The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, giver of every good and perfect gift, great are Your works. We sing of Your strength, for You are the ruler of the universe. Your righteousness endures forever. Give us the wisdom to ask You for Your guidance and to follow Your counsel. Subdue freedom's enemies and provide a shield for liberty.

Lord, thank You for America, with all of its freedoms and opportunities. May we always feel gratitude for this land.

Bless our Senators. Give them insights that will make justice roll down like waters. Help them to make laws that will maintain the rights of the afflicted and the destitute. Empower them to rescue the perishing and to care for the dying. Incline their hearts to rescue the perishing and to care for the dying. Incline their hearts to rescue the perishing and to care for the dying. Incline their hearts to rescue the perishing and to care for the dying. Incline their hearts to rescue the perishing and to care for the dying.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable JOHN ENSIGN, a Senator from the State of Nevada, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER, the clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

The Senate

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. FRIST. Mr. President, following my remarks and the remarks of the Democratic leader, we will proceed to a period for morning business for 90 minutes. The first 45 minutes will be under the control of the majority and the second half under the control of the minority. Following that time, the Senate will proceed to executive session for the consideration of PORTER GOSS to be Director of Central Intelligence.

The agreement we reached last night allows for up to 6 hours equally divided for debate on the Goss nomination. The discussion the leaders were just having was that we want to make as much time available to everyone who would like to speak, but in the event we do not need all of that time, that would be yielded back and we would be able to proceed to a vote on that nomination. Again, we have up to 6 hours, but I expect time will be yielded back.

Today we do have a briefing for Senators regarding Iraq this afternoon from 3 to 4. Before that briefing, we will be able to set the vote. I am sure even later this morning we will be able to announce the time we will be voting later today.

We are also continuing to negotiate agreements on some of the remaining appropriation bills. I hope we can agree to a consent to allow us to consider the spending bills with a reasonable time limitation. If so, we will be able to follow the Goss nomination with that. I suspect that will be tomorrow morning.

We have the expiring family-friendly tax items and we want to consider that legislation as soon as it becomes available. I understand progress is being made. It will be important for us to vote on that this week. In the event that is Friday morning, that will have to be Friday morning, but I do want to encourage the conferees, who I think are very close to reporting out that legislation, so that the House of Representatives can consider it and we can consider it. We will be voting on that this week, either Friday or, if it is available, Thursday night. Obviously, I encourage the latter.

I remind my colleagues of the joint meeting tomorrow morning at 10 with Prime Minister Allawi of Iraq. He will be addressing both Houses on Thursday. Members should be in the Senate Chamber no later than 9:30 in order to proceed to that joint meeting.

NOMINATION OF PORTER GOSS TO BE CIA DIRECTOR
Mr. FRIST. Mr. President, I will take a few minutes to comment on Representative PORTER Goss’ nomination to the post of Director of the CIA, as well as to comment on the real progress the Senate Governmental Affairs Committee is making as we address the issues of the 9/11 recommendations.

With regard to the former, I congratulate the Senate Intelligence Committee. One of the reasons I do not think there will be as much debate on the floor today is that they very thoroughly addressed the nomination with
very good debate in committee and reported him out of that committee with an overwhelmingly positive vote.

Mr. Goss is a highly capable manager and leader, with a strong background and extensive experience in intelligence matters, which I am sure will be outlined on the floor later. He served as mayor of Sanibel Island. In 1983, he was appointed to the Lee County Board of Commissioners by then Governor Bob Graham. Porter Goss has a long career that has, of course, extended these last 15 years as a House Member where he held the chairmanship of the House Permanent Select Committee on Intelligence.

As chairman, he led one of the key investigations into possible intelligence failures regarding 9/11. He was thorough. He demonstrated a thoughtful and extensive understanding of the issues at hand. In these hearings, his committee’s findings added critical insights into how we can and should move forward to strengthen our defenses against terrorist attack.

So for his committee, including the subcommittees, has held over 60—I think it was 62—oversight hearings on various aspects of the intelligence community. That number is more than the committee has held in any other calendar year. I use that as an example to show that Mr. Goss takes his duty to investigate and reform the intelligence community very seriously.

Despite this, he did come under some harsh criticism from the other side. It has been charged that he has been too partisan in his career as a Congressman to take over this very important post. I do believe, however, that if one looks at his record of service to this country, that that criticism falls by the wayside.

Porter Goss has specific experience working for the Agency he is now nominated to run. During the Cold War, Mr. Goss was a clandestine services case officer. He served as director of operations. In his own words, the CIA’s mission “is to obtain the plans and intentions of our enemies, adversaries and their associates before they could attack the United States.”

Mr. Goss articulated so clearly and succinctly how this has occurred and will continue to occur. As we all know, this mission has not changed and will not change.

Mr. Goss understands the criticism now being leveled at him. As he told the Senate Intelligence Committee, he is sensitive to it. He understands the grave responsibility of leading the CIA and effecting the necessary reforms to strengthen our Nation’s security. As he himself explains, being the Director of the CIA is a capabilities job, not a policy job.

There is no doubt that Porter Goss—former CIA agent, former U.S. Army intelligence agent, Congressman, and public servant—is totally committed to the safety and security of America. He is committed to making the CIA run effectively. He has both the inside and the outside perspective we need. Clearly, Mr. Goss is the man for the job, and I urge him to give him his overwhelming support when we vote on this nomination today. He is an outstanding choice to lead this agency.

I do hope we do not have a shift in conversation, which should be about his eminently qualifications, to distracting other issues. I do hope we focus on the man and the job for which he is being nominated.

INTELLIGENCE REFORM

Let me also close in saying we made real progress on the intelligence reform front. I know there are a lot of people who say slow down or don’t have knee-jerk reactions or don’t go too fast or it is a huge issue. I think the leadership is very sensitive to that. I wish to associate myself with the remarks of Senators McCaIN and Feinstein of the American people and the other House members. We have addressed this as a huge issue, as big as any issue we have had to address in recent times, because it does focus on the safety and security of our people.

There is a sense of urgency that this body has a responsibility to reflect. If there is a better system, if there is a better way to guarantee the safety and security of Americans, and we know it is not perfect, then it is our responsibility to act and to do it thoughtfully and deliberately, and that is the process that the Democratic leader and I set up in which to address the two important issues.

Senator Susan Collins and Senator Joe Lieberman, who are managing the initial legislation through the Governmental Affairs Committee, have been very carefully, and are very carefully, considering all the information. They have been doing a good job in a long period of time, most acutely since the day the 9/11 Commission report and recommendations came out. They made great progress in marking up this legislation yesterday and will continue on that over the course of the day. That is exactly the task Senator Daschle and I set out for them in late July, to have the vehicle through which all the ideas, thoughts, and deliberations can be collected, understood, there are lots of them around here. But it is an important vehicle, an important bill, and one we will be addressing on the floor of the Senate next week.

The committee’s baseline legislation does create a national intelligence director. It does establish a national counterterrorism center, which has the responsibilities which have been well defined in the legislation. It does implement a whole range of initiatives to improve the quality and effectiveness of the intelligence community. It does lay out clear and definite timelines and decisions put forward by many bodies, including proposals put forth by the White House, which has embraced the major conclusions of the 9/11 Commission.

I do hope, once this bill is completed in the Governmental Affairs Committee, people take the time to look at it very quickly and look at possible amendments we might be able to add by the end of this week so they will be prepared for next week in terms of amendments they might put forward, so we, over the course of the deliberations, can improve that bill appropriately where people think it needs improvement.

Just one final comment: Senator Daschle and I established a bipartisan task force to address the issues that look at how we need to reorganize in this body, so that our responsibility of oversight can be appropriately carried out. That task force has met on a number of occasions, at the Member level and at the staff level. Senators McCaIn and Reid, the managers of this effort who represent the leadership on the task force, have been discussing this matter, as I understand it, daily.

There are a number of issues on which we can come to agreement relatively quickly. Others will have to be resolved through floor debate and votes. That just remains to be determined, once we see what those recommendations are. Either way these reforms will be implemented through Senate resolution or through modification of the Senate’s rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.

The PRESIDING OFFICER (Mr. Graham of South Carolina). The Democratic leader is recognized.

INTELLIGENCE DELIBERATIONS

Mr. Daschle. Mr. President, I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of the legislative branch. We are simply continuing in that deliberative fashion, first in the committee and then on the task force. I am hopeful we can continue to be both deliberate as well as expeditious as we
consider our responsibilities before the end of this session of Congress.

ORDER OF PROCEDURE

During the Democratic period this morning, I ask unanimous consent that Senator KENNEDY be given 10 minutes; Senator MURRAY, 5 minutes; Senator CONRAD, 25 minutes; and Senator REID, 5 minutes.

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

Mr. DASCHLE. I ask, as is always the case, the leader time not be taken from the Democratic leader.

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

THE SKYROCKETING COST OF HEALTH CARE

Mr. DASCHLE. Mr. President, recently, a new study confirmed a trend that most American families and businesses have known and felt for the past 3 years. Health care costs are rising at unusable rates, straining family budgets, weakening our economy, hampering job growth and forcing millions more Americans every year to go without insurance.

According to the annual survey by the Kaiser Family Foundation, health premiums increased 12.2 percent last year, more than five times the rate of wages. This is the fourth consecutive year of double-digit increases. Since 2000, health care premiums have increased 50 percent and 5 million fewer Americans have access to employer health coverage.

Last month the Census Bureau also reported that in 2005 alone, the number of uninsured Americans jumped by 1.4 million. Seniors are among the hardest hit. In addition to facing record increases in the price of prescription drugs, Medicare recipients recently learned they will be forced to pay a 17.5 percent increase in premiums, the steepest increase in Medicare’s history.

The true costs of this crisis can’t be depicted by statistics. There is no way to measure the stress caused by exorbitant health care bills. There is no way to measure the cost of the fear of families who worry that they are one layoff, one bad crop, one accident, or one illness away from being totally vulnerable, and they fell helpless to protect themselves.

Not long ago, I heard from the Imm family of Turton, SD. A few months back, their 24-year-old son, Monte, came down with a case of Crohn disease. As his disease grew worse, he couldn’t work and he had to quit his job. After his insurance lapsed, he tried to buy coverage for himself, but with his condition, no insurer would offer him a policy.

Monte’s monthly prescription bill is $500, and that is on top of the tests and emergency room visits that have become all too routine.

Doctors in Sioux Falls have recommended a trip to the Mayo Clinic, but the clinic requires a $1,500 deposit just to see Monte. The total cost will be much, much higher. Monte’s parents are trying to help and are reaching into their retirement savings to do so. But Monte’s health care costs will surpass $10,000 this year alone, and without good insurance, eventually the medical bills will eat up all they have worked for.

Millions of American families are in the same position as the Imm family, and the implications of this crisis are rippling outward throughout our country.

There is new evidence that as the cost of health care goes up, it is eating away at America’s economy, holding back job creation, and stifling growth. A recent article in the New York Times showed that the cost of health insurance is preventing businesses, large and small, from hiring new workers, even if the workload demands it.

One small business owner said:

Before, we hired based on workload. Now it’s a question of affordability.

Economists are finding that high health care costs are a major reason our economy has been unable to create jobs. Not long ago, when I asked a businessman why he outsources his jobs to overseas companies, the reason was health care. He did not have to pay it in India. He did not have to pay it in countries abroad. He pays it here at home.

Small businesses, which employ 50 percent of the Nation’s workforce, face skyrocketing health care costs. Because they are not big enough to bargain with insurers for better rates, and they cannot spread risk among larger pools of employees, smaller businesses too often are forced to pay for the nationwide increase in health care costs.

In the past year, in the midst of the toughest business environment in a generation, the total cost for insuring employees of small businesses alone rose 18 percent. Those small businesses that try to do the right thing and offer their employees health benefits are finding it more difficult to do so with each passing year.

I was recently contacted by Skip VanDerhule, who runs VanDerhule Moving and Storage, in Yankton. Even after raising employee premiums and copays, Skip’s monthly premiums have risen 252 percent in 6 years. Skip has tried to look for better coverage, but recently an employee needed a kidney transplant, and VanDerhule could not afford $30,000 per year in medicine alone just to keep his body from rejecting the new kidney. “As soon as the insurer sees that,” Skip said, “they don’t want us. And they’ll quote us a price to make sure that we don’t want them.” So Skip is stuck with the prospect of higher health care costs with absolutely no end in sight.

In most businesses, the costs are passed along to their employees. Jana Schroeder, a medical professional from Sioux Falls, wrote me to say that even with good, dependable health insurance, her family pays $10,000 a year in health care costs.

A recent, routine mammogram cost $2,700, of which she was asked to pay $850. She said:

I guess I should feel lucky I have insurance, but $850 is a full paycheck [for me]. So, do you pay that medical bill or the house payment? I surely can’t pay it all at once.

Even with 100,000 Americans losing their health insurance every month since January of 2001, the White House has not provided any real options, no leadership in stopping the growth of this crisis.

Some of the most promising possibilities for bringing down the cost of health care, such as drug reimportation, the administration has opposed. Yet this crisis will not solve itself. Unless we act, health care premiums will continue to rise, driving more people into the ranks of the uninsured, and holding back more businesses from earning profits and creating jobs.

We have to do better. This is a national problem, and fixing it demands national leadership. Medical research is producing miracles quite often. Yet we are not solving a problem that is dragging tens of millions of Americans into poverty and poor health. This is not a question of ability or capacity; it is a question of will and leadership. It is time we seek out new ideas to help bring down the cost of health care.

One promising new initiative would create a reinsurance system to help blunt the cost of catastrophic medical illness. Some researchers have suggested that such a program could save South Dakota employers tens of millions of dollars each year and billions nationwide.

We need to debate these issues in Washington, but, regrettably, we have not had the opportunity to do so. In the past 2 years, we have spent 30 days discussing ways to limit access to the courtroom, but not 1 day to debate real ways to bring down the cost of health care for all Americans.

It is time for real action. We have an obligation to focus on the troubles of our economy and the Americans who are struggling to work and raise families. Our citizens are asking for leadership, and we have an obligation to answer that call.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

 MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 90 minutes. The first 45 minutes is under the control of the majority leader or his designee, and the next 45 minutes is under the control of the Democratic leader or his designee. The Senator from Nevada.
Mr. ENSIGN. Mr. President, I rise to discuss the failure of the United Nations. The U.N. is failing to promote liberty, democracy, and human rights for all citizens.

The world has changed a great deal since the United Nations was founded some 50 years ago. The dangers of Nazism and communism have been replaced by an ever-evolving, ever-increasing threat of terrorism.

The United Nations is not up to the challenge of this new century. The U.N. now has sponsors of terrorism and repression overseeing the protection of human rights around the world. The countries of Sudan, China, and Cuba currently serve as members of the United Nations Commission on Human Rights.

Yesterday, the United Nations Secretary General, Kofi Annan, lectured the world body that the rule of law in Iraq is being disrupted as much by the United States as by the terrorists who ravage the country through bombings and beheadings.

Any person or group who cannot decipher the moral difference in this struggle against terror and repression cannot and should not be trusted to lead.

In a BBC interview last week, the Secretary General stated that the liberation of Iraq by the United States and its coalition partners was illegal and a violation of the U.N. Charter. This declaration comes on the heels of his earlier statement that there should have been a second resolution authorizing the invasion.

Today, Mr. Annan seems to be saying that the only way force can be used legitimately in the modern world is to first obtain the unanimous permission of the United Nations Security Council.

I am pleased President Bush does not adhere to this line of thinking. And I am proud every time I hear him say that he will never wait for permission to defend the United States.

The Secretary General’s latest posturing is far from harmless. The United Nations has been given the lead role in organizing the elections in Iraq in January. But Mr. Annan’s comments that we have acted illegally in Iraq, comments which have been replayed across the Arab world, have given an added feeling of legitimacy to every jihadist hoping to disrupt the vote.

I believe the U.N. has lost its way. It has ceased to be able to judge the difference between right and wrong. The Secretary General’s speech to the General Assembly yesterday illustrated his belief that there is a moral equivalence between the terrorists and those who are fighting them. That is disturbing, and that is wrong.

However, the Secretary General is not alone in expressing it. It is extremely disturbing that a former United Nations official, Anna Di Lellio, has been named the Director of Communications for the Volcker panel, a supposedly independent panel investigating the Oil For Food scandal. Why is this so disturbing? Because Ms. Di Lellio has compared President Bush and key U.S. ally, Prime Minister Silvio Berlusconi, to Osama bin Laden. This shows, again, how the United Nations is failing in the essential tasks for which it is responsible.

There is a difference between right and wrong. And words do have consequences.

I also want to read a quote the Democratic nominee made yesterday. It is in the Washington Post today. It says:

‘’Mr. Kerry can’t give a clear answer that the United Nations Secretary General is wrong? This is a person running for the President of the United States.

Increasingly, the United Nations does not advocate the interests of those pursuing peace, freedom, and democracy in the world. If the United Nations cannot spend time working for liberty and less time coddling dictators, the world would be a better place. I yield the floor. ’’

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, I rise today to help frame the issue in Iraq. The American people deserve straight forward answers on issues of war and national security; especially when their lives are directly threatened.

Our military forces are engaged around the world in the war on terrorism. A vast array of military forces that are at risk; our diplomats, intelligence professionals, and ordinary civilians working in war zones all face enormous danger from a very treacherous and barbaric enemy.

The recent, brutally grotesque beheadings of innocent Americans Eugene Armstrong on Monday and Jack Hensley yesterday are just two of many examples of the kind of evil that we face and why it must be eradicated.

Ambiguity is something we probably should expect in a heated political campaign, but anything less than total candor on national security issues is not acceptable.

The junior senator form Massachusetts has accused President Bush of ‘‘colossal failures of judgment’’ on his plan for Iraq. He then went on to lay out his own four-point plan for handling the conflict in Iraq. His four points were, No. 1, to get more help from other nations; No. 2, provide better training for Iraqi security forces; No. 3, provide replacement for Iraqi people; and No. 4, ensure democratic elections can be held next year as promised.

I have no problem with this plan, because it is the short term and long term plan now in place by the Bush administration. Our President has consistently and assiduously worked with our allies to get more help in Iraq.

However, we would have more countries on board with us, but this is tough business and it takes bold, visionary leadership—like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of closest allies. To imply, as some of my colleagues have, that the United States is not getting help from our international friends is simply untrue. As terrorism spreads to other countries, as it did recently in Russia, we should expect—and provide—even more help.

And let me point out the obvious about some allies, like France, who have not been supportive of our policies in Iraq. Their foreign policy decisions are based on internal political considerations and the personality of the President of the United States. For some of my colleagues to imply that some countries will change their policies toward Iraq if we change our President is ludicrous and misleads.

The President needs their foreign policy when they change their President, not when we change ours. I have a great deal of trust and confidence in the common sense of the American people and I am sure they will understand exactly what I am saying.

The junior Senator from Massachusetts has also called for better training for Iraqi security forces. I am glad that he also agrees with President Bush on this point. Training Iraqi security forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been sent to Iraq and another 6,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.

Speaking at New York University recently, the Democratic Presidential candidate said, ‘‘Of the 35,000 police now in uniform, not one, not one, has completed a 24-week field training program.’’ Just yesterday, however, The Washington Post reported that the head of strategic plans and policy for the Joint Chiefs of Staff, Lt. Gen. Walter Sharp, said that Kerry’s accusation was just not accurate. According to Gen. Sharp, who is in a position to know, basic training for new Iraqi police officers is eight weeks, followed by 26 weeks of ‘‘on-the-job’’ field training.

The Post article went on to say that Gen. Casey, the top U.S. commander in Iraq, estimates that Iraqi security forces will be in ‘‘local control’’ of the majority of Iraq by the end of December, which is just 3 months away. Gen. Casey defined ‘‘local control’’ as a combination of having Iraqi security forces in place, plus an assessment of the ability of local political leaders to govern.
and to manage economic reconstruction efforts.

Others have criticized the President for not getting NATO involved in Iraq. Too bad they didn’t read yesterday’s London Financial Times. If they had, they would have read that: “NATO is close to agreeing to establish a military training academy in Iraq. The academy, which would have a staff of about 300, is intended to give substance to a decision by a NATO summit in June to provide training to the war-torn country and to build up its institutions.” I hasten to add, that this NATO initiative was put forward by our President. So getting NATO involved is another area where the Democratic Presidential candidate agrees with the administration’s policy in Iraq. Let me also add that 15 of 26 NATO member states are sharing the military burden on the ground with us in Iraq.

Charles Colson’s famous quotation, “Imitation is the sincerest of flattery, certainly applies to my colleague, Mr. Kerr. His four-point plan is not new and it certainly is not original. A careful review of President Bush’s policies in Iraq clearly shows that the administration has been implementing all the points addressed by Senator Kerry well before he even articulated them.”

We need to judge the President’s policy in Iraq, not by the rhetoric of his detractors, but by those who know the facts. Tomorrow, the Congress will welcome, in Joint-Session, the interim Prime Minister of Iraq, Dr. Allawi. Let us hear from him how things are going in Iraq. Let us listen to him to find out what the Iraqi people think of our policies and programs for restoring security and getting the Iraqi economy going.

Let me close by quoting from President Bush’s speech, which he gave at the UN yesterday. I believe it clearly shows why we are in Iraq, something that others do not seem to grasp. The President said:

“Our security is not merely found in spheres of influence, or some balance of power. The security of our world is found in the advancing rights of mankind. These rights are advancing across the world—and across the world, the enemies of human rights are responding with violence. Terrorists and their allies believe the Universal Declaration of Human Rights and the American Bill of Rights, and every charter of liberty ever written, are lies, to be burned and destroyed and forgotten.

He went on to say:

“We are determined to destroy terror networks, we will not let them operate, and the United States is grateful to every nation that is helping to seize terrorist assets, track down their operatives, and disrupt their plans.”

The Acting Secretary of the Army, Les Brownlee, has eloquently framed why the past year is important in the war on terrorism when he said:

“This is not simply a fight against terror—terror is a tactic. This is not simply a fight against al Qaeda, its affiliates and adherents—they are foot soldiers. This is not simply a fight to bring democracy to the Middle East—that is a strategic objective. This is a fight for the very ideas at the foundation of our society, the way of life those ideas enable, and the freedoms we enjoy.

Thank you Mr. President. The PRESIDING OFFICER. The Senator from Kentucky is recognized.” Mr. MCCONNELL. Mr. President, it is said that politics is the art of the possible. And while certain things are simply not possible, it is our duty to try all the same.

So today, I will try to explain the unexplainable. The distinguished junior Senator from Massachusetts has made so many statements on this country’s involvement in Iraq that he has taken every conceivable position possible, and many that are simply not possible. The result is a record of “dizzying contradictions,” as Charles Krauthammer recently wrote, so confusing that the more he speaks, the less we understand.

Mr. President, JOHN KERRY has spoken on so many aspects of the liberation of Iraq. He has been on both sides of just about every coin in this entire debate. I want to address just four different positions he has taken.

What is more disturbing is that he has taken different positions on the most basic question of the liberation of that country. The question is not nearly as difficult as the multiple answers we continue to get.

The question is: Would you have used force to remove Saddam Hussein? Back in 2002, the answer was clear enough. Citing Saddam Hussein’s use of weapons of mass destruction, his terrorist-like actions, and the fact that he was part of the global scourge of terrorism, Senator Kerry said he completely agreed with the President to effect regime change in Iraq, unilaterally if necessary. So he voted for the Iraq war resolution in October of 2002. Support in October of 2002.

Nine months later Senator Kerry started to use another answer. He now claimed that the war resolution he supported in October 2002 did not empower the President to engage in regime change.

By January of 2004, around the time of the Iowa caucuses, Senator Kerry had a new position. He was now the “antiwar candidate.” In January of 2004, he was now the antiwar candidate, campaigning in the Iowa caucuses, having been, in October 2002, entirely supportive of the war.

He then went on to lock up the Democratic nomination for President. So we are into the general election season, Mr. President. When challenged by the President to answer whether he would have gone into Iraq and removed Saddam Hussein based on what we now know, KERRY stood on the edge of the Grand Canyon—a dramatic pose facing the Grand Canyon—and said on August 11:

“Yeah, I would have voted for that authority. In August of 2004, in the general election, he seems to be back where he was in October of 2002. He has gone from support to oppose and back to support. But that was last month. A week ago, on the “Imus in the Morning” show, Senator KERRY was asked:

Do you think there are any circumstances we should have gone to war in Iraq?

That is a pretty simple question. Here was Senator KERRY’s response:

Now under the current circumstances, no. There are none that I know of.

This was last week. A month ago, he was in support of the war, but last week he was back in opposition to the war. He says:

I voted based on weapons of mass destruction, Senator President did not. I’ve said that. I mean, look, I can’t be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I’ve said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can’t be more direct than that.

Let’s try this one more time, Senator KERRY, on the “Imus” show last week, said, in answer to the question:

Do you think there are any circumstances we should have gone to war in Iraq?

He said:

Not under the current circumstances, no. There are none that I see, that I voted based on weapons of mass destruction. The President distorted that, and I’ve said that. I mean, look, I can’t be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I’ve said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can’t be more direct than that.

When KERRY finished his interview with Imus, here is what Imus had to say about it. Don Imus said:

I asked him a number of questions about Iraq and I can’t tell you what he said.

That was Don Imus’ summary of JOHN KERRY’s position on Iraq on his program last week.

Well, Mr. Imus, you are not alone. The top ranking Democrat on the Foreign Relations Committee, Senator BIDEN, recently stated:

I don’t think John should go back and try to explain accurate statements that are unexplainable.

That is our colleague in the Senate, an enthusiastic supporter of Senator KERRY. He said why try to explain the unexplainable, referring to Senator KERRY’s various positions on Iraq.

We could all use clarity from John Kerry with regard to Iraq’s liberation, but none more than Prime Minister Ayad Allawi, who will be here among us addressing Congress tomorrow morning. Dealing with the terrorists and Baathist insurgents, he needs, more than anyone, to know that the U.S. position of supporting the liberty of Iraq is clear, unequivocal, and steadfast. He would not get that from reading JOHN KERRY’s numerous positions.

Mr. President, a Senator’s position on Iraq should not be all that hard to explain because it is a tough question. It is, however, a tough question, representative of the sort of tough issue any Commander in Chief...
Hussein, KERRY recently answered:

You bet, we might have.

Let me read that one more time. When asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently said:

You bet, we might have.

Not exactly Winston Churchill. Perhaps there is some nuance here, such as an exclamation point or a question mark, that tells whether this is a declaration or a question, but the answer to the issue in this country should not leave the world wondering and more confused than before.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

HURRICANE DEVASTATION

Mrs. DOLE. Mr. President, so many States have been devastated this hurricane season. My own home State of North Carolina has been ravaged by the effects of not one, but four hurricanes in the last few weeks.

Most recently, western North Carolina suffered extensive damage caused by the torrential wind and rain of Hurricane Frances. Estimates from the storm’s destruction in Buncombe County alone are already topping $100 million. Sadly, this same county had already projected that exact amount in damages following Hurricane Frances.

Counties in western North Carolina had barely begun to recover from the flooding of Frances before Ivan roared through town late last week. The death toll from the storm, so far, is 10 people. In the town of Henderson, a man and his wife were sleeping soundly when a huge tree crashed through their house into their bedroom. The husband was pinned beneath the fallen tree, which ultimately took his life as the home had to be stabilized before the tree could be removed. In the Peaks Creek community in southern Macon County, a landslide sent homes crashing against each other, killing at least four people, including an unborn child whose mother was forced to have a leg amputated and remains in critical condition.

Houses have literally been washed away, and some left standing have been split in two by fallen trees. Main roads and neighborhood streets have been shut down from landslides and pameaments giving way. Well over 200,000 residents were left without power over the weekend. Needless to say, it will take time before western North Carolina can return to a sense of normalcy.

I have been near devastated areas twice over the past two weeks. While my heart broke at the sight of destroyed homes and washed out roadways, my hopes were buoyed by the goodness of neighbor helping neighbor. It was as if I imagined all over the United States. Local officials and first responders, some from as far as Raleigh and Charlotte, have done—and continue to do—a phenomenal job in the midst of challenging circumstances.

I think of the heroic efforts of families like Aileen and Glenn Holland. They are not strangers to offering aide after a natural disaster. Long time volunteers through the North Carolina Baptists Men Disaster Relief, they have traveled all over the United States. But as they left, they didn’t have to travel anywhere. The destruction came right to their front door. Fifteen homes were annihilated in Macon County, but the Holland’s was left standing. When they heard the screams of one neighbor, they began to take people in. They even found a toddler covered in mud crying from fear. The Hollands remained in their home, providing shelter for friends and family until fellow volunteers from the Baptist Men Disaster Relief arrived on the scene.

I also applaud the efforts of local churches, nonprofits, and groups such as the Red Cross for the helping hands they’re extending all over western North Carolina. I had the chance to stop in and thank the volunteers at the Red Cross Shelter in Henderson County. I was touched to see the families finding refuge and reassurance there.

These are the memories I will keep with me as I think back on the far-reaching effects from this hurricane season. Yes, there is destruction. Yes, there is great pain. But I find encouragement in the selfless hearts of North Carolinians who are going to great lengths to help those struggling through the wreckage left behind.

It is my desire that we, too, can add to that goodwill and deliver the financial aide these areas need to get back on their feet. Fifteen Western North Carolina counties have been declared federal disaster areas, including Buncombe, Haywood, Henderson and Macon. This designation means that homeowners and businesses are eligible for assistance in the form of loans or grants from the Federal Emergency Management Agency, FEMA, or the Small Business Administration. There is a $60 million request for North Carolina included in the President’s emergency budget. We’re obviously going to need much more. I would encourage Congress to expedite this aid to those who need it most.

I can only hope the end of this devastating hurricane season comes quickly.

The autumn season makes western North Carolina one of the most beautiful places on earth—and the good folks from the mountains are well suited to give some southern hospitality to visitors from around the country. It is important that we get the word out that this magnificent part of the country is open for business during its prime tourism season. My thoughts and my prayers are with every person touched by these hurricanes, not only North Carolina but throughout the southeastern United States.

We had an economic downturn starting before the beginning of this 4 years. So we have taken steps to develop and strengthen the economy, which is still a job before us. However, we are making good progress, I believe, with respect to that issue.

We had September 11, which is a tragedy we will always remember. And then, as a part of and following that tragedy, we have had the war on terrorism.

Certainly one has to understand that we have had a tough time. I think we have done rather well moving through this kind of a background and dealing with this situation that is very unusual.

We continue to face tough decisions and the followup on those decisions. We have made an excellent start in the economy. We have made an excellent start in the war on terrorism and, indeed, are moving forward in that regard. We are faced with responsibilities and issues that have an impact on the movement we are seeking. It is up to us to deal with those issues.

In the short term, we are dealing with a balanced budget, against the expectations of some—that these items having to do with spending. One of the impacts of what has happened is a spending deficit. All of us, I think, would agree that under the circumstances, it was a reasonable and necessary thing to do. Most of us understand it is time we begin to do away with that deficit and get back to a balanced budget, about which I certainly feel strongly.

We are going to be faced as well with the reorganization of our intelligence community. Today, we will be faced with a new Director of the CIA, which is a place to begin. Obviously, there need to be some changes there.
Along with that, during the next several weeks, we will be involved in the reorganization of the entire intelligence operation which, again, is very important. Of course, the most important aspect of our future is winning the war on terror and support for what we are doing in Afghanistan.

We will take up the reform of our intelligence services. All of us recognize the hard work the Commission has done in putting together a plan, 41 suggestions and recommendations. We will look at all recommendations. They have done it under tough circumstances. We need to do our best to put into place the best program we can. This is not a political issue. This is an issue we ought to take a look at and say: How do we best avoid the kinds of problems we had in the past in collecting and putting to good use information and intelligence?

I do not think we should rush to complete this job. Obviously, it is something that we need to get done. I am interested in getting it done as quickly as possible. I hope our target is to do it in the right way we know how, not necessarily the fastest way we know how. Perhaps we do need to do both.

We need to recognize that there are weaknesses. Our Government institutions have not adapted to the growing threat of terrorism over more than a decade. We need to understand again, in terms of war, that the situation has changed so much. When we fought a war with 17 divisions, landing boats on shores. That is not the case anymore. That is not the case at all. That is not the challenge. The challenge is not often knowing who the enemy is or where the enemy is. We have a totally different circumstance surrounding the need for intelligence.

We have to deal with the fact that terrorists are there to exploit the weaknesses in our defenses and in our knowledge of what needs to be done. Fortunately, this election year has focused some on that point. We have seen fingerpointing attempts to lay blame partly to political advantage, but that is not what it is about.

As we move forward with the debate in the Senate, I am hopeful we will never forget that the blame for the attacks on 9/11 rests solely on the al-Qaeda terrorists and Osama bin Laden and the people involved in the Middle East for a long time working at these kinds of things. We need to understand also that the threat is not over, and we need to continue to deal with it.

So our focus is trying to figure out ways to improve the situation and correct the problem so the events of September 11 will not happen again. So this obviously involves increasing both the quality and quantity of human intelligence, and we need to take a look at our overall situation, intelligence as well as military, because things are changing. We need to have coordination certainly among all the intelligence agencies throughout the country, in different agencies than they have been in the past. Whether they put them all into one is one of the questions before us, but whether we do or not there has to be coordination and conversation and information exchange among them.

There has to be sharing. We have to define what the position is. We want to understand what it is we are putting forth and that each of these various units within our intelligence agencies know what their responsibilities are and their goals are and we can put them together. We need, obviously, to invest more in the technical intelligence capabilities. Those things change constantly.

So more importantly, I suppose most importantly, we need to ensure the coordinated use of these resources and the personnel and improve communications. It sounds like an easy thing, but apparently it is not. In the end, this type of reform and reform of our intelligence gathering process is necessary. I look forward to until we will have soon and I suppose some starting today, as a matter of fact, with the recommendation before us for Director of the CIA.

Again, I hope that we can aim toward fixing the problems, aim toward moving to solutions rather than again finding ourselves in the 40-some days from elections where nearly everything is talked about having to do with the elections.

Of course, overall, the most important challenge we have before us now is to win the war on terrorism in places such as Iraq and Afghanistan.

The problems and the failures in pre-war intelligence gathering are troubling, and I am pleased we are doing something about it so our leaders will have the best accurate information on which to make decisions.

And we acknowledge errors in the past. However, the coming debate is not about the fact that operations in Iraq are and always have been a critical part of the war on terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and sustenance to terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and sustenance to terrorism.

The introduction of a stable democracy in that oppressed region of the world will create an environment in which freedom and liberty and peace and the potential to grow and to thrive. I am persuaded that is really the goal of most of Iraqis. When I visited there some months ago, I was very much impressed with the feeling of most people. You would go out to schools, to power plants, into the potential streets of Baghdad, and generally there were all kinds of cars and activity, kids standing on the street walking as we went by in military cars.

I understand how difficult it is with the relatively small group of protesters and persons who oppose what is going on here and are willing to blow you up with a car bomb. But the fact is most people see the merit of having the kind of government, the kind of country where they can enjoy freedom and the prosperity of freedom. So if we can continue to provide an opportunity for these folks to take care of themselves, form their own government, which is our plan, of course, that is our plan.

Now, it is difficult and I understand politically advantageous to complain about the speed at which or the slowness at which it is taking place. The fact is it is going to be difficult. It is a difficult thing to accomplish. We hear complaints about not having a plan. We do have a plan. Is everything perfect? Of course not. But there is a plan. We know what we are doing. I was out just last week to visit the facility for the Iraqi police and army, and they are making an effort. It is slower than we thought, of course, but that is the case.

We are going to have the fanatics and the insurgents and they are going to be fighting us and the Iraqis and they will be acting out of desperation, and that is difficult. This is not the kind of war where somebody puts up a white flag and suddenly it is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and we do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and the do and everyone agrees with that. But there is a sequence in completing our task and you can only do it one way. That is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.
Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. I understand now that we are on the time that has been designated under the minority leader, Senator DASCHLE, the minority leader.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I have been yielded 10 minutes and then I understand my colleague and friend from Washington has been yielded 5.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Would the Chair notify me when I have 2 minutes remaining?

The PRESIDING OFFICER. Yes.

EDUCATION FUNDING

Mr. KENNEDY. Mr. President, yesterday, JOHN EDWARDS was in Cleveland, OH, and gave a powerful speech on the economy. He pointed out the struggles of the middle class and asked why President Bush made the choices he has to boost the wealthiest Americans and abandon hard working men and women. I urge my colleagues to take a look at this great speech.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN EDWARDS

It is an honor to be with you.

When I was in school, I remember coming down the stairs at night. I would see the glow of the television, hear the volume on low, and see my Dad working at the kitchen table. He wasn’t going over the family bills or paper work from his job at the mill. He would come home and turn on a local TV station to learn. Every year, he’d see another young person with no experience and a college degree move past him. And he knew that if he didn’t try something his chances of moving up would disappear.

So my Dad—like millions of Americans—did what he could to make sure himself so that he could better provide for his family. I was proud of what he was trying to do. I was sad because he couldn’t get a college degree. And I realized that I lived in a country where I could.

Standing in that house, I always had hope. At that time, America was a place where hard work and determination could take you anywhere. My mother ran her own small business, refurbishing furniture to help pay for my tuition. Thanks to my mother and father’s hard work in that mill, in that business, and at that kitchen table, they were able to buy a house. Later on, they were able to help me become the first person in my family to go to college. And I stand here today because I have lived in the bright light and the blessing of America.

What I saw in that house in Robbins, North Carolina was very American. It was two parents working hard, meeting their responsibilities, and living in an economy that believed in the future. It was a time when you knew that faith, responsibility and hard work would lift your family up. They would give you and your children the future to believe. And this is the great promise of America.

But I fear today, that that light is flickering and there’s no longer a chance for any but a few. And this great shift away from the power and the promise of our middle class means that the gifts and the graces of our democracy are too many young people never have a chance to shine.

Today, I fear that a young boy in Athens who goes downtown and sees his parents at the kitchen table doesn’t sense hope in his house. He sees his parents trying to get through the month. He sees them divide up their bills into piles that say “pay now” and “pay later.” And he sees his mother and father hard work and they can’t even break even.

That boy thinks, “This is what life will be like.” He looks on with resignation and the false belief that this is as good as it gets.

Two people are responsible for causing this great shift in W. Bush and Dick Cheney. Their policies have decimated the economy of Ohio and the American values we believe in.

This campaign is about different leaders and different economic plans. It’s about different visions for America. And it’s about what’s going to happen to the calculated view of a few at the top who believe that the values that got us here can now be left behind.

It is because George Bush and Dick Cheney abandoned our values that Ohio has lost 237,000 jobs; family incomes have dropped by more than $1,500; health care costs have gone up more than $3000 at Cleveland State and Ohio State is up $3000; and once every five minutes an Ohio family files for bankruptcy.

The struggles people face in Ohio and the weakness in our economy are a direct result of decisions made by George Bush and Dick Cheney. And those decisions are the direct result of a vision that honors wealth and privilege rather than work and responsibility.

When our economy suffered after September 11, this President made a choice. He fought for tax cuts for the wealthiest Americans. And he did nothing to put more money into the pockets of working families.

When our country went 7 straight months of losing jobs, this President made a choice. He proposed $25 billion in backward-looking tax cuts for big corporations like Enron. But he did nothing to pass tax cuts that would encourage businesses to create jobs.

When the incomes of working families began to fall after 7 years of strong growth, this President made a choice. He slashed the overtime for six million workers. But he did nothing to raise wages.

When health care costs skyrocketed out of control, this President made a choice. He gave away $40 billion to the big drug companies and fought to lift the responsibilities of HMOs and insurance companies while taking away the rights of families. But he did nothing to lower health care costs so Americans could keep more of their own hard earned money.

When Ohio schools raised college tuition when our country went 7 straight months of losing jobs, this President made a choice. He has to boost the wealthiest America. And those decisions are the direct result of decisions made by George Bush and Dick Cheney.

History shows us that our approach works better for America. To have real economic growth in this country, we have to strengthen the middle class and grow high paying jobs.

We saw it with the G.I. Bill. Young men who had fought for America and America invested in them. Millions of veterans went to college and triggered the greatest expansion of the middle class the world has ever seen.

Hear it in the 1990s. Government lived within a budget just like our families do. A tight labor market drove up wages. The average family made $7000 more, and we lifted 6 million Americans out of poverty.

And look where we are today. George Bush and Dick Cheney have replaced that virtuous path with a vicious circle when it comes to our economy.

We have a labor market that cannot keep up with our growing population. We see declining wages even as health care costs go through the roof. And the gap between the Two Americas is growing. Corporate profits are up. Our most expensive stores’ sales are up. But average wages are down over the last year, and the Targets and Gaps are seeing their sales stall. Instead of creating good middle class jobs, we’re creating more temporary positions, part-time jobs, and jobs in fast food restaurants.

When you have a government that does nothing to reward the hard work and the middle class, we have an economy that doesn’t pick up and this vicious circle continues. The people at the top do just fine. The people who make this country work struggle to get through the month, and our economy never picks up steam.

John Kerry and I will break this vicious circle. And we will put America back on a virtuous path where work is rewarded, the middle class expands, and the American Dream is there for all who are willing to work for it.

I believe we can build one America with one economy that works for everyone. Where no child ever looks on at his parents and thinks, “I can’t hope for something better.” But dreams only of building something better. And this is the season for change. It is time to build an economy that honors our values and rewards work.

John Kerry and I believe that the hard work and responsibility of the middle class are the engine of our economy. We believe our government should honor those values and give everyone who works hard and takes responsibility a chance to do well. We believe in expanding the winner’s circle.

Today, I fear that a young boy in Athens who goes downtown and sees his parents at the kitchen table doesn’t sense hope in his house. He sees his parents trying to get through the month. He sees them divide up their bills into piles that say “pay now” and “pay later.” And he sees his mother and father hard work and they can’t even break even.

That boy thinks, “This is what life will be like.” He looks on with resignation and the false belief that this is as good as it gets.

When our country went 7 straight months of losing jobs, this President made a choice. He proposed $25 billion in backward-looking tax cuts for big corporations like Enron. But he did nothing to pass tax cuts that would encourage businesses to create jobs.

When the incomes of working families began to fall after 7 years of strong growth, this President made a choice. He slashed the overtime for six million workers. But he did nothing to raise wages.

When health care costs skyrocketed out of control, this President made a choice. He gave away $40 billion to the big drug companies and fought to lift the responsibilities of HMOs and insurance companies while taking away the rights of families. But he did nothing to lower health care costs so Americans could keep more of their own hard earned money.

When Ohio schools raised college tuition when our country went 7 straight months of losing jobs, this President made a choice. He has to boost the wealthiest America. And those decisions are the direct result of decisions made by George Bush and Dick Cheney.

History shows us that our approach works better for America. To have real economic growth in this country, we have to strengthen the middle class and grow high paying jobs.

We saw it with the G.I. Bill. Young men who had fought for America and America invested in them. Millions of veterans went to college and triggered the greatest expansion of the middle class the world has ever seen.

Hear it in the 1990s. Government lived within a budget just like our families do. A tight labor market drove up wages. The average family made $7000 more, and we lifted 6 million Americans out of poverty.

And look where we are today. George Bush and Dick Cheney have replaced that virtuous path with a vicious circle when it comes to our economy.

We have a labor market that cannot keep up with our growing population. We see declining wages even as health care costs go through the roof. And the gap between the Two Americas is growing. Corporate profits are up. Our most expensive stores’ sales are up. But average wages are down over the last year, and the Targets and Gaps are seeing their sales stall. Instead of creating good middle class jobs, we’re creating more temporary positions, part-time jobs, and jobs in fast food restaurants.

When you have a government that does nothing to reward the hard work and the middle class, we have an economy that doesn’t pick up and this vicious circle continues. The people at the top do just fine. The people who make this country work struggle to get through the month, and our economy never picks up steam.

John Kerry and I will break this vicious circle. And we will put America back on a virtuous path where work is rewarded, the middle class expands, and the American Dream is there for all who are willing to work for it.

I believe we can build one America with one economy that works for everyone. Where no child ever looks on at his parents and thinks, “I can’t hope for something better.” But dreams only of building something better. And this is the season for change. It is time to build an economy that honors our values and rewards work.

John Kerry and I believe that the hard work and responsibility of the middle class are the engine of our economy. We believe our government should honor those values and give everyone who works hard and takes responsibility a chance to do well. We believe in expanding the winner’s circle. We believe in one America.

Standing in that house, I always had hope. At that time, America was a place where hard work and determination could take you anywhere. My mother ran her own small business, refurbishing furniture to help pay for my tuition. Thanks to my mother and father’s hard work in that mill, in that business, and at that kitchen table, they were able to buy a house. Later on, they were able to help me become the first person in my family to go to college. And I stand here today because I have lived in the bright light and the blessing of America.
One constant of our new global economy is that there will always be change—one sector will be growing while another lags. It is the responsibility of our leaders to anticipate these changes and to help our workers find new jobs and create new ones, and give our workforce the tools it needs to adapt to the new economy.

What the present today is our plan to help Ohio and America build one economy. This plan will attract new business to Ohio and create more manufacturing jobs. And it will strengthen and expand the middle class so that the American dream of building something better is never replaced with the dream of just getting by. First, we are going to attract and keep good paying jobs right here in America.

Today, if one company wants to move its factory to the Philippines, it can do so without another company to keep its plant open outside of Marietta, the company that ships its jobs overseas is rewarded. They get the tax break while our middle class watches more and more good paying jobs leave this country. They get the tax break while our middle class loses its muscle. And they get the tax break while your employees lose their jobs. Our plan is to change that. We will cut taxes for businesses that create jobs here. In fact we will cut taxes for 99% of American companies that pay taxes and create jobs.

For those small businesses and manufacturers that want to hire new employees we will cut a tax credit to pay your share of the payroll tax for every person you hire. And for those small business owners who want to hire more employees but cannot afford to insure them, we will give you up to a 50% tax cut on your health care to cover your employees.

You see, we believe government should cut taxes on American business. But it shouldn’t cut and run from America’s values when it does.

Another way to honor work is to enforce our trade agreements and trade laws so we secure a more level playing field for our workers. We need to trade for our businesses, our communities, and our economy. But we need to make sure that our trading partners honor their part of the bargain.

Your own Senator, George Voinovich called America’s enforcement of trade laws, “nothing short of abysmal.” Right now, this administration is using our trade policy to compensate for their own failed foreign policy. It is enshrining trade deals with small countries willing to support us. And in the meantime, our major trading partners are cleaning our clock, bringing two or three trade cases against us for every one we bring against them.

Today we are running the biggest trade deficit in history. Exports are down for the first time in history. And no place feels the downslide of an Administration that fails to look out for our businesses and our workers more than Ohio.

Ohio has lost 173,000 manufacturing jobs under this President. Here in Cleveland, CHC Industries shut down its plant because of China’s unfair trade practices and sent 1,100 workers home. And one of the reasons they closed is China’s continued manipulation of its currency. They are able to sell products for up to 40 percent less—not because they’re more efficient or cheaper, but because they play games in the currency markets. This President won’t even say it’s against the rules.

John Kerry will. He will fight China’s currency manipulation. And he will stand up for American workers. This President has signed into law a pact that has delivered over $200 million to Ohio manufacturers over the last four years. These trade policies aren’t abstract ideas or some things that happen over there. They impact our lives. While we must always trade and open our markets, we must do so in a way that is right for our workers and the world’s working families.

We all have to do well if this economy is going to break this vicious circle and start creating more good paying jobs here. If we need to grow businesses across the world, we need to create an economic environment where businesses around the world, today. Health care costs add $400 to the cost of a Japanese car, but $1400 to the cost of an American car. American manufacturers that have always done the right thing and offered health care to their employees are at a growing disadvantage compared to our international competitors. And we can change that. We can change it by lifting the burden of catastrophic costs from businesses and by offering tax credits to help cover the cost of health care.

We can change it by repealing the rule that targets the lawyers who clog our court systems with meritless cases that should never be filed—not the victims whose injuries are real, and whose suffering is real.

John and I also understand that a strong economy isn’t just about Wall Street doing well. It’s about the strength and livelihoods of our Main Streets and back streets in our small towns and rural areas.

That’s why we’ll create a venture capital fund to support small businesses and entrepreneurs in small towns that are hurting. We will make sure we have broadband everywhere in America and help small manufacturers upgrade their technology. And we can invest in the new technologies and renewable energy so that America can become independent of Middle East oil.

Here in Ohio, universitites, research institutes, and advanced manufacturing industries will spark new growth and innovation. They are critical for strengthening our nation’s economy and key to Ohio’s economic future.

Since the Second World War, technology has accounted for nearly 50 percent of the state’s economic growth. There are 167,000 Ohio workers employed in high tech jobs.

If we expand investment in technology, we can create an economic environment where these kinds of good paying jobs are created every day. And by investing in education, we can use our best and our brightest to solve our countries greatest challenges. The tremendous working men and women will launch the next wave of economic expansion. And Ohio can and will lead the way.

Once we take these steps, our walk is not done. When we put America back to work, we also need to make sure that work is honored and respected.

George Bush is talking about building an ownership society, but he has spent four years building a debt society for everyone except those at the top. His economic vision has one goal: to get rid of taxes on unearned income and shift the tax burden onto people who work. And he has moved toward that goal, even as he proposed a tax cut that has passed already.

The President’s new “tax reform” is the ultimate expression of his values. We don’t know all of the details, but we know a lot of them because of a memo released by his former Treasury Secretary.

We know people who inherit hundreds of millions will pay very little in taxes. We know waitresses and working people will pay everything. And we know his plan will take away the most important incentive for the single most important form of investment. It will eliminate entirely the tax deduction for home mortgage interest.

According to the Treasury Department, the effects of this project on the economy as a whole are “uncertain.” But the effects on the middle class are clear. It means that they will bear more of the tax burden in America.

It’s time to return to the idea that made this country great: Instead of helping those at the top, America should reward the work of America’s middle class.

That is why John Kerry and I have a plan to cut taxes on work and expand our middle class. To help middle class families pay for health care, health care reform and a tax credit to help lower premiums up to $1,000 a year for a family of four. To help them create the rising costs of child care, a tax credit up to $1,000 so children have a safe place to go while their parents work. To help middle-class families in the communities where we live, we will stop the deceptive and unfair credit deals that cost families billions each year.

And to give more young Americans the chance to be the leaders of their family to go to college, a plan to make college affordable. We will provide $10 billion in aid for states, including $390 million for Ohio. And we will work in line with inflation. We will provide every person with a tax credit on $4,000 of college tuition. And if young people are willing to work two years of service in the community, state or country, then we’ll give them four years of college tuition.

When we say that we want to cut taxes for the middle class, these are more than words. It’s what John and I have fought for over and over again. They want more tax cuts for millionaires. We want more tax cuts for the middle class because we know that a strong and growing middle class means a stronger America.

Just as families live within a budget, Washington should too. And we will restore fiscal discipline in Washington. We will roll back tax cuts on multimillionaires, restore higher interest rates, and close corporate tax loopholes, corporate welfare, and the federal bureaucracy that is growing again under George W. Bush. Our plan will cut the deficit in half and this will restore confidence in our markets. It will free up new capital for new businesses and encourage them to start hiring again.

This is a fundamental American principle we all believe in—creating wealth for those who’ll work for it and expanding the middle class. But the very idea of the “working poor” is no place in our working society.

Cleveland is a proud city, a great city. And it belongs at the top of many lists. But not the one we heard about last month—having the highest poverty rate in the nation. We need to see these numbers as a call to action. Poverty isn’t something we can live with. It’s something we must fight to end. Based not on handouts, but based on hard work. We will encourage the job creation in Cleveland by fixing our tax policies and our trade policies.

We will honor hard work by raising the minimum wage. That will help 396,000 people in Ohio. And we will honor hard work by expanding tax credits for working families.

In Cleveland, thousands of working families who are eligible for those tax credits...
don't collect them. Thousands get advance "tax refunds" that are actually loans at interest rates of 100 percent or higher. And often these families see their earnings eroded every payday. The budget says no one should have to bear. Ohio has the highest foreclosure rate in the country, and in Cleveland, 1 in 6 homes were in foreclosure as of last December.

We can do something about it. First, we'll work with Cleveland to lead an outreach campaign, expand voluntary help with taxes, speed foreclosed homes and get the IRS out of the business of encouraging high-interest loans. We will crack down on predatory lending to save Ohio families $350 million a year, and we'll prompt banks to offer more loans and services to low income families. And we can make sure fathers honor their responsibilities by paying child support and helping them work.

We can lead a rebirth right here in Cleveland. This city has 350 brownfields covering 6,000 acres. We can clean them up and replace hallowed out buildings with good new homes. And we can strengthen the public schools in Cleveland so that families stay in the city. You just laid off more than 800 teachers because of foreclosures. How are we going to educate the best minds of tomorrow without a good teacher at the head of every classroom?

One thing that you understand here in Cleveland is that poverty isn't "their" problem. Nobody is more eager than you to fight poverty. But you and I understand that the fate of your city depends on the success of all of your residents. And that is exactly the same thing for America. Creating opportunity for all is not an expression of compassion. It is an expression of our commitment to do what is best for America.

At the heart of this campaign, we want to make sure everyone has those opportunities that I had growing up—no matter where you live, who your family is, and what the color of your skin is. This is the America we believe in.

You honor work and inspire confidence by building one economy that honors our values and strengthens our great middle class. With this simple and enduring principle serving as our moral compass, we can break this current vicious circle and put our economy back on a virtuous path.

This is what the politics of what's possible can build and John and I need your support to make this happen in America.

For in the end, this election comes down to a simple fact: do you believe that our economy—Ohio's economy—is strong when month after month jobs are lost and family incomes decline, then you can vote for George Bush and Dick Cheney. But if you want an economy that honors work and lifts up our middle class, then your choice is clear and it is time to make John Kerry our next president.

Many of us are angry at what George Bush and Dick Cheney have done to our great country and the values we cherish. But anger never changed America; our actions do. And this is what we will do create good paying jobs, invest in the jobs of the future, and lift up and expand our great middle class.

We believe in America.

So that once again, we can live in the bright light and the blessing of America.

When Mr. Kennedy sees descriptions when his parents sort bills at the kitchen table, but believes in the promise of America. That hard work, responsibility and the love of his family, that we create a future filled with hope and grace.

Mr. KENNEDY. Mr. President, few issues are more important to a strong America than strong schools. Education can open the doors of opportunity to our people. It helps the next generation realize their potential and fulfill their dreams. A good education strengthens our economy as it prepares young Americans to get good jobs and compete in today's world. Parents want it, America needs it, but over the past 4 years we have seen a President and an administration with an incompetent education policy and incompetent education budget. President Bush has already given more than $1 trillion to give away in tax breaks for the elite but he cuts funding for his own education reforms. He can waste billions of dollars in contracts to Halliburton but cannot find a dime to increase Pell grants. When it comes to the education of our children and helping the middle-class families afford college for their children, and helping workers get retrained for new jobs, this administration has been AWOL.

On issue after issue, the administration has shown a condescending view with the long trail of broken promises and unmet commitments. Incompetence is hurting our families and our communities. On Iraq, the administration manipulated and distorted intelligence in a rush to war. We have had incompetent leadership in trying to find a way of peace, and America is less safe today.

We have had incompetency in the management of our economy with the loss of 1,700,000 jobs. Wages are down. College premiums are up. In health care, we have a double-digit increase in premiums. Drug costs are going through the ceiling. There is a rising number of uninsured. Iraq, the economy, health care, and now education.

I have a statement the President made January 23, 2001:

"My focus will be on making sure that every child is educated. These are the K-12. This is the college education. These are the children who need the training programs and yet we see that under the administration's budget 4.6 million of these children are being left behind. College tuition has gone up 38 percent in the new calculations since this President took office, which makes payments of the premiums for a college education out of the reach of middle-income families. It means help and assistance for those children who are not being able to keep up with the rest of the class. It means help and assistance for limited-English-speaking children, those who are speaking a foreign language who need the extra help and assistance in order to be able to perform at standard, and also reforms for struggling schools in many of our urban areas and some in our rural areas.

There was a guarantee in the No Child Left Behind Act that President Bush has never once proposed funding for qualified teachers, funding for afterschool programs, funding for limited-English-speaking children, funding for struggling schools, and yet that has been a failed promise. This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

This was the commitment in the No Child Left Behind Act that this President signed to say that no child would be left behind, and that every child could reach proficiency.

In the State of Massachusetts, in the last MCAS test, which is generally recognized nationwide, 62 percent of the children were able to get proficiency in reading and 57 percent in math. We are not giving up on those children but evidently the administration has abandoned them.

This is what the President said on August 30, 2000:

"A child eligible for a Pell grant future will be affected by the size of the Pell grant. I am going to ask Congress to bolster the first year aid . . . to $5,100 per recipient of the Pell grant.

That was on August 30, 2000. When was that? Just before the election. We have been funding for qualified teachers, funding for limited-English-speaking children, funding for struggling schools, and yet that has been a failed promise.

This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

Money is not the answer to everything but it is a clear indication of a nation's priorities. This is a commitment of the President to provide the support so we can have higher standards so that we can have higher results and academic achievement for our children. Yet we find that Bush underfunded the reforms of No Child Left Behind this year by $9.4 billion.

There are 6,500 schools identified as in need of improvement and President Bush has never once proposed funding to turn around schools that need improvement.

Here it is. The President said on January 23, 2001:

"If our schools, particularly low-income schools, will need help in the transition to higher standards.

Higher standards mean better trained teachers who are teaching in underresourced areas. It means support services for those children who are not being able to keep up with the rest of the class. It means help and assistance for limited-English-speaking children, those who are speaking a foreign language who need the extra help and assistance in order to be able to perform at standard, and also reforms for struggling schools in many of our urban areas and some in our rural areas.

There was a guarantee in the No Child Left Behind Act that President Bush has never once proposed funding for qualified teachers, funding for afterschool programs, funding for limited-English-speaking children, funding for struggling schools, and yet that has been a failed promise.

This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

This was the commitment in the No Child Left Behind Act that this President signed to say that no child would be left behind, and that every child could reach proficiency.

In the State of Massachusetts, in the last MCAS test, which is generally recognized nationwide, 62 percent of the children were able to get proficiency in reading and 57 percent in math. We are not giving up on those children but evidently the administration has abandoned them.

This is what the President said on August 30, 2000:

"A child eligible for a Pell grant future will be affected by the size of the Pell grant. I am going to ask Congress to bolster the first year aid . . . to $5,100 per recipient of the Pell grant. . . .

That was on August 30, 2000. When was that? Just before the election. We have been funding for qualified teachers, funding for limited-English-speaking children, funding for struggling schools, and yet that has been a failed promise.

This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

This was the commitment in the No Child Left Behind Act that this President signed to say that no child would be left behind, and that every child could reach proficiency.

In the State of Massachusetts, in the last MCAS test, which is generally recognized nationwide, 62 percent of the children were able to get proficiency in reading and 57 percent in math. We are not giving up on those children but evidently the administration has abandoned them.

This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

This was the commitment in the No Child Left Behind Act that this President signed to say that no child would be left behind, and that every child could reach proficiency.

In the State of Massachusetts, in the last MCAS test, which is generally recognized nationwide, 62 percent of the children were able to get proficiency in reading and 57 percent in math. We are not giving up on those children but evidently the administration has abandoned them.
profits to the drug industry, $46 billion to the HMO industry. Now what do we have, the student loan scandal.

My friend from the State of Washington will speak to this issue, but I wish to point out what was printed today in the New York Times that says it all.

I ask unanimous consent that the whole article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


**Banks and the College Loan Loophole**

The Bush administration has studiously looked the other way while well-connected lenders have exploited a loophole in the student loan program that will reap them nearly a billion dollars in undeserved subsidies this year alone. Congress, which takes risks in contributions from banks and other lenders, was reluctant to even discuss this problem until a public outcry recently made it impossible to avoid. The Education Department has claimed that it lacks the authority to close the loophole unilaterally. But that position, this week in an unusually caustic report by the Government Accountability Office, which outlined the scope of the problem and urged the Education Department to act, is beginning to buckle.

At issue is a special category of student loans for which the government guarantees the lenders a whopping return of 9.5 percent, even though, on this particular loan, the interest rate charged to students is now less than 3.5 percent. The 9.5 percent loans, backed by tax-exempt bonds, were the interest rate preferred high in the 1990’s to keep lenders in the college loan business. Congress tried to phase out the high-interest loans in 1993, when it finally recognized that they were no longer needed, but they have not gone away.

As interest rates declined, the lenders, abetted by the Education Department, developed a series of accounting tricks that create new 9.5 percent loans essentially out of thin air. This process, sometimes described as cloning, has made the number of 9.5 percent loans nearly double since 1995, when the interest rate was over 9 percent. The passage of the 1993 law, which was intended to phase out these loans, it seems, has instead been worse for them.

In addition to the 9.5 percent loans, the Education Department has also been taking advantage of a provision in a law that allows the government to buy back loans from the banks. This practice, which the Education Department first began in 1999, has been used to generate billions of dollars in cash for the government and, by implication, for the banks.

The House voted to end the unfair subsidies temporarily—and is likely to settle on a permanent solution soon. But the Senate Appropriations Committee ducked the issue last week when it rejected a measure that would have driven a stake through the wasteful practices. The committee approved some of the savings to student aid. By one estimate, even six months’ delay in dealing with this problem would cost the taxpayers nearly $3 billion in interest payments. That money should be going to poor and working-class college students—not to banks.

Mr. KENNEDY. By one estimate, even 6 months’ delay in dealing with this problem will cost the taxpayers nearly $3 billion in interest payments. That money should be going to poor and working-class college students, not to the banks.

We have an administration that takes care of the special interests, and now we find that they are taking care of the drug companies, the HMOs, and the banks. All one has to do is read the newspaper. Look at this morning’s newspaper on the Federal page, Sept. 22, “EPA Wording Found To Mirror Industry’s.”

For the third time, environmental advocates have discovered passages in the Bush administration’s proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing the coal-fired power plants.

There it is again, taking care of the banks, taking care of the power plants, taking care of the drug industry, but not taking care of working class Americans, not taking care of middle-income Americans.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 2004]

**EPA Wording Found to Mirror Industry’s**

(By Juliet Eilperin)

For the third time, environmental advocates have discovered passages in the Bush administration’s proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing the coal-fired power plants.

The passages state that the Environmental Protection Agency is not required to regulate other hazardous toxins emitted by power plants, such as lead and arsenic. Several attorneys general, as well as some environmental groups, have argued that the Clinton administration’s proposed rule required the EPA to regulate these emissions as well as mercury.

The revelations concerning language written by Latham & Watkins could broaden an ongoing investigation by the inspector general into whether the industry had an undue influence on the agency’s proposed mercury rule, legislative critics of the proposed rule said.

Sen. James M. Jeffords (I-Vt.), ranking member of the Senate Environment and Public Works Committee and one of the senators who called for the investigation, said the revelation that the EPA adopted the same wording as an industry source “no longer comes as much of a surprise.”

“The issue continues to set a bad precedent,” the Latham & Watkins lawyer Robert A. Wyman Jr., who called for the probe last spring, said the inspector general’s office said its investigation of the issue should be done by early next year.

That conclusion is backed by two sections in which industry-written language had sur- vived the EPA’s review. The memo uses the wording in a subparagraph instead of a different paragraph in which the public comments on the rule. The public comments, however, have been published in the Federal Register.

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act “after considering the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.”

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act “after considering the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.”

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act “after considering the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.”

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act “after considering the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.”

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act “after considering the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.”
Wisconsin, are entitled to answers. They are tired of rhetoric. They are tired of cliches. They are tired of misrepresentations. They want the facts. They want the truth. We have a candidate who will give it to them. I send my friend and colleague in the Chamber, Mr. MURRAY. Whatever remaining time I have, I yield to her, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes 15 seconds.

STUDENT LOAN SCANDAL

Mrs. MURRAY. Mr. President, I come to the floor today to talk about this scandal to which the Senator from Massachusetts alluded. It is mentioned in the New York Times today, "Banks and the College Loan Loophole." I talk to families all over the State of Washington, and they are struggling to pay for college for their kids. They all agree college education is far too expensive for many families. You would think that our federal Government would be doing everything possible today to make college more accessible for all of our families. Sadly, that is not the case.

Last week in the Senate we had a change where students get to get in and get through college. Unfortunately, the majority on the Appropriations Committee blocked my commonsense, student-friendly proposal. Instead of standing up for students, unfortunately the committee stood up for banks and other special interests that have been gaming the system for years, at taxpayer expense.

I am on the Senate floor today to say that students should come before special interests. Student loan programs were started to help our students to get in and get through college. Unfortunately, the majority on the Appropriations Committee blocked my commonsense, student-friendly proposal. Instead of standing up for students, unfortunately the committee stood up for banks and other special interests that have been gaming the system for years, at taxpayer expense.

Back in the 1980s, interest rates were high. Many people were concerned that our lenders would stop making student loans, so Congress created a temporary—and I emphasize "temporary"—measure to keep college loans affordable for our students. At the time, it worked. Lenders kept making loans, and students were able to afford college loans. This was supposed to be, as I said, a temporary measure. In fact, it was supposed to be phased out in 1993, when interest rates started coming back down. Interest rates came down; this subsidy lived on. For the past 11 years, taxpayers have paid these lenders far more than they should have. Taxpayers are actually subsidizing profitable companies making far above today's interest rates. Clearly, taxpayers are paying a huge bill while special interests are taking the money to the bank.

Who is paying the price? Our college students. This year we are throwing away $1 billion that we could be using to help more students go to college. So in the Appropriations Committee last week, I offered an amendment to finally stop this taxpayer ripoff. My amendment would have saved students from the savings from this ripoff to help 700,000 students get another $3,000 for college. It would have helped the parents of 25,000 low-income students get child care on campus. It would have helped another 300,000 students. It also would have helped 180,000 low-income and first-generation students prepare for college through TRIO and GEAR UP. And it would have helped thousands of migrant students attend college.

When I offered my amendment, everybody on the committee seemed to agree that this subsidy should end. But when it came time to vote, every Republican member voted against my amendment. When I asked just taxpayers, they voted against students, and they voted against our families. They said they wanted to deal with it later. I am here today to say that taxpayers are getting ripped off every day we delay. If we wait 6 months, as was suggested, taxpayers will lose billions of dollars, and students will not get the help they need. The time to do this is now.

I am not willing to waste another dollar that could be in the pockets of students. This is as if you walk into a college bookstore and a textbook on the shelf costs $100. If that textbook had the same outrageous markup as these loans, that student would be paying $3,000 for the same textbook. Taxpayers are paying $3,000 for something that only costs $100 because of this runaway subsidy, and that is outrageous. There is no reason for taxpayers to be paying a markup of 30 times the real cost.

We were all outraged when Halliburton charged taxpayers $45 for a case of soda that sells for $7 at the supermarket. Halliburton marked those prices up 6 times. Today, lenders are marking up student loans at a price 30 times higher than they should. No wonder the Washington Post called this a scandal.

I ask unanimous consent to have the Washington Post editorial on this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From the Washington Post, Sept. 10, 2004

STUDENT LOAN SCANDAL

There are bureaucratic errors, there is congressional negligence—and then there are bureaucratic errors and congressional negligence on a scale so vast that it is hard to believe they could be accidental. The hundreds of millions of dollars in unnecessary government payments to the student loan industry in the past 18 months amount to such a scandal. The loans in question, established in 1980, are guaranteed by the government at 9.5 percent. Yet most students are paying interest rates of 3.5 percent because of a bureaucratic error—all taxpayers' money—is pure profit for the companies that have taken advantage of a loophole in the law.

A recent report by the Institute for College Access and Success, a non-profit education think tank, Congress had actually intended to end in 1993 the 9.5 percent loan guarantee, one of many programs that provide incentives for institutions to lend to students. In May 2003, one company, Nelnet, wrote to the Department of Education to confirm its intention to expand its holdings of old loans with the 9.5 percent interest rate. Nelnet received no answer from the department for a year, during which time the department continued paying the company. In June of this year, the department replied inconclusively—at which point the company's stock price climbed 20 percent. Although Nelnet is the largest holder of loans guaranteed at 9.5 percent—and its holdings of such loans have increased by 50 percent since January 2001—the department has not received any one of many such letters. According to a preliminary report by the General Accountability Office, "Nelnet, Don R. Bouc (D-Md.) and Dale E. Klaider (D-Mich.), 37 lenders receive payments for loans with guaranteed interest rates of 9.5 percent, at a nominal cost of $3,500 annually, and the volume of such loans is rising.

Why wasn't the loophole shut long ago? Education Department officials argue strenuously that only a two-year regulatory process could have done so, and they didn't initiate one, they say, because they thought Congress would deal with it. Congressional Republicans say they're dealing with the problem in a comprehensive higher education bill, but that has failed to pass (and in any case the proposed language would not have ended all the payments). Yet, other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Klaider, that would close the loophole completely, albeit temporarily. Of course, there is no guarantee it will become law. One former high-level general counsel has written to the secretary of education, Roderick R. Paige, arguing that "the Federal Government should do it immediately if officials had wished to do so.

There could be other explanations for their reluctance. One is that the president, Don R. Bogue—whom for the loophole to be shut and the money to be better used—is well-connected enough to have been appointed to Mr. Paige's advisory committee on student loans. Here is another: According to a report in the Chronicle of Higher Education, Nelnet is the second-largest contributor to congressional campaigns in the state. The 9.5 percent loan is beaten only by industry giant Sallie Mae. Over the past 18 months, the student loan industry has contributed about $750,000 to the 49 members of the House Committee on Education and the Workforce, of which $139,000 has gone to the committee chairman, Rep. John A. Boehner (R-Ohio), and $175,000 to Rep. Howard P. "Buck" McKeon (R-Calif.), chairman of the subcommittee on higher education. Mr. Boehner's spokesman vehemently denies any connection between the contributions and the loans and maintains that the committee's bill would have fixed the problem, which was mentioned in the president's latest budget. Still, it is difficult to sustain, given the evidence, why neither Mr. Paige nor Congress made this a higher priority.
For nearly a decade we have argued that Congress should reduce subsidies for banks that lend to students, and instead expand the direct-loan program, which provides about a quarter of all loans—or else reform the system to make it harder to manipulate. This scandal provides an excellent reason to look again at these questions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts asked unanimous consent to have the New York Times editorial from today printed in the RECORD. It clearly laid out the case for what is happening today to taxpayers who are paying a tremendous price. And who is losing? It is our students.

We have to stop overcharging the American people. We still have time to do it this year and help students get to college at a time when we all know tuition has skyrocketed. We need to do more to get more students there.

I warn the Senate, the clock is ticking. Every Member of the Senate has to decide if they stand with students and families and taxpayers, or if they are going to stand with the special interests. Millions of students and millions of families are waiting for this answer. We have to stop the special interest subsidy today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I understand we have a colleague who is on her way to the floor. I ask unanimous consent she be entitled to 5 minutes and that we have 5 additional minutes.

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

Mr. KENNEDY. I ask the Chair to remind me when I have 1 minute left.

I ask the Senator from the State of Washington, does she not agree with me that this administration has the power to do something about this, and could do something about it today, this giveaway that is written about in the prominent national newspapers as a giveaway to the banks? Does she agree with me that the Department of Education has said we don’t have the authority, we don’t have the power; we don’t have the legal ability to do something about it? Yet we have the General Accounting Office report:

Family education loan program, statutory and regulatory changes could avert billions—

Hear that? Billions—

... in unnecessary Federal subsidy payments.

On page 8:

We disagree with the department’s characterization of their authority.

It seems to me, if this President were interested in protecting middle-income families, in avoiding the kind of continued wasteful subsidy and giveaway to the banks, that the President, the Department of Education, this administration, could do something and do something today.

Would the Senator be willing to express an opinion on that?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. The Department of Education could end this today with a simple ruling using powers instead they are pointing fingers, saying Congress has to do it. Congress had the opportunity in the Appropriations Committee last week. They said, no, we have to wait for an authorization 6 months from now. Every month that goes by, and taxpayers’ money and thousands of students don’t get access to college. We don’t need any more fingerpointing on this.

I think the Senator would agree that we don’t need the Department of Education pointing to Congress and Congress pointing to the Department of Education. We need to stop this now. The Department of Education can do it by rulemaking and we can do it on any part of that contract. But we need to do it and we need to do it quickly.

Mr. KENNEDY. I thank the Senator for her comments.

On August 27, Sally Stroup, Assistant Secretary for Education, said, “I don’t think we have the legal authority to stop them.”

They made no effort to try to stop them. Senator MURRAY is leading the fight in the Appropriations Committee to try to save the taxpayers and save middle-income students who are stretched with their tuition. Now we have the General Accounting Office saying they do have the power.

I wonder if the Senator would agree with me that we see a whole pattern from this morning’s newspapers about how the administration is effectively right in the tank for the powerplants with regard to mercury, coal-fired powerplants, and is now with the bank on student loans. We have seen it with regard to the HMOs. I am wondering who is going to stand up for working families and who is going to stand up for middle America.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely right. This is outrageous. We have the Department of Education pointing fingers at Congress when they can make a ruling and stop this practice today. According to all accounts, the delay of this is costing billions of dollars for Congress to act on reauthorizations of the act 6 months or longer from now. Taxpayers are going to lose $2.8 billion in interest payments. We are in the Senate where we know that access to Head Start is critical, we know access to college is critical, and we know that $2.8 billion sent to the bank today means students are not getting higher education.

Mr. KENNEDY. Mr. President, when we made the commitment of No Child Left Behind, we did not include all children. When this body committed to Medicare, we didn’t say we are going to leave some senior citizens out; we said all seniors. When we made a commitment to voting rights, we said voting rights for all Americans. When we made our commitment to all children in this country, we meant all children.

There it is. This is not disputed. We are failing more than 4 million children. That is unacceptable, particularly when we find that this administration is looking out for their special interests.

I think we have an opportunity to change that on election day, and hopefully on election day we can close billions of dollars in taxpayers’ money and thousands of students don’t get access to college. We don’t need any more fingerpointing on this.

I thank the Senator. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

THE ECONOMY

Mr. CONRAD. Mr. President, yesterday we heard a number of my colleagues talk about their view of the economy and their view of the fiscal affairs of the country and their view that things are on a positive track. Today, I would like to respectfully offer the other side of the story and what I view as a very dangerous course the Nation is pursuing under the leadership of President Bush.

Earlier this year, on August 30, the President was on the NBC “Today” show and the host asked him this question:

Let me ask you about deficits. This year, $45 billion. Bailout, do you think that’s pretty good?

President Bush:

Yes. I do. I do.

That is an odd sense of accomplishment because that is the biggest deficit in the history of the United States. The deficit that is now estimated to be some $422 billion we know is going to be larger because we are funding some of next year’s defense money this year because of mounting costs in Iraq. But even at the $422 billion figure, that is the largest deficit in the Nation’s history, and by a big margin.

Last year, under President Bush’s fiscal plan, we had what was then a record deficit of $375 billion. Now it has increased to $422 billion. But frankly, that understates how serious the situation is.

By contrast, if you go back to the Clinton years, each and every year of the Clinton administration the deficits were reduced and held for a 3-year period. We actually ran budget surpluses. This President has punched us back into deficit, and by a country mile.

The Bush administration now claims that the deficits are coming down. This is the budget director, OMB, chosen by President Bush. He says:

We continue to have deficits, even though they are coming down dramatically.

I don’t know what his notion of coming down is, but here is the record.
The Bush administration promised finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn’t put money in his budget; none.

Doesn’t there have to be no war cost past September 30 of this year? That is what the President said in the budget he sent up here.

He said there is no money needed to fix the alternative minimum tax past this year. Yet we know the alternative minimum tax, that affects 3 million people now and will affect 30 million people by 2010. That is the old millionaire’s tax that has now become a middle-class tax we all know about. Congress is not going to allow the alternative minimum tax to affect 30 million taxpayers. Yet the President provides nothing in his budget past next year—nothing.

In fact, if you come back and you put back the items the President has left out—the money he is borrowing from Social Security that he has to pay back; it is not in his budget; if you put in the money needed to fix the alternative minimum tax or the money for the ongoing war costs—this is what emerges as a realistic analysis of what is going to get added to the debt and what the deficits are going to look like over the next decade. Actually, this is very conservative. We have left out a lot of things that are also being done by this administration that will add to the debt. So this, too, understates how serious the situation will become.

But even with this look, on just a limited federal budget—President Bush in Amundale, VA, on August 9 of this year said:

So I can say to you that the deficit will be cut in half over the next 5 years.

This is the same President who said, by the way, in his first year there would be no deficits. In his second year, reporting to Congress, he said the deficits would be small and short term. Both of those statements were wrong and wrong by a country mile. Then he said they would be small by historical standards. Wrong again; biggest deficits we have ever had. Now he says don’t worry, I am going to cut the deficit in half over the next 5 years; wrong again.

Don’t believe it because it is not going happen. The only way the President comes up with the claim that he is going to cut the deficit in half over the next 5 years is by leaving out the areas of spending. He leaves out finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn’t put money in his budget; none.

Doesn’t there have to be no war cost past September 30 of this year? That is what the President said in the budget he sent up here.

The truth is the official deficit, what is called the deficit by the press, what is going to increase this year by over $633 billion—is going to increase by over $630 billion. That is a staggering sum.

The President inherited, the budget was $375 billion of deficits, then the largest dollar increase of deficits going down dramatically. What is he planning to do?

The President's budget director says the deficits are going to increase this year by over $633 billion. Why is it that the deficit is going to increase by over $633 billion and the President is planning to do nothing? The reason for the difference is called the deficit by the press, what is going to increase this year by over $633 billion, which they have to pay back, the items the President has left out—nothing.

In fact, if you come back and you put back the items the President has left out—the money he is borrowing from Social Security that he has to pay back; it is not in his budget; if you put in the money needed to fix the alternative minimum tax or the money for the ongoing war costs—this is what emerges as a realistic analysis of what is going to get added to the debt and what the deficits are going to look like over the next decade. Actually, this is very conservative. We have left out a lot of things that are also being done by this administration that will add to the debt. So this, too, understates how serious the situation will become.

But even with this look, on just a limited federal budget—President Bush in Amundale, VA, on August 9 of this year said:

So I can say to you that the deficit will be cut in half over the next 5 years.

This is the same President who said, by the way, in his first year there would be no deficits. In his second year, reporting to Congress, he said the deficits would be small and short term. Both of those statements were wrong and wrong by a country mile. Then he said they would be small by historical standards. Wrong again; biggest deficits we have ever had. Now he says don’t worry, I am going to cut the deficit in half over the next 5 years; wrong again.

Don’t believe it because it is not going happen. The only way the President comes up with the claim that he is going to cut the deficit in half over the next 5 years is by leaving out the areas of spending. He leaves out finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn’t put money in his budget; none.

Doesn’t there have to be no war cost past September 30 of this year? That is what the President said in the budget he sent up here.

The truth is the official deficit, what is called the deficit by the press, what is going to increase by over $633 billion—is going to increase by over $630 billion. That is a staggering sum.

The Bush administration promised finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn’t put money in his budget; none.

Doesn’t there have to be no war cost past September 30 of this year? That is what the President said in the budget he sent up here.

The truth is the official deficit, what is called the deficit by the press, what is going to increase by over $633 billion—is going to increase by over $630 billion. That is a staggering sum.

The Bush administration promised finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn’t put money in his budget; none.
us that has to be of foremost concern because the President’s plan for the future is more of the same and a whole lot more—a whole lot more debt, a whole lot more in deficits. This fundamentally threatens the economic security.

This chart I show you is not a chart built by me or my staff; this is from the Congressional Budget Office. It is their analysis, assuming an extension of the President’s tax cuts, the need for alternative minimum tax reform, mainline spending policies. Look where we are headed. This is what CBO says will happen to the deficits and the debt of the country if, roughly, the President’s budget policy is pursued.

In fact, this is just the deficit. I misspoke when I said debt. The debt chart would be much worse than this chart. This is just the deficit. This leaves out the money being borrowed from Social Security, this leaves out the money being borrowed from Medicare—billions of dollars that are not in the President’s calculations at all.

This is a course that makes no sense. This is what the CBO Director said, because some around this town seem to think we can’t grow out of this problem. This is what the Director of the Congressional Budget Office says. By the way, this man came from the Bush administration. He came directly from the President’s Council of Economic Advisers. He said:

'This is a fiscal situation in which we cannot rely on economic growth to cause deficits to disappear.

He is telling the truth. This is what the Federal Reserve Chairman said, Chairman Greenspan, who opposes deficit-financed tax cuts. Everybody knows Chairman Greenspan is a big fan of tax cuts but not deficit-financed tax cuts. This is what he says:

If you’re going to lower taxes, you shouldn’t be borrowing essentially the tax cut. And that over the long run is a stable fiscal situation.

But that is exactly what this President is advocating, not just for this year, for every year for the next 10 years.

Mr. President, what is the outcome of this set of policies? I think the Chairman of the Federal Reserve is warning us of this where this is all headed. Back in February, he urged a cut in Social Security taxes. And we heard the same from the Federal Reserve Chairman.

Mr. CONRAD. Yes.

Mr. DODD. Mr. President, I don’t want to interrupt the flow. The Senator is going through a lot of numbers and statistics, and we owe a debt of gratitude to Senator CONRAD for this analysis. I would like to come back to this deficit picture. I think these other numbers on jobs and so forth are in direct relation to our fiscal policies.

There is a correlation because of our inability—and I am posing a question to the Senator—or unwillingness to make the kind of important investments that any period of economic growth requires, which are obviously being adversely affected by the amount of debt we are accumulating.

I don’t know if my colleague from North Dakota saw the same article I did yesterday, which was the lead story in the World Business section of the New York Times in which the IMF warned us and warned the world that growing U.S. deficits and debt threaten not only our own economic security but the world’s economic security.

My question is, what are the implications for the younger generation? We have heard debate about death taxes. What about a birth tax here? What are the implications of the children being born who are accumulating the debt that is occurring here? I wonder if he might comment on the IMF story and what it means for a child born in the 21st century with this kind of debt, what sort of price tag have they been saddled with as a result of the mis-management of our fiscal economy?

Mr. CONRAD. It is interesting. This is the second warning the IMF has issued this year about the U.S. deficits and debt. This time the International Monetary Fund has warned us and warned the world that growing U.S. deficits and debt threaten not only our own economic security but the world’s economic security.

Why? Because as the United States accumulates more and more debt, at some point those dollars that we are sending—that are being borrowed by us, money that is coming from China and Japan and, amazingly enough, South Korea—can we imagine that we are going to borrow $60 billion from South Korea. At some point, that money has to be repaid. How is it repaid? How can it be repaid? We have to reduce
I wanted to raise with my colleague further add, that is just the exact point weakened. start going up dramatically because student loans on their homes, on their cars, on their economy worse, and, more importantly, for the debt, and we have to start paying interest rates because of this enormous inconvenience people such as Chairman national Monetary Fund. That is what interest rates here?

Mr. CONRAD. That is exactly correct. The foreign debt of the United States under this administration has gone from $1 trillion to 1.8 trillion, an 80-percent increase in our foreign indebtedness.

Mr. DODD. In 40 months.

Mr. CONRAD. In 42 months. I was teaching back home in North Dakota at one point, and I asked the students there: Does it make a difference, should you care, does it matter to you that we owe Japan almost $700 billion? Does it matter we owe China over $160 billion? Does it matter that we have borrowed $60 billion from South Korea? They said it matters. I said: How do you think it matters?

They said: If there is a military confrontation of some kind, maybe that affects our ability to do things we might think is in the national interest because we owe them so much money. On trade, can we really call their hand when they are treating us unfairly in trade relationships when we owe them hundreds of billions of dollars? That is what are the consequences here if all of a sudden we do return to economic growth and we have borrowed all this money and we have to start paying it back, what is the effect on interest rates here?

That is what frightens the International Monetary Fund. That is what concerns people such as Chairman Greenspan. That as we see rising interest rates because of this enormous indebtedness, and we have to start paying interest to keep getting people to loan us money, that all of a sudden, the cost of servicing this debt will go up dramatically, it makes it much worse, and, more importantly, for the economy—because we have millions of people who have variable interest rates on their homes, on their cars, on their student loans—these interest rates will start going up dramatically because countries are less willing to continue to loan us money, and all of a sudden the economic strength of America is weakened.

Mr. DODD. Mr. President, if I may further add, that is just the exact point I wanted to raise with my colleague from North Dakota. We talk about rising interest rates, and we are talking about some tax cuts. As I understand it, when we begin to talk about an interest rate hike, which we invariably are going to see, the actual cost of a college loan, a home mortgage, a car payment goes up. Given the reality that which middle-income families have to borrow to meet these obligations—we have watched higher education costs go up more than 30 percent; we have watched health care pre-volume go up 45 percent. We have watched the price of gasoline go up 20 percent; all under this President’s watch. To make those payments, it will actually exceed whatever tax cut we may be providing to that middle-in family because of our inability or the unwillingness of this administration to actually be more responsible in managing the fiscal picture of this country, and average consumers are going to see interest rate hikes that are going to dwarf any tax cut they may get; isn’t that correct?

Mr. CONRAD. None of us can predict with clarity what is going to happen with interest rates, although we know under this fiscal condition, interest rates are going to go up. Clearly, that is going to offset, if not completely eliminate, the advantage of some of the tax reductions we get.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I know we are out of time. I ask for an additional 30 seconds to close.

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

Mr. CONRAD. Mr. President, I am going to go right to the end of my charts. Real median household income has gone down under this President. That is a serious problem for this country, a serious problem for the middle class, and wages are falling behind inflation. That is why people feel squeezed, and we have not seen anything yet if the fiscal policies of the country are not altered, if we do not begin to get back to fiscal balance to reduce the threat to the long-term economic security of our country.

I thank the Chair.

Mr. DODD. Mr. President, I ask unanimous consent for 1 minute to conclude my comments.

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

Mr. DODD. I thank my colleagues. Mr. President, I thank the Senator from North Dakota for taking a little time to go over this issue. These are our choices. There are those who may think the path we are on is a reasonable and sound one, that these numbers really do not make any difference. We hear that all the time: Deficits don’t matter. The Senator from North Dakota has laid out exactly why they do matter and why we are going to have to pay for these things and get our fiscal picture in shape, or we are going to pay an awful price.

When we think of the IMF warning countries about their economic policies or fiscal policies, we are normally talking about third and fourth world nations. Here is the head of the IMF now telling the greatest economy in the history of the world: You better get your act together; not only are you going to hurt yourself, but you are going to hurt the world economy.

In a few days, Americans have a choice to make, and the choice the Senator from North Dakota laid out is a clear one. Politics is about the future. What the Senator is talking about is the future. I am tired hearing about debates 40 years ago. Americans want to know what is going to happen to their kids and grandchildren, and the Senator from North Dakota laid out the scenario that if we do not make the right choices, it will cost us dearly. I thank the Senator.

THE TAX BILL

Mr. REID. Mr. President, we are shortly going to have before us a tax bill that will increase this country by, in some estimates, more than $1 trillion. This year’s deficit that the President acknowledges is $430 billion. Of course, as we have learned here today in the presentation of Senator Conrad, the ranking member of the Budget Committee, that the President is taking is going to dwarf any tax cut they might think is in the national interest: The President is going after the poorest. The President is taking what he is going after the poorest. The Government pays tenants about 7 percent of this amount. Here’s a sampling in metropolitan areas: 'This sampling will cause the hair on the back of your head to come up. What has happened is, to help the President pay for all the things to help the rich of this country, corporate America, he is going after the poorest people. The Government, section 8 tenants, in one bedroom apartment will lose 5 percent; in a four-bedroom apartment, 27 percent. In Detroit, they will lose, in a one-bedroom apartment, 6 percent; a four-bedroom apartment, 21 percent. In New Haven, they will lose 4 percent on one bedroom, 21 percent on a four-bedroom; in Trenton, 18 percent on a four-bedroom; in Atlanta, 16 percent; in New York City, 14 percent; in Philadelphia, 13 percent. On and on with these slashes that affect the poorest of the poor. I hope the people around this country are seeing what has happened to the fiber of our country. We used to talk
about a safety net. There is no safety net anymore. It has been eradicated in the last 4 years. Section 8 tenants in the major cities of America are going to really suffer. It is too bad. It is too bad that the poor are getting poorer, the rich are getting richer, the middle class is becoming smaller and smaller. That is what this administration has done to America.

I yield the floor, and any time I have left in morning business, I yield back.

LOBBYPING ABOUT MEDICARE

Ms. STABENOW. Mr. President, I felt compelled to come to the Senate floor today to respond to something I read today that was in the newspaper, the Hill, that relates to another effort to confuse people about what happened with the Medicare prescription drug bill, the Medicare cards that I hate to even call discount cards because they are not discounts. In fact, we are now seeing an effort to pay people to reach out and say something nice about the Medicare prescription drug bill and to get seniors to do it. Let me read to you some of this article.

A Republican lobbying firm is offering healthcare consultants almost $4,000 each to find seniors are willing to speak out in favor of the Medicare drug law . . . offer support to Congress for voting for the Medicare drug law . . .

I hear stories every day of people who have gone to the Web site for Medicare and tried to wade through all of the cards—up to 70-some different cards—to figure out how to get some kind of discount. Then they look at prices continuing to go up.

One day last week a lady told me she bought the card, paid $25, and a couple of weeks later the medicine she was taking no longer had the discount, and she didn’t get her money back.

People know. That is the great thing about our country. It doesn’t matter what you have or how much you spend. People know whether they are better off. People know what is really happening.

We need to get about the business of getting this Medicare prescription drug bill right. We need to go back and do it over again, and do it right. Pharmacies need to have the ability of doing business with pharmacists in Canada who can really cut prices in half. Then we don’t have to pay consultants $3,750 plus expenses to go find the senior citizen who would say something nice about a Medicare bill. People would say it because it would be true and it would be real.

But in the meantime, say to folks who are today trying to figure out who to pay for their medicine, you might want to try offering, during the next 6 weeks, to say something nice about the Medicare bill for $3,750 plus expenses. I know it would buy my mom a lot of medicine. It would buy a lot of folks a lot of medicine, and it would be a better way to spend it than have more lobbyists trying to tell folks something that is not true.

The PRESIDING OFFICER. All time has expired.

The Senator from Kansas, Mr. ROBERTS. Mr. President, I ask unanimous consent that the remainder of the morning business time be reserved.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

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

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to begin consideration of Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence.

The PRESIDING OFFICER. Under the previous order, there are 6 hours of debate on the nomination equally divided between the chairman and vice
chairman of the Select Committee on Intelligence.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that any quorum calls that take place during the consideration of this nomination be charged equally to both sides.

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

Mr. ROBERTS. Mr. President, I rise today to urge my colleagues in the Senate to confirm Mr. Porter J. Goss, of Florida, to be the next Director of Intelligence.

On August 10, 2004, President Bush nominated Porter Goss to be the next Director of Central Intelligence, or the DCI. In doing so, the President stated that Mr. Goss “is a leader with strong experience in intelligence and in the fight against terrorism. He knows the CIA inside and out. He is the right man to lead this important agency at this critical moment in our Nation’s history.”

The Goss nomination was received in the Senate on September 7. On September 14 and September 20, the Select Committee on Intelligence held extraordinary open hearings on this nomination. The Intelligence Committee beamed and widely covered in the press.

At the September 14 hearing, Mr. Goss was introduced to the committee by both of Florida’s distinguished Senators, Bob Graham, former chairman of the Select Committee on Intelligence, and Bill Nelson, who is well known to the Intelligence Committee as an interested and informed supporter of our efforts.

That both Florida Senators reached across the aisle to support this nomination is a testament to the wide bipartisan support that it does enjoy.

After 2 days of thorough and wide-ranging public hearings, the Goss nomination was placed before the Intelligence Committee for a vote yesterday morning.

In yet another impressive display of bipartisanship, the committee approved the Goss nomination and ordered it reported in a vote of 12 to 4. At this time, I would like to congratulate the Intelligence Committee members of both parties for their sober, penetrating, and thorough consideration of this nomination. The committee’s handling of this nomination is very much in keeping with the Select Committee’s bipartisan spirit that has animated its work during a very difficult year of challenges in the global war on terrorism in Iraq and in other areas around the world.

This bipartisan spirit did produce important steps forward, such as the committee’s report on Iraq WMD. In understanding intelligence problems and gaps and also making recommendations in that regard.

As such, the committee’s work will certainly help Mr. Goss as he strives to make the intelligence community better and to produce the best possible intelligence product. I want to say I also appreciate Mr. Goss’s efforts during his 2 days of public hearings to respond to members’ concerns and questions. He took these hearings very seriously and with attention to detail demanded by consideration for a position that has in the past been part of the Cabinet. In my opinion, during his confirmation hearings Mr. Goss showed the qualities we want to see in a good DCI. They are coolness under pressure, a willingness to look at alternative views and, very importantly, a willingness to “take the heat” in the judgment.

Most important of all, he demonstrated his ability to put the lawmaker’s so-called partisan hat aside and take up the strictly nonpartisan duties of this critical executive branch office.

As I noted at Mr. Goss’s first public hearing on September 14, the role of the Director of Central Intelligence is of paramount importance to the security of our Nation. The most challenging jobs in the executive branch today.

Obviously, this Nation is currently engaged in a war not only in Iraq, not only in Afghanistan, but elsewhere around the globe. In this war, for the most part there are no trenches. There is no barbed wire. There is no well-defined no man’s land. On the contrary, in this war of shadows and darkness, intelligence defines the front line and indicates its weak points and gaps.

Recently, a distinguished former National Security Adviser remarked to Senators that during the last 3 years our world has changed dramatically. In the old world, we were posed by nation states and organized military forces. In our new world, the greatest threats may be domestic. These threats may come from nation states and their agents and terrorist organizations.

Organized military conflict is only one of many threats.

In our new world, we are not fighting against nation states but against a network of insurgent groups that operate not only in the shadows but at times right in our own midst. Whether Afghanistan or Iraq or here at home, defeating this enemy depends primarily upon the ability of our intelligence services to locate, to penetrate and, yes, to destroy the terrorist cells. We are involved in a world war which requires timely and actionable intelligence to ensure victory and the safety of the American people.

The Director of Central Intelligence is personally responsible for producing this intelligence. As we fight Islamic terror, other global threats continue to menace our Nation, and among them are these: The development of nuclear weapons and those who would use them, such as those in Iran and also North Korea; the steady transformation of the People’s Republic of China into a power capable of challenging our interests broadly and exercising influence over the region; and the continuing worldwide expansion of WMD technology.

The Director of Central Intelligence is also responsible for producing intelligence to keep the President and policymakers informed about these threats.

And if that were not daunting enough, Mr. Goss has been nominated for a position which in all probability will not exist for much longer. As Senators know, the President and many in the Congress now support the creation of a new national intelligence director. There has been a great deal of discussion among my colleagues about reform. Above all, we must ensure that a new intelligence director has something more than a weak and ineffective figurehead.

Most of the debate outside the Intelligence Committee has centered on how to grant increased authority to the new national intelligence director while leaving the structural status quo undisturbed.

Many on the Intelligence Committee believe this is simply unworkable. In other words, significant structural change is vital to any reform. I believe strongly that we must create a new structure. This new structure must accommodate the diverse activities of our intelligence agency by giving direct responsibility and control of primary intelligence to the Director of Intelligence and to the corresponding agencies to a truly empowered national intelligence director and his assistants. And true empowerment includes both budget authority and line authority to direct and control the activities of the intelligence agencies. One without the other may leave us with an intelligence head who can neither succeed nor be held accountable, and that would be a most unfortunate outcome.

We don’t know how or when reform will finally be enacted. Until then, however, we need a strong Director of Central Intelligence with the necessary skills to manage a community which needs reform. Porter Goss underlines the issues. As chair of the House Intelligence Committee, he helped create momentum for reform.

Porter Goss will be a good man to have in the intelligence community driver’s seat as Congress in cooperation with the executive branch, goes through the consideration of major reform. His unique background will serve him well as he meets these and other challenges while directing our intelligence community.

In my view, the event of this committee’s work this year will not end with the confirmation vote on the floor of the Senate. Rather, it will lead to an increased level of oversight by the Senate in its confirmation of the nomination. I have known Mr. Goss personally for 16 years. I served with him in the other body, the House of Representatives. I have worked with him on a weekly
PORTER GOSS, as the new DCI, must be corrected.

The leadership that the chairman and
military intelligence reform. POR-
to protect our Nation. In the past 2
and in many others, the President has
and in many others, the President has
the Senate approves this nomination today, this body will not simply have performed a routine pro forma duty. On the contrary, POR-
er of the Senate has been nominated to be the chief intelligence officer for the United States. PORTER Goss brings to the office an unparalleled wealth of experience and knowledge relative to intelligence matters. POR-
ong to the Senate Intelligence Committee. The ranking member of the House Intel-
the Office of the Director of National Intelligence, and in many others, the President has
the Senate Intelligence Committee. The

I rise today in support of the nomination of PORTER Goss to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence per-
ators for more than 10 years, and I bring to this argument and this debate a little bit different perspective than any other Member of this body because I served in the House of Representa-
porters for more than 10 years, and I bring to this argument and this debate a little bit different perspective than any other Member of this body because I served in the House of Representa-
I rise today in support of the nomination of PORTER Goss to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence per-

One of PORTER Goss’s most impor-
tivariate to intelligence community reform. POR-
to and lead the intelligence com-
the past or their human cost. Likewise, we
n for more than 10 years, and I bring to this argument and this debate a little bit different perspective than any other Member of this body because I served in the House of Representa-
I rise today in support of the nomination of PORTER Goss to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence per-

One of PORTER Goss’s most impor-
teterminate to intelligence community reform. PORT-
to and lead the intelligence com-
the past or their human cost. Likewise, we

clandestine officer for the CIA in two different overseas posts. He knows the people within the CIA. A number of individuals who he served with during his CIA years are still employees at the CIA. He knows not only the organization, but he knows the personalities, and he knows the kinds of people who are led, and the kinds of people who need to lead at the Central Intelligence Agency.

PORTER Goss followed his time as an Intelligence Officer in the field with years as chairman of the House Select Committee on Intelligence. He has covered the spectrum from an intelligence perspective. He has been on the ground as an Army intelligence officer, and the Department of Defense is the largest customer of the CIA. He has been at the ground level of the CIA, where the real work is done and where the real intelligence is gathered, by being a clandestine officer within the CIA. Then in his years as chairman of the House Select Committee on Intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided oversight and been critical where he needed to becritical, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don’t know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. Goss to be the next Director of Central Intelligence.

PORTER Goss is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, and I know the strength of his character, and I know his dedication to duty, which is why he accepted the nomination to become our next DCI. I also know the wealth of intelligence background he will bring to the table as our next DCI.

The main point I want to conclude with is the fact that we are in a very complex world. We are in a world where intelligence matters. We are in a world where we need to have the cooperation of our allies around the world to collect intelligence against common enemies and common threats.

I have been with PORTER Goss when he has had meetings with numerous—too many to detail—heads of the intelligence communities of our allies both abroad as well as here in Washington. I have seen the rapport and the relationship he enjoys with these individuals. I have been to other countries around the world to meet with the heads of their intelligence agencies, and the first question they will ask is: “How am I doing but, “How is my friend PORTER Goss doing?” He has an unparalleled relationship with the intelligence community around the world—not because he is just a good guy but because they respect him for the work he has done and they respect him for the knowledge and the experience he brings to the table relative to the intelligence community.

I strongly support the nomination of PORTER Goss to be the next Director of Central Intelligence. I ask my colleagues to review the record on Mr. Goss, listen to the debates, but at the end of the day I hope we will send a robust sounding message, and that is: You have picked the right man. Let’s confirm PORTER Goss as Director of Central Intelligence and move forward.

I yield the floor.

Mr. ROBERTS. Mr. President, I yield such time as he may use to the distinguished Senator from Missouri, a member of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished chairman.

It is a pleasure today to rise in support of PORTER Goss to be Director of the Central Intelligence Agency. The Senate Intelligence Committee has done its due diligence. It has done its duty with regard to examining the nominee’s fitness and qualification for the post of Director of the Central Intelligence Agency. His nomination should be approved without delay.

Much of the work that goes on in the Intelligence Committee is conducted in confidence because of the need to maintain confidentiality. But I will say that the thorough hearings we had on Congressman Goss were similar to the thorough hearings we have had on all of the subjects brought under the jurisdiction and supervision of our distinguished chairman from Kansas, along with the ranking Democratic member from West Virginia.

There’s no question that there is a lot of important work awaiting the new Director of Central Intelligence. Somebody has to be in charge. We are at war with those who seek to destroy us and all freedom-loving people’s way of life.

Whether we have a new national Director of Intelligence, whether we have a CIA Director with expanded powers or limited powers, the fact remains that we need to move forward with the nomination of an outstanding character.

We have a long way to go to hash out what kinds of changes we are going to make to the organization of the intelligence committee. The more I hear, the more I watch other committees working, the more divergence of opinion I see. Whatever structure we have, we need somebody to control intelligence and make sure we put it on the right path.

A cornerstone of our fight in the war against terrorism, as well as other challenges that confront us, is the paramount need for timely and actionable intelligence to ensure good policy decisions, to ensure adequate preparation for actions that we may take, and to ensure victory for our forces that are deployed in the real-life battles against those who threaten us or threaten national security. Our national security depends on the ability of our intelligence services to locate, penetrate, identify targets, and/or destroy terrorist cells.

In addition, we need a Director of Central Intelligence who will keep policymakers informed about other global threats facing our Nation. And, yes, while we are looking at the war on terrorism, we need to be concerned about and following developments about the possible nuclear program advances or missile advances in Iran and North Korea and the ongoing developments in other major world powers, and the continuing proliferation of weapons of mass destruction technology.

The intelligence community needs a leader right now, the support of the President, and the support of this body who has the experience coupled with a commitment to reform. I am convinced that PORTER Goss possesses these qualities. He was a former intelligence officer, a former CIA director, an intelligence officer, and as chairman of the House Intelligence Committee, where he probably also went in harm’s way to handle that post, PORTER Goss clearly knows the intelligence business and has the experience.

As cochairman of the joint House-Senate inquiry into the 9/11 intelligence failures, he is intimately aware of the problems currently existing within the intelligence community’s ability to counter terrorists. He is someone who will work with the Congress and the administration to implement needed reforms.

Mr. Goss has also earned the respect of his colleagues and fellow policymakers on both sides of the aisle. One of the most, if not the most important principles that applies to our intelligence community and our oversight should be our nonpartisan on national security.

Senator Graham of Florida said of PORTER Goss, in our hearing: He is uniquely qualified to be here today as the President’s nominee to serve as the Director of Central Intelligence. . . . He is a thoughtful, nonpartisan person, a tremendous work ethic and an outstanding personal and professional standard of integrity.

Senator Graham also went on to say: In addition to those personal qualities, when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and an outside. For a decade, early in his career, Congressman Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations.

I could cite many other statements by leaders in both bodies. Senator Bill Nelson of Florida, last month, said of Representative Goss:
He's a class act. Goss combines all of those characteristics, which are kind of somebody I like.

My colleague and friend from Missouri, Representative IKE SKELTON, the minority ranking member of the Armed Services Committee, said, in 1997, talking about the work on the intelligence authorization bill:

I salute both the chairman, the gentleman from Florida [Mr. Goss], and the ranking Democrat, the gentleman from Washington [Mr. Dicks] for their dedicated and bipartisan work.

I believe he can work on a bipartisan basis. In addition, PORTER Goss understands the endemic deficiencies within the intelligence community. There can only be true, meaningful changes if there is a solid understanding of why change is necessary. PORTER Goss understands what is broken and is determined to fix what needs to be fixed and not to mess with what does not need to be fixed.

There are some glaring problems we identified in our report on the prewar intelligence. One of them was the poor state of human intelligence. That is spies on the ground, HUMINT as it is called in intel-speak. We did not have any. What a disaster. We also have problems in collection in general, especially those related to HUMINT and make sure sensitive information is shared on a need-to-know basis. These are problems that PORTER Goss has, during his tenure as chairman of the House Intelligence Committee, devoted himself to improving.

As Chairman ROBERTS mentioned in yesterday's open session, PORTER Goss held over 62 hearings on intelligence community reform issues this year.

Under Chairman Goss's leadership, the House Intelligence Committee advancing changes and added resources annually to address the intelligence community's most pressing problems, especially those related to HUMINT and analysis.

His commitment to reform forced the CIA to repeal its restrictive internal guidelines that had a "chilling effect" on HUMINT operations. He attempted to refocus CIA analytic resources toward longer term, predictive, strategic intelligence, and directed that more attention be paid to language training, breaking down stovepipes, and enhancing information sharing.

I can tell you, the stovepipes still exist. We still have bureaucracies that only want to share information up and down within their little fiefdoms, and we need somebody in charge who is willing to break down those barriers and make sure sensitive information is shared on a need-to-know basis.

PORTER Goss was a member of the Aspin-Brown commission which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold War world. The commission made a number of recommendations, including looking for ways to streamline the overlapping responsibilities and give him more flexibility in managing the intelligence community.

Those who question PORTER Goss's commitment to change must remember that his leadership and dedication to intelligence community reform is apparent in his work on the "Joint Inquiry into Intelligence Community Activities Prior to the Terrorist Attacks of September 11, 2001." This report contained 19 recommendations. It laid the foundation for the 9/11 Commission recommendations—the changes that have been the subject of much discussion in the press over the last several months.

Those who question Representative Goss's commitment to reform as well as his commitment to operate independent of the current administration should recall that Mr. Goss took the initiative to introduce his intelligence reform legislation on June 16 of this year, H.R. 4584, which called for significant changes in the intelligence community structure in addition to providing DCI/FBI the much needed personnel and budgetary authority required to be a truly effective leader. It should be noted that PORTER Goss's legislation did not fall in lockstep with the recent Executive order issued by the President. Mr. Goss told our committee that Mr. Goss will take the necessary bold steps to do what is right for the community.

I quoted Senator NELSON of Florida earlier, but he also said of PORTER Goss:

"Congressman Goss is someone whose public life has been illustrative of being nonpartisan, fair and independent."

When PORTER Goss was pressed to defend past partisan statements before our committee, he acknowledged there are times on Capitol Hill when partisanship will rear its head. That is, unfortunately, part of the job. However, he told our committee the following:

"I well understand that I am leaving one arena and, if confirmed, heading to another arena that operates completely differently where partisan politics are not part of the job.

A considerable record has been created, embracing both substantial comment on PORTER Goss on his nomination and several commitments by him on intelligence matters involving counterterrorism and other important activities. I stress again the importance of approving Mr. Goss's nomination at this time of paramount importance in the intelligence community. I hope my colleagues will join with the chairman, with me, and other members of the committee in extending him our support.

I thank the Chair and yield the floor."

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, the nomination of Representative PORTER Goss to be the next Director of the Central Intelligence Agency comes, obviously, at an absolutely critical time in our Nation's history.

The documented intelligence failures prior to the terrorist attacks of September 11 and leading up to the war in Iraq have left the intelligence community's credibility bruised and their image tarnished, which none of us wants.

The community's objectivity, their independence, Armed Forces and other intelligence agencies have been called into question. That is far in some cases. As a result, a bipartisan call for reform has steadily grown to the point where the Congress is on the threshold of passing landmark legislation, I believe and I hope, to create a better, better intelligence community before we adjourn this year. I do not think we should stretch it out and wait. I think we should do it, and do it now.

The next Director of Central Intelligence will be the most important person for that position ever confirmed by the Senate. Our decision on who should lead the Central Intelligence Agency, and the other 14 intelligence agencies, according to the law, should not be a rubberstamp job.

The importance of this position requires a thorough examination of the nominee's record and his ability to carry out the weighty responsibilities of the job. As I have indicated, never before in the 57-year history of the intelligence community has there been such a need for a Director of Central Intelligence with unimpeachable character, proven leadership and management experience, and strong national security credentials.

The new Director will face, in my judgment, no fewer than four major challenges: waging an unrelenting offensive clandestine campaign against al-Qaeda and other terrorist organizations around the world; supporting ongoing military operations in Afghanistan and Iraq; managing an intelligence community in a state of transition; and, restoring the intelligence community's lost credibility.

The next Director of Central Intelligence must be extraordinarily qualified in order to successfully carry out these and other national security tasks.

I simply say all of this to say the stakes are enormous. Perhaps most importantly, the next Director of Central Intelligence must be nonpartisan, independent, and objective. This standard is not simply this Senator's; it is what the National Security Act law, requires specifically in language:

I know of no other position of importance in Government requiring that independence, objectivity, and non-partisanship as a requirement for confirmation. The very first responsibility of the Director of Central Intelligence under the National Security Act—and these are the words—says that his advice to the President, the executive branch, the military, and the Congress must be timely, must be objective, and based on the National Security Act con-siderations, and based upon all sources available to the intelligence community. That is the law.
I have reviewed Representative Goss’s record closely. I have gone over his writings and his speeches of the past 10 years. We have just completed two open hearings, which I thought were good hearings, in the Intelligence Community, where Representative Goss was asked questions about his past record, his commitment to reform the intelligence community, and his ability to be forthright, objective, and independent.

Representative Goss is, without question, qualified in many respects. He is a fine person. I have been able to work with him well over the past few years—that is not one of the requirements, but it happens to be true—and both in the joint congressional inquiry into 9/11, and also in House-Senate conferences. His past employment with the Central Intelligence Agency, doing extremely dangerous work, and his 7-year tenure as chairman of the House Intelligence Committee, have given him both an insider’s and outsider’s perspective of the intelligence community. There is no doubt that he is an extremely knowledgeable person with respect to the inner workings of the Central Intelligence Agency and the other agencies he is nominated to manage.

But Representative Goss’s record is troubling in other regards. I wish to speak about them. He has made a number of statements relative to intelligence matters—many in the past year—that are, in fact, highly partisan and displayed a willingness on his part to use it as a political broadsword against members of the Democratic Party. Again, ordinarily, that is kind of routine around here, but with respect to the Director of Central Intelligence, that should not be and cannot be according to the law. When taken collectively, this list of partisan statements and actions on intelligence matters raise a serious doubt in my mind as to whether PORTER GOSs can be an independent, objective, and objective national intelligence adviser our country needs.

What is the public record of the person the President has nominated to be the next director of the CIA? Has he been independent, objective, and non-partisan on intelligence issues, again, as required by law?

In March of this year, Representative Goss coauthored an intelligence op-ed piece written by Assistant Director of National Intelligence. Don’t ask John Kerry.” In this political attack piece, he made a number of highly charged political allegations relating to intelligence spending. These are quotes from the Congressman:

“...when Democrats controlled the Congress, they laid-off, furloughed, and devastating to the ability of the CIA to do its job to keep America safe.

During the Clinton years, the intelligence Community was given a clear message that if they failed in politically risky operations... there would be no backing from the White House or the Democratic-controlled Congress.

And then Representative Goss targeted Senator KERRY, who he claims “was leading the way to make deep and devastating cuts in the intelligence community’s budget” and “was leading efforts in Congress to dismantle the Nation’s intelligence capabilities.”...”

Severe criticism. A few months later, in a June 23, 2004 statement on the floor of the House, Representative Goss claimed that “the Democratic Party did not support the Intelligence Community.” And in the same June floor debate, he offered the following justification for his claim:

My colleagues and I have opposed the intelligence community from the day we came into the House. There was opposition to intelligence and, year after year, efforts to cut the intelligence budget, they did come from the Democratic side through the period of the 1990s.

I have gone back over the record and determined that Representative Goss’s election year claims mischaracterize the intelligence record of both the Democratic Party and Senator KERRY, in my judgment. He also failed to point out the House, during the Clinton era, that had as its first cosponsor my own words, in fact, his own words, that the cuts made by the Congress followed the Goss plan, the intelligence community would have had tens of thousands fewer intelligence officers in the military service; and fewer counterterrorism officers in the CIA, NSA, and elsewhere; fewer intelligence analysts across the community; fewer intelligence officers in the year 2000: fewer intelligence officers; and fewer intelligence collectors in the CIA, NSA, and elsewhere; fewer intelligence officers in the military service; and fewer counterterrorism officers in the CIA.

Goss’s proposal, as required by law, of America’s next director of National Intelligence, would have achieved by firing 20 percent, by law, of America’s top intelligence officers at the very time the terrorist threat from al-Qaida was growing. In fact, had the Congress followed the Goss plan, the intelligence community would have had tens of thousands fewer intelligence officers in the military service; and fewer counterterrorism officers in the CIA, NSA, and elsewhere; fewer intelligence analysts across the community; fewer intelligence officers in the military service; and fewer counterterrorism officers in the CIA.

The Goss plan would have made, using his own words, in fact, “deep and devastating cuts in the intelligence community budget.” But this year, an election year, Representative Goss chose to level that charge against the Democratic Party as a whole and Senator JOHN KERRY by name. Why? When asked at the nomination hearing to reconcile these facts with his charge that it was the Democrats who did not support intelligence, Representative Goss simply said, “Look at the record.” About four or five times. He also refused to admit that his accusations might have been in error.

When asked whether anyone from the White House or the President’s re-election campaign asked him to write the March editorial and to give the June floor statement against JOHN KERRY, he said he couldn’t recall.

Representative Goss’s unwillingness to be forthright in his answers on this matter are troubling to me and a number of my colleagues on the committee. His dismissive answers to tough, but as I said repeatedly, I thought fair questions lacked candor.

I was left with doubt that as Director of Central Intelligence, he would have a forceful and independent voice on intelligence assessments that do not necessarily support a political agenda, if there is one, of the current President.

There are other instances where Representative Goss, as chairman of the House Intelligence Committee, played the partisan blame game. It is against the law for the Director of the CIA to...
be involved in such. That was then. He is being confirmed now. Does this man’s life change completely after 15 years from partisanship to total non-partisanship?

In 1999, when it was disclosed that the Clinton efforts against our Department of Energy weapons laboratories may have resulted in loss of sensitive nuclear weapons design information, a counter-investigation was begun, eventually resulting in charges being brought against Los Alamos scientist Wen Ho Lee.

Representative Goss repeatedly laid the blame for this espionage activity on the Clinton administration’s failure to protect national security. In the final days of the 2000 Presidential election campaign, Representative Goss took to the House floor and stated:

We have in the Clinton-Gore administration seen a cultural disdain for security.

Again, Representative Goss’s statements on important intelligence issues mischaracterized the record in the attempt to score political points.

The Cox Commission, which PORTER Goss served on as vice chairman, found that the security problems at the Department of Energy weapons laboratories predated the Clinton administration and that the Chinese espionage collection program against the weapons lab began in the 1970s.

The Cox Commission report also noted it was the Clinton administration that issued Presidential Decision Directive 61 requiring the Department of Energy to improve counterintelligence programs.

Evidently, mentioning these points was not helpful to Representative Goss when he was making sweeping statements about “a cultural disdain for security,” which is highly offensive to me as a Democrat who is vice chairman of the Intelligence Committee, and I think all Republicans and all Democrats care desperately, seriously about what happens in intelligence. In the rush to assign partisan blame, Representative Goss ignored the record. In a number of other statements, Representative Goss erroneously singled out the Clinton administration and congressional Democrats for cutting human intelligence programs in the 1990s that, in turn, he said, limited the intelligence community’s ability to carry out its mission. Yet, Representative Goss himself who said in 1998 that human intelligence collection programs needed to be cut by the time the 1990s began. His comment specifically was:

I am convinced that the U.S. clandestine service, the CIA Directorate of Operations was in the mid to late 1980s too large.

When the identity of Valerie Plame, an intelligence officer with the CIA whose clandestine identity is protected by law from unauthorized disclosure, was leaked and published by columnist Robert Novak, Representative Goss was asked whether the disclosure warranted investigation. His response was stunning. He said:

Someone sends me a blue dress and some DNA, I’ll have an investigation.

The whole basis for the law protecting the identity of covered intelligence community employees from being disclosed is to protect the lives of American spies and officials that are endangered if their true identity is known to our adversaries.

As a former CIA case officer and chairman of the House Intelligence Committee, Representative Goss knows all this. For him, a factual statement, with its clearly implied shot at President Clinton, was wrong, inappropriate, and insensitive to the gravity of the matter. I hope Representative Goss, if confirmed by the Senate to lead the CIA, will have a more serious attitude toward the outing of CIA employees undercover.

When Richard Clarke, the coordinator for counterterrorism for the National Security Council from 1993 to October 2001, provided testimony to the joint congressional inquiry in closed session, vowing to destroy any his testimony to prove it.

These claims were never substantiated, and when the National Security Council forwarded to Chairman Goss, as requested, a declassified version of Richard Clarke’s testimony on June 25, 2004, nearly 3 months ago, he took no action to publicly release it so that allegations of perjury and the lie could be laid to rest.

While the Senate voted to support the creation of the independent National 9/11 Commission, which eventually became the Commission led by Governor Tom Kean and Representative Lee Hamilton, Representative Goss opposed the measure on the House floor.

When both the Senate Armed Services Committee and the Senate Intelligence Committees met in the fall of 2002 to conference this issue, he continued to oppose the creation of an independent 9/11 Commission stating that the issue would be decided “above my pay grade.”

When the Senate Intelligence Committee undertook an investigation into the use of intelligence—not the collection, analysis, and production of intelligence, but when you hand it to policy-makers, it is the responsibility of the administration officials prior to the war as part of our broader Iraq intelligence inquiry, Representative Goss made disparaging comments about two Democratic Senators in particular who, like many others in this body, are profoundly concerned about the veracity of public statements made about the U.S. intelligence agency, calling them “two old attack dogs gumming their way through artificial outrage about something they should know a lot more about and be more responsible about.”

What makes this particular criticism curious is Representative Goss’s lack of action on the issue of pre-war intelligence. Despite assurances over a year ago that the House Intelligence Committee was evaluating the intelligence community’s performance on Iraq since the end of the Gulf war, Chairman Goss waited to issue the promised report on the failures and mistakes leading up to the war.

Chairman ROBERTS and I, in a thoroughly bipartisan fashion, did so in a 17-to-0 vote. I think we are both proud of that, and justifiably so, along with our colleagues on the committee. The House produced nothing. They produced press releases, but nothing else.

When both the Senate Armed Services Committee and the Intelligence Committee, as committees with shared jurisdiction, began holding difficult but necessary oversight hearings into the improper treatment and interrogation of prisoners in Iraq, Representative Goss viewed our actions with disdain, saying:

I am not comfortable with what the Senate is doing . . . I do honestly question whether or not they have balance over there on this issue.

We’ve got a Senate, which is always the likely place to look for this circus.

PORTER Goss chose to denigrate the Senate’s investigation, while the House chose to largely ignore the matter and not ask the tough questions about what happened inside Abu Ghraib prison and at other detention facilities in Iraq or elsewhere.

All too often, Representative Goss’s statements and actions as chairman of the House Intelligence Committee seemed designed to protect the administration by avoiding contentious issues which could be embarrassing to the administration and placing blame on Democrats for shortcomings in the intelligence community.

Not surprisingly, one thing missing from Representative Goss’s records is any public statements on intelligence failures of Members of his own party or the administration. During his nomination hearing, Representative Goss assured the committee that these partisan inclinations of the past would not prevent him from carrying out his duties as Director of Central Intelligence. He said he understood the Director must be an independent adviser to the President and the Congress, beyond reproach and beyond the reach of politics.

While I appreciate his testimony and commitment to being a nonpartisan Director of Intelligence, I cannot say with absolute certainty that he will be exactly that. I must vote on his record. I cannot vote on his promise, and I do not think the Senate should. His record is his record. He said it.

The truth is, Chairman Goss and I have a very good working relationship, one that I expect will continue and improve in the future. We had a good exchange in recent days, even during difficult nomination hearings. In contrast to those who wish to gloss over this issue, PORTER Goss himself understands exactly the dilemma that I and
many of my colleagues face with this nomination. He knows this is one of only a handful of positions in the entire U.S. Government that requires by law nonpartisanship and objectivity, and in this case the demand is all the greater because it is about our national security.

PORTER Goss openly acknowledged in his testimony before the committee this week that he has at times approached national security issues with excessive partisanship, and he expressed regret about that. I respect that. I believe PORTER Goss knows that in essence, on this whole question of independence, he is asking us to take it on faith, so to speak, that he can make a clean break from the last 10 to 20 years of his political career. I hope he is right. I very much want him to be right about that, but at end of the day I do not think taking it on faith is enough for this vice chairman of the Intelligence Committee when it comes to such a critical position of Director of Central Intelligence. It does not meet the legal standard, and it does not meet my obligation, in my judgment, as vice chairman.

There were troubled times for the intelligence community in our country. In so many ways, we are still recovering from the tragedy of 9/11. We are grappling with the tragic impact of flawed and exaggerated intelligence leading up to the war in Iraq, and we are struggling still to understand the impact of some length, was the question of the nominee’s ability to objectively analyze intelligence. The third was the area that I focused on, which was why the nominee has so far been slow to push aggressively for intelligence reform. I have come to the conclusion that it is possible—and we have all tried, as the Senator from West Virginia has, to give the nominee the benefit of the doubt on the issue of partisanship, I can give the nominee the benefit of the doubt with respect to his pledge to be objective in analyzing intelligence. I just cannot get over the answers we were given during almost 9 hours of hearings with respect to why the nominee was so slow to be an agent for change in the intelligence community. It is really that leadership that I find so central. I have tried, as a member of the committee, to be as bipartisan as I possibly can. We understand politics should stop at our borders. We all stand ready to put in place the policies necessary to protect America’s security, but I am concerned that the nominee’s inability to objectively analyze intelligence. That person, the nominee, passed on various opportunities to move aggressively for reform. If we do not get the right structural changes in intelligence reform, if we do not get the right information, information consistent with national security and not classified for political purposes, we are still going to have problems making reforms in the intelligence area. It is a major area at which the senior Senator from Oregon, Senator LOTT, Senator SNOWE, Senator GRAHAM, and others sought, for example, to change the way Government documents are classified. I think that is an important issue to make the right structural changes in intelligence. But if we do not get the right information, information consistent with national security and not classified for political purposes, we are still going to have problems making reforms in the intelligence area. I want to be bipartisan. I listened carefully to the questions that were asked in the committee, good questions by Senator ROCKEFELLER, and I am willing to give the nominee the benefit of the doubt with respect to the partisanship issue.

But I will tell you, the answers that we were given with respect to why it took the nominee so long to push for changes in the intelligence community still leave me unconvinced. For example, at one point in our hearings the nominee told me it was possible that he or she could get more attention to the issues of intelligence on his watch. He said the reason he had not introduced legislation is that people were not focused on it; it was hard to get people’s attention.

Let’s think about what happened in those years when we evaluate the nominee’s response on that question. PORTER Goss was chairman of the Intelligence Committee in 1998 when al-Qaida bombed our embassies in Kenya and Tanzania. He was chairman of the Intelligence Committee in 1999 when the United States was investigating allegations of Chinese theft of our nuclear materials. He was chairman of the Intelligence Committee when the US was bombed by al-Qaida in October of 2000. And, of course, he was chairman of the House Intelligence Committee when we faced 9/11. It took him nearly 3 years to introduce reform legislation after 9/11. I believe that is not good enough. I believe a chairman of a key committee can get attention when that chairman wants to use that chairmanship as a bully pulpit to be an agent for change. I believe a chairman who is committed to intelligence reform has the chance, when he bangs his gavel, to speak out for why changes are needed.

A leader must lead. We all get election certificates, in the U.S. Congress, to try to tackle important problems, but chairmen have a special opportunity. If you look at the record—and he said the record is the record—the nominee passed on virtually every opportunity to use his bully pulpit, to use his special influence to work for the kind of changes that would make this country as safe as necessary.

We, all of us, understand it takes courage to rock the boat. It takes courage to be an agent for bold change. But if you want an example of an individual who did it, an individual who is a prominent Republican, you need look no further than former New Jersey Governor Tom Kean and his performance as the Chair of the 9/11 Commission. This stalwart Republican made truth his only goal. He pressed Republicans and Democrats alike to do the same. He was more successful and has a special kind of courage than hardly anybody thought possible in this fractured political climate. What a boon it would have been, had we had the same commitment to change on the issue of intelligence, intelligence reform by the current nominee to head the CIA.

The current nominee had a front row seat during all those years, the years I
outlined when those terrible acts of terrorism occurred, when he could have pushed for reform. Yet after weeks of going through the nominee’s record and 2 full days of questioning, I am hard pressed to find anywhere—in a bill, an inquiry—anything that demonstrates the nominee will hold people accountable, for example, rather than just going along with the status quo.

The record shows, to me, again and again, the nominee chose to play it safer rather than take the risks necessary to bring about change in the intelligence community. When I looked at Mr. Goss’s record, the first question that occurred to me was could he give us some examples, some concrete examples of when he was willing to stand up, to go against the popular wisdom and even his own party to bring about change; whether he was willing to take the tough calls that we take as Congressmen and elected officials than lots of other people do, certainly those wearing the uniform.

Right now, we need someone to head the CIA who is willing to stand up, who is willing to help this country come up with policies that leave the Cold War mentality behind—those are fit for a very different kind of threat—and to hold himself and others accountable.

Mr. Goss has a long, distinguished career as a Member of Congress. I know him personally. I served with him in the other body. It would be hard to find a more decent individual. I will say, from my perspective, from the Senate Intelligence Committee, as the leader in the Senate intelligence community, where we have seen that in the inside, but also has stood back, has been on the other side, been on the outside, and has looked at it to see what is right; or maybe this is the toughest thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Well, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day, and I think that is the guts to tell the President that as well. That is a difficult job. This is the man who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is right; or maybe this is the toughest thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Yes, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day, and I think that is the guts to tell the President that as well. That is a difficult job. This is the man who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is right; or maybe this is the toughest thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Yes, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day, and I think that is the guts to tell the President that as well. That is a difficult job. This is the man who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is right; or maybe this is the toughest thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Yes, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day, and I think that is the guts to tell the President that as well. That is a difficult job. This is the man who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is right; or maybe this is the toughest thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Yes, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day, and I think that is the guts to tell the President that as well. That is a difficult job. This is the man who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is right; or maybe this is the toughest thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don’t know.
intelligence community. Official cover worked pretty well. The new head of the intelligence community has to continue that change, continue to change away from that. We have to move out from the official cover to a nonofficial cover. That is just one of the changes that has to take place. It is a tough job.

I think when you vote on someone’s confirmation, a lot of this is kind of a gut check. You don’t know what the exact issues are going to be in the future. This is an important personal job, as I have pointed out. The person who runs the agency, I suspect we are going to end up giving a lot more power. If PORTER Goss is confirmed, he may end up with an entirely different job later on. He is going to run a big intelligence community, but it is also an intensely personal job in that relationship with the Congress and that relationship with all of the consumers. And the ultimate consumer, of course, being the Commander in Chief, the President of the United States.

I think it gets down to a lot of the person. What do you think of this guy, or woman if that be the case? Can they handle it?

I think it is helpful to talk to some of the persons who know this person best. I was struck by the testimony of the two Senators from Florida, Senator Bob Graham, of course, the senior Senator, but also significantly the chairman of the Select Intelligence Committee of the Senate, and a pretty harsh critic of the intelligence community and of the administration. This is what he had to say:

Let me say at the beginning that I am not unbiased. I believe that Porter Goss is an exceptional human being and will be an exceptional head of our Central Intelligence.

Senator GRAHAM also said:

Mr. Chairman, I have known Porter Goss for well over two decades, and I can tell you from personal experience that he is uniquely qualified to be here today as the President’s nominee to serve as the Director of Central Intelligence. He is an exceptional human being, a man of great character, and an outstanding personal and professional standard of integrity.

Senator GRAHAM added that as Governor of Florida, when he first met the nominee:

Party affiliation did not matter then. What was necessary, good men and women who could carry out a difficult task.

My colleagues, I believe party affiliation does not matter today. The challenge that Porter Goss, on a much magnified scale, will face as Director of Central Intelligence is very analogous to the challenge he faced 20 years ago in restoring integrity to his local community and completing a very complex project.

As to PORTER Goss’s fitness to serve as an independent, unbiased DCI, this is what Senator GRAHAM of Florida said:

... when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congression Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations. Since he has been in Congress, especially as a member and chair of the House Permanent Select Committee on Intelligence, he came to know the agencies from an oversight capacity.

Senator GRAHAM concluded:

Some have said he is too close to the intelligence agencies, that he would be too protective of the status quo. Well, most of you served with Porter and myself on the joint inquiry into his experience. Have you thought of how you would join me in saying from that experience Porter is a man who will be independent in his judgments and unflichning in his criticism where he believes they are necessary?

Senator GRAHAM concluded with these words:

I am confident he will not be a part of the problem but rather a leader in taking us toward principled, thoughtful solutions when it comes to re-forming the intelligence community. I strongly recommend the confirmation of Porter Goss.

Senator BILL NELSON also participated in the September 14 Goss confirmation hearing. These are some of the things Senator NELSON had to say:

I think we need intelligence reform. I think we need it now. And I think Porter Goss is the man to lead the effort.

Senator NELSON also called PORTER Goss:

... a uniquely gifted individual whose public life has been a creative of being non-partisan, fair, and independent.

The Senator further pointed out that:

Those characterisitics in this town that is so highly charged with partisanship are sorely needed in a Director of Central Intelligence.

Those statements are from his two colleagues on the other side of the aisle from Florida.

I think sometimes it is good to know and talk to people who know someone best.

Mr. President and Members of the Senate, let me conclude by saying I have known PORTER Goss for a long time. I have dealt with him on issues not just in the area of intelligence. Sometimes you get to know people in the Senate and the House working in Congress on a variety of issues.

PORTER Goss and I had shared a tragic situation when we had constituents, hemophiliacs who acquired AIDS because they had to take massive amounts of blood because of their condition. The blood was tainted. It is a long story. I will not go into it now. But the blood was tainted because we thought there was an error made by the Federal Government, that the Federal Government did not become involved early enough, that the Federal Government made mistakes.

I had constituents. I listened to their tragic story. PORTER Goss listened to some constituents of his. So we both moved in our respective bodies to try to bring about some help for these folks. I saw how compassionate he was and how strongly he felt about the issue and what he did about it and how he took that passion and feeling he felt for those folks in wanting to do something about it. I worked with him.

I traveled with him to Haiti, the poorest country in this hemisphere. I have seen his compassion for the people of Haiti. He has served on the Intelligence Committee. I will be honest with you. I have had the occasion, many times, to pick up the phone and call across the Capitol and ask PORTER: What is really going on in the intelligence community? What is really going on at the CIA? I will tell you, each time he had an insight that was unrivaled, or rivaled by very few people I have talked to, of what was really going on inside the intelligence community. That is an insight that came about from his years of experience inside the community and his years of experience of watching the community in the oversight capacity while being on the committee and of being the chairman.

He has a passion and an understanding of the intelligence community and of what needs to be done to change it. He understands the importance of human intelligence. Long before it was fashionable in this town to be saying, oh, we have to have more human intelligence, PORTER Goss was pushing, pushing, and pushing the intelligence community for more human intelligence.

It may not have been flashy, it may not have been with a lot of big speeches, but he was there. He understood it. He understood what the needs were. This man gets it. If you want someone to lead the reform of this community, if you want someone who understands what the problems are, who can do it from the inside, if you want someone who will have the guts to report to the President of the United States and tell him like it is, PORTER Goss is your man.

So, Mr. President, I am proud to come to the floor today to recommend to my colleagues, based on my personal experience with the man who has been seen over the years, that we vote for his confirmation. He has a tough job and, yes, it may be almost an impossible job, but I think he is the right man at the right time at this point in our history.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on each side?

The PRESIDING OFFICER. The majority has 124 minutes remaining; the minority has 128 minutes remaining.

Mr. LOTT. Mr. President, I believe the chairman of the committee had indicated a desire to yield 5 minutes, or what time the Senator may consume, to the Senator from Colorado. It would be my intent to follow Senator ALLARD.

The PRESIDING OFFICER. The Senator from Colorado.
Mr. ALLARD. Mr. President, I thank the acting chairman for yielding 5 minutes.

Mr. President, I would like to associate myself with the comments of the distinguished Senator from Ohio. I, too, support Representative Porter Goss. I have been a friend and supporter of the Central Intelligence Agency for many years. I have had the pleasure of knowing him in the Senate and in his role as the Director of the Central Intelligence Agency. I think there is a growing appreciation for the job Mr. Goss did on the House side in his service on the Intelligence Committee.

Mr. President, I would like to associate myself with the comments of the distinguished Senator from Ohio. I, too, support Representative Porter Goss. I have been a friend and supporter of the Central Intelligence Agency for many years. I have had the pleasure of knowing him in the Senate and in his role as the Director of the Central Intelligence Agency. I think there is a growing appreciation for the job Mr. Goss did on the House side in his service on the Intelligence Committee.

For those reasons, I rise to support the President's nomination to head the Central Intelligence Agency. That nominee is Representative Porter Goss. I believe he is the right man at the right time for thejob. That has been a stated couple of times already. I truly think that is the case. I am glad to see this process recognize that fact. I am asking my colleagues to join me in voting for his confirmation.

The intelligence community is at a critical juncture. It is clear that after the horrific attacks of September 11, and the problems involved with uncovering weapons of mass destruction in Iraq, the intelligence community needs firm leadership during a time when reforms are needed. The President has needed that right person.

President Bush has put into motion, through executive order, most of the recommendations of the 9/11 Commission, and he is committed to strengthening the budget authority given to the intelligence community head administrator. The next step in intelligence reform is to bring in someone who is committed to reforming the Central Intelligence Agency from the inside out. That man is Porter Goss.

I have the pleasure of knowing Representative Goss personally and professionally. I was lucky enough to serve with him in the House of Representatives, and I value his knowledge of national security issues. Even then, when I served with him in the House, he was a voice both Democrats and Republicans turned to when debating important intelligence issues, and he continues to be a leader in the House today. More importantly, I got to know Porter Goss as a person I trust and have come to call my friend. There is no one I would rather see as director of the agency.
Gary A. Condit (D-CA), Ranking Member, Ray LaHood (R-IL), Sanford D. Bishop, Jr. (D-GA), Michael N. Castle (R-DE), Tim Beaumgard, Jr. (D-MS), Saxby Chambliss (R-GA), Collin C. Peterson (D-MN), Jim Cooper (D-TN), and Terry Everett (R-AL).

Subcommittee on Terrorism and Homeland Security

Saxby Chambliss (R-GA), Chairman, Jane Harman (D-CA), Ranking Member, Peter Dreier (D-CA), Peter DeFazio (D-OR), Gary A. Condit (D-CA), Jim Gibbons (R-NV), Tim Roemer (D-IN), Ray LaHood (R-IL), Aline L. Hastings (D-FL)*, Richard M. Burr (R-NC), Silvestre Reyes (D-TX)*, Terry Everett (R-AL).* Member served on Subcommittee for only part of 107th Congress.

GREG JAMES, Staff Director

U.S. intelligence and intelligence-related activities under the jurisdiction of the Committee include the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Department of Defense Tactical Intelligence and Related Activities (TIARA).

The National Foreign Intelligence Program consists of activities in the following departments, agencies or other intelligence elements of the government: 1) the Central Intelligence Agency (CIA); 2) the Department of Defense; 3) the Defense Intelligence Agency (DIA); 4) the National Security Agency (NSA); 5) the National Reconnaissance Office (NRO); 6) the Departments of the Air Force, Army, and Navy; 7) the Department of Treasury; 8) the Department of Energy; 9) the Federal Bureau of Investigation (FBI); and, 10) the National Imagery and Mapping Agency (NIMA); and, 11) the Coast Guard (USCG).

The JMIP was established in 1995 to provide integrated program management of defense intelligence programs that support defense-wide or theater-level consumers. Inclusion within the JMIP are aggregations created for management efficiency and characterized by either intelligence discipline (e.g., Signals Intelligence and Imagery Intelligence) or function (e.g., satellite support and aerial reconnaissance). The programs within the JMIP also fall within the jurisdiction of the House Armed Services Committee.

The TIARA are a diverse array of reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information support to military operations. TIARA programs support the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence programs that respond to requirements of military commanders for operational support information, as well as to national command, control, and intelligence requirements. The programs comprising TIARA also fall within the jurisdiction of the Armed Services Committee.

Oversight Activities

During the 107th Congress, the House Permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

Responded effectively to the catastrophic terrorist attacks of September 11, 2001, by the al Qa’ida terrorists by conducting investigations jointly with its sister committee in the Senate, the Senate Select Committee on Intelligence, to determine whether the IC should have been more adept, better resourced and more capable of thwarting the attacks—

- Promoted a bipartisan effort to continue rebuilding and refining the nation’s intelligence capabilities to meet the increasing complex geopolitical and technological challenges to national security, and
- Advanced the education of Members of Congress on matters of vital interest to national security and the distinct role intelligence plays in its defense.

Although the end of the Cold War warranted a reevaluation of priorities to address the steady decline in intelligence funding since the mid-1990s that left the nation with a diminished ability to address emerging threats and respond to the technical challenges of the 21st Century. Further, the IC’s lack of a corporate approach to addressing enduring intelligence problems helped to create a culture that hindered data collection (especially human intelligence collection), data sharing, and collaborative analysis.

The revitalization of the National Security Agency (NSA) was the Committee’s top priority during the 107th Congress. Although faced with this Committee’s priorities concerns, the focus has turned to information sharing and cross community analysis. The Committee notes that the individual intelligence elements lack the ability to properly fund analytic efforts. All of these efforts, the Committee included incentives in the Authorization Act for fiscal years 2002 and 2003. Regarding, HUMINT, the Committee focused on improvements in training, enhancing technical resources to operations, and properly funding analytic efforts. All of these capabilities are supported by R&D efforts. Therefore, the Committee supported the Administration’s increases in basic R&D programs. The Committee believes that the IC must continuously renew itself in this ever-changing world. Intelligence is the first line of defense against elusive and unstructured threats and enemies that use asymmetric means to harm America and her people. Only through providing these much needed resources and a long-term commitment can the IC be prepared for the global challenges that confront us.

Intelligence Authorizations for Fiscal Years 2002 and 2003

During the 107th Congress, particularly in the wake of the September 11 attacks, the Committee continued to pursue its objective of rebuilding and revitalizing our national intelligence capabilities to better meet the threats of the 21st century. Finally, after eight years of congressional admonishment to the executive branch to develop a long term funding program to correct serious and critical Intelligence Community (IC) deficiencies, the President’s budget requests provided a down payment on the resources necessary to ensure that our policymakers and military commanders have the information and reliable intelligence support that is crucial to our nation’s security.

The Committee continued extensively the President’s budget submissions for Fiscal Years 2002 and 2003, fulfilling its responsibility to closely examine the nation’s intelligence community’s future needs and requirements. These reviews included substantive and programmatic hearings, Member briefings, and numerous staff briefings. Testimony on the President’s budget submissions was taken from the Director of Central Intelligence (DCI); the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C3I); the Director, National Geospatial-Intelligence Agency (NGA); the Director, National Imagery and Mapping Agency (NIMA), NRO, and the FBI; and other major intelligence program managers.
The Committee’s examination of the President’s Fiscal Years 2002 and 2003 intelligence budgets included 13 committee budget-related hearings principally on a program level, including briefings held dedicated to addressing the DCI’s overall budget submission, the state of health of the IC, and the DCI’s views and plans for the future of intelligence and the IC.

In reviewing the President’s budget requests, the Committee found that the President’s request was insufficient to address the lack of investment and years of neglect that has harmed our nation’s intelligence capabilities. The fiscal year 2002 budget request, submitted prior to the tragic events of September 11, 2001, reflected no major improvements or investment in intelligence capabilities. The fiscal year 2003 budget submitted by the Administration included the most substantial increase in programs funded in the National Foreign Intelligence Program in history, however, the intelligence authorizations for both fiscal years 2002 and 2003 reiterated the need for renewed investment by focusing on enhancing programs and information sharing across the various IC agencies.

In addition to budget-related hearings, the Committee held over 58 committee hearings and briefings on various issues vital to our national security. Among the subjects examined by the Committee were: terrorism, HUMINT, and developments in Colombia, Southeast Asia, and rogue states.

Given the September 11, 2001, terrorist attacks, the Committee’s immediate priority was, and continues to be, the effectiveness of our counterterrorism efforts and the security of our nation. In the last two budget authorization bills, the Committee addressed critical and immediate counterterrorism needs and made improvements to long-term intelligence issues facing the United States.

The “Intelligence Authorization Act for Fiscal Year 2002,” (P.L. 107-101), in addition to authorizing generally the activities of the U.S. IC, directly addressed IC shortfalls in domestic counterterrorism efforts, intelligence collection and analysis, threat reporting, aggressive recruitment of human assets, foreign language capabilities, and sharing of intelligence information and analysis across the government. For example, the Congress formally enacted legislation that repealed restrictions on human intelligence sources. In the wake of the September 11, 2001, attacks on America, the House of Representatives significantly increased spending authorizations for intelligence activities well beyond that level requested by the President. The committee also directed significant resource allocation to counterterrorism.

The “Intelligence Authorization Act of Fiscal Year 2003” (P.L. 108-103), in addition to authorizing the intelligence activities of the U.S. IC highlighted five priority areas that must receive significant, sustained attention: (1) to fulfill its role in our national security strategy, those areas are: (1) improving information sharing and all-source analysis; (2) improving IC professional training with a major emphasis on developing language skills; (3) ensuring national imagery collection program viability and effectiveness; (4) correcting enduring systemic problems, deficiencies in HUMINT, and rebuilding a robust research and development program; and (5) establishing a budgeting process that no longer relies so heavily on supplemental appropriations. Notably, the fiscal year 2003 legislation provided very clear policy direction to the Administration to improve the cross-community sharing of information from material seized as part of the global war on terrorism. This resulted in new processes and procedures being implemented to improve the access that community analysts have to this material. Further, the fiscal year 2003 authorization legislation provided significantly enhanced information sharing in areas such as foreign languages, analyst-to-analyst technical exchanges and in-area familiarization travel. And finally, the Committee’s legislation effectively removed budget constraints and funding to ensure that the nation’s imagery architecture will be capable of supporting customer needs long into the future.

Committee Investigations

Terrorism Review

The Committee, through its THLS Subcommittees, has been at the forefront of examining the President and Minority Leader as the focal point and coordinators of the House of Representatives for post-9-11 counterterrorism and homeland security oversight activities.

Prior to the 9-11 terrorist attacks, the Committee’s Working Group on Terrorism and Homeland Security held numerous classified hearings and briefings on the terrorist threat, gaps in the IC’s counterterrorism capabilities, the need for a more focused and better coordinated national effort on homeland security, and a variety of related matters.

Following 9-11, the Working Group was converted into a full subcommittee with expanded powers of jurisdiction to act as the lead entity in formulating the House’s response to the September 11 attacks. The Subcommittee on Terrorism and Homeland Security held what for the Committee was an unprecedented series of televised hearings culminating in a field hearing with then-Major Rudy Giuliani in New York City. A significant number of closed hearings and briefings on CT operations followed, along with a report to the Speaker and Minority Leader on the gaps in counterterrorism capabilities at CIA, NSA, and FBI, leading up to a report.

Following publication of this report, the Committee, in conjunction with the Senate Select Committee on Intelligence, established a Joint Investigative Staff on 9-11 that conducted a thorough investigation of the Intelligence Community’s inability to prevent the 9-11 attacks. The work of the JIS included a series of open and closed hearings, and the publication of a classified report.

Committee Investigations

At the behest of the Speaker and Minority Leader, the Committee’s Subcommittee on Terrorism and Homeland Security was directed in the immediate aftermath of 9-11 to evaluate the performance of the CIA, and FBI against the terrorist target. To this end, the Subcommittee issued a report in July 2002 that offered the following conclusions:

- America’s intelligence capability shortfalls prior to 9-11 were significantly affected by resource constraints imposed during much of the 1990s, but also by a series of questionable Intelligence Community management decisions on funding priorities.
- As a first step, the Committee should adopt a single definition of terrorism, which it currently does not have at a cost of significant inefficiency.
- CIA: The availability and allocation of resources, including the redirection by CIA managers of funds for core field collection programs, resulted in a decline of program tasks and reduced CIA’s counterterrorism (CT) capabilities prior to 9-11. Internal human rights guidelines issued in 1995 also had a “chilling effect” on the ability to share information that was overlooked but also a number of systemic weaknesses that contributed to the Community’s inability to detect and prevent terrorist attacks.
- The lack of sufficient focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, insufficient analytical capabilities, and quality of analytical work as part of the global war on terrorism, contributed to the inability to detect and respond to threats.
- NSA: The Committee mission was not given a high enough priority in the competition for limited resources prior to 9-11, and NSA must continue to respond to changes in the terrorist threat and maintain a high priority for new investments to have a lasting impact. NSA has been chronically short of personnel, while other intelligence agencies have pursued new solutions for technical solutions to collection problems.

Congressional oversight of counterterrorism is highly duplicative and inefficient. A leadership staff mechanism should be created to streamline the oversight process on terrorism and homeland security matters.

Joint Inquiry Investigations

In February, 2002, the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community’s activities before September 11, 2001 terrorist attacks against the United States. This bicalmier investigation, supported by separate, unified, professional staffs, sought to identify and determine the extent to which the Community knew or should have known regarding those attacks prior to September 11th, the nature of any systemic problems that may have impeded the Community’s ability to prevent those attacks, and recommendations for reform to improve the Community’s ability to detect, disrupt, and prevent similar attacks in the future.

In the months that followed, the Inquiry’s investigative staff reviewed massive amounts of information from the Intelligence Community. This included the review of almost 500,000 pages of relevant documents, 300 interviews, and participation in numerous briefings and panel discussions, involving about 600 individuals. Although the Inquiry was primarily focused on the Intelligence Community, the investigation also considered relevant information from federal agencies outside the Intelligence Community; from state and local authorities; from foreign government authorities; from private sector individuals and organizations.

Building on the extensive investigative work of the JIS, the Joint Inquiry issued its final report, Joint public hearings and; and, given the highly classified nature of much of this information, thirteen joint public hearings. In December, 2002, both Committees approved, by separate votes, the classified Final Report of the Joint Inquiry. The Committees are currently working with the Intelligence Community in an effort to declassify the Final Report to the extent that is possible, balanced national security interests, as much as possible of the Final Report for public release.

The work of the Joint Inquiry confirmed that the Intelligence Community had relevant information that was, in retrospect, significant regarding the September 11th attacks, the Community too often failed to focus on the information and to appreciate its collective significance in terms of a probable terrorist attack. The Inquiry’s fact finding, when it was done, was not always adequate or timely in the face of what was overlooked but also a number of systemic weaknesses that contributed to the Community’s inability to detect and prevent attacks.

The lack of sufficient focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, insufficient analytical capabilities, and quality of analytical work, as part of the global war on terrorism, as well as the Intelligence Community’s inability to detect and respond to threats, contributed to the inability to detect and respond to threats.

FBI: Preventing terrorism was less important than solving crimes prior to 9-11, when FBI decentralized CT information and investigations. FBI also had insufficient linguists and linguists who were inadequately trained in terrorism. This resulted in new processes and procedures being implemented to improve the access that community analysts have to this material. Further, the fiscal year 2003 authorization legislation provided significantly enhanced information sharing in areas such as foreign languages, analyst-to-analyst technical exchanges and in-area familiarization travel. And finally, the Committee’s legislation effectively removed budget constraints and funding to ensure that the nation’s imagery architecture will be capable of supporting customer needs long into the future.
relevant counterterrorism information. To correct such deficiencies, the Final Report includes nineteen recommendations for reform, including such things as the creation of a Director of National Intelligence and prompt consideration of whether the FBI, or a new agency, should perform the domestic intelligence functions of the U.S. Government.

OPEN HEARINGS

During the 107th Congress, the Committee held 13 open hearings on issues of concern to the Intelligence Community and the American public. While committed to the protection of sources and methods and ensuring the security of our nation’s secrets, it is the intent of the Committee, whenever possible, to hold open hearings in an unclassified setting on issues of vital importance and concern to the public.

The Committee held four open hearings: Defining Terrorism—September 26, 2001; Asymmetric Threats to Homeland—October 3, 2001; Role of NSC in Current Crisis—October 11, 2001; Domestic Preparedness & Emergency Response—October 29, 2001.

The Joint Inquiry Committee held nine open hearings: Family Advocates for September 11 Families—September 18, 2002; Intelligence Community Knowledge of September 11 Hijackers—September 20, 2002; Phoenix Memo—September 24, 2002; Counterterroism Information Sharing—October 1, 2002; Intelligence Community Reformation Proposals—October 3, 2002; Past Terrorist Attacks—October 8, 2002; Factual Finding of Inquiry—October 17, 2002.

Mr. ROBERTS. Mr. President, I yield as much time as he may consume to the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the chairman. I also commend the chairman and the vice chairman of the Intelligence Committee for the very difficult job they have been performing, leading the Intelligence Committee. It has to be one of the toughest jobs that I have witnessed in the Senate. It takes time, it takes experience, and it takes intellect to be able to deal with the issues that come before this committee.

I also commend them for the way they have handled this particular nomination. They were patient. They gave every Senator ample time to make their points and ask questions, and they have been commended by Members of both sides of the aisle for the way they handled the nomination. That is why I think the nomination was approved by the Intelligence Committee, and why I believe this nomination will be confirmed by a wide margin.

Before I get into a little more discussion about why I support Porter Goss to be head of the CIA and director of intelligence, I will talk about my overall concerns regarding the intelligence area.

As a member of the leadership over the years, I was able to have briefings and meet with Director Tenet. There are specific requirements in the law that certain Members have to be notified when particular actions are taken. I always took those matters very seriously and spent the time that was necessary to get those briefings. For the last year and a half, I have been on the Intelligence Committee. I must confess that when I went on the committee, I thought I would be a big defender and big supporter of our intelligence community, because I think that what they do is so important. I support the men and women who work in that community.

But I must say, over the last year and a half, I have developed many concerns about what is being done. How does the Congress do its job. I didn’t appreciate how important oversight is regarding intelligence matters, how important it is that a Senator develop expertise to be able to ask the right questions, do the oversight, and understand what is going on.

I have come to the conclusion that our intelligence community is not set up properly and we are not doing our job in the Congress. We can point fingers and blame somebody else, but a lot of the problem resides here in this body and in the Congress—not because we don’t try to do our job, but we are not organized properly to do it. We have this multifaceted process of setting people in the Congress to manage the Intelligence Community, and with good reason. Armed Services needs to be aware of what’s going on, as do Foreign Relations, Appropriations, and Governmental Affairs. Is there anybody who doesn’t have to do with the intelligence pie a little bit? Basically, nobody is doing the oversight job properly, because the members of the Intelligence Committee are not there permanently; they come and go and are on the Committee maybe 2 years, 4 years, or 8 years. Once you get to where you know what to ask and what is going on, you leave the Committee.

Frankly, I think the CIA and the intelligence community’s attitude is: Don’t give them anything; give them a little bit of a courtesy, a brush-off, and we will get what we want from the appropriators in the end.

I think we have real problems in the intelligence community’s capability and in the Congress, and we need to fix them. I don’t have a magic design. I want to hear what the experts have to say and see what legislation is proposed. I know this: Something has to be done in the way the intelligence community operates. You cannot operate under a construct where you have 15 different agencies and 80 percent of the money going to the Defense Department, with the director of intelligence having little or no control over the money or many of those intelligence agencies.

We need major changes, and we need them now. I am concerned about concerns that were raised yesterday that if we rush to reorganize the intelligence community, we could do damage because the job of gathering intelligence has to go on every day. Men and women are putting their lives on the line to gather intelligence. We need to be careful, but we need to press forward with change.

I know this body is loath to change anything. Any kind of reform is looked at suspiciously: Oh, we can’t do that; it has always been done this way. I have taken the time over the years to look at a lot of these issues, and it has not always been done this way. A lot of what we do and say around here, which some say is sacrosanct and cannot be changed, is relatively new. It evolved over the years.

At some point, you have to say there is a higher priority, that there is something more important than turf or jurisdiction or the way it was or is being done.

What is most important is how we are going to do the best job for the men and women in uniform, men and women in intelligence, and for the American people. So I think we need to make necessary changes.

The important point is that we have to have somebody in charge. We have good people in the CIA doing the job. We have an Acting Director who is a good man doing a good job. But we do have to show the American people that we need a man or woman in charge making decisions, making changes that need to be carried out even without legislation that overhauls the whole operation, and we need it now.

This is a dangerous world we are in. We need to not only confirm this nominee right away, but we need to do it overwhelmingly. We need to show him, we need to show the agencies, and we need to show the departments that he is the confirmed leader of the American people through their representatives in the Senate. We are dealing with very important issues, and it is so important that we have leadership at the top. We need to do it right away.

We have a good man who has been nominated. A lot of thought went into his selection. I know the President sought out the counsel, advice, and the thinking of a number of Members of Congress on both sides of the aisle, in the House and Senate before he went forward with this nomination. He has nominated a man who is uniquely qualified to be the Director of Intelligence.

PORTER Goss is the right age. He is in his mid-sixties, still young enough to do the job, and old enough to know what needs to be done. He has a background of military experience, where he was in Army intelligence for 2 years. He worked in the Directorate of Operations of the CIA for 8 years. Most of this is in the RCOIC, but I think it is worth repeating so that my statement will make sense, hopefully, in its entirety.

When he left the CIA, he continued to be involved in trying to serve his fellow man and his community. He was a leader in his hometown in Florida. He served on the city council, was mayor, was a member of the board of commissioners, and has served in Congress since 1986, which is a pretty good pe

I have watched him. I have watched him deal with difficult issues. I have watched him take a leadership role, and I have watched him work with the ranking member of that committee and with Democrats, and I have been impressed with the job he has done on the Intelligence Committee in the House.

So he knows the CIA. He knows it from having been in Army Intelligence, he knows it from having been in the CIA itself. He was from the position he held as chairman of the Intelligence Committee. He knows where the problems are because he was there, and he knows how to strengthen the intelligence community and make it better. He is no stranger to the difficulty and the complexity of foreign intelligence.

When I look back on some of the former heads of the CIA, frankly, some of them did not have much of a background in that area. But here is a man who is uniquely qualified. He has been in the community to the extent that he knows that some people say that if you are in the institution, you are part of the problem. But, my experience leads me to ask, how can you solve a problem if you do not really understand an institution? There are some in Washington that say, if you know the subject, whether it is transportation or oil or intelligence, you should not be in government because you have been co-opted.

I think absolutely the opposite is the case. Practical experience is invaluable. You have to understand the culture, you have to understand the people, and anybody who has paid close attention to the intelligence community in recent months and years knows what changes should be made and have to be made.

PORTER GOSS, a Member of Congress, has been critical of the intelligence community. He does not sugar-coat it. He has exposed the program dysfunctional. He has spoken the truth about the way we have funded the CIA, which he says has not been adequate, it has not been done in the right way, and we have not put enough emphasis on human intelligence. In fact, Congress stopped this nation from having the human intelligence we needed, if we go back and look at the results of the Church Commission some 30 years ago. Once again, we are part of the problem.

He knows we need to do more in linguistic training, and he has raised these questions as chairman of the committee and in his communications with the DNI.

His confirmation would bring stability and experience to the intelligence community. One thing that worries me, as I have talked to some of our intelligence personnel, is a certain concern about whether they are really appreciated, and are the old experiences here going to stay, or are they going to leave. I have noticed some of the intelligence people I see are getting younger, younger, and younger. They need a firm and experienced leader. They need a person who has been there with them, understands their needs, and appreciates the job they do, and PORTER Goss would do that.

He does support what Congress is about to do. They are about to create a national intelligence director position, and we are going to pass legislation that is going to reorganize the intelligence community at some point, maybe sooner than later.

Again, he has the right attitude and supports the position I believe that Congress is going to be taking.

There are those who have questioned his independence. Is he a partisan? Is he a political person? Whatever happened to congressional courtesy? Over the years, I have supported Members of the other party from this body and the other body, even though they have sometimes been very partisan politicians, very vocal. But the one that he is speaking on the floor of the House and Senate, but I knew them to be good men and women, and I knew when they took on a different role. When you are in Congress, when you are in politics, you are a politician, that is a damnation. That is somebody involved in the art of government. When you are a member of a party, sometimes members of the other party get under your skin, and you speak out.

I noticed over the years, PORTER Goss has not been one of those rabid partisans. He has been very calm and very stable. Sometimes he gets a little upset. Maybe he thought perhaps the Senate was awash with some of our hearings recently. On occasion, I have thought we did a little grandstanding in the Senate, and I said even though it was sometimes directed at my own party.

I know he is an independent thinker, and I know he will put his job as head of the CIA, uppermost. He will put his political past and his partisanship behind him. He will also be a man, I believe, who can go in and meet with the President at these early morning meetings and say: Mr. President, this is what we know, this is the truth about the situation, and if you go this way, you are going to have certain problems.

He has that stature, he has that credibility, and he will have the independence to do that.

I think having served so many years, having been on the Intelligence Committee, and he built at the Intelligence Committee, is proof that he will be independent to do that job for the American people. I believe he will be more candid with the Congress. 

Quite often when we had testimony before the Intelligence Committee, I felt as if I did not get a complete story. Frequently, testimony was less than fully satisfactory or sufficient. PORTER Goss is going to be going to speak to us on a level basis, not from the perspective of a former staff member. He was one of us, and he will not try to fool us. I think he will tell us the truth.

By the way, I think we will be very comfortable telling him: Mr. Director, we don’t believe that. We will be able to be very candid with him. I believe he will show flexibility as we move from where we are to where we need to be.

If we have to do this, the job he has taken, he satisfied the members of the Intelligence Committee by a vote of 12 to 4 with several Democrats voting for his confirmation. They asked him the tough questions. They had their reservations, and those reservations have been satisfied.

I cite one point of how he dealt with the former Director. On September of 2003, he wrote a letter to DCI Tenet pointing out concerns he had with intelligence. He joined with the ranking member of the Intelligence Committee in the House, Congresswoman HARMAN, and indicated there were significant deficiencies with respect to the intelligence community’s collection activities concerning Iraq’s WMD programs and al-Qaeda and the commencement of hostilities there.

So he did not wait until after the fact; he raised concerns when they needed to be raised. If my colleagues have taken a look at that letter, it demonstrates how important it was the kind of thing that the DCI needed to hear at that particular time.

So I can attest from experience, from observation, and from a written record that this Congressman will be an independent, thoughtful, strong voice at the CIA.

I urge my colleagues, let us have our discussion but let us have a vote and let us make it overwhelming. Let us do it now because we need strong leadership and we have the right man to do this job. PORTER Goss will provide leadership for the intelligence community. He will be able to work with Congress and he will help give the intelligence community the ability to do an even better job.

I thank the chairman for yielding me this time.

THE PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield such time as he may consume to the distinguished Senator from Utah and thank him for his service on the Intelligence Committee.

Also, I thank the Senator from Mississippi for his excellent commentary, and especially highlighting Mr. Goss’s independence and the fact he will be a nonpartisan DCI.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague and I certainly appreciate the leadership Senators on the Intelligence Committee, in particular the Senator from Kansas. He has done a great job. I think Senator ROCKEFELLER has worked with him very well for the most part.

I would like to congratulate myself with the remarks of the distinguished Senator from Mississippi. There are very few people around here who have had to deal with
the personalities of so many people as Senator LOTT has. He has done a ter-
rible job throughout both his House and Senate career, and I think we ought to
listen to the wise people like that with regard to whether we should vote for
PORTER GOSS.

There is no doubt in my mind that PORTER GOSS is worthy of this position
and, in my mind, he will do it in an ef-
fec
ti
w
y. I compliment the distin-
guished Senator from Mississippi for
his cogency, and especially his very prac-
tical remarks to which we ought to all
be paying attention.

I remember when George Tenet was
 nominated, and George Tenet was a
Democrat. He was a staffer to Senator
Boren. Senator Boren, George Tenet, and
I traveled all over the world to-
gether. There was not any question
that we were going to support George
Tenet when he came up for CIA Direc-
tor, and I think he did a much better
job than all of his critics are saying. A
lot of people say he worked very
hard for Senator Boren and for the
committee and knew an awful lot
about intelligence to begin with. This
is a tough job. It is almost an impos-
sible job. It is very hard for Senator Boren and for the
intelligence community. I totally sup-
port this nomination.

As we all recognize, the intelligence
community is undergoing a major
reform, a process that can only succeed
if there is close cooperation between
the White House and all the relevant
executive agencies, the Congress—and
that includes Democrats and Repub-
licans—and especially this committee,
and the intelligence community.

The reform that will be promoted
should not be a mere bureaucratic re-
shuffling; it should be a reform of our
intelligence community that enhances
and strengthens our ability to under-
stand, penetrate, co-opt, and neutralize
the threat of armed groups to our na-
tional security. The success of the next
Director of the Central Intelligence
Agency must understand this to be suc-
cessful.

The next Director of Central Intel-
ligence must understand that the new
initiatives we are debating in draft leg-
islation this month, legislation we are
referring to as intelligence commu-
nity reform, will be the beginning, not
the end, of reform. In fact, I fear that
once we pass a reform package some of
us will believe we will have accom-
plished reform. In fact, we will have
only begun.

Everyone agrees that we need better
results from our intelligence commu-
nity. I suppose that is always going to
be the case. Most of us, I hope, also
recognize that the intelligence
community, from the Director
don, have been admirable, brave,
selfless, and intense. I believe former
Director Tenet worked hard to revi-
italize capabilities that devolved after
the end of the Cold War. I know he
worked hard. He inherited an agency
that needed a lot of improvement, and
to the extent that he could, he did his
best to do so.

The next Director of Central Intel-
ligence must recognize that our goal
should not be to rebuild a capability
but to build a new capability. We need
better results and we need a strategy
for achieving them.

Director Tenet was candid in speak-
ing before the 9/11 Commission in say-
ing that our human intelligence capa-
bilities would take at least 5 years to
rebuild. PORTER GOSS, when confirmed,
will be the Director that needed a lot of
improvement, and to the extent that he could, he did his
best to do so.

Nobody is going to come before us
who is perfect in every way. But I have
made most accountable to Congress in
the end, of reform. In fact, I fear that
we will believe we will have accom-
plished reform. In fact, we will have
only begun.

The next Director of Central Intel-
ligence must recognize that our goal
should not be to rebuild a capability
but to build a new capability. We need
better results and we need a strategy
to achieve it.

Director Tenet was candid in speak-
ing before the 9/11 Commission in say-
ing that our human intelligence capa-
bilities would take at least 5 years to
rebuild. PORTER GOSS, when confirmed,
will be the Director that needed a lot of
improvement, and to the extent that he could, he did his
best to do so.

The next Director of Central Intel-
ligence must recognize that our goal
should not be to rebuild a capability
but to build a new capability. We need
better results and we need a strategy
to achieve it.

Director Tenet was candid in speak-
ing before the 9/11 Commission in say-
ing that our human intelligence capa-
bilities would take at least 5 years to
rebuild. PORTER GOSS, when confirmed,
will be the Director that needed a lot of
improvement, and to the extent that he could, he did his
best to do so.

The next Director of Central Intel-
ligence must recognize that our goal
should not be to rebuild a capability
but to build a new capability. We need
better results and we need a strategy
to achieve it.

Director Tenet was candid in speak-
ing before the 9/11 Commission in say-
ing that our human intelligence capa-
bilities would take at least 5 years to
rebuild. PORTER GOSS, when confirmed,
will be the Director that needed a lot of
improvement, and to the extent that he could, he did his
best to do so.
support him and continue to support him as he serves in this job which almost nobody can completely fulfill. This is a job that takes immense capabilities and, I might add, commitment. He has both and we should support him.

I yield the floor.

The PRESIDING OFFICER (Mr. Brownback). The Senator from West Virginia.

Mr. ROCKEFELLER. I yield such time as the Senator from New Jersey wishes to express his views. I yield him that amount of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we are debating the nomination of Representative Porter Goss to be Director of Central Intelligence. This nomination comes to the floor at a critical time for our Nation’s intelligence community. With Chairman Collins and, I might add, Senator Lieberman’s ranking membership, the Governmental Affairs Committee is in the process this very day of marking up legislation to reform the intelligence community. It is a task that all of us on the committee are taking very seriously. It was the failure of intelligence that led to the horrors of 9/11 and the loss of almost 3,000 lives. Seven hundred of them came from my home State of New Jersey. It was a painful moment in American history.

It was a failure of intelligence that led to our false premises for invading Iraq. I thought everyone from the President on down had agreed that we needed to take intelligence data more seriously. That is why it was so shocking to hear President Bush’s odd statement yesterday about our Nation’s intelligence data on Iraq. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about the CIA report that he had received in July, regarding the deteriorating situation in Iraq, which could even lead to a full-blown civil war.

The President at that moment dismissed the CIA report by saying that the CIA might have been “just guessing.” Just guessing? The Central Intelligence Agency just guessing? That is quite a way to describe their activities.

On this placard we see what President Bush is talking about.

On this placard we see what President Bush is talking about. It was failures of intelligence that contributed to the worst scenario as an all-out civil war, with our troops in the cross-fire. This is not what the President wished to hear. So what did he do? He ignored it. And now when asked how the information came to him, he said: The CIA—just guessing.

President Bush’s comments are a frightening sign he is not dealing with reality, in that he continues to ignore the truth about what is happening on the ground in Iraq. This is why I am so concerned about the nomination of Porter Goss to head the CIA.

I know Mr. Goss only casually. Certainly he seems like a nice enough, intelligent fellow. But what the President needs more than ever is an intelligence chief who will tell it like it is, and not revamp intelligence to meet the President’s expectations.

Congressman Goss has not shown himself to be a person who will deliver nonpartisan, objective information to the President.

At a time when the independence and the objectivity of the CIA is more crucial than ever before, President Bush has nominated a politician who has been particularly partisan. In a PBS “Frontline” interview after 9/11, Representative Goss refused to characterize what happened as an intelligence failure. How could one even call that 9/11 was not an intelligence failure? He also opposed the creation of the 9/11 Commission.

Congressman Goss attacked Senator Kerry claiming that Senator Kerry tried to cut the Nation’s intelligence budget during the Clinton administration. But Congressman Goss made the attack against Senator Kerry while not revealing that he cosponsored a bill during the same period that would have made even deeper budget cuts.

Here is what Mr. Goss called the Senate Armed Services Committee in recent hearings on the Abu Ghraib prison scandal. I quote him. He said:

“We’ve got to be a little more careful which is always a likely place to look for the circus.”

Quite a commentary about what Mr. Goss thinks of our Government. First of all, the abuse of prisoners at Abu Ghraib—he thinks the Senate is a circus in hearings, and then he describes this place as a circus. Is that what he thinks of us? I hardly think that is the kind of person who ought to be taking this serious job.

When asked whether he would investigate the disclosure of covert CIA agent Valerie Plame’s identity, he dismissed the scandal, saying, “There’s a much larger dose of partisan politics going on right now than there is worry about national security.”

When he added flipishly, “Somebody sends me a blue dress and some DNA and I will have an investigation.”

What kind of an insulting comment is that intended to be? Do you want to entrust this individual with a bipartisan responsibility to the entire Nation who can be so casual, so insulting, so sarcastic in his view of what takes place here? Do we honestly expect someone who has been a partisan attack dog for President Bush’s reelection efforts to be independent and nonpartisan? It is just not realistic.

It is time for the President and this administration to return to reality—the reality of Iraq, the sadness of the loss of life, the ruination of families, the regional disasters that occur. We have some reservists from the State of New Jersey on active duty in Iraq. We just had our 33rd death of service people from New Jersey in Iraq. The disturbances that go to normal life, the Appropriations mission going in the household—it is terrible. We have to get back to reality, the reality of Iraq, the reality that our Nation’s intelligence is not just guessing, and the reality is that we need an objective, nonpartisan intelligence chief in this Nation.

I say with regret that we cannot accept turning responsibility over for managing this Nation’s intelligence gathering to someone who first looks at which side of the political aisle someone is on before he makes decisions about the responsibility for the CIA.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Kansas.

Mr. ROBERTS. Thank you, Mr. President.

I now yield as much time as the distinguished Senator from Maryland may use. I thank the distinguished Senator for her service on this committee as she always provides the committee with very candid, independent, and right-on views. I am delighted to yield time to her at this time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the chairman of the Intelligence Committee for his words. I also thank him for the process he provided for us to evaluate the suitability of Porter Goss to be the Director of the Central Intelligence Agency. He gave us a lot of time to be able to interview Mr. Goss directly. His staff has been quite collegial and quite cooperative, and we want to thank him for providing us with that type of environment in which to make an informed decision.

Indeed, deciding on this nomination is vitally important. The Director of the CIA needs to be up to the job.
These are very dangerous times, and it is vitally important that we make the right choice. Now more than ever, the security of our Nation depends on timely, reliable intelligence to detect, disrupt, and deter terrorist attacks on the Homeland. We must also make sure attacks don’t happen to treasured allies, and to help policymakers, from the President and his Cabinet to Members of Congress, to make the right decisions about what we need to do related to diplomacy and the deployment of our troops.

The next Director of the CIA will have to do all of this and even more. The next Director will also have to push through the much needed reform at the CIA and to cooperate in the reforming of other intelligence agencies. We want to make sure there are no more 9/11’s and no more wars based on dated and dubious evidence.

The constitutional duty of the Senate is to review the nominations of the President. When a nominee comes, regardless for what position or from whatever party is in power, for an important position like this, I ask four questions: Is that person competent? Do they bring integrity to the job? Are they committed to the core mission of the agency? And will they function in an independent way?

As I said at our hearings, I know Porter Goss, and I have worked with him over the years. I have no doubt that Congressman Goss is competent based on his years of service, both as an agent at the CIA as well as in the House of Representatives chairing the House Intelligence Committee. From my knowledge, he has been a man of integrity. And yes, he is committed to the mission of the CIA and the importance of intelligence to help protect the United States of America. The great big caution yellow light I have is the question of independence—the willingness to speak truth to power, committed to reform, to be nonpartisan, and also never to sugarcoat, dilute, or twist the information going to the President of the United States and top policymakers.

During the last year, I have become very concerned about Mr. Goss’s partisan activities. He has unfairly attacked Democrats. He has been strident in other statements in terms of the political campaign for the Presidency.

My questions are, Who is this Porter Goss? Is he the one I served with in the House who was a moderate conservative, straightforward, willing to work across the aisle, or is this the aggressively partisan and even intertemperate person, I take him at his word. However, in the words of Ronald Reagan, who said “trust but verify,” that is the way I feel about the Porter Goss nomination. I accept him at his word, which he not only gave to me but he gave to the entire committee in a public format, that he would be nonpartisan, committed to the truth, a leader for independence and reform, and would always speak truth to power. So I accept him at his word, but I also believe we must engage in vigorous congressional oversight to make sure Porter Goss does the job he is to do, and to make sure he does what he has committed to do.

So when I have to think about, is this the Porter Goss who is moderate, straightforward, willing to work across the aisle, or is this the aggressively partisan and even intertemperate person, I take him at his word. However, in the words of Ronald Reagan, who said “trust but verify,” that is the way I feel about the Porter Goss nomination. I accept him at his word, which he not only gave to me but he gave to the entire committee in a public format, that he would be nonpartisan, committed to the truth, a leader for independence and reform, and would always speak truth to power. So I accept him at his word, but I also believe we must engage in vigorous congressional oversight to make sure Porter Goss does the job he is to do, and to make sure he does what he has committed to do.

So when my name is called, I will vote for Porter Goss. But I want to make it very clear that in voting for Porter Goss to be the Director of the CIA, I am not voting for him to be the future NID. As you know, we are not clear on what is the framework for reform we will adopt. There are ideas coming forth that I know we will be debating and voting on next week and in the weeks ahead. So we want to be sure that we create the smartest, and if we do create the National Intelligence Director, a position I have supported for many months, that person’s nomination come to us separately. In voting for Porter Goss, I am voting for him to be the head of CIA, but I am not using this vote for him to be the NID by proxy.

Again, let me conclude by thanking the Chairman and the vice chairman for their hard work on this committee. It is a committee with great responsibility. We take it seriously. But at the end of the day, my analysis concludes that I will vote for Porter Goss. I will trust, but I will use congressional oversight to verify.

I yield the floor.

The PRESIDENT pro tempore of the Senate (Mr. Roberts). Mr. President, I thank Senator Mikulski for her very forthright statement. Like the Senator, I understand the point raised by Senator Lautenberg and would only make two points about the notion of Mr. Porter Goss’s alleged lack of independence from the administration.

First, Mr. Goss sent a very candid letter to DCI Tenet, along with Congresswoman Jane Harman, who is the ranking member of the House Intelligence Committee, expressing deep concern about our intelligence on Iraq. That letter is not the work of a shrinking violet, I can assure you.

Mr. President, I ask unanimous consent that letter be printed in the Record.

The there being no objection, the material was ordered to be printed in the Record, as follows:


Hon. GEORGE J. TENET,
Director of Central Intelligence,
Washington, DC.

Dear Mr. Tenet: At the outset, we reaffirm our support for the dedicated men and women working in the Intelligence Community (IC). Their deep commitment to our country and to their profession is evident.

We wish these men and women its gratitude for their tireless efforts to provide policymakers with the intelligence they need to make informed decisions about the security of Americans at home and in places like Iraq.

Thank you, again, for promptly responding to the Committee’s request for all intelligence information related to Iraq’s weapons of mass destruction (WMD) capabilities, as well as any ties to terrorist organizations, including al Qaeda. The Committee has reviewed all 9 volumes of material that you provided. Additionally, it has held several closed hearings and an open hearing, conducted several oversight trips to Iraq, and reviewed additional materials over the last four months. Although the Committee’s work continues, we have some preliminary views that we offer so that the IC can begin to consider necessary improvements. In addition, we offer these views to provide you a chance to address questions or clarify issues that will assist us in concluding our review.

At this point, several months into our review, we believe there were significant deficiencies with respect to the IC’s intelligence collection activities concerning Iraq’s WMD programs and ties to al Qaeda prior to the commencement of hostilities.

We have a fundamental disagreement generally on whether the National Intelligence...
Estimate on Iraq’s WMD programs and the intelligence on Iraq’s ties to al-Qa’ida were deficient with regard to the analysis and presentation, especially in the certainty of the IC’s conclusions on the existence of WMD and Iraq’s links to al-Qa’ida. The Chairman believes it was not.

Additionally, the Committee is also reviewing the intelligence assessments that existed pre-March 2003 regarding the nature and level of resistance that U.S. troops could expect in Iraq and the health of Iraq’s civilian infrastructure.

IRAQ’S WMD

In October 2002, the IntelligencCommunity produced a National Intelligence Estimate (NIE). In the foreword statement, the Committee judged that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad’s weapons program, including biological and chemical weapon production activities, was a matter that included statements that Iraq remains a threat to the United States.

The absence of proof that chemical and biological weapons and their related infrastructure.

The Committee reviewed the underlying intelligence supporting these conclusions, that you have provided, in an environment where the regime was trying to interpret snippets of information and level of resistance our troops would face in Iraq. Thus far, it appears that these judgments were based on too many uncertainties.

IRAQ’S POSSESSION OF CHEMICAL AND BIOLOGICAL WEAPONS

The U.S. and the U.K. took limited air strikes in 1998 (Operation Desert Fox), based on Iraq’s lack of cooperation and violation of United Nations Security Council resolutions regarding weapons of mass destruction. In early 1998, while the UN inspectors were still in Iraq, some additional information about the WMD programs, the IC’s judgments were based, in substantial part, on circumstantial information. Such information used to come after the conclusion of major military action in Iraq. Thus far, it appears that these judgments were based on too many uncertainties.

IRAQ’S TIES TO TERRORISTS INCLUDING AL-QA’IDA

The Committee has reviewed the three volumes of information provided by you on Iraq’s ties to terrorism, most of which remain classified. We have found no reason to question the State Department’s decision to designate the government of Iraq as a sponsor of terrorism for at least a decade.

On the issue of Iraq’s ties to al-Qa’ida, however, we believe substantial gaps in collection, analysis, and reporting on terrorism still exist.

In place of an assessment characterizing the relationship between Saddam and al-Qa’ida, the Intelligence Community reported on possible contacts between al-Qa’ida associates and Iraqi officials, but did not make clear which of them were from sources that were credible and which were from sources that would otherwise be discounted in the absence of any other corroborating intelligence.

NATURE OF IRAQI RESISTANCE AND THE STATE OF IRAQ’S INFRASTRUCTURE

In addition to these two issues, we are concerned whether the Bush administration was warned adequately about the nature and level of resistance our troops would face in Iraq, or about the dilapidated state of Iraq’s civil infrastructure. The Committee will be reviewing the intelligence available to policymakers prior to the commencement of hostilities to determine if there were short-comings in the support provided on these issues. The Committee will seek to understand what requirements were levied on the IC prior to the invasion, what assessments were made, whether the assessments were completed in a timely manner, and, with the benefit of hindsight, how well the assessments match what has been found in Iraq since the cessation of operations.

POLICYMAKERS STATEMENTS ON IRAQ

The Committee has reviewed extensively allegations that there was a disconnect between public statements by Administration officials and the underlying intelligence. The Committee’s purview does not extend to the formulation or articulation of foreign policy. We do believe, however, that if public officials could correctly characterize Iraq’s activities, they would have a responsibility to go back to that policymaker and make clear that the public statement mischaracterized the available intelligence.

Saddam Hussein, for his part, apparently made no effort to dispel the conclusions that the United States had programs in place to produce them and had the capabilities to deliver them, or that he had links to terrorist groups.

SUMMARY

The assessment that Iraq continued to pursue chemical and biological weapons remained constant and static over the past ten years. The U.S. understanding of Iraq’s ties to terror groups was also longstanding. We note, however, that the Committee’s most recent statement characterized its assessment of the status of Iraq’s WMD programs and capabilities, and Iraq’s links to al-Qa’ida, specifically. The Intelligence available to the U.S. on Iraq’s possession of WMD and its programs and capabilities relating to such weapons after 1998, and its links to al-Qa’ida, was fragmentary and sporadic. These assessments of long-standing concerns are not only challenged as a routine matter within the IC, Saddam Hussein, for his part, apparently made no effort to dispel the conclusions that the United States had programs in place to produce them and had the capabilities to deliver them, or that he had ties to terrorist groups.
seek your assurance that the shortcomings identified will be promptly addressed. Finally, we intend to have additional hearings, open and closed, as appropriate.

Sincerely,
PORTER J. GOSS,
Chairman.
JANE HARMAN, Ranking Democrat.

Mr. ROBERTS. Second, the independence issue was thoroughly explored at Mr. Goss’s confirmation hearing as of this week. Mr. Goss has assured the committee—and I do believe him, knowing him for 16 years in the Congress—and the intelligence community, as Senator MIKULSKI put it, to look the President in the eye and say no.

Mr. President, at present, it does not appear either side has a Member requesting time, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. Mr. President, I yield such time to the distinguished Senator from Florida as he might consume and thank him for his contributions, not only with his strong interest in the Intelligence Committee and the leading intelligence issues and challenges we face today, but for his service on the Armed Services Committee as well, for working with me with regard to Captain Spiker and other issues. I look forward to his comments.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Mr. ROBERTS. Reserving the right to object, and I shall not object, it is my understanding, or I can ask the distinguished Senator—

Mr. REID. He said he has a short statement.

Mr. ROBERTS. He would be able to finish his remarks at 3, in time for the meeting?

Mr. REID. Especially if we didn’t talk more.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. No.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not have a long presentation. My guess is the 3 o’clock briefing is one most Senators want to attend. I do want to, however, visit a bit about this issue of the Director of the Central Intelligence Agency.

We have been through pretty tough times with respect to intelligence in this country, and this is a critically important position. The President’s choice is an important choice, especially given what we have been through. Let me make a couple of comments.

First of all, I am going to vote for this nomination, but I do so without great enthusiasm, and I would like to explain why.

PORTER Goss, I think, is qualified to assume this role. There is little in his record that suggests he is a reformer, and there is some piece of that record that suggests there is some partisanship, which bothers me. But I know PORTER Goss. I have known him for a long while. When I served in the House of Representatives, I knew him.

While I would not have made this choice had I been President, the President has the opportunity to make the selection and deserves, in this case, his own team. My hope is the questions and the hearing that Mr. Goss will have and his hearings will make certain he will run the CIA with a reformist attitude, with an understanding that things need to change, with an understanding that this cannot, under any circumstance, be a partisan issue from which partisanship flows, and that we have to get straight answers, as does the President, from the Central Intelligence Agency.
Over the years, we have had many, many failures in intelligence. For those of us who have been through top secret briefings in Room 407 of the Capitol Building, it is nearly unbelievable what they told us they knew from all their different kinds of intelligence-gathering devices and their analysis, and what we subsequently learned were the facts or the truth of the matter.

I am telling you because we need a good intelligence system to protect our country, protect our homeland, and protect our children. 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 turned out to be fundamentally wrong.

We now read, for example—and I am not now discussing that which comes from top secret briefings; I am discussing things that come from the periodicals, as we read, for example, that the intelligence we were given in briefings about the issue of mobile chemical weapons laboratories, it turns out came from one source, a source they call "the Back." I am describing this from Newsweek and Time magazine, not from top secret briefings. One source turns out to apparently have been a drunk and a fabricator and, as a result of that source, we get top secret briefings, we make a presentation at the United Nations about something that apparently we now know was untrue. What kind of intelligence system is that?

We learned that Germans provide the names of a terrorist to the CIA here in the United States and the telephone number and nobody checks on him, nobody follows up at all. Our intelligence folks cannot find a couple of alleged terrorists living in San Diego when their names and telephone numbers are in the phonebook? The attack on Iraq was a preemptive attack and to attack terrorists where they live.

The attack on Iraq was a preemptive strike that the President said was necessary to protect our country. Well, it is very important when talking about preemption, which is a doctrine that has been foreign to this country’s interests in the past, to have good intelligence. Preemption can never occur based on what one thinks. Preemption could only occur based on what one knows. What one knows must come from good intelligence.

We have discovered, since the time preemption was discussed by this administration, that the intelligence was just plain wrong. We need to fix this system in the interests of this country. Our safety depends on it.

I am going to vote for Mr. Goss. I think he is qualified to do this job. As I indicated, I am concerned about some things he has done in the past. I hope that is over. I am concerned about the intelligence agencies themselves. I believe they are in desperate need of reform. Most importantly, our country, all of us, each of us, needs to work together to create an intelligence system that works for the safety of this country and works in a way that a President, a Congress, a Director of the CIA can rely on good intelligence from all around the world.

My understanding is that we will be in recess for 1 hour until the hour of 4 p.m.

I yield the floor.
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 transition period.

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

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 was completed last year and has yet to complete a similar thorough investigation.

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 will remember Ahmed Chalabi. He was the self-proclaimed leader of an Iraqi national congress. He was the one you read about, the one who was before the invasion of Iraq. He was the one spreading the information far and wide across America and around the world about the threats of Saddam Hussein.

He was the person who was the favored trusted ally of his administration, despite when they made critical decisions about committing thousands of American soldiers and their lives to the cause of Iraq.

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

But Mr. Goss was then chairman of the House Permanent Subcommittee on Intelligence when he was confronted with Mr. Chalabi’s connections with Mr. Chalabi, who had been discredited by the CIA and peddled bad intelligence.

What happened to Ahmed Chalabi? Those who follow news know what happened. He went to Iraq, became a some-what controversial figure in the provin- cial 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 sus- picion that he has not only misled us about information on Iraq but has had some connection with Iran of an en- tirely dubious nature. Ahmed Chalabi is persona non grata in this country. We are no longer sending him some dress and some DNA, I’ll have an inves- tigation.

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

That is not the only thing. One of the most important issues we have to keep in mind is that the men and women of our intelligence community are dedi- cated, patriotic, hard-working people who are committed to the security of our Na- tion. Occasionally, there will be those who will disappoint us, but that is true of virtually every institution in America.

Remember that Ahmed Chalabi, discredited by the CIA, dis- credited by the Central Intelligence Agency of Mr. Chalabi, discredited by the CIA, dis- credited by the Central Intelligence Agency, peddled bad intelligence.

He was asked in October 2003 whether he would investigate the pur- poseful identification of covert CIA agent Valerie Plame. Mr. Goss re- sponded, “If somebody sends me a blue dress and some DNA, I’ll have an inves- tigation.”

Mr. Goss apologized publicly and pri- vately 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 intel- ligence failures leading up to 9/11 and prior to the invasion of Iraq.

This is not a routine appointment. This is not a routine appointment. This is not a routine appointment. This is not a routine appointment. 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 years.

Lengthy reports by the 9/11 Commis- sion, as well as the Joint Intelligence Committee’s inquiry, have come to the conclusion that our intelligence agen- cies failed us before the 9/11 attack. We know now that they should have gath- ered more information, shared more information, drawn obvious conclusions, and done something proactive to protect America. They did not and 3,000
innocent Americans died in Pennsylvania, Virginia, and New York.

Similarly, there came a point in time when we had to make a critical decision in America whether to launch a preemptive attack on Saddam Hussein in his first such provocative attack in our history. We were told it was essential that we do so. We were told by the President, the Vice President, the Secretary of State, the Secretary of Defense, the head of the CIA, and virtually every spokesman of the Government that it was essential we attack Saddam Hussein because he had arsenals of weapons of mass destruction which could be used against the Middle East, other countries in the region and the United States, that he was developing nuclear weapons that would be a danger to the world, that he possessed unmanned aerial vehicles that could even strike the United States, that he was linked with the al-Qaeda attacks of 9/11, and the list goes on and on. Today, a year and a half after the invasion, we have found that intelligence information was wrong, just plain wrong.

Think of it. Depending on the intelligence community as our first line of defense in failed. It failed to alert us of the danger of 9/11. It failed to accurately assess the state of one nation, Iraq, before we launched an invasion which has cost us over 1,000 American soldiers’ lives, over 7,000 seriously wounded, and literally billions of dollars.

Can the intelligence community continue with business as usual? No. If there was ever a time in our history when we needed someone clearly nonpartisan, someone who would stand up to a President of either political party and tell them the sober, cold truth, even if it wasn’t popular, if there was ever a time that we needed a Director of the CIA determined to reform that agency, then to look for three citizens of Lee County for a role in this important project to the future of the citizens of southwest Florida had come into question. It was my responsibility as Governor of Florida to first suspend from office those individuals who had been indicted, and then to look for three citizens of Lee County who could assume the important responsibility of restoring the integrity of county government and complete the important project.

Although I am a Democrat, and had just been reelected as a Democrat, and PORTER is a Republican, it was my feeling that his personal characteristics were more important than his party label, and so I appointed him to one of those three positions. And from that appointment, he quickly became the chair of the Lee County commission.

Party affiliation did not matter then. I do not believe party affiliation matters today in selecting who should be the next Director of our Central Intelligence operation. What mattered then was the fact that PORTER, with his clear commitment to public service, his integrity and his leadership skills, at a time when his community desperately needed all of them, was able to reestablish the confidence of the people, was able to re-establish this important airport project, which now is one of the most important economic assets of the community.

When it comes to the intelligence community, Congressman Goss has the balanced perspective of having been
both an insider and an outsider. For a decade early in his career, he served the Nation both in Army Intelligence and the CIA. He knows from personal, firsthand experience the value and the risks of clandestine operations.

Since coming to Congress—in Congress—elected in 1988—and especially as a member of the House Permanent Select Committee on Intelligence, he has come to know the agencies from an oversight capacity.

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

I strongly urge the confirmation of his nomination as the recent Chairman of the House Permanent Select Committee on Intelligence, he has come to know the agencies from an oversight capacity.

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 am concerned 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, he is 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. Goss has come to the floor today to speak of Porter Goss’s integrity and his strong qualifications. He will no doubt be confirmed and will take on one of the most critical appointments at a time of uncertainty about how his very job will be structured. The 9/11 Commission has made a compelling case for making major changes to the organization of our intelligence community. The new threats which confront us require a more cohesive intelligence effort that emphasizes shared intelligence over turf battles. To meet this challenge, we need a leader at the helm of the intelligence community who embraces the spirit of reform—even if we do not always agree with the 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 be taken 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 case for war and offensives from power. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, to support 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 someone who is committed to independence and reform, not an ideology. 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 we do not always agree with the 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 be taken 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 Iraqi 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 case for war and offensives from power. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, to support 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 someone who is committed to independence and reform, not an ideology. 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 we do not always agree with the 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 be taken 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 Iraqi 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 case for war and offensives from power. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, to support 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 someone who is committed to independence and reform, not an ideology. 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 we do not always agree with the 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 be taken 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 Iraqi 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 case for war and offensives from power. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, to support 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 someone who is committed to independence and reform, not an ideology. 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 we do not always agree with the 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 be taken 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 Iraqi 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 case for war and offensives from power. Nuances, qualifications and caveats were dropped; a “slam-dunk” was the assessment. The CIA was saying to the administration, to the Congress, and to the American people what it thought the administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara used classified communications intercepts, later proved to be very dubious, to support 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 someone who is committed to independence and reform, not an ideology. 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 we do not always agree with the 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 be taken place, and I am hopeful that he will dedicate himself to these efforts.
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. Development of the American people is not a matter of political parties. National security is an issue that must unite us in a common cause. To that end, I share the deep concerns of several of my colleagues that some of Representative Goss’s comments during his tenure as chairman of the House Intelligence Committee were overly partisan and blindly supportive of the Bush administration.

Moreover it is critical to recognize that he chose to become involved in the political process. That decision was not forced on him. He chose it freely. And I believe that it has undermined his ability to be a nonpartisan Director of Central Intelligence, DOD. 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 in its rush to warn in Iraq—disastrous for our brave troops on the ground, for their families, for our country, and for our standing in the world.

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

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

What is most disturbing about the PORTER Goss nomination is that he has abused his position as chairman of the House Permanent Select Committee on Intelligence. He has made partisan attacks on JOHN KERRY for cutting intelligence budgets, when Mr. Goss himself voted 7 out of 10 years to scale back intelligence appropriations.

He was initially unwilling to pursue the administration’s vengeful leak of the name of CIA agent Valerie Plame to the press, which ended her career as a covert CIA officer and endangered her life. He rushed to discredit former counterterrorism czar Richard Clarke after Mr. Clarke’s testimony to the 9/11 Commission became so embarrassing to the White House.

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

Mr. Goss waited until June of this year to introduce legislation to reform intelligence. That reform was tabled a full 10 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 poses 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 reformation of our intelligence community be rooted firmly in the principle that intelligence must be completely insulated from partisan politics and ideology. The confirmation of PORTER Goss as Director of Central Intelligence violates that principle in the most fundamental sense.

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

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

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

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

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

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

And I will support Mr. Goss because the President wants him. A CIA Director or the FBI Director is not selected unless the President likes and respects him enough to take seriously the facts and warnings the Director conveys to him. The President must be willing to accept advice when the Director says that something is a “dunk,” and I hope that this President will be willing to accept such advice from this nominee.

As a matter of general policy, however, I have real concerns about appointing a partisan politician to such sensitive positions as Director of Central Intelligence or Director of the FBI. In 1976, I voted against George H. W. Bush as Director of Central Intelligence for precisely that reason. I suggested: “The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a high-ly 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 safe today as it was yesterday. The President might wish it, that a cherished policy proposal will not work, or that some unforeseen development poses a threat to our national security. As we remove the walls between domestic and foreign intelligence, moreover, the DCI—like the FBI Director—will be handling and presenting sensitive information on American citizens.

The next DCI will preside, moreover, over a 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 instant and accurate intelligence to our military forces, and this drives much of our intelligence collection and analysis today. At the same time, however, we need to provide a wide range of so-called “national” intelligence to the rest of the national security community. Balancing those needs is a continuing challenge, especially as the funds for intelligence will often compete against other defense priorities.

We need intelligence collectors and analysts with a wider range of linguistic and cultural skills than ever before. Once we fought a communist enemy that was worldwide, but centrally directed. Now we must vanquish the twin perils of radical Islamic terrorism and the proliferation of weapons of mass destruction, both of which are nearly invisible, too loosely controlled by a central, well-defined enemy.

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

We need seamless sharing of very sensitive intelligence information—between agencies, between countries, and between the State and local forces that guard us from terrorism on a daily basis. “Stovepipes” and “rice bowls” are outdated 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 trust that leads top officials to accept his warnings and advice. And he must be an able defender of the independence of intelligence analysis, while still insuring that it is relevant to the needs and concerns of policy-makers.

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

Mr. CORZINE. Mr. President, after much deliberation, I have decided to vote against the confirmation of Porter Goss to be Director of Central Intelligence. The conclusions of the 9/11 Commission, as well as the failures of our pre-war intelligence on Iraq, have demonstrated the enormous challenges we face in restructuring, reforming and improving our intelligence capabilities. At this critical moment, we should be focusing our efforts on enacting into law the recommendations of the commission, including the creation of the position of National Intelligence Director.

The confirmation of a new Director of Central Intelligence, when the role of the DCI has yet to even be defined, does not advance the hard reform efforts to be done by 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 disclosures 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 “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 more efficient. These tasks require the utmost objectivity, independence, and nonpartisanship from the Director of Central Intelligence. Any reluctance on the part of the DCI to fully engage in the reform process, for whatever reason, could set us back at a moment when we can least afford it.

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

I first met Representative Gooss shortly after he was elected to the House of Representatives in 1988 and served together for 10 years before I was elected to this body. Representative Gooss 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 those qualities of integrity, honesty, and forthrightness will serve him well.

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 190 percent of the time, while the terrorists only have to be right once. That is a burden for one man to bear, but I believe Representative Gooss is up to the challenge.

I cannot think of anyone with more experience for this job. Representative Gooss 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 lead. At that time the United States was promoting freedom and fighting the evil of communism. Though the evil we now face takes a different form, the value of information and power of knowledge remain the same.

We are in the midst of a review and reform of our intelligence organizations, and, going forward, one of the most important jobs for the Director of Central Intelligence will be working with Congress. Again, Representative Gooss' experiences will be an asset to the intelligence community and the Congress. For the last 8 years he has been chairman of the House Permanent Select Committee on Intelligence. In that position he has worked fairly with both parties and both bodies of Congress without compromising his beliefs. I am confident he will continue to work honestly and fairly with Representatives and Senators of both parties in his new role.

Representative Gooss' practical and political experience will also pay dividends as the entire intelligence community is reformed in the coming weeks and months. He brings to his new job an open mind and a willingness to think critically about the status quo that will serve us all well.

I have seen firsthand his dedication, integrity, and character, and I support Representative Gooss' nomination without reservation. I wish him well in that extremely important job and I look forward to seeing him in briefings and hearings in the coming months.

Mr. Reed. Mr. President, I rise to discuss the nomination of Porter Gooss to be Director of Central Intelligence. I served with Porter Gooss in the House of Representatives and I respect him. However, I do not believe he is the best choice for the position in these times.

On September 11, 2001, our country suffered a devastating attack. Now our country is in the midst of a war on terror and a war in Iraq. There have been many examinations of our intelligence community through a difficult task of finding the 9/11 terrorist attacks. His open mind and willingness to think critically about such problems will serve us all well.

I do not believe I am divulging any state secrets when I mention that Porter Gooss 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 to reorganize 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 committee today.

Congressman Gooss 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 possible intelligence analysis 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 some 6 years ago concluded 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 21st century. I wholeheartedly support his confirmation.

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

PORTER GOSS combines experience as both a U.S. Army Intelligence and CIA officer with 15 years as a Member of the 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 system, 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 cooperation among intelligence analysts, to ensure that policymakers have objective information and a range of options to choose from in meeting the terrorist challenge. PORTER Goss is committed to making these changes on behalf of the American people.

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

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have two speakers. I inform the distinguished leader, the minority whip, a man from Searchlight, that we have two speakers. I wholeheartedly support his confirmation.

Mr. REID. If my friend will yield?

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 meeting 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 use any more time, so if you need a little more time on your side, you could have part of ours.

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

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

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

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

Ms. SNOWE. Fifteen minutes.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Maine.

Let me make a couple comments about this man.

First of all, before he leaves the Chamber, I want to thank the Senator from Florida for his comments and for his efforts in this nomination. I also thank the chairman of our select committee in the Senate, the Senator from Kansas.

Two years after I was elected to the House—I believe it was 2 years afterward—PORTER Goss was elected to the House from Florida. It took us no time at all to figure out this guy was one of the foremost authorities on the intelligence community. He had experience with the CIA, with Army Intelligence. We relied on him. I am talking about back 16 years ago.

When I went from the House to the Senate in 1994, I took the place of Senator David Boren, who is now the president of Oklahoma University. He is a very close friend of mine. He was my predecessor in this Senate seat. He was also chairman of the Senate Select Committee on Intelligence. The thing he warned me of when I first came in was: You are going to have to do something about this mess we have in intelligence. He said: You have the DIA and the CIA and the FBI and the NSA, and not just 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 get 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 change in the intelligence system is I wanted to wait until PORTER Goss came on board. I believe PORTER Goss has more knowledge on intelligence than anybody else who could have been nominated.

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

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

As we all know, this nomination arrived during a time in which we are compelled to undertake the most profound, sweeping reform of our entire intelligence community in nearly 60 years, 3 years after the worst attack ever on American soil. Indeed, there is no longer a question whether we are at the threshold of the single most comprehensive and critical restructuring of
the manner in which intelligence is gathered, analyzed, and disseminated in at least a generation. The questions are: What shape will this reform take? How will the leadership of the intelligence community implement and execute these changes? I believe we have no choice. Our nominee, Porter Goss, synthesizes and translates 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 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 the nominee to determine the overall 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 coalesced to produce broad failures in intelligence gathering and analysis. It was that light that our committee, during the confirmation process, reviewed the qualifications, the credentials, and the qualities that Porter Goss possesses in order to address some of the most systemic and profound failures in intelligence analysis. It revealed a pervasive complacency that allowed 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 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 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 hearings, his experience, the character, the credibility, the intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would Porter Goss be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that Porter Goss brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also later served as chairman of the House Intelligence Committee. 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 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, rather than 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 Central Intelligence Agency and trying to bring about the kind of reform that is absolutely vital.

His own record of reform initiatives is also important to explore because it also will belie the claim that somehow he will not be predisposed or have a predilection for the type of reform we certainly are going to be considering, including next week when the Senate holds hearings on the Intelligence Committee. The reform that has also been brought about as a result of the President’s Executive orders. Still others have questioned whether Porter Goss could have done more to inform administration officials when public deviated 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 Porter Goss stated that if public officials cited intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would Porter Goss be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that Porter Goss brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also later served as chairman of the House Intelligence Committee. 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 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, rather than identify the failures that we did in our comprehensive report within the intelligence community in the prewar assessments as egregious or systemic or broad or comprehensive failures. That is the kind of atmosphere that he will be entering as the new Director of the Central Intelligence Agency and trying to bring about the kind of reform that is absolutely vital.

His own record of reform initiatives is also important to explore because it also will belie the claim that somehow he will not be predisposed or have a predilection for the type of reform we certainly are going to be considering, including next week when the Senate holds hearings on the Intelligence Committee. The reform that has also been brought about as a result of the President’s Executive orders. Still others have questioned whether Porter Goss could have done more to inform administration officials when public deviated 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 Porter Goss stated that if public officials cited intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would Porter Goss be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that Porter Goss brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also later served as chairman of the House Intelligence Committee. 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. The reform that has also been brought about as a result of the President’s Executive orders. Still others have questioned whether Porter Goss could have done more to inform administration officials when public deviated 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 Porter Goss stated that if public officials cited intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would Porter Goss be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that Porter Goss brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also later served as chairman of the House Intelligence Committee. 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. The reform that has also been brought about as a result of the President’s Executive orders.
have been done in all spheres. Whether it was on the part of former Presidents, on the part of Congress, committees, individuals, agencies, and bureaucracies, we know that the history documented in the 9/11 report was replete with examples of what could have been done and what could 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 to be effective in implementing intelligence in order for that intelligence to be effective in implementing the kinds of changes that need to be brought about within the overall intelligence community.

Finally, there is further evidence of the extent to which PORTER Goss is compelled to remedy our intelligence shortcomings. He has recognized—the intelligence community has investigated 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 is convinced that he understands what is required to be done—particularly in this regard—as PORTER Goss himself has said, the CIA’s human spy operation was headed “over a proverbial cliff” and in danger of becoming only a fleeting memory of “the nimble, flexible, core, mission-oriented enterprise” it once was. Sounds like a person who is convinced of the need for change.

He has also stated that the intelligence community failed to provide the Secretary of State, the Secretary of Defense, as well as the President with the analysis they needed to deal with the Iraqi and Afghanistan theater, but it certainly was also about terrorism on the whole. He has recognized the intelligence community’s failures that occurred prior to the Iraq war and after the Terrorist Attacks of September 11, 2001—a report that contained 19 recommendations, including the creation of a director of national intelligence among the many changes that we have now been debating in Congress.

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

But I think PORTER Goss also understands, in response to many of the questions that were raised during the course of the confirmation hearing, that a director of national intelligence will need to possess both the budgetary and personnel authorities that will be vital in directing the national 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 con-

temporary colleagues, Senator Myn- nahan, getting up at right about the time the floor was opened and said it was time to abolish the CIA. He had a lot of concerns about the Agency. At that time, I was the vice chairman of the Intelligence Committee. Together, with PORTER Goss and some others, we put together a package of legislation that was 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 chair-

man. 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 believe he is well prepared to see our intelligence community into a new era.

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 in directing the national intelligence in order for that individual to be effective in implementing the kinds of changes that need to be brought about within the overall intelligence community.

Finally, there is further evidence of the extent to which PORTER Goss is compelled to remedy our intelligence shortcomings. He has recognized—the intelligence community has investigated 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 is convinced that he understands what is required to be done—particularly in this regard—as PORTER Goss himself has said, the CIA’s human spy operation was headed “over a proverbial cliff” and in danger of becoming only a fleeting memory of “the nimble, flexible, core, mission-oriented enterprise” it once was. Sounds like a person who is convinced of the need for change.

He has also stated that the intelligence community failed to provide the Secretary of State, the Secretary of Defense, as well as the President with the analysis they needed to deal with the Iraqi and Afghanistan theater, but it certainly was also about terrorism on the whole. He has recognized the intelligence community’s failures that occurred prior to the Iraq war and after the Terrorist Attacks of September 11, 2001—a report that contained 19 recommendations, including the creation of a director of national intelligence among the many changes that we have now been debating in Congress.

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

But I think PORTER Goss also understands, in response to many of the questions that were raised during the course of the confirmation hearing, that a director of national intelligence will need to possess both the budgetary and personnel authorities that will be vital in directing the national intelligence in order for that individual to be effective in implementing the kinds of changes that need...
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 that 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’s time is expired.

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

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

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

If confirmed and if we pass a new law signed by the President, Porter Goss will be the man entrusted to implement that law. And I say to my colleagues, the deepest respect, that is a daunting task—to do it in a way not to shake the confidence of the U.S. military. It is important that the intelligence community 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 momentum going if we phase in such new laws and provisions as this body, working with the House and signed by the President, may enact.

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

I urge my colleagues to give this very fine, outstanding American who, once again, was thinking about a quieter form of life the opportunity to move again, was thinking about a quieter fine, outstanding American who, once the Congress and the President may or is better qualified to take on the leagues with the deepest respect, that will be the man entrusted to implementation.

I yield the floor.

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.

The PRESIDING OFFICER. The Senator from Kansas.

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

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, at the proper time, which I believe will be at 5 o’clock, I will cast 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 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 seasoned business. Third, I think there is still a question of whether he has run any larger organizations, and that becomes a factor.

The third had to do with partisanship. It was interesting to me that a number of people said everybody around here is partisan. Of course, that is true. But this has to do with a nomination for the Central Intelligence Agency. That is a position where we must be, security law forbids a nominee from being political in any way, shape, or form.

I think the question really is with him. I want to believe it is true, but based upon the record, I cannot accept that into this position and I have to look at what has happened as opposed to what he says will happen; that he has been very partisan and very partisan within the field of intelligence and very partisan within the field of intelligence very recently at a time, obviously, when we are engaged in a broad election.

I think it is probable that he will be confirmed, but that does not take away from my responsibility to point out that I think, without question, today, more than ever, it is important for a CIA Director or for anybody in intelligence to tell the truth, to make sure that if there was a reference in a Clinton or a Bush speech about Niger and uranium enrichment and the possible seeking of it by Iraq, and then when it comes to the State of the Union that somehow that the CIA Director disappeared and never said, Oh, no, that shouldn’t be in the State of the Union because it was never true—I don’t want to get into that now. The point is we need somebody who is independent and takes pride, who describes himself, defines himself as being independent and standing up for the intelligence business and, therefore, is speaking the truth. I hope that person will be Porter Goss. That is not yet proven, and based upon the record it is not possible for me to vote anything but no at this time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

SECURITY FOR SUPREME COURT JUSTICES

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

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

Finally, this legislation 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. The international agreement establishes a legally binding framework that requires exporters of listed substances to secure informed consent from governments of importing countries prior to any shipment of such chemicals. Simply put, the convention recognizes and incorporates the basic principle of right-to-know with respect to trade in hazardous chemicals. As such, it marks yet another positive step in the direction of a comprehensive international approach to chemicals management.

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

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

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

LANHAM ACT CLARIFICATION

Mr. CRAIG. Mr. President, I ask unanimous consent to have printed in the RECORD some additional information about the genesis and intent of a bill introduced last week, strengthening and clarifying a provision of the Lanham Act. Specifically, S. 2796 was introduced to clarify that service marks, collective marks, certification marks are entitled to the same protections, rights, privileges of trademarks.

It is my hope that the Congress will act on this measure in short order, and I offer this information to assist my colleagues in evaluating the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO LANHAM ACT (Indicated by Brackets)
Sec. 3 [15 U.S.C. 1053]. Service marks registrable
Subject to the provisions relating to the registration of trademarks, so far as they are
applicable, service marks shall be registrable, in the same manner and with the same effect as are trademarks, and when registered they shall be entitled to the protections[ , rights and privileges] provided in this chapter in the case of trademarks. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

Sec. 4 [15 U.S.C. 1054]. Collective marks and certification marks registrable

Subsections (a), (b), and (c) relating to the registration of trademarks, so far as they are applicable, collective and certification marks, including indications of regional origin, are not covered under this section in the same manner and with the same effect as are trademarks, by persons, and nations. States, municipalities, and the like, exercising legitimate control over the use of the marks sought to be registered, even though not possessing an industrial or commercial establishment, and when registered they shall be entitled to the protection[s, rights and privileges] provided in this chapter in the case of trademarks, except in the case of certification marks when used so as to represent falsely that the owner or a user thereof makes or sells the goods or performs the services on or in connection with which such mark is used. The provisions and requirements under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

BACKGROUND AND JUSTIFICATION

Section 4 of the Lanham Act, 15 U.S.C. §1054, states that certification marks and collective marks "shall be entitled to the protection provided to trademarks. This section preserves the congressional intention that all certification marks and collective marks be treated with equivalent rights and protections to trademarks, except where Congress, by statute, has expressly provided otherwise.

It is common in trademark, service mark, collective mark and certification mark lincensees to include provisions under which licensees acknowledge the validity of an agreement not to challenge the marks. These "no challenge" provisions play an important role in protecting the marks, reducing mark owners' litigation costs, and providing assurances to licensees that the marks are inviolate except where the licenses are terminated. After applying principles of equity, many courts have upheld such "no challenge" provisions in trademark licenses and dismissed validity challenges.

Recently, the Second Circuit Court of Appeals in the case of Idaho Potato Commission v. M & M Produce Farm and Sales, 335 F.3d 130 (2d Cir. 2003), interpreted the Lanham Act as requiring that certification marks be treated differently from trademarks with respect to "no challenge" provisions. The court reasoned that the public policy underlying certification marks was more analogous to the public policy underlying patents. As a result, the court concluded that certification mark no challenge provisions are governed by the Supreme Court's decision in Lear, Inc v. Adkins, 365 U.S. 533 (1960). The Second Circuit's decision and its reasoning will have gone beyond the congressional intent relating to certification marks. Certification marks have none of the preclusive effects of patents. Related to the competitive effects of certification marks are the same as trademarks. Certification marks guard the public from deception and protect their licensees' investments. Like trademarks, certification marks provide information vital to consumers' purchasing decisions. Certification marks to consumers identify goods and services that have quality and safety features they want.

It is important to remove any perceived distinction between certification marks and collective marks as compared to trademarks, except as expressly provided otherwise by statute. In the early days of Congress, original intentions regarding the treatment of certification marks and collective marks through this amendment to Section 4 of the Act are preserved by the certification mark, and the provisions contained in such licenses, should be treated no less favorably than licenses for trademarks and other non-quality related provisions, and other non-quality related provisions in certification mark licenses or agreements are to be accorded the same respect and treatment, and are accorded the same principles of equity, as like provisions in trademark licensees and agreements. While nothing in this revision to the Lanham Act should be read as impairing a court's ability to apply existing principles of equity, where their application is appropriate, such licensing provisions are essential to preserving the public benefits of such marks without increasing the litigation and other transactional costs for certification mark owners. Similarly, certification and collective mark licensees are entitled to the same protections for infringement of their marks that are available to trademark owners.

Section 3 of the Lanham Act, 15 U.S.C. §1054, is amended so as to provide in Section 4 to maintain the parallel language of the two sections and to evidence congressional intent that all four marks protected under this Act are protected by the same rights and protections except as specifically provided by statute.

HONORING WORLD WAR II VETERANS

Mr. BAYH. Mr. President, throughout my service to the State of Indiana, I have been honored to represent thousands of Hoosier veterans who have fought bravely for our country. It is with great honor that I recognize the sacrifices of these three courageous men. Private First Class Leo Wilson Landless, Private First Class Robert Rendos, and Private First Class John Lee Reynolds, who were called to service in World War II to safeguard American freedom. These valiant young men defended our Nation and our liberty in the face of evil, before they had a chance to receive a high school diploma. It was more than 60 years ago that these three men left Governor I.P. Gray High School and were inducted into the Army. I applaud the Jay County High School Corporation for honoring these three World War II veterans, on June 12, 2004. Their effort and unwavering commitment along with 120,000 other Hoosier World War II veterans, played a vital role in the long and difficult process of helping others enjoy freedom and democracy. By the completion of World War II, 13,000 Hoosier soldiers lost their lives. I am reminded by a quote by Douglas MacArthur, "The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war. I would like to express my appreciation for their dedicated service and the many sacrifices they made on behalf of our Nation.

MISSOURI RIVER DROUGHT CONSERVATION PLAN

Mr. JOHNSON. Mr. President, last Tuesday, September 14, the Senate Appropriations Committee reported out the Fiscal Year 2005 Interior Appropriations bill on a unanimous and bipartisan vote. The bill funds several of the Federal agencies that are responsible for managing millions of acres of land in South Dakota, including the U.S. Forest Service, the Fish and Wildlife Service, and the National Park Service. Included in that bill was a provision directing the Corps of Engineers to immediately implement drought conservation measures outlined in the 2004 Missouri River Master Water Control Manual. This is an important provision that will better balance the competing uses of Missouri River water and, more importantly, bring a sense of equity and fair play to a process long-sustained toward a single group of navigation interests.

Perhaps no Federal agency has a more direct impact on South Dakotans than the U.S. Army Corps of Engineers. The Corps of Engineers has a tough job in South Dakota, balancing a host of competing and, it appears from time to time, mutually exclusive interests. However, on the key issue of managing the Missouri, the Corps has consistently come up short as a steward of America's longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

Unfortunately, yesterday, in an unprecedented maneuver to strike out and cancel the express will of the Appropriations Subcommittees, in the House and the Senate earlier this year and now awaits the appointment of FSC/ETI. This bill was passed by both Congress, original intentions regarding the context of the Missouri, the Corps has consistently come up short as a steward of America's longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

However, on the key issue of managing the Missouri, the Corps has consistently come up short as a steward of America's longest river. With a current water storage rate of 35.9 million acre-feet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

JUMPSTART OUR BUSINESS STRENGTH ACT

Mr. SMITH. Mr. President. I rise to speak out about a provision in the fiscal year 2005 Appropriations legislation that is pending before Congress. The Jumpstart Our Business Strength, JOBS, Act, also known as FSC/ETI. This bill was passed by both the House and the Senate earlier this year and now awaits the appointment of the House in order to be considered. I am hopeful that we can move quickly toward a conference with the House and
I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the life of Pennsylvania—baseball. Like our Nation's democracy, baseball is a part of our country's collective definition of community, history, and heroism.

The Pittsburgh Pirates and Philadelphia Phillies are recognized by fans for their hometown affiliation but more for their heroes. In Pennsylvania, we have plenty of players to boast about, but one in particular comes to mind, Roberto Clemente. Clemente is Pittsburgh's own. He was the first Latin-American to be inducted into the Hall of Fame and the first player for whom the Hall's required 5-year waiting period was waived. In honor of the humanitarian work in which he was so involved, the Roberto Clemente Foundation now serves Pittsburgh's inner-city through programs to instill responsible community behavior in disadvantaged youth, and to provide them with organized recreation.

Clemente's example is an amazing illustration of how powerful professional sports heroes can be as role models.

Roberto Clemente Day was established in 2002 to increase awareness of the Roberto Clemente Award and the amount of time and effort its recipients dedicate towards community and charitable endeavors. Since 1971, Major League Baseball has annually presented an award that recognizes a player who best exemplifies the game of baseball through sportsmanship, community involvement, and charitable contributions to his team. The award was named in honor of Clemente in 1973. The national recipient of the 2004 Roberto Clemente Award will be announced during the 2004 World Series. This year, September 22 has been designated as 2004 Roberto Clemente Day.

PNC Park in Pittsburgh will be among the many ballparks around the country that will hold a ceremony commemorating Roberto Clemente Day. As resident of Pittsburgh, over the Roberto Clemente Bridge, which spans the Allegheny River, may they remember the example that Roberto Clemente set for us all.

Roberto Clemente Walker was born in Barrio San Anton in Carolina, Puerto Rico, August 18, 1934. Roberto was very young when his love for baseball started. He learned first hand the importance of team work, how to deal with success and failure, how to concentrate and stay focused on a goal, and how to look beyond personal accomplishments to something bigger than oneself. Roberto Clemente embodied all of these virtues.

As our Nation recognizes Hispanic Heritage Month during the month of September, this is an ideal time to honor this exceptional person and personal hero and his legacy that lives on through the recipients of the Roberto Clemente Award.

IN MEMORIAM TO STATE SENATOR HENRY J. MELLO

Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of one of California’s dedicated public servants, the late California State Senator Henry Mello. Senator Mello passed away on September 4, 2004. He was 80 years old.

Senator Mello was first elected to the Senate of California in 1966, where he served for 8 years. In 1976, he was elected to the California State Assembly. After serving for two terms in the assembly, Senator Mello was elected to the California State Senate, where he spent the majority of his career in public service. During his tenure as a member of the California State legislature, Senator Mello carried a record number of bills and resolutions—727—of which 456 were signed into law. Because of his successful leadership skills and his ability to work across partisan lines, Senator Mello served as the State Senate’s majority whip from 1981 to 1992, and as the majority leader from 1992 to 1996.

Over the years, Senator Mello advocated for the establishment of the Monterey Bay National Marine Sanctuary, the creation of the California...
Senior Legislature, and the conversion of Fort Ord Army Base into California State University Monterey Bay. A particular highlight in his career, Senator Mello cosponsored the Mello-Roos Act, which established tax-exempt bonds and special districts for school construction and other public improvements.

Senator Mello was proud of his Portuguese heritage, and regularly traveled to Washington, DC to advocate for increased foreign aid to Portugal. The King of Portugal knighted Senator Mello for his efforts. In his spare time, Senator Mello was also an avid deep-sea fisherman and jazz pianist. In 2002, Senator Mello played with the Jimmy Dorsey Orchestra at the performing arts center in Watsonville that is named after him—the Henry J. Mello Center for the Performing Arts.

Senator Mello was a deeply loved member of both the California State legislature and the central coast community, and a strong, tenacious man who represented the causes of those he represented. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his spirit, his vision, and his leadership.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF DISHA PANCHOLI

Mr. BUNNING. Mr. President, I wish to pay tribute to and congratulate Disha Pancholi of Louisville, KY, on being admitted to the National Security Education Program, NS-EP.

Ms. Pancholi was one of 181 applicants nationwide to receive one of these scholarships. NS-EP administered within the National Defense University in the Department of Defense. It funds outstanding U.S. students to study critical languages and world regions in exchange for a commitment to seek employment with the Federal Government in the arena of national security.

Ms. Pancholi has been studying Arabic and will spend her fall term in Egypt. She attends the University of Louisville and is majoring in biology and political science.

The citizens of Jefferson County should be proud to have a woman such as Disha Pancholi in their community. Her example of dedication and hard work should be an inspiration to the entire Commonwealth. She has my most sincere admiration for this work and I look forward to her continued service to the United States.

TRIBUTE TO DONALD COMLISH

Mr. TALENT. Mr. President, I rise today to mourn the passing of Donald Comlish, who was the vice president for international affairs of the Air Transport Association. Through his years of service, Mr. Comlish helped provide great service to our airline industry as well as the traveling public, and he will be truly missed.

Mr. Comlish worked for the ATA for 22 years as the chief representative of the airline industry in the negotiation of the international agreements between the United States and foreign countries that provide the legal and operational basis for international airline flights.

He participated in the negotiation of aviation agreements with France, Germany, Japan, Thailand and many other countries during his career, helping to literally open up the skies to American travelers. Mr. Comlish helped to negotiate the 1977 Bermuda II agreement, which eased restrictions on air travel between the United States and Britain. He also helped to complete a partnership between the United States and China that provided for post-World War II resumption of direct air service between the two countries.

Donald Comlish was born in Stratford, CT and enlisted in the Navy after high school. He attended the Naval Academy and played with the Navy Band. He graduated from St. Bonaventure University in 1961, and received a law degree from Catholic University in 1966. He began his career as a law firm of the firm of Spencer & Whalen and the Civil Aeronautics Board, and then began working for the ATA. Donald was a well-respected and accomplished attorney who was admitted and qualified as an attorney and counselor to the Supreme Court. After leaving the ATA in the mid-1990s, he remained a consultant to the airline industry until his retirement in 1999.

Shortly before he retired, he decided to once again pursue his love of music and began playing saxophone and clarinet for the Montgomery Village Community Band and the Virginia Grand Military Band. He was also a member of the International Aviation Club. Mr. Comlish's survivors include his wife of 42 years, Carol Comlish; 6 children: Jeannie, Michael, Gregory, Matthew, Paul, and Chryssie; and 1 grandson. His efforts improved the lives of every American who travels, and he certainly left the world better than he found it.

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate certain conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in a maritime and territorial jurisdiction of the United States, and for other purposes.

S. J. Res. 41. Joint resolution commending the opening of the National Museum of the American Indian.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2663. An act to authorize the Secretary of the Interior to conduct a feasibility study of Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System and for other purposes.

H.R. 2666. An act to prescribe the use and access of pack and saddle stock animals on
public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes.

H.R. 3257. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

H.R. 3334. An act to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California.

H.R. 3632. An act to prevent and punish counterfeiting and copyrighted copies and phonorecords, and for other purposes.

H.R. 4459. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2823. A bill to provide for the adjustment of status of certain foreign agricultural workers, to incorporate portions of the Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-9353. A communication from the Acting Assistant Director, Directives and Regulations Branch, Forest Service, transmitting, pursuant to law, the report of a rule entitled “Sawtooth National Recreation Area Private Lands: Increasing Residential Outstanding Building Size” (RIN0606-AC00) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9354. A communication from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Citrus Canker; Quarantined Areas” (Doc. No. 04-045-1) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9355. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement to the Committee on Armed Services.

EC-9356. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement to the Committee on Armed Services.

EC-9357. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement to the Committee on Armed Services.

EC-9358. A communication from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “31 CFR part 592, Rough Diamonds Control Regulations” received on September 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9359. A communication from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “31 CFR part 592, Rough Diamonds Control Regulations” to the Committee on Banking, Housing, and Urban Affairs.

EC-9360. A communication from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Regulations: Electronic Submission USCFF–2003–16688” (RIN 1625–AA12) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9361. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations (Including 3 Regulations): CGDF13–04–031, CGDO04–04–103, CGDO05–04–143, CGDO05–04–157” (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9362. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations: CGDF13–04–001, CGDO04–04–103, CGDO05–04–143, CGDO05–04–157” (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9363. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations: CGDF13–04–031, CGDO04–04–103, CGDO05–04–143, CGDO05–04–157” (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9364. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Nondisclosure, National Security Information, National Security Information Protection; 31 CFR part 592, Nondisclosure, National Security Information Protection” received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9365. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations: CGDF13–04–031, CGDO04–04–103, CGDO05–04–143, CGDO05–04–157” (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9366. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations: CGDF13–04–031, CGDO04–04–103, CGDO05–04–143, CGDO05–04–157” (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9367. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Mandatory Ballast Water Management Program for U.S. Waters USCFF–2003–14273” (RIN1625–AA22) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9368. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled “Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA CGD13–04–019” (RIN1625–AA37) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9370. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Generic Letter 2004–02: Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Presidio Point Loma Nuclear Generating Station” received on September 17, 2004; to the Committee on Environment and Public Works.
EC-9371. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Quality Provisions of the Energy Policy Act of 2005 and National Ambient Air Quality Standards” (FRL#7816–2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Kentucky and Indiana: Approval of Revisions to 1-Hour Ozone Maintenance Plan for Lakeshore Area” (FRL#7812–4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-8373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Proposed Revisions to 1-Hour Ozone Maintenance Plan; Kentucky and Indiana: Approval of Underlying Rules” (FRL#7811–6) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-8374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Missouri; Las Vegas: Approval of Carbon Monoxide Nonattainment Area Plan” (FRL#7801–4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-8376. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Missouri; Final Approval of Missouri Underground Storage Tank Program” (FRL#7816–9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-8377. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revision to the California State Implementation Plan, Antelope Valley Air Quality Management District” (FRL#7812–2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-8378. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Regulations: Acquisition of Certain Settlemet Funds as Per- tinant to Purchase Price Allocations in Transactions or Defense Services Sold Commercially under a Contract in the Amount of $100,000,000 or More to Canada; to the Committee on Foreign Relations.”

EC-9380. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2004” (Rev. Rul. 2004–96) received on September 17, 2004; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

EC-9388. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9389. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC-9390. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-9391. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Korea; to the Committee on Foreign Relations.

EC-9392. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-9393. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC-9394. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC-9395. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9396. A communication from the Chief of Staff, Department of the Treasury, to the Committee on Finance.

EC-9397. A communication from the Chairman, Commission for the Preservation of America’s Heritage Abroad, transmitting, pursuant to law, a report relative to the Commission’s work over the past three years; to the Committee on Governmental Affairs.

EC-9398. A communication from the Inspector General, Department of Education, transmitting, pursuant to law, the report of the Office of Inspector General’s results of our audit of undefined contractual activities to the Committee on Governmental Affairs.

EC-9399. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Fire Protection in Shipyard Employment” (RIN 1218–AB51) received on September 21, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-9400. A communication from the Director, Regulations Management, Board of Veterans’ Appeals, to the Committee on Veterans’ Affairs.
*Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Coast Guard nominations beginning Capt. Gary T. Hlore and ending Capt. Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2004.

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting and the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

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

Coast Guard nomination of Kenneth W. Megan.

Coast Guard nominations beginning John B. McDermott and ending David C. Clipps nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nomination of Karen W. Quaiochon.

Coast Guard nominations beginning Michael H Anderson and ending Gordon K Weeks, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2004.

National Oceanic and Atmospheric Administration nominations beginning Jonathan W Bailey and ending Richard A Edmandson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

National Oceanic and Atmospheric Administration nominations beginning Timothy J Gallagher and ending Bernerv R Archer, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2010.

*James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Jonathan M. Mann, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Eric Alan Hanshek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Sally Epstein Shavitzwit, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*James K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Elizabeth Ann Bryan, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*William A. Shadrick, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Richard Kenneth Wagner, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Nominations were reported with recommendation that they be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 2323. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. MCCAIN for himself, Mr. FENGOLD, Mr. LIEBERMAN, and Mr. SCHUMER:

S. 2328. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. Baucus, Mr. Duren, and Mr. Daschle):
S. Res. 432. A resolution expressing the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush’s Social Security Commission; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 333
At the request of Mr. Breaux, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 847
At the request of Mr. Smith, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1010
At the request of Mr. Harkin, the name of the Senator from Hawaii (Ms. Inouye) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1797
At the request of Mr. Johnson, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1428
At the request of Mr. McConnell, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person’s weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1890
At the request of Mr. Enzi, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 1945
At the request of Mr. McCain, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 2468
At the request of Ms. Collins, the name of the Senator from Hawaii (Ms. Inouye) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2536
At the request of Mr. Bond, the names of the Senator from Minnesota (Mr. Dayton) and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. 2536, a bill to reauthorize the Children’s Hospitals Graduate Medical Education Program.

S. 2561
At the request of Mr. Leahy, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 2561, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

S. 2564
At the request of Mr. Johnson, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 2561, a bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

S. 2568
At the request of Mr. Biden, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2731
At the request of Mr. Lautenberg, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2794
At the request of Mr. Rockefellar, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 2794, a bill to amend title XXI of the Social Security Act to make the rules regarding the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2794
At the request of Mrs. Murray, her name was added as a cosponsor of S. 2794, a bill to amend the Social Security Act to promote peace in Sudan, to provide assistance for the crisis in Darfur, and for comprehensive peace in Sudan, and for other purposes.

S. 2907
At the request of Mr. Kennedy, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 2794, a bill to improve elementary and secondary education.

S. 2927
At the request of Mr. Crapo, the name of the Senator from Minnesota (Mr. Coleman) was added as a cosponsor of S. 2927, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2927
At the request of Mr. DeWine, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 2927, a bill to provide a preference regarding States that require schools to allow students to self-administer medication to treat that student’s asthma or anaphylaxis, and for other purposes.

S. J. Res. 31
At the request of Mr. Reid, the names of the Senator from Alabama (Mr. Shelby) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. J. Res. 31, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S. J. Res. 32
At the request of Mrs. Feinstein, her name was added as a cosponsor of S. J. Res. 32, a joint resolution to provide...
for Congressional disapproval of cer-
tain regulations issued by the Office of
the Comptroller of the Currency, in ac-
cordance with section 802 of title 5,
United States Code.

S. CON. RES. 8

At the request of Ms. COLLINS, the
name of the Senator from New York
(Mr. SCHUMER) was added as a cospon-
sor of S. Con. Res. 8, a concurrent reso-
lation designating the second week in
may each year as ‘‘National Visiting Nurse Association Week’’.

S. CON. RES. 127

At the request of Mr. SCHUMER, the
name of the Senator from Pennsyl-
vania (Mr. SPECTER) was added as a cospon-
sor of S. Con. Res. 127, a concurrent reso-
lution expressing the sense of Congress that the President should desig-
inate September 11 as a national day of
voluntary service, charity, and com-
passion.

S. CON. RES. 136

At the request of Mr. CONRAD, the
names of the Senator from Montana
(Mr. BAUCUS), the Senator from Mary-
land (Ms. MIKULSKI), the Senator from
Pennsylvania (Mr. SANTORUM) and the
Senator from New Mexico (Mr. BING-
MAN) were added as cosponsors of S. Con.
Res. 136, a concurrent resolution honoring and memorializing the pas-
sengers and crew of United Airlines
Flight 93.

S. RES. 408

At the request of Mr. SMITH, the
name of the Senator from Montana
(Mr. BURNS) was added as a cosponsor
of S. Res. 408, a resolution supporting the
construction by Israel of a security fence to prevent Palestinian terrorist
attacks, condemning the decision of the
International Court of Justice on the
legality of the security fence, and
urging no further action by the United
Nations to delay or prevent the con-
struction of the security fence.

S. RES. 424

At the request of Mr. CRAIG, the
names of the Senator from Colorado
(Mr. CAMPBELL), the Senator from Kent-
tucky (Mr. BUNNING), the Senator from
Wisconsin (Mr. KOHL), the Senator from
West Virginia (Mr. BYRD) and the
Senator from Alabama (Mr. SESSIONS)
were added as cosponsors of S. Res. 424,
a resolution designating October 2004
as ‘‘Protecting Older Americans From
Fraud Month’’.

S. RES. 427

At the request of Mr. SARBANES, the
name of the Senator from Hawaii (Mr.
INOUYE) was added as a cosponsor of S.
Res. 427, a resolution congratulating
the citizens of Greece, the members of
the Athens 2004 Organizing Committee
for the Olympic and Paralympic Games,
the International Olympic Committee,
the United States Olympic Committee,
the 2004 United States Olympic Team, athletes from around
the world, and all the personnel who participated in the 2004 Olympic
Summer Games in Athens, Greece.

S. RES. 431

At the request of Mrs. FEINSTEIN, the
name of the Senator from Montana
(Mr. BAUCUS) was added as a cosponsor of S. Res. 431, a resolution expressing the
sense of the Senate that the United
Nations Security Council should imme-
diately consider and take appropriate
actions to respond to the growing
threats posed by conditions in Burma
under the illegitimate rule of the State
Peace and Development Council.

STATMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal
Rules of Evidence to create an explicit
privilege to preserve medical privacy,
to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, today, I
rise to introduce the Patients’ Pri-
vacy Protection Act, legislation that
will close a loophole in the Federal
Rules of Evidence and ensure that
every American’s medical records re-
main confidential. To restate my con-
fidence my friend Congressman NADLER
who is introducing the House com-
panion to this bill today as well as Sen-
ators CORZINE, WYDEN, LAUTENBERG,
BOXER, JEFFORDS, and MIKULSKI who
join me as original cosponsors of this
critically needed measure.

I began exploring this issue when I
learned that Attorney General John
Ashcroft had subpoenaed the confiden-
tial medical records from thousands of
women around the country to defend
the first federal abortion ban in
Federal court. The fact that the women
in question were not a party to the
lawsuits did not deter him.

Such a deliberate intrusion into peo-
ple’s medical privacy record is deeply
disturbing. Americans deserve full con-
fidence that the government is not
looking into their medical records.
Without such an assurance, how will
Americans trust their doctors? What
procedures, discussions, and diagnoses
will they avoid for fear that their
records could shame them or adversely
impact their future if unearthed?

At issue in this bill is what a reasona-
ble person should expect when they
walk into a doctor’s office. That person
expects that what they say to her doc-
tor stays with her doctor. Only because
of that confidence are people able to be
honest. And only through that honesty
are people able to obtain the
healthcare they need.

The right to access one’s medical
records is an issue that, in rhetoric at least,
has broad support on both sides of the
partisan divide. In fact, it was Presi-
dent Bush himself who, as recently as
2001 during a statement on the Medical
Privacy Rule said, ‘‘I believe that we
must protect both vital health care
services and the right of every Ameri-
can to have confidence that his or her
personal medical records will remain
private.’’

Even Attorney General Ashcroft has
made strong statements in support of
the privacy of medical records. Back in
1998, in a press release put out by his
Senate office in which he is referred to
as a ‘‘consistent champion of privacy
rights,’’ then-Senator Ashcroft says
‘‘We should guarantee that the federal
government does not undermine an in-
dividual’s fundamental right to privacy . . . Without privacy protections in
place, people may be hamstringed from
seeking help or taking advantage of
the access to health care.’’

I agree. But unlike Attorney General
Ashcroft, I believe preserving patient privacy entails more than issuing a
press release. Patient privacy doesn’t
end when it conflicts with a political
agenda, no matter how deeply felt that
conviction.

Throughout this Administration, we
have seen Attorney General Ashcroft
disregard civil liberties in the name of
preventing terrorism. But through this
action, we see him disregarding civil
rights in the name of outlawing abor-
tion. This is a very slippery slope that,
if untethered to privacy and protection
will intrude upon the most personal of
women seeking reproductive
healthcare, but all Americans. Over the
past few months, the Department of
Justice has asserted that federal law
does not recognize the doctor-patient
privacy right and that individuals no
longer have a reasonable expectation of
medical privacy. These are alarming
statements.

Thankfully, Attorney General
Ashcroft is not being allowed to run
roughshod over our right to privacy
and medical confidentiality. On March
5, 2004, a San Francisco court ruled
that the Department of Justice has no
righ to view the records in question in
the Planned Parenthood Federation of
America lawsuit against the abortion
ban. The decision issued by Judge
Phyllis Hamilton soundly affirmed
women’s right to privacy. She said,
‘‘There is no question that the patient
is entitled to privacy and protection.
. . . Women are entitled to not have the
government looking at their records.’’

Nevertheless, we cannot take a chance
that once again, when it suits the
political or ideological interests of
this Administration, infractions to come,
the federal government will intrude upon
the most personal of information.
That is why I stand before
you today.

The Patient Privacy Protection Act
of 2004 is very simple. It states that
a patient’s medical records and any com-
munication about their medical his-
tory are confidential unless a judge de-
termines that the public interest in
these records being disclosed sig-
nificantly outweighs the patient’s
privilege. In the cases where a judge or-
ders the records to be disclosed, the
court shall, to the extent practicable,
eliminate any and all personally iden-
tifiable information.

I am pleased to be introducing this
simple, straightforward, common-sense
piece of legislation. I do not believe
there is a Member of either Chamber of
Congress who in good faith could op-
oppose this measure, and I look forward
to working with my colleagues, Rep-
resentative NADLER and others to see it
enacted into law expediently.
By Mr. Mccain (for himself, Mr. Feingold, Mr. Lieberman, and Mr. Schumer):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committees and clarify when organizations are subject to the limitations of the Internal Revenue Code of 1968, must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. Mccain. I am pleased to be joined by my good friend and colleague from Wisconsin, Senator Feingold, and our good friends who lead the campaign finance reform fight today on 527s. We are introducing a bill to stop illegal political committees and spending soft money on ads and other activities to influence Federal elections.

As my colleagues know, a number of 527 groups have been raising and spending substantial amounts of soft money in a blatant effort to influence the outcome of this year's Presidential election. These activities are illegal under existing laws, yet once again, the FEC is failing to do its job and has refused to do anything to stop these illegal activities.

Therefore, we must pursue all possible steps to overturn the FEC's misinterpretation of the campaign finance laws, which is improperly allowing 527 groups whose purpose is to influence Federal elections to spend soft money on these efforts.

Last week, we filed a lawsuit to overturn the FEC's failure to issue regulations to stop these illegal practices by 527 groups. President Bush and his campaign filed a similar lawsuit against the FEC last week as well, and I also appreciate President Bush's support for the legislative effort we begin today on 527s.

We are introducing legislation that will accomplish the same result. We are going to follow every possible avenue to stop 527s from breaking the law, and doing what the FEC has already prohibited from doing by longstanding laws.

The bill we introduce today is simple. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization activities by both Federal and local races and, therefore, use both a federal and a non-Federal account under FEC regulations.

The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would have to come from individuals and would be limited to no more than $52,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

Let me be perfectly clear on one point here. Our proposal will not shut down 527s, it will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if it weren't for the act of failure of the FEC to enforce existing laws.

As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, have had a major impact on this year's Presidential election by raising and spending unlimited amounts of soft money attacking both President Bush and Senator Kerry. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they have been allowed to continue is unacceptable.

The blame for this lack of enforcement does not lie with the Congress, nor with the Administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the nation's campaign laws—and the FEC has failed, and it has failed miserably to carry out that responsibility.

The Supreme Court found that to be the case in its McConnell decision, and Judge Kollar-Kotelly found that to be the case in her recent decision overturning 15 regulations incorrectly adopted by the FEC to implement the new BCRA law. That is why a Los Angeles Times editorial today stated that, "This decision would make a fitting obituary for an agency that deserved to die."

It should be clear by now why we have introduced legislation to abolish the FEC and replace it with a new enforcement agency that will be conducting a major effort starting at the beginning of next year to enact our bill to get a new, true enforcement agency and to pass the 527 reform act we are introducing today. We are not going to allow the destructive FEC to continue to undermine the nation's campaign finance laws as it has been consistently doing for the past two decades. In the mean time, given the unmitigated failure of this agency, I believe that its Chairman,Bradley Smith and its Vice Chair, Ellen Weintraub should resign and recognize that they have failed to carry out their responsibilities as public officials.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that the Bipartisan Campaign Reform Act of 2002 (BCRA) has failed in its stated purpose to eliminate the corrupting influence of soft money from Federal campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the 194 law and the failure of the FEC to do its job and properly regulate the activities of these groups.

As further evidence of the FEC's lack of capability, let me quote from a couple of recent court decisions which highlight this agency's shortcomings.

First, in its decision upholding the constitutionality of FECA's limitation on contributions. Additionally, just this past Saturday, a federal district court judge threw out 15 of the FEC's regulations implementing BCRA. Among the reasons for her actions were that one provision of FECA's is "plainly invalid" and would "foster corruption", another runs completely afoul of current law, another would "render the statute largely meaningless" and, finally, another had "no rational basis."

The track record of the FEC is clear, and by their continued stonewalling, the Commission has proven itself to be nothing more than a bureaucratic nightmare, and the time has come to put an end to this by passing the Federal Election Campaign Act Reform and Integrity Act of 2004. The FEC has had ample, and well documented, opportunities to address the issue of the 527s illegal activities, and each time they have taken a pass, choosing instead to delay, postpone, and refuse to act.

Enough is enough. It is time to stop wasting taxpayer's dollars on an agency that runs roughshod over the will of the Congress, the Supreme Court, the American people, and the Constitution. We fought too hard and too hard to sit back and allow this worthless agency to undermine the law.

So, here is the bottom line: if the FEC won't do its job, and its commissioners have proven time and time again that they won't, then we'll do it for them. The bill Senator Feingold and I introduce today will put an end to the abusive, illegal practices of these 527s. And we will fight beginning next year to replace this rogue agency with a real enforcement agency. I urge my colleagues to support swift passage of these bills and put an end to this problem once and for all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “527 Reform Act of 2004”.

SEC. 2. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—
Section 301(4)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)(A)) is amended by adding at the end the following:

“(A) any committee, club, association, or other group of persons that—

(i) has as its major purpose the nomination or election of one or more candidates;”.

(b) DEFINITION OF MAJOR PURPOSE FOR SECTION 527 ORGANIZATIONS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“SEC. 323. DEFINITIONS AND RULES FOR DETERMINING ORGANIZATIONS AND DISBURSEMENTS INFLUENCING FEDERAL ELECTIONS.

“(a) MAJOR PURPOSE OF SECTION 527 ORGANIZATIONS.—For purposes of section 301(4)(A):

“(1) IN GENERAL.—A committee, club, association, or other group of persons described in paragraph (2) has as its major purpose the nomination or election of one or more candidates.

“(2) EXCEPTED ORGANIZATIONS.—Subject to paragraph (3), a committee, club, association, or other group of persons described in this paragraph is—

“(A) an organization described in section 527 of the Internal Revenue Code of 1986, and

“(B) is not described in paragraph (2), has as its major purpose the nomination or election of one or more candidates.

“(B) any other organization which is one of the following:

“(i) A committee, club, association, or other group of persons that—

(A) has as its major purpose the nomination or election activities related exclusively to elections where no candidate for Federal office appears on the ballot,

(B) has as its major purpose the nomination or election, or appointment of one or more candidates to non-Federal offices.

“(ii) Influencing one or more State or local ballot measures, State or local constitutional amendments, State or local legislative bodies, or other State or local ballot issues.

“(iii) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

“(iv) Paying expenses described in the last sentence of section 325(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code.

“(B) SECTION 527 ORGANIZATIONS MAKING CERTAIN DISBURSEMENTS.—A committee, club, association, or other group of persons described in subparagraph (A) shall not be considered to be described in such subparagraph for purposes of paragraph (1)(B) if it makes disbursements for a public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the period beginning on the first day of the calendar year preceding the calendar year in which the general election for the office in which the clearly identified candidate occurs and ending on the date of the general election.”.

SEC. 3. CERTAIN EXPENSES BY MAJOR PURPOSE ORGANIZATIONS TREATED AS EXPENDITURES.

(a) IN GENERAL.—Section 301(9)(A)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)(i)) is amended by inserting “including any amount described in section 325(b)” after “of any amount.”

(b) APPLICABLE COMMUNICATIONS.—Section 325 of the Federal Election Campaign Act of 1971 (as added by section 2(b)) is amended by adding at the end the following new sub-paragraph:

“(c) EXPENDITURES FOR MAJOR PURPOSE ORGANIZATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value for—

“(A) a public communication that refers to a clearly identified candidate for Federal office or to a political party (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes, supports, attacks, or opposes a candidate for office or a political party (regardless of whether the communication expressly advocates a vote for or against a candidate), or

“(B) a voter registration activity, voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot, shall be an expenditure under section 301(9)(A)(i) if made by, or on behalf of, a political committee (as defined in section 301(4)) or a committee, club, association, or other group of persons for which the nomination or election of one or more candidates is its major purpose.

“(2) EXCEPTION.—Any funds used for purposes described in paragraph (1) that, in accordance with allocation rules set forth in section 325(c), are disbursted from a non-Federal account shall not be treated as expenditures.

SEC. 4. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

Section 325 of the Federal Election Campaign Act of 1971 (as added by section 2(b) and amended by section 3) is amended by adding at the end the following:

“(c) ALLOCATION RULES FOR EXPENSES OF SEPARATE SEGREGATED FUNDS AND NONCONNECTED COMMITTEES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.—

“(1) IN GENERAL.—In the case of disbursements—

“(A) made by any separate segregated fund or nonconnected committee for which allocation rules are provided under paragraph (2)—

“(B) an allocation shall be made to a Federal account, a non-Federal account, or a non-connected account as follows:

“(i) At least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

“(ii) At least 50 percent of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event, shall be paid with funds from a Federal account, except that for a separately segregated fund such costs may be paid instead by its connected organization.

“(ii) Voter registration activity.

“(iii) Get-out-the-vote activity.

“(iv) Generic campaign activity.

“(2) COSTS TO BE ALLOCATED AND ALLOCATED TO FEDERAL ACCOUNTS.—

“(A) A committee, club, association, or other group of persons that is organized, operated, and makes disbursements exclusively for one or more of the following purposes—

“(i) A political committee (as defined in section 301(4)) or a committee, club, association, or other group of persons for which the allocation or election of one or more candidates is its major purpose,

“(ii) Influencing one or more State or local ballot measures, State or local constitutional amendments, State or local legislative bodies, or other State or local ballot issues.

“(B) Expenses may be paid instead by its connected organization.

“(C) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account.

“(D) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this subparagraph shall not apply to communications or activities exclusively to elections where no candidate for Federal office appears on the ballot.

“(E) At least 50 percent of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and do not refer to any Federal candidates, shall be paid with funds from a Federal account.

“(F) At least 50 percent of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and do not refer to any Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, except that this subparagraph shall not apply to communications or activities exclusively to elections where no candidate for Federal office appears on the ballot.

“(3) ALLOCATION RULES FOR EXPENSES OF SEPARATE SEGREGATED FUNDS AND NONCONNECTED COMMITTEES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.—

“(A) IN GENERAL.—The term ‘qualified non-Federal account’ means an account which consists solely of amounts contributed to or received by a separately segregated fund or connected committee for Federal and non-Federal activities.

“(B) IN GENERAL.—In the case of any disbursements—

“(i) that, subject to the limitations of subparagraphs (B) and (C), are raised by the separate segregated fund or nonconnected committee only from individuals, and

“(ii) with respect to which all other requirements of Federal, State, or local law are met.

“(C) FUNDRAISING LIMITATION.—No donation to a qualified non-Federal account may be accepted unless the account is described in section 323.

“(D) VOTER DRIVE ACTIVITY AND FEDERAL ACCOUNT.—

“(A) VOTER DRIVE ACTIVITY.—The term ‘voter drive activity’ means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot) and—

“(i) through which individuals are solicited to contribute to a separately segregated fund or nonconnected committee, and

“(ii) at which any person is solicited to contribute to a separately segregated fund or nonconnected committee, and

“(iii) where the individual is solicited to contribute to a separately segregated fund or nonconnected committee, and

“(B) FEDERAL ACCOUNT.—The term ‘Federal account’ means an account which consists
solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.”.

SEC. 5. CONSTRUCTION.

No provision of this Act, or amendment made by this Act, shall be construed—

(1) as approving, ratifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 2005.

Mr. FEINGOLD. Mr. President, I am pleased to once again be working with my partner in reform, the Senator from Arizona, Senator McCaIN, and also with the Senator from Connecticut, Senator LIEBERMAN, who was so instrumental in getting the 527 disclosure law passed in 2000. We are introducing today the 527 Reform Act of 2004. This bill will do what the FEC could and should do under current law, but, once again, has failed to do.

It sometimes seems like our mission in life, and not just the mission of the FEC we have. We had to do that with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late ’70s and expanded in the ’90s. That loophole is back again with the regulations that the FEC put in place after BCRA passed. Just this past weekend an extraordinary court decision came down that threw out 15 of the 19 FEC regulations challenged by Representatives SHAYS and MEEKIN in a lawsuit under the Administrative Procedures Act. That decision was an extraordinary rebuke to a Federal agency.

And now we are here to introduce a bill that will make absolutely clear that the Federal election laws apply to 527 organizations. Let me emphasize one thing. We believe that current Federal election law requires these groups to register as political committees and stop raising and spending soft money. But the FEC has failed to enforce the law, saying it is too complicated or that it is too late in the election cycle to take action. Those excuses are unacceptable, so we must act in the Congress.

This bill will require all 527s to register as political committees unless they fall into a number of narrow exceptions. The exceptions are basically for groups that Congress exempted from disclosure requirements because they are too small or for groups that are involved exclusively in State election activity.

Once a group registers as a political committee, certain activities such as ads that mention only Federal candidates will be paid for solely with hard money. But the FEC permits Federal political committees to maintain a non-Federal account to pay a portion of the expenses of activities that affect both Federal and non-Federal elections. Our bill sets new allocation rules that will make sure that these allocable activities are paid for with at least 50 percent hard money.

Finally, an important change with respect to the non-Federal portion of the allocable activities. We put a limit of $25,000 per year on the contributions that can be accepted for that non-Federal account. And we prohibit contributions from being given to those non-Federal accounts. So no more will million dollar soft money contributions be used to pay for get-out-the-vote efforts in the Presidential campaign.

Nothing in this bill will affect 501(c) advocacy groups. The bill only applies to groups that claim a tax exemption under section 527. And it would be effective in the next election cycle, not this one.

The soft money loophole was opened by FEC rulings in the late ’70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign season. I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we have been doing for the past 2 years, and what are again doing today.

I have no doubt that if we don’t act on this 527 problem now, we will see the problem explode into scandals over the next few election cycles. This time we’re not going to.

I ask unanimous consent that the text of our bill and a section-by-section analysis be printed in the RECORD. There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

527 REFORM ACT OF 2004 SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The bill may be cited as the “527 Reform Act of 2004.”

Section 2. Definitions. Section 527 Organizations. This section revises the definition of “political committee” in the Federal Election Campaign Act of 1971 (52 U.S.C. 30101) to add the requirement that an organization “has as its major purpose the nomination or election of one or more candidates.” This language is taken from the Supreme Court’s decision in Buckley v. Valeo, which added this “major purpose” test to the existing statutory definition that a “political committee” is a group that spends $1,000 or more in a year in contributions or expenditures to influence federal elections. The “major purpose” test has not previously been codified.

This section provides that 527 organizations have the “major purpose” of nominating or electing candidates, and thus satisfy that portion of the test for political committee status, unless they meet one of the following exceptions:

(1) has annual receipts of less than $25,000;
(2) is a committee of a non-Federal candidate;
(3) is a state or local party committee;
(4) is a political committee that engages in election activities relating to a primary election where no candidate for federal office appears on the ballot;
(5) raises and spends money exclusively for the selection, nomination, election or appointment of non-Federal candidates;
(6) raises and spends money exclusively to influence the selection, appointment, nomination, or confirmation of individuals to non-elected offices.

The organization that makes a disbursement for a public communication that promotes, supports, attacks or opposes a clearly identified candidate for Federal office during the two-year election cycle of that candidate cannot qualify for exceptions (2)–(7) above.

Section 3. Certain Expenses by Major Purposes. Section 527 Organizations. This section supplements the definition of “expenditure” for any organization whose “major purpose” is the nomination or election of one or more candidates to the other portion of the test for “political committee” status: whether a group with a “major purpose” to influence federal elections spends $1,000 in “expenditures” in a year.

Payments for the following activities by “major purpose” organizations, which under section 2 include 527 organizations involved in Federal elections, will be considered expenditures:

(1) public communications that promote, support, or attack, or oppose a clearly identified Federal candidate or a political party;
(2) voter registration activity, voter identification activity, get-out-the-vote activity, and generic campaign activity conducted in connection with an election where a Federal candidate appears on the ballot.

Section 4. Rules for Allocation of Expenses Between Federal and Non-Federal Candidates. This section provides allocation rules for political committees (other than political committees or party committees) that engage in both Federal and non-Federal election activities. If a political committee engages in activities that meet a clearly identified Federal candidate or candidates, or a political party generally, it must fund at least 50% of those activities from a Federal account that contains only hard money, even if such activities also mention, or are for the benefit of, non-Federal candidates. The other portion may be funded from a “qualified non-Federal account.” An activity that mentions both Federal candidates and a political party generally must be paid for entirely with hard money. These allocation rules apply to administrative expenses, costs of conventions or events, public communications, and voter drive activities, which are defined in this section as voter registration, voter identification, get-out-the-vote, and generic campaign activities.

The section also provides that contributions to “qualified non-Federal accounts” used to pay the non-Federal portion of expenses that are allocated under this section must come only from individuals and may not exceed $25,000 per donor per year, ($25,000 per year in the same election cycle that applies to contributions by individuals to national party committees.) Individuals can contribute $5,000 per person per year to the Federal account of political committees.

Section 5. Construction. This section provides that the 527 Reform Act shall not be construed as approving, ratifying, or endorsing any regulation issued by the FEC. It therefore will have no effect on pending litigation concerning regulations issued by the FEC to implement the Bipartisan Campaign Reform Act of 2002. The Act also shall not be construed to establish, modify, or otherwise affect the definition of political organization for purposes of the Internal Revenue Code.

Section 6. Effective Date. The amendments made by the 527 Reform Act shall take effect
on January 1, 2005. They will have no effect on the 2004 elections.

Mr. LIEBERMAN. Mr. President, I rise today as a cosponsor of the legislative efforts of my friends and colleagues Senators MCCAIN and FEINGOLD to close the “527” loophole that threatens the health of our Federal elections by allowing unlimited amounts of soft money to dictate the terms of debate in defiance of the letter and spirit of the McCain-Feingold Bipartisan Campaign Reform Act.

These 527 groups have become nothing more than multi-million dollar megaphones advocating the special interests of wealthy individuals and groups. And it will only get worse in years to come.

527 groups have been growing since the mid-1990s thanks to loopholes resulting in part from puzzling decisions by the Internal Revenue Service and the Federal Election Commission.

The 527 groups would get tax-exempt status from the IRS by claiming they existed to influence elections. But then they would avoid election disclosure laws by filing with the Federal Election Commission they were trying to influence elections because they did not use the magic words like “vote for” or “vote against.”

The result was a tax exemption for groups influencing Federal campaigns, but a lack of disclosure so voters did not know who the groups were, who they gave their money to and where they got their money from.

Congress partially closed this loophole in June 2002 by passing the first significant campaign finance reform measure in a quarter century. This legislation was passed out of the Government Affairs Committee, of which I was chairman at the time, and signed into law later that year by President Clinton.

The new law required 527 groups to give notice of their intent to claim tax-exempt status; to disclose information about their financial contributors and expenditures; and to file annual informational returns along the lines of those filed by virtually all other tax-exempt organizations.

But this only partially closed this loophole. Despite the McCain-Feingold campaign finance reforms, 527s can still raise unlimited amounts of cash from just a few wealthy individuals or groups whose interests and motivations are likely unknown to the American public. The Federal Election Commission could have closed this loophole but has failed to act despite massive evidence that 527s are skirting Federal election law.

This is not an end run around our campaign finance laws as well as a direct assault on our democracy. Elections should be determined by millions of individual voters who cast their ballots uninfluenced by the millions of dollars of advertising paid for by a few individuals or groups with special interests.

Reform of the 527 loophole does not mean silencing these groups or taking away their right to put their message on the air. All this reform would require from 527s is to follow the same rules as other political advocacy groups when it comes to raising and spending money on federal elections. The money must come from individuals in amounts no larger than $5,000, with no contributions from corporations or unions allowed.

If the 527s’ support is as widespread as they claim, they will have no problem getting their message out. We started the job in 2000. We knew it was not enough. Now it’s time to finish the job and get unlimited soft money out of the system.

The voices of millions of average Americans should not be reduced to a whisper because they can’t afford the price of the pulpit.

And the voices of a few should not shout like thunder because they have the money to command the air waves.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 2829. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, and supportive and other services, including homelessness-specific benefits and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise today to introduce the Samaritan Initiative Act of 2004, and I am pleased to have Senator Dole join me in this effort. The Samaritan Initiative would mark the beginning of a new, collaborative approach to the Federal effort to end chronic homelessness.

The Initiative would create a groundbreaking joint effort between the Department of Housing and Urban Development, the Department of Health and Human Resources, and the Department of Veterans Affairs. Each department would contribute money to a joint fund and would coordinate in the effort to end chronic homelessness.

This coordinated approach will streamline the grants administration process that will ensure consistent standards. It will also ensure that each department continues to provide its own particular expertise. I am hopeful that other Federal agencies will join in the effort as well.

Homeless individuals often have needs far beyond simple shelter; they may need assistance with healthcare, substance abuse, mental illness, job training, or other basics of life. Providing shelter without any supportive services may fail to address some of the underlying problems that can cause an individual to become, and remain, homeless.

By addressing the comprehensive needs of homeless individuals, the Samaritan Initiative will help reduce incidents of chronic homelessness. According to the Interagency Council on Homelessness, this 10 percent of the homeless population consumes more than half of the resources. The Samaritan Initiative will help provide the flexible resources necessary to move chronically homeless individuals into stable, permanent, supportive housing, which will in turn free up other resources.

For many years now I have been a strong advocate for the Government Performance and Results Act, which requires a focus on outcomes through clear, measurable goals. I am pleased to say that the Samaritan Initiative embodies this outcome-based focus and requires visible, measurable, quantifiable performance outcomes in reducing and ending homelessness. A focus on outcomes, rather than case management process, also allows for new, innovative solutions to chronic homelessness. This will ensure that taxpayer dollars are spent in a responsible, effective manner.

I am proud to say that the Samaritan Initiative is supported by the U.S. Conference of Mayors, The National Association of Counties, The National League of Cities, The Enterprise Foundation, The National Alliance for the Mentally Ill, the National AIDS Housing Coalition, The National Alliance for End Homelessness, the Corporation for Supportive Housing, The Service Disabled Veterans, The National Coalition for Homeless Veterans, and many other groups.

I look forward to working with them, along with my colleagues in the Senate, to end chronic homelessness in America.

I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Samaritan Initiative Act of 2004”.

SEC. 2. SAMARITAN INITIATIVE. Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11316 et seq.) is amended by adding at the end the following:

“Subtitle H—Samaritan Initiative

SEC. 485. PURPOSE. The purpose of this subtitle is to authorize competitive grants for coordinated comprehensive housing, treatment, and support services to chronically homeless persons—

“(1) to reduce the prevalence of chronic homelessness;

“(2) to support promising strategies to move chronically homeless persons in urban and rural communities from the streets to safe, permanent housing;

“(3) to provide for integrated systems of services to improve the effectiveness of programs serving chronically homeless persons;

“(4) to promote self-sufficiency and recovery among chronically homeless persons; and
SEC. 495A. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) CHRONICALLY HOMELESS PERSON.—The term ‘‘chronically homeless person’’ means an unaccompanied individual with a disabling condition who—

(A) has been sleeping in 1 or more places not meant for human habitation, or in 1 or more emergency homeless shelters, for longer than 1 year; or

(B) has had 4 or more periods of homelessness that, in total, have lasted more than 3 years.

(2) DISABLING CONDITION.—The term ‘‘disabling condition’’ means a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of 2 or more of such conditions, that limits the ability of an individual to work or perform one or more activities of daily living.

(3) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means a State, unit of general local government, public housing agency, local workforce investment board, or private non-profit organization, including a faith-based or community organization.

(4) ELIGIBLE VETERAN.—The term ‘‘eligible veteran’’ means a person who served in the active United States military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

(5) HOMELESS MANAGEMENT INFORMATION SYSTEM.—The term ‘‘homeless management information system’’ means a computerized data collection application maintained by an eligible entity, that—

(A) captures the homeless population within the jurisdiction of the eligible entity and the number of homeless individuals that received services from the eligible entity; and

(B) compiles information on the characteristics and service needs of homeless individuals.

(6) HOMELESSNESS.—The term ‘‘homelessness’’ means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

(7) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The term ‘‘interagency implementation and monitoring team’’ means the interagency implementation and monitoring team established under section 495B(d).

(8) PARTICIPATING FEDERAL AGENCY.—The term ‘‘participating Federal agency’’ means the Departments of Housing and Urban Development, Health and Human Services, and Veterans Affairs, or any other Federal agency that may receive appropriations for purposes of administering under the provisions of this subtitle.

(9) PRIVATE NONPROFIT ORGANIZATION.—The term ‘‘private nonprofit organization’’ means an organization that—

(A) is supported by private contributions, and does not receive substantial support from Federal or local government agencies; and

(B) has a governing board.

(10) PUBLIC HOUSING AGENCY.—The term ‘‘public housing agency’’ has the same meaning as in section 3(b)(6) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).

(11) STATE.—The term ‘‘State’’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the State with regard to provisions of this subtitle.

(12) UNITED STATES GOVERNMENT.—The term ‘‘unit of general local government’’ means—

(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State; and

(B) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this subtitle.

SEC. 495B. GRANT AUTHORITY AND ADMINISTRATION.

(a) IN GENERAL.—The participating Federal agencies shall enter into a cooperative agreement to make and administer competitive grants to eligible entities, including faith-based and community-based organizations, in accordance with the provisions of this subtitle for the purpose of providing treatment and support services that are coordinated with the provision of housing for chronically homeless persons.

(b) DELEGATIONS.—No provision of this subtitle shall limit the ability of the participating Federal agencies to delegate, assign, or share any responsibilities under this subtitle, and the participating Federal agencies may determine to be necessary or appropriate.

(c) COORDINATION AMONG PARTICIPATING FEDERAL AGENCIES.—The Secretary of Housing and Urban Development shall coordinate with the participating Federal agencies to implement and administer the grant program established under this subtitle.

(d) INTERAGENCY IMPLEMENTATION AND MONITORING.—Participating Federal agencies shall establish an interagency implementation and monitoring team to review and conduct oversight of the award of grants, and the use of grant funds awarded under this subtitle. Each participating Federal agency shall appoint appropriate designees to serve on the interagency implementation and monitoring team.

(e) COORDINATION REQUIREMENTS.—

(1) IN GENERAL.—In carrying out this subtitle, the interagency implementation and monitoring team shall, as appropriate and to the extent feasible, establish uniform or coordinated standards, procedures, and timetables to—

(A) application procedures and grant requirements, including those providing for—

(i) a single consolidated application form; and

(ii) a single timetable, location, and procedure for filing of a consolidated application;

(B) criteria for the award of grants;

(C) a coordinated process for review and the approval or denial of the consolidated application;

(D) the establishment of performance standards and measures of performance outcomes, including—

(i) the requirement that the Secretary of Housing and Urban Development attempt to quantity the reduction in chronic homelessness; and

(ii) the requirement that, where applicable, the grantees utilize a homeless management information system;

(E) oversight, including monitoring, audits, and evaluations, and requirements for annual reports by grantees; and

(F) such other factors that the interagency implementation and monitoring team determines are necessary or appropriate.

(2) PERFORMANCE ASSESSMENT.—

(A) IN GENERAL.—The interagency implementation and monitoring team shall establish such performance standards, performance measures, and reporting requirements, and make such performance reviews and audits as may be necessary or appropriate.

(B) PROVISION OF SUPPORT AND STAFF.—The Secretary of Veterans Affairs may provide support and staff services to participating Federal agencies. In such cases, participating Federal agencies may reimburse the Department of Veterans Affairs for the cost of such staff and services.

(C) REQUIREMENT AND REQUIREMENTS APPLICABLE TO GRANTS UNDER THIS SUBTITLE.—

(1) IN GENERAL.—A grantee under this subtitle shall establish a system of assistance to chronically homeless persons that identifies such persons and provides them access to affordable permanent housing that is coordinated with appropriate treatment and support.

(2) REQUIRED GRANTEE ACTIVITIES.—A grantee under this subtitle shall carry out, directly or through arrangements with a network of other entities, activities relating to the housing, treatment, and support of chronically homeless persons, which may include the following:

(A) HOUSING ACTIVITIES.—Eligible activities specified in section 495C(a) that ensure the placement of chronically homeless persons in safe, affordable, permanent housing.

(B) TREATMENT AND SUPPORT ACTIVITIES.—Eligible activities specified in section 495D(a) to address the multiple physical health, mental health, and substance abuse treatment needs of chronically homeless persons who are eligible for or residing in housing under section 495C(a).

(C) SERVICE COORDINATION ACTIVITIES.—Activities, including those coordinating with housing and other activities relating to the housing, treatment, and support of chronically homeless persons.

(D) ADMINISTRATION.—Administrative and planning activities, including the development and implementation of comprehensive plans for housing and services at the grantee level with costs not to exceed 6 percent of total costs of carrying out the program under this subtitle.

(E) OTHER SERVICES.—Such services and activities as the participating Federal agencies may find necessary and appropriate.

(E) ADMINISTRATION.—In awarding grants under this subtitle, the participating Federal agencies shall consider—

(A) the extent to which the applicant demonstrates an understanding of the unique characteristics of chronically homeless persons;

(B) the adequacy of the approach of the applicant in addressing the needs of the chronically homeless; and

(C) the capacity of the applicant to carry out and sustain required activities.

(5) ELIGIBILITY REQUIREMENTS.—Eligible activities provided through a network of entities, the adequacy of the qualifications of such entities, and the
stated willingness of such entities, to collaborate and participate in carrying out proposed activities; 

(2) extent to which the applicant has been involved in Federal, State, or local non-homeless specific programs of assistance that could provide additional assistance to eligible chronically homeless persons; 

(3) whether and the extent to which the applicant has demonstrated ability of the applicant to achieve the reduction in the number of chronically homeless persons; and 

(4) other additional factors as the participating Federal agencies may determine significant or necessary with respect to the potential success of the applicant in carrying out the activities under this subtitle.

4. INITIAL TERM OF GRANT.—Notwithstanding any other provision of law, each grant awarded under this section shall be for an initial term of 3 years.

5. GRANT RENEWAL.—Upon the expiration of a grant under this section, the participating Federal agencies may award, on a competitive basis, a renewal grant under this subtitle for an additional 3-year term, subject to the continued qualification of the grantee for the grant as determined by the participating Federal agencies. The amount of a renewal grant under this paragraph may be up to 50 percent of the cost of the activities to be carried out by the grantee.

Funding.

(a) IN GENERAL.—A grant under this subtitle shall be available to pay the Federal share of the costs incurred by the grantee for activities under this subtitle.

(b) FEDERAL SHARE.—For purposes of subparagraph (A), the Federal share shall be—

(1) 75 percent of the cost of the program for the first year of the grant;

(2) 75 percent for the second year of the grant; and

(3) 50 percent for each succeeding year, including any renewal of a grant under paragraph (5).

(c) NON-FEDERAL SHARE.—The non-Federal share of costs incurred by the grantee may be in cash or in-kind, as appropriate.

7. GEOGRAPHIC DISTRIBUTION.—The participating Federal agencies shall ensure that consideration is given to geographic distribution of grants (urban and rural areas) in the awarding of grants under subsection (a).

8. DISCLOSURE.—Section 12(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3537a(a)) shall not apply to grants awarded under this section.

9. AUTHORIZATION OF APPROPRIATIONS.—

(a) FISCAL YEAR 2006.—There are authorized to be appropriated to carry out this subtitle $76,000,000 for fiscal year 2005, of which—

(A) $50,000,000 is authorized to be appropriated to the Department of Housing and Urban Development; 

(B) $10,000,000 is authorized to be appropriated to the Department of Health and Human Services; and 

(C) Not more than $10,000,000 is authorized from the amounts to be appropriated to the Department of Veterans Affairs for treatment of homeless veterans under medical care to carry out section 495D.

(b) FISCAL YEARS 2007, 2008, AND 2009.—There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of fiscal years 2006, 2007, and 2008.

10. AUTHORITY TO CONSOLIDATE FUNDS.—(1) For purposes of carrying out this subtitle, and in accordance with the agreement under subsection (a), the participating Federal agencies are authorized to transfer or consolidate funding of Housing and Urban Development funds appropriated for use under this subtitle, and the Secretary of Housing and Urban Development may receive such funds.

(2) RULE OF CONSTRUCTION.—Notwithstanding this subsection, in the event that funds are appropriated and deposited in accordance with this subtitle to one or more participating Federal agencies in any fiscal year, paragraph (1) shall not be construed to ensure that such funds otherwise provided for agency administrative costs, not more than 2 percent of amounts appropriated for the activities under this subtitle may be used by the participating Federal agencies for administrative costs, including costs associated with—

(1) providing technical assistance to applicants and grantees; and 

(2) providing support and assistance in selecting and assessing projects to carry out this subtitle, including any preparation necessary for和技术 assistance.

11. TECHNICAL ASSISTANCE AND SUPPORT.

In addition to otherwise provided for agency administrative costs, not more than 2 percent of amounts appropriated for the activities under this subtitle may be used by the participating Federal agencies for administrative costs, including costs associated with—

(1) providing technical assistance to applicants and grantees; and 

(2) providing support and assistance in selecting and assessing projects to carry out this subtitle, including any preparation necessary for technical assistance.

12. FEDERAL SHARE.

(A) IN GENERAL.—The costs of operating a housing project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings.

(B) LEASING.—Leasing of an existing structure or structures, or portions thereof to provide housing.

(C) HOUSING COUNSELING.—The costs of counseling and advice services with respect to property maintenance, financial management, and other such matters as may be appropriate for chronically homeless persons in obtaining housing.

(D) RENTAL ASSISTANCE.—Project-based or tenant-based rental assistance for chronically homeless persons, which assistance shall be provided to the extent practicable, and administered in the manner provided under the rules and regulations governing the provision of rental assistance under section 1 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(E) OTHER ACTIVITIES.—Such other activities as the Secretary of Housing and Urban Development determines to be appropriate.

13. REQUIREMENTS CONCERNING REAL PROPERTY.

(A) USE RESTRICTION.—Each grantee under this subtitle shall ensure that permanent housing for chronically homeless persons that are acquired or rehabilitated with grant amounts under this subtitle is used for such persons for not less than 10 years.

(B) HOUSING QUALITY.—Each grantee under this subtitle shall ensure that housing assisted with grant amounts provided under this subtitle is decent, safe, and sanitary, and comply with all applicable State and local housing codes, building codes, and licensing requirements in the jurisdiction in which the housing is located.

(C) PENALTY IN BRIEF.—Subsection (B) of title II of the Community Development Act of 1991 (42 U.S.C. 5302), and any grants made under that subsection, shall not be used for the purpose of carrying out this subtitle, and in accordance with the agreement under subsection (a), the participating Federal agencies are authorized to transfer or consolidate funding of Housing and Urban Development funds appropriated for use under this subtitle, and the Secretary of Housing and Urban Development may prescribe such terms and conditions as the Secretary considers necessary to prevent grantees from unduly benefiting from the sale or other disposition of projects, other than a sale to the United States or a public or private nonprofit organization, of a project for the direct benefit of chronically homeless persons.

14. HOMELESS MANAGEMENT INFORMATION SYSTEM.

Each grantee shall provide such information to the appropriate administrator of the local homeless management information system, as is necessary for the implementation and operation of the homeless management information system.

15. SEC. 495D. TREATMENT AND SUPPORT SERVICES.

Subject to section 495B, a grant under this subtitle shall be used to provide treatment and support services, which may include the following:

(1) PRIMARY HEALTH SERVICES.—Primary health services, including the following:

(A) PHYSICIAN AND OTHER SERVICES.—Health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and where appropriate, physicians’ assistants, nurse practitioners, or nurse midwives.

(B) DIAGNOSTIC SERVICES.—Diagnostic laboratory and radiological services.

(C) PREVENTIVE SERVICES.—Preventive health services.

(D) EXPERT ADVICE SERVICES.—Emergency medical services.

(E) ACCESS TO PHARMACEUTICAL SERVICES.—Access to pharmaceutical services.

(F) ALCOHOL AND DRUG ABUSE SERVICES.—Services or activities designed to prevent, deter, reduce, or eliminate substance abuse or addictive behaviors, including a comprehensive range of personal and family counseling methods, early interventions, methadone treatment for opiates abusers, or detoxification for alcohol and other drug abusers, and treatment services such as intake and assessment, behavioral therapy and counseling, clinical and case management, pharmacotherapies, and self-help and peer support activities.

(G) MENTAL HEALTH AND COUNSELING SERVICES.—Mental health and counseling services, including services and activities that provide therapeutic programs and services to chronically homeless, family, or situational problems in order to bring about a positive resolution of the problem or improved individual functioning or circumstances, including crisis interventions, individual supportive therapy, and prescription of psychotropic medications or explanations about the use and management of medications.

(H) OUTREACH AND ENGAGEMENT.—Outreach services including extending services or help to homeless persons to develop a relationship of trust and engage such persons into appropriate service programs.

(I) INFORMATION AND REFERRAL.—Services or activities designed to provide information about services and assistance provided through public and private programs, including Federal, State and local non-homeless targeted programs that provide or financial support for the provision of medical, social, educational, or other related services, and a brief assessment of client needs to facilitate appropriate referrals.

(J) LOCAL HOMELESS MANAGEMENT SERVICES AND ACTIVITIES, including the arrangement, coordination, monitoring, and delivery of services to meet the needs of individuals who are homeless including individual service plan development, counseling, monitoring, securing and coordinating services.

(K) OTHER SERVICES.—Such other services as the Secretary of Health and Human Services determines appropriate.
There are several reasons for this re-
forded the same sovereignty status
quire legal certainty regarding the sta-
offered by Indian tribal governments.
by amending the definition of a govern-
tatus of these plans. Confusion has arisen
benefit plans of Indian tribal govern-
the establishment and maintenance of
Indian tribal governments are to be
ary
established or maintained for its employees by
plan
revised for section 401(a)(5) and subpara-
defined in section 7701(a)(40), an agency or instru-
corrected by the Internal Revenue Service’s lack of guidance to tribal governments
this issue; the inconsistent practice of granting governmental plan status to plans sponsored by Indian tribal governments. In part, this has been a result of the Internal Revenue Service’s lack of legal certainty that the text of the legislation be printed in the RECORD.
OULD BE ORDERED TO PRINT FOR THE RECORD, AS FOLLOWS:
S. 2831
Be it enacted by the Senate and House of Rep-
Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the “Govern-
ment Pension Plan Equalization Act of 2004”.
SEC. 2. CLARIFICATION OF “GOVERNMENTAL PLANS.”
SEC. 3. EXTENSION TO ALL GOVERNMENTAL PLANS OF CURRENT MORATORIUM ON APPLICATION OF CERTAIN NON-DISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.
(a) IN GENERAL.—
(1) Subparagraph (G) of section 401(a)(5) and subpara-
hroughout the status of these plans. Confusion has arisen
benefit plans of Indian tribal govern-
employment plans; to the Com-
arian Revenue Act of 1986, a subdivision of an Indian tribal government (as defined in
(40)), an agency or instrumentality of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof or (agency or instrumentality there-
(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.
(1) POLICE AND FIREFIGHTERS.—Subpara-
(13), by striking
security act of 1974 (29 U.S.C. 1321(b)) is
amended by inserting “Indian tribal government” after “State”.
(2), in sub-
section 7701(a)(40), the term ‘governmental plan’ also includes a plan estab-
lished or maintained for its employees by an Indian tribal government (as defined in
amended by striking “‘(10) SPECIAL RULE FOR STATE, INDIAN TRIB-
alar and local government plans.”.
(3) GOVERNMENT PICK UP CONTRIBUTIONS.—
paragraph (2) of section 414(b)(2) of such Code (relating to designation by units of govern-
ment) is amended by inserting “Indian tribal government” after “State”.
(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 402(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1121(b)) is amended—
(1) in paragraph (12), by striking “or” at the end,
(2) in paragraph (13), by striking “plan,” and
(3) by adding at the end the following new paragraph:
“14. established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof or (agency or instrumentality thereof)”.

The amendments made by this Act shall apply to years beginning before, on, or after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—EXPRESSION OF THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT SOCIAL SECURITY PRIVATIZATION PROPOSALS, INCLUDING THOSE That Would Require DEEP CUTS IN SOCIAL SECURITY BENEFITS, SUCH AS THE PROPOSALS OF PRESIDENT BUSH’S SOCIAL SECURITY COMMISSION

Mr. CORZINE (for himself, Mr. Baucus, Mr. Durbin, and Mr. Daschle) submitted the following resolution; which was referred to the Committee on Finance:

SEC. 1. RESOLUTION

Whereas Social Security is based on a promise to the American people: if you work hard and contribute to Social Security, you will be able to retire and live in dignity;

Whereas Social Security is the primary source of income for two-thirds of American seniors;

Whereas Social Security benefits for retired workers average only about $900 per month;

Whereas $900 per month is insufficient to maintain a decent standard of living in many parts of the United States, especially for seniors with relatively high health care costs;

Whereas in 2001, President George W. Bush created the President’s Commission to Strengthen Social Security (referred to in this resolution as the “Bush Social Security Commission”), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security;

Whereas under the Bush Social Security Commission’s proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent;

Whereas the Bush Social Security Commission’s proposal to privatize Social Security would apply to all seniors, not just those seniors who choose to participate in privatized accounts;

Whereas the cuts in Social Security benefits could be even deeper if individuals do shift funds to privatized accounts;

Whereas privatization advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent;

Whereas in order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as $1,700,000,000,000 in Federal debt (in today’s dollars) by 2041; and

Whereas in response to the Bush Social Security Commission’s report, 50 members of the Senate wrote President Bush, urging him to reject the Commission’s proposed cuts in Social Security benefits;

Whereas the President has not complied with the request of the Senators and instead has reiterated his intention to move toward the privatization of Social Security; and

Whereas the privatization of Social Security benefits proposed by the Bush Social Security Commission could jeopardize the financial security of millions of Americans: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush’s Social Security Commission.

Mr. CORZINE, Mr. President, today, along with Senator Daschle, Senator Baucus and Senator Durbin, I am submitting a resolution that calls on the Congress to reject Social Security privatization plans, including those that require deep cuts in guaranteed benefits, such as the proposals by President Bush’s Social Security Commission.

For nearly 70 years, Social Security has reflected the best of America’s values. Social Security promises Americans that if you work hard, pay your taxes, and play by the rules, you will be able to retire and live in dignity.

Social Security benefits are far from lavish. The typical retiree receives only about $900 a month. That doesn’t go far in many parts of the country—certainly not in New Jersey. Unfortunately, even the benefits promised under current law are now at risk. President Bush wants to move toward privatization. But what he does not say is that shifting funds from the Social Security Trust Fund into privatized accounts almost inevitably leads to deep cuts in guaranteed benefits.

To appreciate the depth of the cuts that flow from privatization, one need only consider the privatization plans developed by President Bush’s own Social Security Commission. That commission included only prospects of privatization selected by President Bush, and it developed privatization plans that call for deep benefits cuts.

According to the nonpartisan actuaries at the Social Security Administration, those cuts would exceed 25 percent for some current workers. In the future, seniors could face a 45 percent cut in benefits.

The President likes to argue that privatization is about choice. But there would be no choice about these cuts—they are mandated. In fact, those who chose to participate in privatized accounts would see their benefits cut even deeper.

That is why, in response to the Bush Commission’s report, 50 members of the Senate wrote President Bush, urging him to reject the Commission’s proposed cuts in benefits. Unfortunately, we have yet to receive a response.

Privatization advocates try to justify cuts in Social Security by pointing to future projected shortfalls in the Trust Fund. But diverting payroll taxes from the Trust Fund only makes matters worse, and would substantially accelerate the date by which the Fund would become insolvent. That is why privatization almost inevitably leads to deep cuts in benefits.

It is critical that this issue be fully discussed now—before the election. So I will be looking for an opportunity to bring this resolution before the Senate before the end of the year. I hope we can kill this radical idea before it has a chance to get off the ground.

We must never accept any plan that takes the security out of Social Security.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held Wednesday, September 22, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 2087, to amend the Wildland Fire Probability Act of 2000; H.R. 4170, to provide for the conveyance of certain public land in Clark County, NV, for use as a heliport; S. 2410, to promote wildland firefighter safety; H.R. 1651, to provide for the exchange of land within the Sierra National Forest, CA, and for other purposes; H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, CA, that have been identified for disposal; H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; and S. 3874, the Senate Resolution 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510–6150.


AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2004, at 2 p.m., to conduct a hearing on “Examination and
Oversight of the Condition and Regulation of the Insurance Industry.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m., on pending committee business.

AGENDA

2. S. 2393, A bill to improve transportation security, Robert Chamberlin/Chris Bertram/Sam Whitehorn/Gael Sullivan;
7. S. 2145, The Spy Block Act, Paul Martin/James Assey/Rachel Welch;
8. S. 2647, National Ocean Policy and Leadership Act, Drew Minkiewicz/Margaret Spring;
9. S. 2489, Coastal and Ocean Mapping Integration Act, Drew Minkiewicz/Margaret Spring;
12. Nomination of Jon D. Leibowitz, PN 1898, of Maryland, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough; and
13. Nominations for Promotion in the U.S. Coast Guard, PNs 1917, 1876, 1856, Drew Minkiewicz/Virginia Pounds/James Assey/Rachel Welch.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate, September 22, 2004, at 2 p.m., to hold a nomination hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m. on “Counter-Terrorism Legislation and Proposals, including the USA Patriot Act and the SAFE Act” in the Dirksen Senate Office Building Room 226.

Witness List:
Panel I: The Honorable Larry Craig, United States Senator, R-ID and The Honorable Richard Durbin, United States Senator, D-IL.
Panel II: The Honorable James Comey, Deputy Attorney General, United States Department of Justice, Washington, DC.
Panel III: The Honorable Bob Barr, R-GA, former Member, United States House of Representatives and Daniel Collins, Esq., Munger, Tolles & Olson, LLP, Los Angeles, CA.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m. on “A bill to improve public safety spectrum allocation security, Robert Chamberlin/James Assey/Rachel Welch; and Integration Act, Drew Minkiewicz/Margaret Spring; Leadership Act, Drew Minkiewicz/Margaret Spring; Equity Act of 2003, Bill Bailey/James Assey/Rachel Welch; and a bill to improve transportation security, Robert Chamberlin/Chris Bertram/Sam Whitehorn/Gael Sullivan; and the amendment sponsors or their designees; that upon the use or yielding back of the time on that amendment without further intervening action or debate the Senate proceed to a vote with respect to the amendment; that upon disposition of the Reed-Sarbanes amendment all time be yielded back to the committee, that the amendments be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will have to object because there is objection on our side, we are prepared to pass the Rail Safety Act, S. 2273, without amendment, but I am not at liberty to agree to taking up the bill in the context that was suggested by my good friend from Nevada. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Mr. President, consistent with what I just said, I am going to propose a unanimous-consent agreement to which I am sure my good friend will then object. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2273, the rail safety bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 709, S. 2826, the District of Columbia appropriations bill; that the bill be read a third time; that the Appropriations Committee then be discharged from further consideration of H.R. 4850, the House-passed DC appropriations bill, and the Senate proceed to its consideration.

I further ask unanimous consent that all after the enacting clause of H.R. 4850 be stricken; the text of S. 2826 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conference committees of their own.

Finally, I ask unanimous consent that S. 2826 then be returned to the calendar.

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

Mr. DEWINE. Mr. President, I thank the Senator from Louisiana, Ms. LANDrieu, the ranking member on the DC Appropriations Subcommittee, for her hard work and efforts in helping to
draft the appropriations bill before us today. This bill provides $560 million in Federal funds for the District of Columbia and includes the city’s own local budget of $6.2 billion.

The funds in this bill focus on a number of critical priorities for the District of Columbia: first, improving the live-and-work opportunities for children in the District; second, reducing and preventing crime in the District; and third, increasing security in our Nation’s capital.

The bill continues an initiative we began last year to help improve the city’s long-troubled foster care system by providing funds for intensive intervention when children first enter care; providing resources for early and continued mental health services for all children in foster care; providing incentives to retain qualified social workers and foster parents; and funding a new computer tracking system for children in foster care.

These are all focuses on children by enhancing educational opportunities for inner-city students. We are continuing to provide a total of $40 million for three interrelated educational components: $15 million to promote excellence in our public schools; $3 million to expand choice through high quality charter schools; and $13 million for opportunity scholarships for low-income students in failing schools.

The second priority that this bill funds is the District’s crime lab. The federal government entirely funds the D.C. Courts and the Court Services and Supervision Agency. The committee is providing a total of $337 million for these agencies, which is $55 million more than the fiscal year enacted level. Most of these additional resources are for renovations and repairs to the City’s 4th oldest building, the Historic Old Courthouse, which will make it habitable once again and provide increased courtroom capacity. The bill also provides additional resources to enhance supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

With this bill, we are beginning an important federal investment in a new forensics lab for the District of Columbia. Currently, the city must rely on the generosity of the FBI’s crime lab. Because of its own heavy workload, the Bureau limits the amount of evidence that it will process for the city. With so many unsolved rape, murder, and other violent crime cases in the District, a new crime lab is a crucial need.

The sobering fact is that, as the seat of our Nation’s capital, the District of Columbia faces increased risks of terrorist attacks. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center, which will be the center for coordinated multi-agency responses to regional and national emergencies. The bill also continues to provide funds to reimburse the city for increased police, fire, and emergency personnel costs associated with events that occur in the District because of the presence of the Federal Government.

I take this opportunity to recognize the city’s leadership in improving the financial condition of the District. Recently, the District received a vote of confidence from Wall Street when its bonds were upgraded two steps from “BBB+” to “A”. Despite this good news about the city’s short-term financial performance, I am well aware that the city faces a long-term economic structural imbalance that represents a gap between the District’s ability to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents.

I recognize that the structural imbalance is driven by expenditure requirements and revenue restrictions which are mostly beyond the control of the District’s leadership. Clearly, the city’s revenue capacity would be larger without Federal constraints on its taxing authority, such as its inability to tax Federal property or the income of non-residents.

I agree that the city faces a troubling problem in the long-term. I want to help close the financial gap and help ensure the long-term economic health of our Nation’s capital. This is a Federal enclave, established by the Constitution, and it must live by the constraints imposed on it by the Federal Government. The Federal Government must recognize the costs it places on the city and the burden it places on the city’s infrastructure, all the while limiting the ability of the city to raise revenue. Indeed, many of the problems facing the District result from it being the seat of the Federal Government.

This bill takes two small steps to begin to address the structural imbalance. First, we are providing $4 million to assist the city with its annual operating payment to the Washington Metropolitan Transit Authority, commonly referred to as the “Metro”.

The District’s share of the Metro operating subsidy is $206 million. Whereas the State governments of Maryland and Virginia both help subsidize the Metro, the District does not have a State to help share the burden of this cost. In addition, many Federal workers use the Metro system to travel between Federal buildings throughout the workday.

Second, the bill provides $10 million for a combined sewer overflow system. The current system was constructed in 1890 and overflows 60 to 70 times each year, dumping raw sewage into the Anacostia River. Clearly, the Federal Government places a heavy burden on this system and should help share the cost of upgrading it. I believe these small Federal contributions for infrastructure are important, but clearly the Federal Government must do more to help eliminate this structural imbalance that it has helped create.

I again thank Senator LANDRIEU. She and I share the same concerns for the children and residents who live in the District of Columbia, as well as the millions of visitors who come here every year to see America’s seat of government. She and I have worked as close partners in writing this bill. Together, we have put together a bill that focuses on improving the well-being of the District’s children and protecting the safety of all who live and work here. I thank the Senator from Louisiana, and I turn to her now for her remarks.

Ms. LANDRIEU. Mr. President, I am pleased to join Chairman DeWINE in presenting the bipartisan fiscal year 2005 District of Columbia appropriations bill to the Senate. The bill totals $560 million, which is an increase of $18.3 million from fiscal year 2004. The chairman and I moved this bill through the full Appropriations Committee on Tuesday, September 21 by a near-unanimous vote with no controversial amendments. During our 3-year chairman and ranking membership of the D.C. subcommittee, we have met many policy and partisan challenges and remained great friends. This year is truly an achievement of the chairman’s bipartisan lead of this bill. We continue to marry our interests in strengthening education and child welfare in the District.

Great communities need great schools. This bill includes $26 million for public education in support of the committee’s goal to improve education in the District. Fifty years after the landmark Brown v. the Board of Education decision of the Supreme Court, 3 years after enactment of the significant No Child Left Behind Act, we are still working to shape the two-sided face of public education, excellence and failure, into a more equal experience for children. The District’s schools have been mired in years of changing superintendents, state and Federal oversight. A new Superintendent has been hired, Dr. Clifford Janey, we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to hopefully contribute to Dr. Janey’s work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of $7 million for a new incentive grant program for public education improvement in both traditional public schools and public charter schools. These grants will be...
awarded to the principal of high performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive. This could be paying the salary of a specialized librarian, new books, and bonuses for excellent teachers, or even to support sports and recreation with a new basketball court. It is entirely up to the principal to decide. In addition, the bill includes $5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter schools, is supported by robust state and federal support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as a national model for how to spur system-wide improvements. The transformation school initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter schools, is supported by robust state and federal support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as a national model for how to spur system-wide improvements. The transformation school initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

This bill also includes $5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter schools, is supported by robust state and federal support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as a national model for how to spur system-wide improvements. The transformation school initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

This bill also includes $5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter schools, is supported by robust state and federal support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as a national model for how to spur system-wide improvements. The transformation school initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter schools, is supported by robust state and federal support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as a national model for how to spur system-wide improvements. The transformation school initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids excited about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.
The resolution, with its preamble, reads as follows:

S. Res. 431

Whereas the National League for Democracy, headed by Daw Aung San Suu Kyi, is the legitimately elected political leadership in Burma;

Whereas the ruling State Peace and Development Council, headed by General Than Shwe, and its affiliated organizations continue, through a variety of means, to violate the human rights and dignity of the people of Burma through murder, torture, rape, forced relocation, the employment of child soldiers, the use of forced labor, and the exploitation of child laborers;

Whereas the State Peace and Development Council has detained over 1,300 prisoners of conscience, including National League for Democracy leaders and supporters of democracy;

Whereas, under the repressive rule of the State Peace and Development Council, the situation in Burma poses an immediate and growing threat to the Southeast Asia region, including through the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts to purchase weapons from North Korea, China, and Russia;

Whereas, at the 58th session of the United Nations General Assembly, a resolution was adopted by the General Assembly that expresses grave concern about the ongoing systematic violations of human rights inflicted upon the people of Burma and calls on the State Peace and Development Council to release all political prisoners, respect the results of the national elections in 1990, and restore democracy to Burma; and

Whereas the National League for Democracy has requested that the United Nations Security Council to intervene on behalf of the people of Burma: Now, therefore, be it

Resolved (S. Res. 431) expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by widespread human rights violations, the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts by the State Peace and Development Council to purchase weapons from North Korea, China, and Russia.

MEASURE PLACED ON THE CALENDAR—S. 2823

The assistant legislative clerk read as follows:

A bill (S. 2823) to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

Mr. MCCONNELL. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDENT pro tempore of the Senate, Mr. MCCONNELL, said: The PRESIDENT pro tempore of the Senate. The measure was placed on the calendar.

ORDERS FOR THURSDAY.

SEPTEMBER 23, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the Record.

The PRESIDENT pro tempore of the Senate, Mr. MCCONNELL, said: The preamble was agreed to.

The resolution (S. Res. 431) was agreed to.

The PRESIDENT pro tempore of the Senate, Mr. MCCONNELL, said: The resolution, with its preamble, is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2823

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDENT pro tempore of the Senate, Mr. MCCONNELL, said: The measure will be placed on the calendar.

ORDERS FOR THURSDAY.

SEPTEMBER 23, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn till 11 a.m. on Thursday, September 23. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee.

The PRESIDENT pro tempore of the Senate, Mr. MCCONNELL, said: The measure was placed on the calendar.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning there will be a joint meeting of Congress to receive a speech from Prime Minister Allawi of Iraq. We will convene following that speech for a short period of morning business.

Following morning business, we hope to consider the Foreign Operations appropriations bill. We have been working on an agreement and we hope to have that language worked out by tomorrow morning. We would like to finish the bill in the next couple of days and consider the family friendly tax bill when that conference report becomes available sometime tomorrow. Therefore, Senators can expect votes throughout the day.

Mr. REID. Mr. President, on the Foreign Operations bill, we are anxious and ready and willing to have an agreement. We think the bill can be resolved very quickly, and we want the Record to reflect our willingness to go to the bill tonight, tomorrow, anytime. We think it is very important that we get as many appropriations bills completed as possible. We are not in any way standing in the way of this. There is no objection on our side to going to this bill.

I also say that this Friday is the most holy of all holidays for those of Jewish faith. We have a number of Senators who must travel west that day to prepare for the holiday. They cannot make their transportation arrangements unless they can leave here at 10:20 on Friday morning. The leader has spoken to some of the Jewish Members of the Senate and he recognizes the problem. We have this tax bill of which we know the importance. But we have to let the high holy day take precedence over what has to be done here on Friday.

I hope the two leaders and my distinguished friend on the floor now and the Republican leader will take that into consideration. It has been brought to my attention by several Senators this afternoon.

Mr. MCCONNELL. Mr. President, let me say that there are Members on both sides of the aisle for whom Friday is an exceedingly important day. We are certainly aware of that. That is another good reason for finishing the family friendly tax bill tomorrow night. We will press on and try to complete both Foreign Operations and the family friendly tax bill tomorrow night.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Thursday, September 23, 2004, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 22, 2004:

CENTRAL INTELLIGENCE

PORTER J. GOSS, OF FLORIDA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.