Over the years, we have had many, many failures in intelligence. For those of us who have been through top secret briefings in room 407 of the Capitol Building, it is nearly unbelievable what they told us they knew from all their different kinds of intelligence-gathering devices and their fond memories, and what we subsequently learned were the facts or the truth of the matter.

I am telling you because we need a good intelligence system to protect our country and our homeland. I worry about all of this, knowing that the intelligence system was deeply flawed. In candid moments, most Members of the Senate would tell you that which was told them as top secret intelligence has now turned out to be fundamentally wrong.

We now read, for example—and I am not now discussing that which comes from top secret briefings; I am discussing things that come from the periodic intelligence inspections, for example, that the intelligence we were given in briefings about the issue of mobile chemical weapons laboratories, it turns out came from one source, a source they call "the Back Channel." I am describing this from Newsweek and Time magazine, not from top secret briefings. One source turned out to apparently have been a drunk and a fabricator and, as a result of that source, we get top secret briefings.

When we are talking about 9/11, we find out that a source, which was told them as top secret intelligence from good intelligence.

I believe Mr. Goss is the right person at the right time for the right job. As Senator Durbin has indicated, I am concerned about some things he has done in the past. I believe that he is qualified to do this job. There is no Republican or Democrat in this Chamber who wants anyone but Mr. Goss to succeed Mr. Kay. I hope Mr. Goss will be a reformer. Most importantly, our country, all of us, each of us, needs to work together to create an intelligence system that works for the safety of this country and works in a way that a President, a Congress, a Director of the CIA can rely on good intelligence from all around the world.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, we will now stand in recess until the hour of 4, with the time charged evenly to both sides.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. Cornyn).

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of Porter Goss.

Mr. DURBIN. Mr. President, I rise to speak in reference to that nomination. Mr. President, I will vote against the nomination of Congressman Porter Goss to serve as the next Director of Central Intelligence. I do so reluctantly. I have known Congressman Goss for a number of years, and I consider him a good person and a good public servant. But we are on the verge of enacting significant, historic, and much needed reform of the U.S. intelligence community. It is more important than ever that the next leader of the intelligence community be nonpartisan and firmly committed to meaningful intelligence reform.

Based on his record and his public statements, and on the confirmation hearings before the Intelligence Committee on which I serve, I do not believe Mr. Goss is the right person at this moment in time for this vitally important national security position.

Mr. Goss has served as chairman of the House Intelligence Committee for almost 8 years, the second longest tenure in that position in the almost 30 years of its existence. As chairman of a congressional committee has considerable power in determining on which issues the committee will focus,
and the manner in which they will conduct their oversight. I believe this oversight record is a reasonable measure of Mr. Goss's likely effectiveness in managing the intelligence community during this highly challenging transitional period.

Despite having served on the Aspin-Brown-Rudman commission on the roles and capabilities of the U.S. intelligence community in 1996, 8 years ago, and cochairing, along with Senator Fon Granoff, an inquiry into the 9/11 terrorist attacks, and serving on the House Permanent Subcommittee on Intelligence for almost 10 years, Congressman Goss's record demonstrates that he has been more a protector of the status quo than an agent of meaningful reform. Only a few months ago Mr. Goss introduced, for the first time, legislation to reform the intelligence community. It should be noted that on July 25, 2002, Mr. Goss voted against the amendment of Congressman Berman of Indiana on the House floor creating the independent National Commission on Terrorist Attacks Upon the United States, commonly known as the 9/11 Commission. That is an incredible fact that must remain in the public record.

The man who is seeking to be head of the Central Intelligence Agency, at this moment, when significant reform is about to take place, voted against the creation of the 9/11 Commission, which has inspired both parties and the President to our current state.

This 9/11 Commission Report is the foundation upon which current intelligence reform efforts are being undertaken. I met personally with Congressman Goss because I do respect him, and I wanted to hear his explanation. How can he ask to be head of the CIA, when he voted against the creation of the 9/11 Commission?

His argument was not convincing. He argued it was aimed at increasing oversight while he was undertaking a joint inquiry about 9/11, the creation of a separate commission might, in fact, lead to the executive branch stalling information or refusing to cooperate. That was hardly a satisfying answer.

In addition, it appears that as chairman of the House Intelligence Oversight Committee, Congressman Goss has been reluctant to conduct aggressive oversight of Intelligence Committee officials who appear to deal with issues that may be embarrassing to the current administration. For example, although the Senate Intelligence Committee completed the first phase of its inquiry into the intelligence community's performance regarding prewar intelligence related to Iraq, and issued a public report, the House Intelligence Committee, under Mr. Goss's leadership, has yet to complete a similar thorough investigation, despite starting it last year.

As another example, in June of this year during the House Intelligence Committee's markup of the fiscal year 2005 Intelligence Authorization Act, Mr. Goss led a party-line vote to reject an amendment that would have required the Department of Defense to provide an accounting of the nature and extent of its contacts with the Iraqi exile Ahmed Chalabi. Why is that significant? I hope that people who are following this debate remember Ahmed Chalabi. He was the self-proclaimed leader of an Iraqi national congress. He was the one you saw on camera, showcased before the American soldiers and their lives to the cause of Iraq.

What do we know of Ahmed Chalabi? We know that some 5 years ago, the Central Intelligence Agency and the Department of State stopped dealing with Mr. Chalabi because they did not believe he was credible. They didn't trust him. They would not bring him into the councils to make important decisions.

But Department of Defense Under Secretary Rumsfeld and his special assistant, Mr. Douglas Feith, thought Chalabi was just what the doctor ordered. He was there to confirm the fears that they spread across America about Saddam Hussein. He was there to confirm the presence of weapons of mass destruction, which became the clarion call of this administration, drawing us into an invasion of Iraq. He was the one constantly suggesting that there was a connection between the 9/11 terrorism in the United States and Saddam Hussein.

What happened to Ahmed Chalabi? Those who follow news know what happened. He went to Iraq, became a somewhat controversial figure in the provisonal government, returned to the United States, and was treated by some in the administration as a conquering hero.

In fact, at one moment in time, to the embarrassment, I am sure, of everyone involved today, Ahmed Chalabi was positioned behind the First Lady at one of President Bush's State of the Union Addresses so that he would be on camera, showcased before the American people.

Fast forward just a few months. Ahmed Chalabi has now been the subject of extensive searches by the American government because of our suspicion that he has not only misled us about information on Iraq but has had some connection with Iraq's entirely dubious nature. Ahmed Chalabi is persona non grata in this country. We are no longer sending him some DNA, I'll have an investigation.

Mr. Goss apologized publicly and privately for that statement, but the fact remains that he was loathe to challenge any intelligence-related decision of this administration.

That is not at all reassuring when we consider the well-documented intelligence failures leading up to 9/11 and prior to the invasion of Iraq.

This is not a routine appointment. This is not a routine position. Intelligence is the first line of defense in our war against terrorism. It is the first line of defense for the American people and our national security. Having the best intelligence network and the best intelligence agency will be critical if we want our children to live in peace and safety. That is why it is so essential that we bring a person to this job who understands what we have lived through during the past 4 years.

Lengthy reports by the 9/11 Commission, as well as the Joint Intelligence Committee's inquiry, have come to the conclusion that our intelligence agency failed us before the 9/11 attack. We know now that they should have gathered more information, shared more information, drawn obvious conclusions, and done something proactive to protect America. They did not and 3,000
had a minimum 20-percent cut in our intelligence spending. The best he could tell us was, with his obvious contradiction between partisan statements made by Mr. Goss so many times in the past where he has taken to task my political party, members of it, suggesting that we were weak on defense, weak on intelligence. In fact, he was drawn into this Presidential campaign in a role now which is one of the most important in his new role at the CIA. I hope he proves me wrong. I hope that I stand before this Chamber in the future under his supervision, that time is critical and important responsibility. I hope that day will come.

I yield to the Presiding Officer.

Mr. GRAHAM of Florida. Mr. President, I have listened with interest to the comments of my good friend from Illinois, as I did earlier today by my friend from West Virginia. I respect their analysis of this nomination. I hope they respect my disagreement with that analysis.

I rise today to support the nomination of Mr. Goss as the next Director of the CIA. I have known Congressman Goss and his wonderful family for more than two decades. I commend them for their professional integrity.

My colleagues know that I have been extremely critical of this administration for, among other things, its failure to hold anyone accountable for the intelligence failures that allowed terrorists to strike our Nation on September 11, 2001, and for the failure that led us into the war in Iraq.

I have been extremely critical of the President and the Vice President for allowing America to be distracted from the real war against the real terrorists who had killed 3,000 Americans and using fabricated intelligence to draw us into the war in Iraq.

I have repeatedly questioned why the President has waited more than 3 years since September 11 to begin a serious discussion of restructuring, reorienting, and reforming our intelligence community.

I am here today to support the nomination of Mr. Goss as he served as a distinguished mayor of the town of Sanibel Island, FL, in the early 1980s, a community in which Senator Portman is a Floridian whose judgment and integrity I highly regard.

I support the confirmation of Mr. Goss, G O S S G O S S G O S S as the next Director of the CIA, a terrorist attack in Afghanistan and to call upon us to retreat from that real war against the real terrorists who had killed 3,000 Americans.
both an insider and an outsider. For a decade early in his career, he served the Nation both in Army Intelligence and the CIA. He knows from personal, firsthand experience the value and the risks of clandestine operations.

Since leaving the Army in 1988—and especially after his election to the House Permanent Select Committee on Intelligence, he has come to know the agencies from an oversight capacity.

Now, some have said he is too close to the intelligence agencies, that he is too protective of the status quo. But from my partnership with him as co-chairman of the congressional joint inquiry into the events of September 11, it is my firm belief, and my assurance to my colleagues, that Porter Goss can and will be independent in his judgments. Porter Goss will also be clear and tough minded in determining where there are needed reforms and leading us to those reforms.

If any colleagues are concerned about the ideal leader this great Nation wish to have an indication of where those reforms are likely to take us, I would direct you to the 19 reforms recommended by that congressional joint inquiry, upon which our Vice President participated with great distinction.

As we move to implement much-needed reforms in our intelligence community, I am confident Porter Goss will not be part of the problem but will be a leader in taking us toward principled and effective solutions which will make Americans safer.

This time the President got it right. I strongly urge the confirmation of his nominee to be the Director of Central Intelligence, PORTER GOSS.

Mr. KOHL. Mr. President, I intend to vote today to confirm the nomination of Representative PORTER Goss to be the Director of Central Intelligence. I recognize the deep experience that Representative Goss brings to this position as the recent Chairman of the House Permanent Select Committee on Intelligence, and as a former CIA officer and Army intelligence officer. I also understand the unique role the DCI plays in providing the President with intelligence and advising him on intelligence matters. Thus, I believe that on balance Mr. Goss’s qualifications are sufficient to confirm the President’s choice for this position.

However, I express concern about Porter Goss and the very partisan way in which he has conducted himself.

His statements mischaracterizing Democratic presidential nominee Senator John KERRY’s positions on intelligence and accusing Congressional Democrats of being weak on intelligence are not the sort of rhetoric we want associated with the leader of our intelligence community. As former Secretary of State Henry Kissinger testified in the Appropriations Committee, the ideal leader for our Nation’s intelligence community should be as non-partisan as possible. Mr. Goss has acknowledged that as DCI he will need to be non-partisan and objective if he is to provide the President with independent judgments about the intelligence he provides, and during his nomination hearings, he made a commitment to do just that. We must hold him to his commitment.

Mr. President, as the chairman of the Intelligence Committee, I have come to respect the work done by the 9/11 Commission; the 9/11 Commission has made a compelling case for making major changes to the organization of our intelligence community. The new threats which confront us require a more cohesive intelligence effort that emphasizes shared intelligence over turf battles. To meet this challenge, we need a leader at the helm of the intelligence community who embraces the spirit of reform—even if not written by him. The 9/11 Commission, with its recommendations—and who is willing to implement the reforms that all agree are sorely needed. I have no doubt that Porter Goss is capable of managing the changes that need to take place, and I am hopeful that he will dedicate himself to these efforts.

Mr. LEVIN. Mr. President, the most important quality I am looking for in a Director of Central Intelligence is someone who can be relied upon to provide objective intelligence assessments independent of the policy and political agenda of the White House. Too often we haven’t had that.

The massive intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA’s errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the administration’s political, diplomatic, and economic objectives. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, as the basis for passage of the Gulf of Tonkin resolution, which was then used by President Johnson as the legislative foundation to expand the war in Vietnam.

Intelligence was manipulated by then-DCI William Casey during the Iran Contra period. The bipartisan Iran-Contra report cited evidence that Director Casey “misrepresented or selectively used available intelligence to support the policy he was promoting.”

We need a DCI, one who is not going to be influenced by the policy choices or politics of whatever administration is in power. After reviewing Congressman Goss’s record, I am not convinced that he would be that kind of DCI.

For example, the Washington Post reported that in 2002, when asked about intelligence failures in Iraq, Congressman Goss said “I don’t like to see the left-wingers splay their feet. We need some very careful work.” The Senate Intelligence Committee produced a unanimous 500-page report on the massive CIA failures leading up to the Iraq war. I would not characterize the committee’s work as “very careful work.” Were we to allow someone who is committed to independence and reform, not an ideology.

During his nomination hearing, Congressman Goss was very reluctant to admit there had been intelligence failures on the part of the intelligence community during the most recent Iraq War. And, when asked questions about some of his partisan comments, Congressman Goss answered many of them by simply saying “the record is the record.” Whatever that means, it is not an acceptable answer from a nominee for Director of Central Intelligence.

I will vote against Congressman Goss. I hope that, if confirmed, he will prove me wrong.

Mr. DODD. Mr. President, I rise today to speak about the nomination of PORTER Goss to be the Director of the Central Intelligence Agency, CIA. Yesterday the Senate Intelligence Committee voted 12-to-4 to send Representative Goss’ nomination to the Senate floor. I welcome the opportunity to say a few words about this important nomination and about the state of our Nation’s intelligence community.

As my colleagues know, in 1947, President Harry Truman signed legislation which provided for the establishment of the CIA. This important agency supports the President, the National Security Council, and Office of the President by providing objective analysis, policymakers who play a role in shaping or executing the national security policy of the United States. The CIA engages in research and analysis of information, as well as a host of other activities related to foreign intelligence and national security.

However, as every American knows all too well, times have changed since 1947. We are now engaged in new battles. We are facing new threats. The Senate Intelligence Committee voted 12-to-4 to send Representative Goss’ nomination to the Senate floor. I welcome the opportunity to say a few words about this important nomination and about the state of our Nation’s intelligence community.

Nonetheless, we must remember that terrorism alone is not our enemy. It is a tactic used by our enemies. Therefore, our task is twofold. First, we must defeat soundly those who would attack our country and endanger the security of Americans. But secondly, we must also defeat the murderous ideology of terrorism. That is because terrorism is the enemy of all humankind.
It knows no faces, names, or nationalities. And I am confident that a strong America, which is respected by our friends and allies, can defeat this scourge.

Indeed, one thing we can all agree upon is that a strong and capable intelligence effort has never been more important to the security of our Nation. That brings me to the nomination before us today. At the best of times the job of Director of Central Intelligence is a difficult one. And we all know that these are not the best of times. Our intelligence infrastructure failed this Nation when we needed it most.

There are two important traits that the next Director of the CIA needs to possess in order to be successful in re-storing the effectiveness of our intelligence capabilities.

First, it is of the utmost importance that the Director of the CIA be non-partisan. While it is true that the American people is not a matter of political parties. National security is an issue that must unite us in a common cause. To that end, I share the deep concerns of several of my colleagues that some of Representative Goss’s comments during his confirmation hearings as chairman of the House Intelligence Committee were overly partisan and blindly supportive of the Bush administration.

Moreover it is critical to recognize that he chose to become involved in the political process. That decision was not forced on him. He chose it freely. And I believe that it has undermined his ability to be a nonpartisan Director of Central Intelligence, DDI. There is no question that intelligence has been politicized in this administration. I know it. The American people know it. And the civil servants who work at the CIA know it. To rush to confirm an individual who has played a role in politicizing intelligence is extremely unwise and only serves to further demoralize the individuals who are working so hard to protect our national security.

Second, he or she must have the knowledge and experience necessary to lead some of our most critical intelligence efforts. We cannot ignore the fact that the most egregious lapses in history by our Nation’s intelligence community happened while Mr. Goss was chairman of the House Intelligence Committee—the committee responsible for ensuring that US intelligence agencies function effectively. If he failed in his oversight responsibilities, as I believe he has, how then can we have any confidence that he is capable of accomplishing an even more difficult task—the fundamental re-form of the entire intelligence apparatus? I do not believe that we can.

We all know that the 9/11 Commission has recommended a major overhaul of our intelligence operations. Much of that will have to be done at the CIA. It is going to take an individual with very strong management skills to carry out the restructuring of that agency. He will have to have credibility within the institution of the CIA if he is to be successful. Institutions resist change. Based upon Mr. Goss’ weak oversight of the agency, I am not confident that he has the wherewithal to resist, as he will have to, the fundamental reforms being contemplated.

Actions always speak louder than words. Unfortunately, we don’t know what Mr. Goss’ actions will be as director, but we do know what his actions have been chairman of the House Intelligence Committee. In my opinion, to confirm Mr. Goss with such uncertainty about his ability to get the job done would be irresponsible.

This position is too critical to leave to chance. The agency is currently being led by a very able career intelligence director. He is already working with the committees of Congress to devise a plan to restore the effectiveness and credibility of the US intelligence community. For those reasons, I will oppose this nomination when the Senate votes today.

Mr. KENNEDY. Mr. President, I intend to vote against the nomination of PORTER Goss to serve as Director of Central Intelligence.

The American people have learned much since 9/11 about the vital role of objective, nonpolitical intelligence in keeping us safe at home and in protecting American interests abroad. We have also witnessed the disastrous consequences of the administration’s manipulation of intelligence in its rush to war in Iraq—disastrous for our brave troops on the ground, for their families, for our country, and for our standing in the world.

When it comes to intelligence, this is no time for politics. As we reorganize and strengthen our intelligence structures, we need a leader of the CIA whose only loyalty is to speaking truth to power.

We need an unbiased advisor to the President, not a partisan—someone who will deliver the good news and the bad with candor, foresight, and authority. With PORTER Goss, however, we get not only a partisan, but a cheerleader for the Bush campaign.

What is most disturbing about the PORTER Goss nomination is that he has a long history of partisan behavior as chairman of the House Permanent Select Committee on Intelligence.

He has made partisan attacks on JOHN KERRY for cutting intelligence budgets, when Mr. Goss himself voted 7 out of 10 years to scale back intelligence appropriations.

He was initially unwilling to pursue the administration’s venal leak of the name of CIA agent Valerie Plame to the press, which ended her career as a covert CIA officer and endangered her life.

He rushed to discredit former counterterrorism czar Richard Clarke after Mr. Clarke’s testimony to the 9/11 Commission became so embarrassing to the White House.

He did not support an inquiry into Ahmad Chalabi, even after allegations that Chalabi had leaked American secrets to Iran, because the Chalabi affair was embarrassing to White House and the Pentagon.

Mr. Goss waited until June of this year to introduce legislation to reform intelligence accountability a full 18 months after the initial joint congressional inquiry that he helped lead uncovered massive structural problems the resulted in the intelligence failures before 9/11. That is not leadership. That is not vision.

In his confirmation hearing, when asked repeatedly about his partisan statements and actions, he offered no explanation. He repeatedly offered the same unsatisfactory response: “the record is the record.”

If the record is the record for Mr. Goss, then it is a record that puts politics above the national interest. If the record is the record, then it is one that puts partisan gain ahead of the facts.

If the record is the record, then Mr. Goss is the wrong person to serve as our Nation’s Director of Central Intelligence.

Mr. Goss cannot, even now, cite a single instance in which public statements of Bush administration policymakers mischaracterized the available intelligence prior to the Iraq war. If he can’t speak the plain truth about such an obvious fact, how can the American people have any confidence in him as the head of our intelligence community?

The challenges of 9/11 and the administration’s misuse of intelligence in rushing to war in Iraq demand that any re-form to our intelligence community be rooted firmly in the principle that intelligence must be completely insulated from partisan politics and ideology. The confirmation of PORTER Goss as Director of Central Intelligence violates that principle in the most fundamental sense.

We owe it to our fellow citizens to do better. I oppose the nomination of PORTER Goss.

Mrs. BOXER. Mr. President, I will vote for the nomination of PORTER Goss to be Director of the Central Intelligence Agency.

I served with PORTER Goss during my time in the House of Representatives. He has a good, intelligent man with a tremendous work ethic. He has served his country honorably in the Army, as a CIA officer, and as a congressman from Florida.

He is the President’s choice and I am willing to give the benefit of the doubt. However, the two days of nomination hearings held by the Senate Select Committee on Intelligence highlighted several areas of concern, and my vote today should not be seen as support for Congressman Goss to become the National Intelligence Director.

Mr. BIDEN. Mr. President, Congressman PORTER Goss will become Director
of Central Intelligence at a difficult and important time for the U.S. Intelligence Community. In the coming months, he must help both Congress and the administration to take sensible steps on intelligence reform. In the years to come, if he remains in office, Mr. GOSS can do so by integrating our intelligence agencies into a new era of flexibility, skill, and inter-agency cooperation.

I will vote in favor of confirming Mr. GOSS to this position, although not without misgivings. I will support his confirmation in part because I know him to be a gentleman and a man with a deep and sincere interest in intelligence, as well as substantial background in the field. I will support him because many others who know him well, including our colleagues from Florida and others whose views I respect, have contacted me and testified to his integrity and capabilities.

And I will support Mr. GOSS because the President wants him. A CIA Director cannot succeed unless the President likes and respects him enough to take seriously the facts and warnings the Director conveys to him. The President must be willing to accept advice when the Director says that something needs to be done, and I hope that this President will be willing to accept such advice from this nominee.

As a matter of general policy, however, I have real concerns about appointing a partisan politician to such sensitive positions as Director of Central Intelligence or Director of the FBI. In 1976, I voted against George H. W. Bush as Director of Central Intelligence for precisely that reason. I suggested: “The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure.”

The need for a DCI to transcend partisan politics is crystal clear. He is the person who must be able to tell the President that the world is not as he likes it. If the President would wish it, that a cherished policy proposal will not work, or that some unforeseen development poses a threat to our national security. As we remove the walls between domestic and foreign intelligence, moreover, the DCI—one like the FBI Director—will be handling and presenting sensitive information on American citizens.

The next DCI will preside, moreover, over great and perhaps wrenching transition in U.S. intelligence. The report of the 9/11 Commission highlighted a series of long-standing shortfalls in our intelligence agencies. Although the particulars regarding the fight against al-Qaeda may have been new, the challenges facing U.S. Intelligence are ones that go back many years:

We need to provide a wide range of so-called “national” intelligence to the rest of the national security community. Balancing those needs is a continuing challenge, especially as the funds for intelligence will often compete against other defense priorities.

We need intelligence collectors and analysts with a wider range of linguistic and cultural skills than ever before. From our airports to diplomatic outposts, we must have competent foreign language translators available to the intelligence community.

And we need technical intelligence collection systems that are ever more powerful, that provide more real-time information, and that will be effective in a world where technology often favors secrecy over transparency.

We need seamless sharing of very sensitive intelligence information—between agencies, between countries, and between the State and local forces that guard us from terrorism on a daily basis. “Stovepipes” and “rice bowls” are outmoded and in need of a real make-over to meet the needs of the 21st century.

At the same time, however, we need strong protections for our civil liberties, which are the very foundation of our society. When the most recognizable member of this Senate is denied an airline ticket in his home town because his name is on the Government list, we know that the intelligence feeding into our homeland security programs leaves a lot to be desired.

That is quite a menu of challenges, and they must all be addressed. There is no “pick one from column A” option in heading U.S. intelligence.

In addition to all that, the Director must be willing and able to “speak truth to power.” He must have the stature and the clout that leads top officials to accept his warnings and advice. And he must be an able defender of the independence of intelligence analysis, while still insuring that it is relevant to the needs and concerns of policy-makers.

I will support the confirmation of Mr. GOSS in the hope that he will transition successfully from a serious congressman and a leading partisan figure to a clear-eyed, independent Director of Central Intelligence. He will be able to rally his troops, to make them as effective as possible, and to keep policy-makers from misusing or ignoring the work of the thousands of skilled and patriotic men and women who work in U.S. intelligence today. The perilous times in which we live demand nothing less than complete dedication to those objectives.

Mr. CORZINE, Mr. President, after much deliberation, I have decided to vote against the confirmation of PORTER GOSS to be Director of Central Intelligence. The conclusions of the 9/11 Commission, as well as the failures of our pre-war intelligence on Iraq, have demonstrated the enormous challenges we face in restructuring, reforming and improving our intelligence capabilities. At this critical moment, we should be focusing our efforts on enacting into law the recommendations of the commission, including the separation of the position of National Intelligence Director. The confirmation of a new Director of Central Intelligence, when the role of the DCI has yet to even be defined, does not advance the hard reform that is necessary to be done to the appointment of PORTER GOSS, whose objectivity, capacity to work across party lines, and openness to reform are subject to serious question.

The National Intelligence Director envisioned by the 9/11 Commission will oversee our intelligence community, including the DCI. It is critical that we clarify, in law, the relationship between these two positions. Unfortunately, by prioritizing the nomination of the DCI over the restructuring of our intelligence community, seems to be signaling an attachment to the status quo.

Congressman GOSS’s record, in which he has repeatedly rejected independent efforts to improve our intelligence whenever those efforts were perceived to be contrary to the interests of the Bush administration, is also cause for concern. He opposed the establishment of the 9/11 Commission, he attacked the integrity of Richard Clarke, the former coordinator for counter-terrorism at the National Security Council, he opposed investigations into the disclosure of the identity of a CIA operative, and he referred to the bipartisan Senate investigation into the abuse of Iraqi detainees as a “circus.”

Congressman GOSS has also opposed investigations into intelligence on Iraq, in particular the use of intelligence by the administration. He dismissed Senators who called for an examination of the circumstances that led us to war as “attack dogs” and claimed that they were engaged in “artificial outrage.” He has also implied that open discussions of the challenges facing our intelligence damage the morale of our armed forces and aid our enemies. These are not the statements of someone who appears prepared to undertake the difficult work of reform, without regard to political considerations.

This reform will require cooperation between the administration and the Congress and between Republicans and Democrats. Unfortunately, Congressman GOSS has made repeated, incendiary charges, including allegations that the Democratic Party does not respect the intelligence community and that Senator KERRY seeks to “dismantle the nation’s intelligence capabilities.” These charges are not only flat wrong, they are completely counterproductive to the bipartisan effort that is urgently needed at this moment.

Repairing our intelligence capabilities is critical to fighting the war on
terrorism and is an urgent priority. We must enact into law the recommendations of the 9/11 Commission. We must examine the failures of our intelligence related to Iraq. We must begin the work of restructuring our intelligence community so that it is more effective and less politicized. These challenges require the utmost objectivity, independence, and impartiality from the Director of Central Intelligence. Any reluctance on the part of the DCI to fully engage in the reform process, for whatever reason, could set us back at a moment when we can least afford it.

Mr. BUNNING. Mr. President, I speak today in support of the nomination of Representative Porter J. Goss to the Director of Central Intelligence. He is a good man and a good friend. President Bush could not have selected a more capable and qualified man for the job. He brings to the Central Intelligence Agency and the intelligence community what they have needed for many years—intelligence experience, political experience, an open mind, and forward thinking.

I first met Representative Goss shortly after he was elected to the House of Representatives in 1988. We served together for 10 years before I was elected to this body. Representative Goss and his wife, Mariel, are personal friends of my wife and myself to this day. I know his personal character and I am confident that he will bring integrity, honesty, and forthrightness to his new job.

The Director of Central Intelligence holds one of the most important and unforgiving jobs in our Government. All his actions and decisions are analyzed and criticized by politicians, the press, and the public. And the pressures on the intelligence community are immense. They must be right 100 percent of the time, while the terrorists only have to be right 10 percent of the time. That is too great a burden for one man to bear, but I believe Representative Goss is up to the challenge.

I cannot think of anyone with more experience for this job. Representative Goss has extensive experience in intelligence, on both the practical and policy sides. He knows firsthand the importance of human intelligence, serving as an intelligence officer in the Army and as a case officer in the agency he now leads. That is why I believe that Representative Goss is nonpartisan. He did not do so. Instead, he chose Mr. Goss, who clearly knows the intelligence community well, but is also clearly partisan and political.

The CIA is in turmoil. The hardworking men and women of the Agency need a strong leader who will reform the system to make sure that the information they offer is used in a proper and timely fashion. The people of this country need to know that the U.S. intelligence community is doing its best to protect and serve U.S. national interests.

I do not believe that Mr. Goss is the best candidate to lead the intelligence community through a difficult task of reform and restoring confidence in the midst of a war.

It is important that our intelligence not be partisan, yet Mr. Goss has been partisan in his comments over the past year. He has been fiercely critical of former President Clinton, our colleague Senator KERRY, and the Democratic Party. His comments do not lead me to believe that he will now abandon his partisanship or his political approach as the Director of CIA.

Mr. President, I rise to express my support for the swift confirmation of Congressman Porter Goss as Director of Central Intelligence. I have been privileged to know Mr. Goss for a number of years, and I can attest that he is a leader, a man of personal intelligence and integrity, and a true patriot. He is also extremely well qualified for the position to which he has been nominated.

I do not believe I am divulging any state secrets when I mention that Porter Goss knows the intelligence community from the ground up—beginning with his service as a young case officer and most recently as chairman of the House Intelligence Committee. His 10-year career with the Central Intelligence Agency gave him a thorough understanding of how that large organization operates—invaluable background as the Congress and the executive branch proceed with various plans for reorganizing the intelligence community. His experience on the CIA staff, combined with his oversight responsibilities in the House, makes him perhaps uniquely qualified to understand the challenges and opportunities facing the community today. Congressman Goss has demonstrated time and again his commitment to the needs and goals of the intelligence community in its service to our Nation and the American people. He is not merely qualified. He was meant for this position.

When he takes up his duties, he will do so at a time of great change in the intelligence community. Reeling from the intelligence failures of 9/11 and
Iraq, and faced with comprehensive reorganization, the community's leadership has rarely been so important. I am confident that Mr. Goss will lead the CIA in an independent and nonpolitical manner as he has committed to do, ensuring that policymakers receive the best available intelligence that the government can provide. I am also confident that he will be helpful as the Congress reorganizes itself in order to better conduct oversight over the intelligence community. We in the Congress somehow found that intelligence failures the Nation has experienced are not limited to the agencies alone. Congressional oversight has been, as the 9/11 Commission put it, "dysfunctional," and must be changed.

As we face the national security challenges that are so evident to all of us, the Nation will be privileged to have PORTER Goss at the helm of the CIA. America needs an individual who will help lead our intelligence agencies into the future. I wholeheartedly support his confirmation.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of PORTER Goss to be Director of Central Intelligence. Few people are as eminent as Mr. Goss to lead the CIA at this critical time in our Nation's history.

PORTER Goss combines experience as both a U.S. Army Intelligence and CIA officer with 15 years as a Member of the House of Representatives. During his time in Congress he has used his knowledge and experience to serve as chairman of the House Permanent Select Committee on Intelligence. He is a public servant who has earned our confidence and that of the President to lead the dedicated men and women of the CIA who work tirelessly to preserve our Nation's security.

Now at this time when Congress is working hard to reshape our intelligence capability I applaud the President for nominating a man like PORTER Goss who understands what is working with intelligence and that which needs to be improved. And based on his experience, he will undoubtedly be as well prepared as any DCI to communicate with Congress concerning the needs of the CIA, and to understand the oversight responsibilities of the legislative branch as it pertains to the intelligence community.

The challenge we face in defeating global terrorism remain great. PORTER Goss understands where we have made mistakes in both intelligence operations and assessment. He understands that we need improved human intelligence capabilities, as well as a culture of intelligence among intelligence analysts, to ensure that policymakers have objective information and a range of options to choose from in meeting the terrorist challenge. PORTER Goss is committed to making these changes on behalf of the American people.

In conclusion, I believe the President has chosen the right man to lead the CIA in its very important work, and I strongly support the nomination of PORTER Goss.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have two speakers. I inform the distinguished leader, the minority whip, a man named Mitch, that we have two speakers.

If I could ask Senator SNowe how much time she would like to have.

Ms. SNowe. About 12 minutes. And I would like to yield 2 minutes to the Senator from Oklahoma.

Mr. ROBERTS. All right. So a total of what, 15 or 20 minutes?

Ms. SNowe. Yes.

Mr. ROBERTS. I am assuming by about 4:45—I am not anticipating any further speakers on our side. That could change.

Mr. REID. If my friend will yield?

Mr. ROBERTS. I am delighted to yield.

Mr. REID. We could not have a vote before 5 o'clock.

Mr. ROBERTS. Right.

Mr. REID. We have a couple people off campus doing other things.

Mr. ROBERTS. Could we agree to have a UC and regard to a vote certain at 5 o'clock?

Mr. REID. Mr. President, I would be happy to agree to having a vote at 5 o'clock and having the time between now and then evenly divided. I frankly don't think we are going to be using any more time, so if you need additional time on your side, you could have part of ours.

Mr. President, I ask unanimous consent that the vote occur at 5 o'clock and that the time between now and then be evenly divided.

Mr. ROBERTS. I have no objection. I think that is an excellent suggestion.

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

Mr. ROBERTS. Mr. President, I yield whatever time may consume to the Senator from Maine.

Ms. SNowe. Fifteen minutes.

Mr. President, I thank the Senator from Kansas, and I am glad to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Ms. SNOWE. Mr. President, I rise today in strong support of the nomination of PORTER Goss as our next Director of Central Intelligence. I commend the President for his timely submission of this nomination as Director of the Central Intelligence Agency. Given our war on terror and the missions in Afghanistan and Iraq, now is not the time to leave a vacuum in leadership for our Nation.

When I went from the House to the Senate in 1994, I took the place of Senator David Boren, who is now the president of Oklahoma University. He is a very close friend of mine. He was my predecessor in this Senate seat. He was also chairman of the Select Committee on Intelligence. The thing he warned me of when I first came in was: You are going to have to do something about this mess we have in intelligence. He said: You have the DIA and the CIA and the FBI and the NSA, and no one is talking to each other.

I found out before too long that was the case. He said he had been working on this for about 6 or 7 years and had not been able to achieve it. It became a turf battle. On one occasion I found there was a listening device the NSA had that they would not even share with the FBI for some of their investigations. This was wrong.

We have come a long way since that time. It has been my experience in both Kosovo and Bosnia that you have a lot of these agencies around the table sharing information and working together that did not do so before. So I believe we have come a long way.

One of the reasons I have been resisting a lot of changes in the intelligence system is I wanted to wait until PORTER Goss came on board. I believe PORTER Goss has more knowledge and experience than anybody else who could have been nominated.

The President made an excellent nomination. I think we see by this bipartisan support that we are going to be able to overcome the obstacles and move ahead aggressively in achieving quality intelligence to protect the American people.

I thank the Senator from Maine for yielding to me.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNowe. Mr. President, I rise today in strong support of the nomination of PORTER Goss as our next Director of Central Intelligence. I commend the President for his timely submission of this nomination as Director of the Central Intelligence Agency. Given our war on terror and the missions in Afghanistan and Iraq, now is not the time to leave a vacuum in leadership for our Nation's intelligence.

On that note, I also commend our chairman, Senator ROBERTS, for his leadership in conducting the hearings and shepherding the entire process so we can complete this confirmation and ensure our intelligence apparatus has the direction it deserves and the leadership it must have in order to move forward.

As we all know, this nomination arrived during a time in which we are compelled to undertake the most profound, sweeping reform of our entire intelligence community in nearly 60 years, 3 years after the worst attack on American soil. Indeed, there is no longer a question whether we are at the threshold of the single most comprehensive and critical restructuring of
the manner in which intelligence is gathered, analyzed, and disseminated in at least a generation. The questions are: What shape will this reform take? How will the leadership of the intelligence community implement and execute these changes? And does the nominee, PORTER GOSS, synthesize and translate his knowledge and depth of experience into specific, tangible changes in how the intelligence community performs? Because the person who is asked to implement this type of reform must be firm, bold, visionary, and lay the foundation for our intelligence community for the 21st century.

Many of us who serve on the Intelligence Committee—indeed, throughout the Senate—have been advocating for comprehensive improvements in the intelligence community structures and methods. Shortly, the Senate will have the opportunity to deliberate with respect to overall and fundamental reform. It is absolutely the type of change and reform not only this Senate, this Congress, and the President must embrace; this permanent reform is essential to address the grave failures in communication, coordination, and cooperation that certainly the 9/11 Joint Inquiry, the Senate Intelligence Committee, the 9/11 Commission, and others have found with respect to the attacks on September 11, 2001, as well as the pre-Iraq-war assessment of weapons of mass destruction that failed to reconcile with the realities in the postwar chapter. Indeed, with the new reality in which we live, delaying reforming the intelligence community is no longer an option.

As a member of the Senate Intelligence Committee, this last year we have undergone a major review of the prewar intelligence of Iraq’s weapons of mass destruction, the regime’s ties to terrorism, Hussein’s rights abuses, and his regime’s impact on regional stability. That report was a detailed, comprehensive cataloging not only of the facts but also a stunning revelation of systemic, pervasive flaws in our intelligence community that coalesced to produce broad failures in intelligence gathering and analysis. It revealed a pervasive complacency as well as a lack of accountability throughout the chain of command. It castigated assumptions about intelligence to be carried forward for years unquestioned and that tolerated an absence of rigorous analysis and a kind of monolithic groupthink.

From that report, we now know that even after the lack of information sharing was found to have played a key role in the intelligence failures of 9/11, intelligence reporting continues to be highly compartmentalized, and analysts with a need to know are not given access to critical information. Essentially, the intelligence community continues to operate in a “stovepiped” manner, preventing critical information sharing essential for sound analysis. There was a lack of analytic rigor on one of the most critical and defining issues spanning more than a decade: the question of the preponderance of weapons of mass destruction within Iraq. The community had failed to do its analysis for more than a decade, we soon discovered.

Moreover, there was a lack of human intelligence that is so critical to assessing the enemy’s capabilities and intentions. Indeed, we rely on our outdated, vague intelligence from less than credible sources. I say all of this because that is the reality that our next Director of Central Intelligence must not only confront, but he also must address. It is in that light that our committee, during the confirmation process, reviewed the qualifications, the credentials, and the qualities that PORTER GOSS possesses in order to address some of the most systemic, pervasive weaknesses this intelligence community is going to face since its inception in 1947.

I have come to believe that PORTER GOSS, in examining his record, his testimony before the committee, his response to the hard experience, the character, the credibility, the knowledge, the disposition, and the predilection for reform to lead this comprehensive overhaul and restructuring of our entire intelligence community.

Let me first say that I worked with Congressman Goss in the House of Representatives for 6 years. I have no doubt about his competence, certainly his intelligence, his character, his impeccable integrity, or his bipartisanship. He was far from a polarizing or partisan force in the House of Representatives. Rather, what I discovered in working with him in the House, he was interested in solving problems rather than making sound bites. He was interested in reaching a consensus on the issues. I know there had been some questions during the course of the hearing as to whether PORTER Goss would be able to be an independent person in a position where he will be the President’s chief adviser on intelligence issues. Certainly this was an issue that was thoroughly explored in the confirmation hearings just concluded. At the opening of that hearing, Congressman Goss addressed the issue directly when he told the committee: . . . I understand completely the difference in obligations the position of [director of Central Intelligence] carries with it and that which the role of a congressional carries. These are two completely distinct jobs in our form of government. I understand these distinct roles, and I commit myself to a nonpartisan approach to the job of [director of Central Intelligence agency].

That is important to underscore. Moreover, in response to questions about some specific political statements that PORTER Goss had made a few months ago on the floor of the House of Representatives, he expressed regret and apologized if he sounded any partisan notes in the past on any issues or matters of national security.

I know others have raised the question of whether PORTER Goss will be willing to inform administration officials when public statements deviate from or distort available intelligence. In responding to this question, I would refer directly to the House Intelligence Committee’s 2003 interim assessment of the pre-Iraq-war intelligence. Chairman Porterman stated that if public officials cite intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would PORTER Goss be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that PORTER Goss brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also served as chairman of the House Intelligence Committee. The intelligence community through the eyes of a former CIA officer and intelligence officer and also as someone who has stood outside of that world looking in with his oversight of the intelligence apparatus as chair of the House Intelligence Committee.

I know there has been some concern expressed that maybe PORTER Goss will be too wedded to the CIA or that he is too CIA-centric and, therefore, will not have the independent vision necessary to institute the required changes and the reforms that surely are to come. I would argue that it is precisely because of his past work within the community that he is best suited to take it into the future, all the more so as his service imbues him with an indispensable credibility that would engender the kind of trust within a community where some continue to believe that necessary changes have already been made, or to not identify the failures that we did in our comprehensive report within the intelligence community in the prewar assessments as egregious or systemic or broad or comprehensive failures. That is the kind of atmosphere that he will be entering as the new Director of the Central Intelligence Agency and trying to bring about the kind of reform that is absolutely vital.

His own record of reform initiatives is also important to explore because it also will bell the claim that somehow he will not be predisposed or have a predilection for the type of reform we certainly are going to be considering, including the next voting reform prior to the attacks of 9/11. Again, I think as we review the 9/11 Commission’s recommendations, we can see much could...
have been done in all spheres. Whether it was on the part of former Presidents, on the part of Congress, committees, individuals, agencies, and bureaucracies, we know that the history documented in the 9/11 report was replete with examples of what would have been done differently and what should have been done differently.

What is required now is that we look at the totality of the record of the nominee we are considering today. In so doing, I believe we will see an individual who is wholly committed to addressing the kinds of changes that need to be brought about within the overall intelligence community.

Finally, there is further evidence of the extent to which PORTER Goss is compelled to remedy our intelligence shortcomings. He has recognized—and his investigation into the failures that occurred prior to the Iraq war—that the intelligence community has repeatedly fallen short in the area of information collection, most notably in the area of human intelligence.

PORTER Goss, I have also stated that the intelligence community failed to provide the policy makers, and that the requisite, both from a collection and analytical viewpoint, was not provided.

I believe PORTER Goss embodies the credibility and credentials that will be required of the intelligence community agencies and the professionals within that community in implementing the types of reforms from within—by Executive order or through congressional enactment. He brings unique and exceptional experience both in the field and behind the gavel. I believe he is well prepared to see our intelligence apparatus as it undergoes the major transformation necessary for a new era.

I yield the floor.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the distinction of the Armed Services Community Activities Before and After the Terrorist Attacks of September 11, 2001”—a report that contained 19 recommendations, including the creation of a director of national intelligence among the many changes that we have now been debating in Congress.

So all of this undoubtedly served as a catalyst for Congressmen Goss authoring his own reform legislation, which he introduced this past June, that calls for a complete overhaul of the intelligence community’s structure, as well as enhanced DCI, with critically needed personnel and budgetary authority—going beyond even what the President issued in his own Executive orders.

But I think PORTER Goss also understands, in response to many of the questions that were raised during the course of the confirmation hearing, that a director of national intelligence will need to possess both the budgetary and personnel authorities that will be vital if we are to achieve meaningful intelligence in order for that individual to be effective in implementing the kinds of changes that need actively in this, as well as the members of the committee.

I first came to know the nominee about a decade ago. I remember one of our most revered, distinguished colleagues, Senator Moynihan who, at right back then, was on the floor and he stood and said it was time to abolishes the CIA. He had a lot of concerns about the Agency. At that time, I was the vice chairman of the Intelligence Committee. Together, with PORTER Goss and some others, we put together a piece of legislation establishing a commission to examine some of the concerns of our distinguished late colleague from New York. PORTER Goss and I served on that commission. Les Aspin was the first chairman. He had an untimely early death and he was followed by Harold Brown. That was my initiation to work with this fine, able individual.

I commend the President for selecting him to take on this important assignment. I think that Representative Goss, his wife, and family for undertaking another chapter of public life.

All of his credentials have been carefully reviewed. I would like to talk about somewhat of a different aspect of the challenges that will face PORTER Goss. We just concluded a very extensive briefing upstairs with the Secretary of Defense, Ambassador Negroponte, the commander of CENTCOM, the Chairman of the Joint Chiefs, and the Deputy Secretary of State, almost three-quarters of the Senate being present. The briefing was about the situations primarily in the Iraq and Afghanistan theater, but it was about terrorism on the whole.

As part of our discussion, we talked about the ongoing work in the Congress of the United States with regard to the 9/11 report, which all of us believe is a very significant contribution by a conscientious group of tried, tested, and very able public servant—PORTER Goss. We worked through these equations and options. The Governmental Affairs Committee is doing the markup of what will be the primary vehicle. Senator ROBERTS contributed his views on it.

The Senate Armed Services Committee had a hearing with the Secretary of Defense, as well as the Acting Director of the CIA. So the Senate has done a lot of work in preparation.

How does that relate to PORTER Goss? I cannot predict and I don’t think anyone can, at this time what will eventually evolve with regard to the legislative achievements of this body and the House in a conference. Perhaps a lot of people have high expectations that a bill will be before our President shortly.

I intend to work conscientiously, as I have, and will continue to work, forgetting any question of turf, to try to achieve a strong bill that clearly improves and strengthens our intelligence system.

I brought in a reference to the briefing today because in some discussion
with our colleagues—and it was a classified briefing, but I can share this—General Abizaid said he is acting on intelligence daily to conduct his mission. Lives are at risk, and he clearly, drawing on his extensive experience in the Army said: Today the intelligence collected by our soldiers, sailors, airmen, and marines need and have and use is vastly improved over what we had in Gulf War 1 in 1991.

The PRESIDING OFFICER. The Senate is now in order.

Mr. WARNER. Mr. President, I ask unanimous consent that I may speak for another 4 minutes.

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

Mr. WARNER. Mr. President, there has been steady progress in the improvements in our intelligence system. The Department of Defense is the largest user, and these senior people in the Department of Defense civilian and military alike—have not tried to tell the Congress what to do but respectfully told us what not to do: Don’t do anything to weaken the improvements that have been made—say we, working with the Congress and the President—we have achieved to date since 1991 in the first Gulf war and, indeed, since 9/11 with President Bush and Executive orders, a wide range of implementation of important things that have been done to improve our intelligence system, particularly from the standpoint of the tactical use by the United States military.

If confirmed and if we pass a new law signed by the President, Porter Goss will be the man entrusted to implement that law. And I say to my colleagues with the deepest respect, that is a daunting task—to do it in a way not to shake the confidence of the tens upon tens of thousands of civilians and employees in the various departments and agencies, the CIA, the Department of Defense who are concerned about their jobs, concerned about their futures. We need to hold the team in place. We need to keep the flow of new good. If we phase in such new laws and provisions as this body, working with the President, may enact.

I do not know of another individual who has the experience of Porter Goss or is better qualified to take on the task of implementing such new laws as the Congress and the President may enact.

I urge my colleagues to give this very fine American who, once again, was thinking about a quieter form of life the opportunity to move into this job.

There was printed in the Record a report that was issued by the CSIS, prepared by a number of former colleagues and others in the intelligence community trying to say to the Congress we beat move with considerable caution as we enact this new legislation. I found that very helpful in my work participating in drawing up this bill, and I commend it to my colleagues.

Mr. President, again I thank the distinguished chairman and the distinguished vice chairman of the committee for their work in making it possible for this nomination to have been carefully reviewed by the Senate in terms of a series of hearings and a very active and thorough debate on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, with this debate and the vote certain at 5 o’clock. I think there has been an extraordinary level of examination of this nomination. Two days of open hearings were held. By way of comparison, that is one day more than Secretary of State Powell had during his confirmation in early 2001.

It is certainly understandable that an official of the DCI stature would be the subject of close Senate scrutiny. I think we have achieved that level of scrutiny. The Intelligence Committee on both sides have expressed satisfaction with the way this process has unfolded. It was not by accident. It was in close conference and cooperation with the distinguished vice chairman of the Intelligence Committee, the Senator from West Virginia.

I think Mr. Goss has been forthcoming. I think he has been candid with the committee. He provided literally dozens of written answers to questions sent to him by the committee, both before and after his confirmation hearings. He also provided complete and exhaustive details about his background and his professional life in connection with his nomination. In short, I believe the examination of this nomination has been thorough and informative. The nominee and Members on both sides should be complimented for the way it has unfolded.

Explanatory support for his nomination have come from both sides of the aisle and both sides of Capitol Hill. This nominee is ready to go to work, and he is needed.

I urge the Senate to vote for his confirmation, and I look forward to working with Porter Goss as the next and, by the way, possibly last DCI.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, at the proper time, which I believe will be at 5 o’clock, I will call for the yeas and nays, or can I do that now before I make a statement?

The PRESIDING OFFICER. The Senator can do it any time he chooses.

Mr. ROCKEFELLER. I wish to make a short statement and then I will call for the yeas and nays.

PORTER Goss has been very well vetted. What has come from this discussion back and forth are several things. One, he is a very good man. Second, he is a very good intelligence business. Third, I think there is still a question of whether he has run any larger organizations, and that becomes a factor.

The third had to do with partisanship. It was interesting to me that a number of people said everybody around here is partisian of, course, that is true. But this has to do with a nomination for the Central Intelligence Agency. That is a position where I and I have to look at what has happened as opposed to what he says will happen; that he has been very partisan and very partisan within the field of intelligence and very partisan within the field of intelligence, and taking up for a time, obviously, when we are engaged in a broad election.

I think it is probable that he will be confirmed, but that does not take away from my responsibility to point out that I think, with additional: This is, more than ever, is important for a CIA Director or for anybody in intelligence to tell the truth, to make sure that if there was a reference in a Clinton October speech about Niger and uranium enrichment and the possible seeking of it by Iraq, and then when it comes to the Senate of the Senate of the Union that somehow the CIA Director disappeared and never said, Oh, no, that shouldn’t be in the State of the Union because it was never true—I don’t want to get into that now. The point is we need somebody who is independent and takes pride, who describes himself, defines himself as being independent and standing up for the intelligence business and, therefore, is speaking the truth. I hope that person will be Porter Goss. That is not yet proven, and based upon the record it is not possible for me to vote anything but no at this time.

It being very close to 5 I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of PORTER J. Goss, of Florida, to be Director of Central Intelligence! On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 17, as follows:
them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SECURITY FOR SUPREME COURT JUSTICES

Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of S. 2742, which is a short but important piece of legislation that Senator HATCH and I have cosponsored at the request of the Supreme Court. This legislation would renew authority to provide security for the Justices when they leave the Supreme Court. Recent reports of the assault of Justice Souter when he was outside of the Supreme Court highlight the importance of security for Justices. If no congressional action is taken, the authority of Supreme Court police to protect Justices off court grounds will expire at the end of this year.

Another provision in this legislation allows the Supreme Court to accept gifts “pertain[ing] to the history of the Supreme Court of the United States or its justices.” The administrative office of the Courts currently has statutory authority to accept gifts on behalf of the judiciary. This provision would grant the Supreme Court authority to accept gifts but it would narrow the types of gifts that can be received to historical items. I think this provision strikes the proper balance.

Finally, this legislation also would provide an additional venue for the prosecution of offenses that occur on the Supreme Court grounds. Currently, the DC Superior Court is the only place of proper venue despite the uniquely Federal interest at stake. This legislation would allow suit to be brought in United States District Court in the District of Columbia.

ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT

Mr. JEFFORDS. Mr. President, this week, seventy-four nations are meeting in Geneva at the first Conference of the Parties to the Rotterdam Convention on Prior Informed Consent (PIC) for Certain Hazardous Chemicals and Pesticides. This international agreement establishes a legally binding framework that requires exporters of listed substances to secure informed consent from governments of importing countries prior to any shipment of such chemicals. Simply put, the convention recognizes and incorporates the basic principle of right-to-know with respect to trade in hazardous chemicals. As such, it marks yet another positive step in the direction of a comprehensive international approach to chemicals management.

Unfortunately, the United States is not yet a party to the convention, and thus will not be at the table this week when important decisions are made regarding organization, scope, and future direction. Earlier this week, for example, the parties agreed to add fourteen new chemicals to the convention’s list of substances requiring informed consent. Because we are not a party to the treaty, the United States did not participate in that decision.

Lest one think this is an exceptional case, the Rotterdam Convention is one of three important agreements on chemicals that the United States has signed, but so far failed to ratify. The other two agreements—the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Montreal Protocols to the convention on Long Range Transboundary Air Pollution—ban or severely restrict the production and use of some of the most hazardous chemicals in existence. Both agreements have entered into force, and preparations are being made for the first meetings of the parties. Yet, the United States is not on board.

Although our Government played a leading role in negotiating all of these agreements and despite the fact that the United States is a signatory to each, the current administration along with the leadership in Congress has so far failed to move the necessary implementing legislation that would allow the United States to become a party. Such legislation involves the work of four different committees in the Congress. To date, however, only the Senate Environment and Public Works Committee has reported a bill, which I co-sponsored with Senator CHAFEE. This bill provides a reasonable and effective approach to meeting our current obligations under all three of these agreements, while also providing a robust mechanism for accommodating future decisions of the parties. I urge my colleagues to follow our lead and swiftly enact sensible implementing legislation. The United States cannot afford to sit on the sidelines any longer.

LANNAM ACT CLARIFICATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the United States is a signatory to each, the current administration along with the leadership in Congress has so far failed to move the necessary implementing legislation that would allow the United States to become a party. Such legislation involves the work of four different committees in the Congress. To date, however, only the Senate Environment and Public Works Committee has reported a bill, which I co-sponsored with Senator CHAFEE. This bill provides a reasonable and effective approach to meeting our current obligations under all three of these agreements, while also providing a robust mechanism for accommodating future decisions of the parties. I urge my colleagues to follow our lead and swiftly enact sensible implementing legislation. The United States cannot afford to sit on the sidelines any longer.