligence, the objectivity, the independence, the accuracy of the judgments reached by the intelligence community, whether or not those judgments were properly disseminated to policymakers in the executive branch, as well as to this body and the Congress, and whether any influence was brought to bear on anyone to shape the analysis to support policy objectives.

Thus, that was the initial charge and what, in fact, has occurred over the past 5 months. The Intelligence Committee staff has reviewed thousands of documents. It has interviewed over 100 individuals, including private citizens and analysts and senior officials with the Central Intelligence Agency, with the National Security Council, with the Defense Intelligence Agency, with the State Department's Bureau of Intelligence and Research, and even the United Nations.

It is indisputable the chairman of that Intelligence Committee, Senator ROBERTS, has complied in good faith with the nonpartisan—the nonpartisan—commitment which he made to his Democratic colleagues. Most recently, this nonpartisan commitment was manifest, once again, in a series of very direct, no-nonsense letters directed to the administration, demanding the immediate production of documents and interviews necessary to move the Iraq review forward.

Senator ROCKEFELLER, himself, formally recognized, on the floor of the Senate, the fundamental good work performed thus far when, on November 5, he stated on this floor, and I quote:

I have been vocal in my appreciation of the absolutely excellent job done to date by the staff on the aspects of the investigation they have been asked to perform, which is reviewing the prewar Iraqi intelligence. They have done a superb job, absolutely superb job.

The words of Senator ROCKEFELLER.

The chairman of the committee, Senator ROBERTS, has acted with the utmost attention to that nonpartisan tradition of this critically important Intelligence Committee. That nonpartisan tradition—and it is unusual to have nonpartisan traditions in this body—but it has always been preserved, for good reason, in that Intelligence Committee.

The tradition is reflected in the committee's founding resolution, S. Res. 400, enacted in 1976, as a result of nationwide concerns at that time about intelligence activities in earlier years.

The committee's nonpartisan tradition has been carefully cultivated and respected over time, over all these years, by its members. The tradition is part and parcel of the committee's rules, which extend the prerogatives of the minority, that are not found in any other committee in this body.

For a quarter century there has been a consensus in the Senate that the committee's nonpartisan tradition must be carefully safeguarded. Nothing less is acceptable. Why? Because this committee deals with information that is unique, that is privileged information, because of the dangerous and sensitive nature of the subject matter for which the Intelligence Committee, this committee, has unique oversight.

I come to the floor because that critical tradition has now been willfully attacked.

How can I say that? By this memo. You read the memo. The Senate Select Committee on Intelligence has been harmed by a blatant partisan attack. I have no earthly idea who wrote this memo. I do know why. I don't know who it was intended for, but I do know why. If you read the memo, you can look. It is a sequence of steps spelled out. The sequence of steps proposed in this partisan battle plan for the committee itself is without question intended to sow doubt, to abuse the fairness of the committee chairman, Senator PAT ROBERTS, to undermine the standing of the Commander in Chief at

a time of war, and to launch a partisan investigation through next year to continue into the elections.

The memo lays clear that over the past several months there has been a partisan design at work "to pull along the majority." According to the memo, the good will, the sense of fairness, the nonpartisan approach of the chairman of the committee, Senator ROBERTS, is still seen as providing ample "opportunity to usefully collaborate" in attacking the President of the United States. That is an abuse of the chairman of that very committee. This whole idea of leading that chairman or the committee along is simply unacceptable and out of the spirit of this committee. Again, it is something we simply cannot tolerate.

Finally, in the memo the author proposes that once the committee can be duped no longer, a partisan core of Senators can "pull the trigger" on another investigation.

The Senate Select Committee on Intelligence simply cannot function. Worse than that, it cannot fulfill its purpose for us without a complete understanding of what is at work in this matter. I thought it would come forward over the last 48 hours, but it simply has not. That is unacceptable.

Thus I suggest we take the following three steps. First, I don't know who wrote this memo, but as majority leader of the Senate, I do ask the author or authors to step forward, to identify himself or herself or, if there are several people, to stand up with that information for the full Senate. We would be much better equipped to understand the level of intent behind this partisan strategy as well as the depth of the problem within the committee itself.

It is necessary to know who the memo was intended to go to, who was to receive that memo. It was obviously written as a strategy. Who was that memo to be delivered to? Was it intended for political purposes beyond what is permitted in the Senate rules?

Second, it is reasonable to expect, I think—in fact, I know—that the author or authors and the designated recipient or recipients disavow once and for all this partisan attack in its entirety. It is hard to believe this disavowal has not come forward given what is at stake. The Senate cannot permit a committee chairman with the integrity of Senator PAT ROBERTS to be subjected to such abuse. The Senate as an institution should not permit a committee upon which all of us are so dependent—because of its privileged status with access to information, we are dependent on that committee to make decisions—to be so misused or potentially misused for partisan purposes.

Third, I expect there to be a personal apology to the chairman of the Intelligence Committee, Senator ROBERTS, for the manipulative tone and the injurious content of this document. Senator ROBERTS is one of this body's most distinguished Members. He is a friend.

He is a trusted colleague. He served in this body for 7 years, rising to that position of trust as chairman of one of the Senate's most respected, most important, most critical committees, especially at this time of war. Senator ROBERTS, with his straight-talking manner, has the complete trust of colleagues on both sides of the aisle. He served this Nation in uniform, in the Marine Corps, in the House of Representatives. His integrity is unimpeachable. He is doing an outstanding job as chairman of the Intelligence Committee.

But only with the fulfillment of the three steps I outlined—No. 1, who wrote it and who was the intended recipient; No. 2, a total disavowal of the writing of this and, more importantly, the intent of this memo; and No. 3, an apology to the chairman—will it be possible for this important committee to resume its work in an effective manner, in a bipartisan manner, a manner that is deserving of the confidence of 100 Members in the Senate as well as the confidence of the executive branch.

In light of this partisan attack, Chairman ROBERTS and I have taken the opportunity to discuss the scope of the unfinished work on the review of the prewar intelligence in Iraq. It is our view that the committee's review is nearly complete. Together we have called upon the administration to provide the remaining requested materials. We have jointly determined that the committee can and will complete its review this year.

To the authors of this memo, there will be no more pulling along and no more useful collaboration on partisan schemes, borrowing from the malicious intent of this memo.

This must be addressed forthrightly. I call upon my colleagues to pay attention to this memo. It is something we can resolve and we must resolve over the coming days.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished leader for addressing this matter which is of extraordinary importance to the institution and indeed the United States.

I humbly say I have been privileged to serve in this body for 25 years. I have been a member of the Intelligence Committee in years past, 8 years; the last 2 of those years serving as the ranking member with Senator DeConcini, who is now retired from the Senate. I speak now as a former member of the committee and draw on those 25 years of my own experience.

I have never seen an incident of the level of seriousness to our very vital security interests in this country as this particular memo presents. I think our leader, in a very fair and balanced way, has addressed the challenges. I commend the distinguished chairman, Senator ROBERTS, with whom I have served these many years in the Congress and the Senate.

I conclude by saying, speaking for myself and I think many Senators,

with everything we do in this body today, I keep in mind the young men and women of the Armed Forces, wherever they are in the world today, serving valiantly, most particularly in Afghanistan and Iraq, and how the actions we as an institution take hopefully are in their best interest.

I thank the Chair and the distinguished leader.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank our leader for bringing this matter to the floor. I join with the very distinguished chairman of the Armed Services Committee because that is what we really ought to be about. We ought to be focused on winning the war against terrorism, not allowing one of our primary, sensitive committees, the Intelligence Committee, to be focused on winning the White House. I can't say it any better than the Senator from Virginia. We have heroic young men and woman in harm's way fighting to bring order to a region of the world where we have had many threats to our security. The least these brave men and women could expect would be that our country and our Congress would be behind them.

Frankly, one of the reasons I sought membership on the Senate Intelligence Committee as a new member was I realized that in this critical battle against terrorism worldwide, we cannot win unless we have the best possible intelligence.

As I understand it, the job of the Intelligence Committee is not only one of oversight but of taking a look and seeing what has happened in the intelligence-gathering analysis and sharing in the past, how we can do a better job. Our staffs have been deeply engaged in this exercise for many months. We have followed it. We have had numerous hearings. We have read some, but not all, of the tens of thousands, perhaps hundreds of thousands, of pages that have come before us. We need, on a bipartisan basis, to be able to find out how we can improve that intelligence.

One of the reasons the Intelligence Committee is so special is the tradition it has. The intelligence community members, whose lives are at risk because of what they are doing—often undercover work, dealing with classified, sensitive subjects—have been able to come before the committee in the past, knowing they could count on confidentiality, professionalism, and on a body that was not going to be using their words or their actions for partisan political gain.

Unfortunately, when we first saw this memo, it looked as if there was somebody, or "somebodies," in the Intelligence Committee who wanted to use it to win the White House. That is just unacceptable. Some people on the other side have said this is just an options memo tossed up for review. I have been around here for a few years, and a staff person on his or her own doesn't

write a memo saying: We have carefully reviewed our options under the rules and we believe we have identified the best approach. Our plan is as follows.

I say that the occupant of the chair, and probably everybody else here, would be totally stupefied if they got a memo from the staff that was supposed to be an option memo and said: This is our plan. This is not an accident. Days have passed and there have been no consequences. If somebody was really off base, there would have been something that would have happened. Some steps would have been taken. As the distinguished majority leader has pointed out, nothing has happened. Unfortunately, too many of the actions we have seen seem to fit right in with this plan. Not only are they not disavowing it, they appear to be preparing to implement it, or are in the process of implementing it.

What is this plan? Is it to find out how the intelligence gathering could be better? Not likely. In addition to the President's State of the Union speech, they say, they want to look at the activities of the Office of the Secretary of Defense, as well as Secretary Bolton's office at the State Department. They want to go after political figures.

Somebody in my office said, "This looks like a political witch hunt." I said maybe that is not a bad way to characterize it.

They are going after political scalps, not trying to find out whether the intelligence that we received, the White House received, the Department of Defense received, and the State Department received was good, but how they can use the process of the Intelligence Committee to win political points.

By the way, when they talk about "when we can pull the trigger"—pull the trigger on an investigation—they say the best time to do so will probably be next year.

If I remember correctly, that happens to be a general election year. That would seem to square with some of the statements made by the many Democratic Presidential candidates who want to raise questions, who want to attack the President, using the process of the Intelligence Committee.

One of the things that is really bothersome is that they are not just speaking to an audience in the Senate. When they launch these attacks, these attacks get carried across the Nation and across the world. They get back to the people we are trying to fight. Do you know something? There is nothing a terrorist likes better than seeing discord, disharmony, and political infighting among the people they are trying to terrorize. That is one of the victories of terrorists. If they can tie up the intelligence-gathering operation, which is so critical for the protection, first and foremost, of our soldiers on the front line, but ultimately our allies and ourselves—if they can see that tied up in a political Gordian knot, then they know they are winning.

I strongly support what the majority leader has said. I strongly believe that our fine chairman has not only gone the extra mile, he has gone the extra mile and a half.

Some on the other side said we have not been able to get the information we want. When we have found we could not get information, the chairman has demanded it and we are going to get it. When they want to ask questions, they can do so. When they want to call witnesses, they can call witnesses.

There has been a suggestion that there was pressure on intelligence community members. The chairman has gone out and asked publicly of the intelligence community, if anybody has any information or concerns that they have been pressured, to come forward and talk to staff. We have set up elaborate procedures so they can come forward. We are still waiting. If we find any of that, we will certainly let it out.

In the meantime, it is time for us to get back to the job of the Intelligence Committee—how we can support, rather than tear apart, our intelligence-gathering system. It is with great regret we note that we have gone down this path and there doesn't seem to be any remorse or disavowal from the other side.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today, first of all, to ask that I be associated with the remarks of the majority leader, as well as the Senator from Virginia and my colleague from Missouri, and to also pay a great compliment to the chairman of the Intelligence Committee, Chairman ROBERTS, who throughout the past 10 months has led the Senate Intelligence Committee through one of the most difficult, if not the most difficult, times in the history of the United States of America from an intelligence community standpoint.

Today, our men and women are fighting a war that is unlike any war America has ever been involved in before. The intelligence community is playing a more high profile and much more public role than ever before in the history of our great country. Chairman ROBERTS has been at the tip of the spear when it has come to providing oversight in a bipartisan manner with respect to the activities of our intelligence community.

Over the past week, he has provided great leadership with respect to the most sensitive issue that has taken place in the short time I have been a Member of the Senate. We have seen a security breach unlike any other security breach I have ever experienced.

As my colleagues have noted, the memo that has been referred to that was prepared by someone on the other side of the aisle—we have yet to find out who—was a blatant political attempt to impede what I consider to be an independent, nonpartisan review of prewar Iraq intelligence. America

should expect more from this Congress. The Democrats in this body should expect more from themselves as well as their staffs.

The Select Committee on Intelligence was established to be nonpartisan in nature, in which Congress could perform critical oversight of the intelligence activities of the United States. This nonpartisan environment was, and is, a crucial feature. This nonpartisan environment creates a crucial level of trust between the executive branch and the Senate, permitting the President to share sensitive national security information, with the confidence that the committee will protect the information and not use it to engage in rank political misconduct.

We have seen just the opposite take place with this blatant political attack that comes from the other side in the form of this memo.

We can have our differences over issues involving Iraq, and we have had those differences, and we will continue to debate issues such as weapons of mass destruction. But no one in this body and no one in the intelligence community ever expected a weapon of mass destruction to be dropped on the Senate Intelligence Committee, as was done this week.

I implore the leadership on the other side of the aisle to follow the initiative of the majority leader: examine what he has said with respect to what needs to be done from this point forward. I certainly hope the leadership on the other side of the aisle will do just what they are charged to do, and that is to provide leadership and come forward to explain the purpose of this memorandum, its intended use, and where they expect us to go from here because otherwise, that weapon of mass destruction that has been dropped on the Senate Intelligence Committee is going to impede our ability to function in the bipartisan way that is absolutely crucial if we are going to exercise our oversight role in the intelligence community.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to reinforce the very serious concerns just raised by the distinguished leader and my colleagues, and I thank them for that. The Senator from Tennessee is an ex officio member of the Intelligence Committee. He has also been a member of the Foreign Relations Committee. He thoroughly understands the complex and important foreign policy issues which depend on reliable intelligence for their proper resolution.

I associate myself completely with his comments and agree with him that neither the Intelligence Committee nor the Senate, let alone the American people, are well served in the current atmosphere of raw partisanship that was created by a minority attack strategy that was revealed this week.

I have come before the Senate many times to report on the progress and

good work that has been done by the committee staff in a bipartisan way on the Iraq intelligence review. That has been under review since the spring of this year. Two days ago, I expressed an interest in getting back to work in the Intelligence Committee. Some Senators across the aisle have taken this sentiment as an expression of readiness to simply close the book on this episode and pretend like it never happened. They are mistaken.

What has occurred in the Intelligence Committee was not a simple misunderstanding over policy or a mild disagreement about philosophy or oversight responsibilities. Far from it. What occurred was a direct assault on the heart of what makes the Intelligence Committee a unique and credible and respected entity in behalf of our national security. It was a direct assault on our concept of oversight that is the product of some of our country's most trying days. It has functioned well, although imperfectly, for nearly 30 years. And now we find ourselves at a crossroads, and, boy, is this a road we didn't have to take.

Unless and until this reprehensible attack plan and strategy to derail the committee's important work is properly addressed, I am afraid it will be impossible to return to business as usual in the committee.

I remain absolutely stunned that just one Member of the minority of the Senate has disavowed this destructive strategy and said we are on the wrong trail, said it would lead to a box canyon. That courageous Member saw it for what it is: "A highly partisan and perhaps treasonous memo." Those are his words, Mr. President.

What really disturbs me the most is that most Democratic Members just haven't remained silent about this outrage; some of them have openly embraced it. They have actually tried to make a silk purse out of this sow's ear by dressing up their planned attack on the Intelligence Committee as some kind of frustrated cry for help from their committee staff. That is not going to wash.

Democratic reaction to the attack memorandum is as destructive as the strategy itself. We face mounting intelligence challenges in places such as North Korea, Iran, and, of course, Iraq, and Afghanistan. Members across the aisle should carefully reflect and decide whether their caucus should repudiate or disavow—pick any word you want—this plan and embrace our Nation's security instead of self-interest. Critically important work lies ahead for the Senate Intelligence Committee, and an atmosphere of mutual trust and professionalism must be restored.

According to Senator Bob Kerrey, a former Senator and a former vice chairman of the committee said:

Rank partisanship like this destroys the comity needed for compromise.

There is a way to restore that comity quickly and completely. It seems to me that Democratic Senators must clearly

repudiate or disavow the blatantly partisan strategy laid out in the attack memo. If they refuse, it seems to me, then, that the Democratic caucus must be prepared to accept responsibility for destroying the Intelligence Committee's 25-year, almost 30-year tradition of effective nonpartisanship when the country needed it most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I first compliment the distinguished chairman of the Senate Select Committee on Intelligence, the Senator from Kansas, not only for the remarks he just made, but for the way he led this committee during very difficult times, as has been mentioned before.

I regret he has been criticized for the very acts of comity which are required of a chairman in a position such as this for trying his best to accommodate the members of the minority, trying his best to be as open and as broad as he could possibly be in approaching the issues that have been brought to his attention by members of the minority, even criticized, I have seen, in his own hometown press, his own press in Kansas for being too soft in dealing with the members of the Democratic Party in this matter.

It is his job to bend over backwards, to make the Intelligence Committee work in a nonpartisan fashion. I didn't say "bipartisan," I said "nonpartisan" because that is the way this committee was set up 25 years ago: to be a place where politics could not intrude.

I don't know how many people are aware of where the Intelligence Committee works. It works in an area that is secure. That is the phrase. There are special physical arrangements in the construction of this area in which the committee works. It is literally a vault that you walk into, totally closed off from the rest of the world, obviously because we don't want any electronic surveillance or other means of intercepting what is said within the confines of this secure area.

It could also be a metaphor for its location in this very political city because there is a lot of politics in Washington, DC. We all understand that.

This is a special place where politics is not to intrude. It is literally an island in this political sea that is supposed to be out of bounds for politics.

The chairman has done a great job of trying his best to get all of the information he can from the intelligence community, from the administration, from any other source that would be useful to the committee's work, and to bend over backwards, as the memorandum itself notes, for the members of the minority. I take my hat off to him for that and suggest that he should not be criticized for it; he should be praised for it.

He, too, has made the point that there is a point beyond which one just cannot go. When it appears that the

other side has attempted to take advantage of your goodwill, as the chairman has done, he has got to say that is it; no more; this committee is not going to be used for partisan political purposes. That is what he should do, and I applaud him for that effort.

I also appreciate the comments of the distinguished majority leader in bringing this to the full body as he has done, to raise the critical questions and to simply ask for those responsible to step forward and acknowledge their responsibility and identify for whom this memorandum was written; for the responsible people, including the leadership of the Democratic minority, and certainly the leadership of the committee, to disavow the contents of the memo, the plan that has been written, and to make a public apology to the distinguished chairman of the committee.

I think those are very reasonable requests and, frankly, too many hours have passed since the first calls for disavowal. Yet the memorandum remains not disavowed.

I would like to take just a moment to try and explain why some of us feel so strongly about this. I served on this committee for 8 years. There is a rule that a Senator can only serve for 8 years because we never want this to become a politicized committee. We never want it to be a source where power is gathered around people who maintain their position. This is supposed to be a place where a Senator comes in, gets expertise, serves time, and then moves on. I had the honor and privilege of serving for 8 years.

One of the things that always stuck with me was the fact that it was not bipartisan, it was nonpartisan. The staff was selected primarily from the intelligence community, people who were experts in matters of intelligence. When I first came in, I said I had a member of my staff who used to be with the Intelligence Committee. He has the top clearances, and I would like to have him on staff to help me on this committee. Bob Kerrey, the former Senator from Nebraska and distinguished former chairman referred to by Senator ROBERTS, made the point at the time: No, we cannot do that because we do not want there to be any suggestion that there is influence in the committee from the private staff of individual Senators. This is professional intelligence community staff, and if it ever were thought to be otherwise, we would never get the cooperation of the intelligence community providing us with secrets that are the most significant, important secrets of our Nation.

Our committee staff of the Select Committee on Intelligence has the complete knowledge of the most significant, serious secrets of this country. They have to be above reproach. Think for a moment what would happen if it were perceived that they were political staff just like all the other committees. There is nothing wrong

with political staff, but we all understand they have a substantive and a political dimension to the work that they do. We all operate within that understanding. But here, think about what a Senator could do knowing all of these secrets if they decided to use them for partisan political advantage.

I can state unequivocally that I could have gone out and criticized the Clinton administration with things I knew, and people on the committee today could probably go out and criticize the current administration for things that they know. It would be very hard to respond to that because the only response is to use similarly classified information to respond.

We cannot get into that game. No one would share information with the intelligence committee if they felt that it could be used for political purposes. Indeed, what foreign country or other sources would be willing to provide information to our intelligence community with the understanding that it might go right to a partisan political committee of the Congress? It could not be done.

I was interested to go to Great Britain and visit with Parliamentarians who only recently obtained oversight, like the Intelligence Committee oversight of the United States, over intelligence activities of the executive branch of their government. Now, understand they are a parliamentary form of government so the distinction is not nearly as bright as it is in the United States, but they sought advice from us as to how they could best do oversight of this important intelligence function.

They were interested in how we were able to get these deep dark secrets of our country into the legislative branch of government when in the past they had always been the sole province of the intelligence community and the executive branch. One of the explanations was because we were trusted. We were not a partisan committee like the other committees.

Well, this memorandum and the conduct of the staff in this particular case begins the process of destroying that credibility and that trust and thus eliminating any prospect that this committee can operate in a successful way in its oversight function. That is why this is such a big deal.

I mentioned former Senator Kerrey. I would also mention former chairmen of the committee, Senators SPECTER and SHELBY, both of whom spoke to this issue a couple of days ago and recounted how in their experience they had never seen anything like this during their time as chairman and noted that they could not possibly function as a committee if there were a perception that the committee was being used for political purposes.

I might note one other thing just as an aside. I wrote additional views, along with the distinguished chairman of the committee, today to the report that the Intelligence Committee issued

at the end of last year about the events leading up to September 11, 2001. One of the reasons that those other views are not as eloquent as I would have liked them to have been is that we had to draft them very quickly, after the report was done, after we knew what its conclusions were. We were able to read through it, and the Senator from Kansas and I noted that we did not totally agree with everything—more precisely, there were other things that we thought should have been said in that report, and we hastily put together our additional views and got them attached to the report. I hope they are helpful for people who read that report and our additional views.

We did not come to a conclusion before that report was done, before the committee's work was done, that no matter what that report said, we were going to attach additional views and be critical of the report. We could not have done that because we did not know what it was going to say.

That is what this memorandum suggests is the plan of these Democrat staffers, that irrespective of what the report says the Senator from Kansas will oversee the issuance of in the next few weeks, they plan to attach additional views castigating the majority. I will quote that in just a second. That is a misuse of the process and that is the kind of thing that we are talking about.

I would just finally note in this regard, the report that the committee is working on now is the second of three major reports. First, the committee put out the report at the end of last year. Then there is the followup report that is being done right now on the intelligence leading up to September 11 and leading up to the conflict in Iraq, and finally the Kean commission, which is also going to be issuing a report on the same subject. So all three investigations overlap in one way or another to ask the question about the adequacy of our intelligence pre-September 11 and pre-Iraqi war. It is not as if this subject has not gotten a lot of attention.

The public might be a little confused about what this memorandum actually says. I just wanted to note finally what this memorandum says. It begins by saying:

We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows.

So this is not a recitation of options. This is a statement that they reviewed the options and this is what they came up with: The plan, "our plan is as follows." It clearly is written for someone who understands fully what the idea was.

Our options for what? It would have to be options for something that the recipient of the memo already understood. It says:

First, pull the majority along as far as we can.

That is the distinguished chairman of the committee.

Pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by administration officials.

In other words, a fishing expedition. Let us see how long we can string this out and maybe we will get lucky and come up with something. In fact, they say it right here: “. . . We don't know what we will find,” and then there is a parenthesis at the end of this paragraph that I find very interesting. “Note: we can verbally mention some of the intriguing leads we are pursuing.”

No, you cannot, not under the committee rules. It is absolutely forbidden.

What is in that committee is confidential. You cannot verbally mention some of the intriguing leads that “we are pursuing.”

Second:

Assiduously prepare Democratic “additional views . . .”

That would be appropriate if the report is already done, but what does it say?

. . . to attach to any interim or final reports the committee may release.

In other words, it doesn't matter what the committee says. We'll write these views ahead of time and attach them.

. . . we intend to take full advantage of it, it said.

Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry.

The majority has not done anything yet but, by golly they are going to be castigated for this.

Third:

Prepare to launch an independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the majority.

I like that phrase. I think that reveals a malevolent intent here. Then:

. . . we can pull the trigger on an independent investigation. . . . The best time to do so will probably be next year. . . .

They then talk about the advantages or disadvantages of doing it at that time. They note that:

We could [under the second view here] attract more coverage and have greater credibility in that context than one in which we simply launch an independent investigation based on principled but vague notions regarding the “use” of intelligence.

It concludes:

. . . we have an important role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of the senior administration officials who made the case for a unilateral, preemptive war. The approach outlined above seems to offer the best prospect for exposing the administration's dubious motives and methods.

This is political. This is staffers who have already prejudged. They cannot believe President Bush. There must be bad, dishonest motives. It is their mantra, and I think they think it is their duty to expose and blame the Bush administration. Yes, it is political, but in their view it is a higher calling. Bush must be exposed, so any

method is acceptable, so the end justifies the means even if it risks destroying the intelligence committee.

These staffers should know better because they are senior staffers, presumably. That is the kind of people who get hired on this committee. But it is wrong to put partisan politics above national security and certainly the members of the committee know better. That is why the majority leader is absolutely correct in calling upon them to disavow this memorandum, which puts partisan politics ahead of national security.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, let me initially state I have the highest respect for PAT ROBERTS, with whom I served for a number of years on the Ethics Committee. I served with him in the House of Representatives. I also have the highest respect and the deepest admiration for JAY ROCKEFELLER, a man who has devoted his life to government and who, as I have indicated, I admire greatly.

But the American people must understand this memo that has been talked about was somehow stolen from the offices of Senator ROCKEFELLER and his people who work in the Intelligence Committee. It was purloined—I used the word stolen—and then made public by the majority. I think one of the things we should consider here, in addition to what is in the memo, is how this information was taken. How it was obtained and how that came to be is something the Intelligence Committee should really be concerned about because, as a number of Senators have spoken about this afternoon, the information that is spoken of in the Intelligence Committee, the memos, letters, and other information that is in the Intelligence Committee, has to remain secret. It has to be something that is within the confines of that office.

That wasn't done in this instance. All you need to do is compare the situation where, just a few weeks ago now, information was leaked from somewhere within the confines of the White House to Robert Novak, a distinguished columnist in the Washington area, and that information was obviously leaked in an effort to get even with Ambassador Wilson. How did they intend to get even with Ambassador Wilson for questioning how the war came to be in Iraq? How were they going to get even with him? They were going to disclose the name of his wife who was a CIA agent. By her name being made public, not only could it lead to her physical harm but harm to the people with whom she had intelligence contacts all over the world. Where is the hue and cry about this?

I have been terribly disappointed over the last several days about what is happening in the Senate. There were speeches this afternoon accusing Senators who are not here to defend themselves and who are only trying to do what they think is right for national

security—it may not be right, but they think it is—of being unpatriotic. That makes me feel even sadder.

The American people should understand, what we have here is an investigation being conducted by the Intelligence Committee. It is a very important committee. I acknowledge everything that has been said by the Senators here this afternoon. It is very important. But the minority believes the investigation should be more than looking at what the civil servants did; that is, the CIA itself, and should be looking at not only what the civil servants did but what the policymakers did.

I voted for the first gulf war. I voted for the second gulf war. I have no regrets about having done either. But I am very interested in how we got to the situation we are in.

I said we can win the war, but can we win the peace? I want to know about how the policymakers made the statements they did.

I think it is also of note, as my friend, the distinguished Senator from Arizona, indicated, he did file the same views—he and Chairman ROBERTS. In this report, on page 4 in their views I quote:

Because the fundamental problems that led to 9/11 are almost certainly rooted in poor policy and inadequate leadership, the investigation should have delved more deeply into conflicting interpretations of legal authorities, including presidential directives, budget allocations, institutional attitudes, and other key areas. Only penetrating these areas will tell us how policymakers, including Congress, contributed to the failures the Report identifies.

So as I understand this memo, which was stolen from the Intelligence Committee—I don't see anything wrong with their asking for more information and how we should start looking at the policymakers, not just the bureaucrats.

On page 17 of the report, Senators ROBERTS and KYL said:

The failures that led to 9/11 occurred not only in the intelligence community. The [Joint Inquiry] was selective about what threads of inquiry it was willing to follow beyond the intelligence community.

So they were asking for what I understand the memo asked for.

Rather than talking about the Intelligence Committee being landlocked, blocked, I think they should just go ahead and do their report, enlarge it, and include this information.

Last night on this floor and earlier today I tried to get permission from the majority to pass military construction. The conference report should have been passed. We are not doing that. We could do it right now. I also tried to pass the Syria Accountability Act. I understand procedurally why on the Syria Accountability Act the majority may want to hold it over. An hour and a half is plenty of time, but the appropriations bill has no time on it. I can't understand why we will not do that.

Talk about political grandstanding, we now learn that starting next

Wednesday at 6 o'clock we will spend 30 hours talking about judges.

I ask unanimous consent that the debate time for discussion on judges, which we have all learned is going to be 60 hours, be divided and controlled equally between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, it is interesting to me; comments have been made over the course of the day that there was some attempt to figure out how time would be divided, and I believe the allegation has been made that had been discussed with me before. We have not gotten to that point yet. So I am a little bit surprised about some of the statements which were made earlier.

As we discussed the judicial issue and the filibusters that are ongoing, which are unprecedented—partisan filibusters in this country on the judicial nominees—I do think it is critically important that we have the opportunity on both sides to be heard. The plans will be, after we finish the appropriations process over the next several days, that at that point in time we will turn to the judicial nominees. We will be debating two nominees who haven't yet been considered on the floor of the Senate. The intention has been made very clear that the Members on the other side of the aisle will filibuster. Therefore, I look forward to an active debate between both sides of the aisle. We would be happy to talk to the Democratic leadership about how the time will be divided.

Mr. REID. Mr. President, I withdraw the unanimous consent request and express my appreciation for hearing that at a later time the leader will determine how he feels the time should be allotted. I am glad he is thinking about some allocation of time to the minority.

I also say that my friend from Arizona raised questions and made statements about the 9/11 Commission of which Governor Kean is chairman. Of course, that has a number of people on it, such as Senator MAX CLELAND. But as we have read from the press accounts, even Governor Kean, a Republican, is concerned about the lack of information.

From the 9/11 Commission, Governor Kean has indicated publicly that he may go to as far as issuing subpoenas to the White House to get the information he hasn't gotten yet.

If we are talking about divulging information, one of the things that we need to talk about is what has gone on in preparing this intelligence report between the White House and the Intelligence Committee which is supposed to be sacrosanct in itself.

Numerous questions have been raised about what the intelligence community told the Bush administration about the threat posed by Saddam Hussein and how administration officials used this information in the days leading up to the war with Iraq.

What was the factual basis for the administration's assertion that Iraq attempted to acquire uranium in Niger?

What was the factual basis for the administration's assertion that there were concrete ties between Saddam Hussein and al-Qaida?

What was the factual basis for the administration's assertion that Iraq posed an imminent danger to the United States?

What was the factual basis for the administration's assertion that if we did not act in Iraq, the so-called smoking gun would be a mushroom cloud?

In all the speeches, not one of my colleagues has suggested that these are not legitimate questions for congressional inquiry. That is because each of us recognizes that we need a strong, independent intelligence community to win the war on terrorism.

In order to answer these questions, we need to understand both what intelligence told the administration about these issues and how the administration used that information.

Both issues have important implications for national security, and both issues should be thoroughly examined by Congress.

Nevertheless, the Intelligence Committee chairman rejected the Armed Services Committee chairman's proposal to conduct a joint investigation.

My friend, the senior Senator from Virginia, asked for a joint inquiry by the Armed Services Committee and Intelligence. But that didn't come to be, even though we all know it was a good idea.

At the same time that he was rejecting these entreaties from members of both parties, press reports indicate that the majority was meeting with the White House, as I have already indicated, to discuss how to proceed on matters that affect the intelligence community.

I don't think it should come as a surprise to anyone who knows these issues that some in this body who are concerned about our national security have seen their pleas ignored by the majority. They have been frustrated.

It is difficult for Members in this position to understand why the majority would refuse to explore the questions that I have outlined only briefly—questions which we all agree need to be answered if we are to succeed in this war on terrorism. We all agree that these are important questions. We all agree the committee has authority to look into these issues.

While we are posing questions for each other here, my question is this: Why isn't the Intelligence Committee looking at both what the intelligence community knew and how the administration used that information?

Again, the memo that is the subject matter of the discussion here today was not leaked by anyone we know. In fact, we believe—and I think there is credible evidence to indicate—that it was stolen, purloined, and then made public. It wouldn't have been made public but for the majority.

Doesn't the minority have a right, in the secret confines of the Intelligence Committee room, to have pieces of paper there that aren't going to be pilfered by the majority? The staff allocation is very unfair. Some say it is about 30 to 3. But in spite of that, those 30 should have better things to do than to pilfer through the records of the minority.

I have the greatest confidence in Senator ROBERTS and Senator ROCKEFELLER. I think we should get back to the business of this Intelligence Committee. We should get back to it, and I hope they will broaden the investigation. If they decide not to broaden the investigation, as the memo indicated—and I have only read little bits and pieces of it; I haven't studied the memo—then there are things the minority can do to bring this out because the issues that I have raised should be made public.

I hope these two fine Senators—the Senator from Kansas and the Senator from West Virginia—will work together as they have so well and not let this stolen memo hurt the deliberations of this most important committee, the Intelligence Committee.

I apologize to the majority leader. I know he is a busy man. I am sorry I took so long to respond to the remarks made by others here today.

Mr. FRIST. Mr. President, we are about to wrap up here in just a couple of minutes.

But just from my standpoint, based on the comments that have been made, we still have no one disavowing the contents of the memo or the intent of the memo. All I ask at this juncture is, Who wrote it? Who was it intended for? Who was the recipient?

Second, I ask for someone to stand up and disavow either the intent or the content of the memo.

Third, an apology to the chairman, who it certainly seems to me there is an intent to in some ways embarrass and subtract from the integrity he has brought to that committee.

Those three things.

Just to respond very briefly about some other business, we share the minority whip's concern about getting our business done. I have mentioned that November 21 is the target date for us to adjourn.

I am pleased that we have been able—speaking to the legislation that we mentioned—to lock in a time agreement on Syria accountability. It was a priority of mine. It is a priority on my side of the aisle, and on the other side of the aisle. And I can assure our colleagues that it will be done early next week. I am not sure exactly what that date would be but sometime early next week. There are Members on both sides of the aisle who desire to speak on the Syria Accountability Act. I urge them to be available early next week, Monday or Tuesday, or they might not get that opportunity. I understand both sides of the aisle want to progress quickly to this important piece of legislation, the Syria Accountability Act.

On MILCON, I am prepared to move on that conference report. If the minority whip is willing, I am prepared to lock in a 20-minute time agreement to allow the managers to make short statements and then to allow us to finish that measure. I ask the Democratic whip if he would allow us to proceed to that when we proceed to the conference report, that it be considered, and that a short time agreement be part of that agreement.

Mr. REID. Reserving the right to object, I ask that the consent be modified to allow the statements to be made after the bill passes today. We would pass it today, and people could have more than 20 minutes next week to speak on it all they want. This matter should be passed immediately.

Mr. FRIST. Mr. President, as I said earlier, I renew my request as made because it is very important that people who have worked very hard on MILCON, out of respect for them and those managers, be here and they make the appropriate speeches and response in support of this bill.

Mr. REID. Reserving the right to object, does the leader have the time in mind when he would bring this up?

Mr. FRIST. Mr. President, we would bring it up the early part of next week.

Mr. REID. As I have indicated, I want it passed tonight. People in Nellis Air Force Base and Fallon can do without speeches. It should be passed now. If it will not be passed now, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. FRIST. Mr. President, as you can tell, we have a very busy week next week. I will comment a little bit more on the schedule shortly and we will be doing MILCON and Syria as well as many other things over the next several days.

PARTIAL-BIRTH ABORTION

Mr. LAUTENBERG. Mr. President, I rise to discuss something that struck me as downright chilling when I saw it yesterday in the paper. It was the signing of the so-called partial-birth abortion bill. I want to show a picture as it appeared—as I first saw it in the Washington Post. I challenge anybody: Find a woman in that picture. We even broadened it to a larger picture, and once again I issue the challenge: Find a woman in this picture. There are 10 men, not 1 woman in that picture.

This picture represents the most sweeping attack on women's rights in 30 years. What do we see? We see a group of gleeful men, smiles across their faces. We don't see the picture of the women who are frightened to death about what can happen if they need to make a decision to protect their health, in the company of their doctor.

This gleeful group is watching President Bush sign away women's rights. Look at the image—not a woman on the stage. Does anybody doubt about how the population splits 50-50 between the two genders? But here, in these two

pictures, it is all men, and it is downright frightening.

It has been said that a picture is worth a thousand words. When women across America picked up the paper or watched the news and saw this image, it spoke volumes. This photo says to women: Your right to make choices about your health and your body is being taken back from you.

I am the proud father of three daughters and five granddaughters. I don't want the men in these pictures making decisions for my daughters or my granddaughters when it comes to their health and their well being and their families' well-being. Thank goodness, all of my children have children. They have wonderful families. But they have to take care of those families. If their health is jeopardized by a pregnancy or a disease, I want them to be able to take care of it.

Not here. These men will make your choices for you.

I am old enough to remember a time when women were not permitted to make choices, when women couldn't hold certain positions in society. There was a time when women couldn't vote. We have made great strides forward to advance women's rights, and one of those rights is the right to choose. But look at this picture. These fellows are eager to snatch those rights away from women.

The absence of women on the stage says something. Make no mistake. We have more than a dozen women in the Senate. I don't know what the count is in the House. Not one of them stood on this floor during the debate and defended that law that was passed and signed so smugly at the White House. I call this a "malegarchy" and this photo captures the essence of the "malegarchy" women live under today.

If we keep going backwards, maybe it will be possible our women will live like they do in parts of the Middle East and have to wear burqas. The men will decide.

I think it is shameful. It is embarrassing to see this image in the 21st century in the United States of America. Have we entered a time warp? In some ways we have. Ultra right-wing conservatives who control this Congress and control the White House are more in line with the thinking of the 19th century than the 21st century.

The conservatives today speak of "traditional family values" and protecting marriage. Those are their buzz phrases, but you look back in history and what you see here is a repeat of the same themes constantly used to keep women subservient. I couldn't get away with that in my household.

In 1914, during the battle over the women's right to vote, there was a group called the Nebraska Men's Association Opposed to Women's Suffrage—that was the title of the organization. It was organized in 1914. The group published a document expressing its reasons for opposing women's suffrage. The association claimed if we give

women the ability to vote, to make electoral choices, then that would lead to "attempts to change home and marriage." Does that sound familiar? It is the same rhetoric we hear today. In this picture, it is the same rhetoric being used at this bill signing.

We also hear about the "culture of life." What about the woman's life? What about her health? This law does not include a health exception. What if a woman's health is in danger? What if her life is ultimately threatened by complications stemming from the pregnancy? And where is the culture of life when that fetus is born? Where is the culture of life for children who have been born?

Earlier in this Congress, the anti-choice conservatives led the fight against the child tax credit for low-income working families. Where are the family values in that? Where is the culture of life in that?

How about nutrition for those children? How about education for those children? How about health care for those children?

We have seen "no" vote after "no" vote on funding these programs for making our children healthier and brighter and more productive.

I was pleased to see the Federal courts in Nebraska and New York issue injunctions against this unconstitutional abortion law. The vast majority of legal scholars predict this law will be easily overturned, based on *Roe v. Wade*, and it should.

The famed American suffragette Elizabeth Cady Stanton said "men want their rights and nothing more, but women want their rights and nothing less." As we can see with the signing of this bill, women's rights are still under attack. We must not settle for anything less than full reproductive rights for women in America.

CONGRESSIONAL PORK

Mr. MCCAIN. Mr. President, I would like to address an article that appeared on the front page of Roll Call on Thursday, November 8. The title of the article was "McCain Breaks Own Pork Rule," and it addressed my efforts, as a member of the Senate Armed Services Committee, to secure authorized funding—I emphasize authorized—for land acquisition at Luke Air Force Base in Arizona. Sadly, the headline was misleading and the article itself was simply inaccurate.

As my colleagues know—and I see my colleague from West Virginia in the Chamber—for many years I have made it a point to carefully scrutinize the annual appropriations bills which are, in my view, wasteful porkbarrel spending. I have specific criteria for identifying these projects which are very clear. Simply put: If an item is requested by the administration or properly authorized, I do not object to it and I do not consider it a porkbarrel project. Having said that, let me address the situation discussed in the Roll Call article.