

I have records of both votes. It has been done before. It has been done by the majority party. It is just when they do not get 100 percent of their nominees, they do not get a rubber stamp coming out of this Chamber, that somehow they have a problem with that. The American people should not have a problem with it. The Constitution certainly does not have a problem with it, and I do not.

I want to be cooperative, but I do not want to sit and listen to a re-creation of reality that does not square with what we have done in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if I could ask unanimous consent to line up speakers. Does the Senator from North Dakota want to do that? And is that agreeable to the Senator from Missouri and the Senator from Oklahoma that speakers be lined up by unanimous consent? When I asked Senator DORGAN to yield to me for 5 minutes, he was wondering if he could then be next in order. But I know Senator BOND is here, too.

Mr. BOND. Mr. President, I ask for 5 minutes.

Mr. DORGAN. Mr. President, let me follow Senator BOND.

Mr. INHOFE. Yes. If I could ask the Senator from North Dakota about how much time will he be using?

Mr. DORGAN. I intended to use 20 minutes. I would be happy to follow the Senator.

Mr. INHOFE. I would be close to that amount of time, too, so I will go ahead and wait. If I could lock in after the Senator from North Dakota, that is fine.

Mr. DORGAN. Mr. President, let me suggest the Senator from Michigan begin, and then be followed by the Senator from Missouri, and then myself, followed by the Senator from Oklahoma. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### CLOTURE VOTES FOR JUDICIAL NOMINATIONS

Mr. LEVIN. Mr. President, while Senator DORGAN is in the Chamber, he made reference to the fact there have been cloture votes required on judges throughout the years. I want to expand on the RECORD some of the names of judges where cloture votes were required, in fact, where cloture votes were not agreed to and led to their defeat in a number of instances: Justice Fortas in 1968; now Justice Bryer but then circuit court nominee Steven Bryer in 1980, with two cloture motions; Rosemary Barkett, to the Eleventh Circuit in 1994; Lee Sarokin in 1994, with a cloture motion required; Marsha Berzon in the year 2000; Richard Paez in the year 2000.

Cloture is not a new phenomenon when it comes to the debate over

judges. Yet we hear now that suddenly the requirement that there be a cloture vote is something that is new to this Senate. It is not. It has been historically used. It is appropriate, and it is rare.

As Senator DORGAN pointed out, 93 percent of the judges who were nominated by President Bush were confirmed when there were votes that came to the floor of the Senate. Ninety-three percent of these judges were confirmed. And the comparison to that of the Clinton years, where so many judges could not even get a hearing, where there was a filibuster in the Judiciary Committee because of the refusal to grant judges a hearing, is quite a contrast. We do not hear much about that. Instead, hearing that the refusal to have an up-or-down vote and a requirement for cloture is somehow labeled obstructionism is altogether out of line, as far as I am concerned, and inaccurate historically, inappropriate, and needs to be contested.

#### TRIBUTES TO RETIRING SENATORS

TOM DASCHLE

Mr. LEVIN. Mr. President, that is not why I came to the floor, although it relates to why I came to the floor this afternoon because I came here to pay tribute to a dear friend, our Democratic leader, TOM DASCHLE of South Dakota. This sadness is only tempered by the belief that TOM DASCHLE will continue to play a vital role in our Nation's public life in the future.

TOM DASCHLE has had a distinguished career as a legislator on behalf of the interests of the people of South Dakota and all of the people of our Nation. He has fought for a fair share for the farmers of his State and for farmers around the country. He has been in the forefront of rural health, veterans' health, a fair tax system, and a very broad range of other issues.

He has been as a leader of the Democrats in the Senate, both as majority leader and minority leader, through one of the most difficult periods of the Senate's history where TOM DASCHLE has made his mark. He has been a remarkable leader. As a principled and tireless advocate for the issues he believes in, he has led by example. On countless difficult and contentious issues, he has led by carefully listening to all sides. Time and time again, on complex and challenging legislation, he has led by tireless negotiation and by building consensus. And, where appropriate, he has been able to organize Democrats to insist on our rights as a minority in the Senate.

It is, indeed, a bitter irony of the most recent election that TOM DASCHLE, who is a legislator to the core, and a man of compromise and soft-spoken wisdom, a seeker of dialogue, solutions, and consensus, was caricatured as an obstructionist. In the time-honored tradition of Senate leaders of both parties, he stood tall when

principle required it. In reality, though, it was TOM DASCHLE's style to reach across the aisle, time and time again, in an effort to legislate in the Nation's best interest. Often he worked closely with the Republican leader in some of the Senate's finest and most difficult hours.

In the face of a very difficult impeachment trial that tested this Senate, in response to the September 11 terrorist attacks, and when he himself was targeted in the anthrax attack, as in countless other instances, TOM DASCHLE demonstrated his talent for calm, inclusive, and wise leadership.

As this session of Congress ends in the next few days, the people of South Dakota will be losing a vigorous, effective, and committed Senator. Democrats in this body, indeed, all Senators, will be losing a great leader. And all Americans will be losing a voice of reason, judgment, and wisdom. I will be losing a friend and a confidante. TOM DASCHLE is a beautiful human being and a nonpareil leader. His good nature will enable him to overcome this momentary defeat so that the contributions he makes to public life will soon flower in a different place.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that Senator SHELBY be recognized for 10 minutes following me, and that Senator BREAUX be recognized for 15 minutes thereafter.

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

JOHN BREAUX

Mr. BOND. Mr. President, it has been a pleasure to work with the Senator from Louisiana. We have appreciated his leadership on many issues not only important to Louisiana but to our energy future and important to navigation in the heartland, which is something that is vitally important for all of us.

#### LEADERSHIP AT THE CIA

Mr. BOND. Mr. President, I am here today to talk about an old-fashioned virtue: doing what you said you were going to do. That is a test a lot of people apply in politics. They say if you tell us what you are going to do when you get elected, are you going to do it?

It seems to me in the intelligence field we have an example of that. The reaction is somewhat surprising. We have had, I think, 128 or 130 hearings in the Intelligence Committee since I joined it in January 2003. One of the lessons we learned is that, while there are many outstanding dedicated men and women in the CIA and throughout the intelligence community, the system is broken; it didn't give us the adequate or accurate prediction of the scope of the terrorist danger to the U.S. before 9/11. We went into Iraq with the Director of Central Intelligence so confident of the intelligence analysis

that we would find weapons of mass destruction that he advised the President it was a “slam dunk.”

We now find out that while there was great danger in Iraq, it was very different from the danger that the CIA had assessed. The estimates were really faulty. We have seen this. The CIA and the intelligence community, as I said, have outstanding, dedicated people; but they are not focused properly on doing the job that the new worldwide threat of an unrelenting, vicious, terrorist war directed at us and all free-minded people presents. So everybody came to the conclusion there needed to be a new direction.

The President nominated one of the Members of Congress who had done a great deal of oversight of the CIA and actually had served in the clandestine service himself, Porter Goss of Florida. Everybody said they wanted change. Porter Goss told the President and the Congress in his confirmation hearings that we are going to make some changes. He went over to the CIA. He is making some changes. What a surprise. The critics are now saying he is making changes at the CIA. I am a little bit confused about what they thought he was going to do. If he didn't make changes at the CIA, that is when I think we should be challenging him.

Something has to change. I have spoken with Director Goss, and I know our chairman, Senator ROBERTS, has. We both have confidence in his ability, because it appears to us that Director Goss is doing exactly what he told Congress he would do, and that is to make changes in order to improve the CIA.

Why are we surprised or critical that there is a change with new leadership? Obviously, changing means there are going to be some people who are going to be displaced. We thank them for their service and wish them well. But why are we arguing over the fact that some people are going to be removed or replaced?

Director Goss testified at his confirmation hearing that he would make changes that emphasize the CIA's missions and capability and focus on delivering a better product to the President and Congress. That is because, as I said, we have had report after report, including the Senate's inquiry that we spent a lot of time putting together, that shows failures at many levels within the CIA, resulting in an inadequate product presented to us and the administration. The status quo is not acceptable.

Director Goss has a very big challenge ahead of him. We need to give him room to address it. Change is tough, people don't like it, but it is necessary. Take two aspirins and call me in the morning. Sit back and take a deep breath and don't get upset because he is making changes.

There are some critics who are going after him tooth and toenail. I believe the New York Times had a headline today that said “New CIA Chief Tells Workers to Back Administration Poli-

cies.” Wait a minute. That is not what he said. I have the copy of the statement Director Goss made. He said that we will support the administration, but he says we will provide intelligence to support it. We don't come out and argue for it. He said that as agency employees, we do not identify with, support, or champion opposition to the administration or its policies. We provide the intelligence as we see it and let the facts alone speak to the policymaker. In other words, their support is by providing the best intelligence estimates available.

Now, Michael Scheuer, who wrote that anonymous book and made headlines with the “Imperial Hubris” book, criticized timid leadership at CIA. Why are we criticizing the DCI for shaking up the management? If the Director of CIA is making mistakes, or if he is going down the wrong path, we on the Intelligence Committees here and in the House are going to be monitoring the situation. If we see there is a problem, we are in a position to call him on it or to point out remedies that are needed. But, so far, I see a man willing to take on an entrenched and some might say constipated bureaucracy.

Many of the senior intelligence officials to quit have been with the agency for decades. It is a shame we are going to lose that experience, but some would say—and I agree—new blood is needed at the CIA.

I am encouraged that Director Goss is willing to shake things up at the CIA. I hope he employs the same vigor in getting the rest of the intelligence community to work together and share information with each other.

Some of the people who are leaving and whining, I question their mettle. There are thousands of soldiers and marines in Afghanistan and Iraq, including special forces, who are yelled at every day by their sergeants, not to mention being shot at and living in the mud. I am glad they all have the fortitude to say: I am not going to quit because I am yelled at or somebody doesn't like what I am doing.

Perhaps these CIA officers should remember their mission and work with the DCI as the quiet service, keep their mouths shut, and work within the system to provide the best intelligence for the administration, for the Congress, and for the warfighters who need to rely on it and whose lives depend upon it.

Parochialism is one of the CIA's biggest problems. These career CIA officers, while having valuable experience, also carry the baggage of being resistant to change. The status quo may be comfortable to them, but it is dangerous to the country.

We on the Intelligence Committee have heard CIA officers say that everything is just fine, no changes are needed. Those people are clearly in a state of denial.

We on the Intelligence Committee take our oversight responsibilities seriously and will, of course, address legiti-

mate concerns over how Director Goss is running the intelligence community. We appointed and confirmed him to make difficult changes, and I don't think it is appropriate to jump to conclusions or second-guess his management style.

I thank the Chair and my colleagues. I yield the floor.

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

Mr. DORGAN. Mr. President, I believe I was to be recognized for 20 minutes following the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. CORNYN). That is correct.

Mr. DORGAN. And two additional Senators as well.

#### TAX CODE OVERHAUL

Mr. DORGAN. Mr. President, this morning in the newspaper we read a report of that which we know, that the administration is going to propose a Tax Code overhaul. I think almost every American would believe that it is worth overhauling the Tax Code. The Tax Code is so complicated, and it desperately needs an overhaul.

The headline reads: “Bush Plans Tax Code Overhaul. Changes Would Favor Investment, Growth.”

It says:

The Bush administration is eyeing an overhaul of the tax code that would drastically cut, if not eliminate, taxes on savings and investment . . . .

I want to read just for a moment an op-ed piece that appeared in the Washington Post. It is an op-ed piece written by I believe the second richest man in the world, Warren Buffett. Warren is a charming, delightful man. I had the opportunity to get to know him some. He has been incredibly successful as an American businessman. He wrote an op-ed piece about taxes and the tax burden that I want to read into the RECORD.

I ask unanimous consent to print his entire op-ed piece in the RECORD. It is entitled “Dividend Voodoo.”

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

[From the Washington Post, May 20, 2003]

DIVIDEND VOODOO

(By Warren Buffett)

The annual Forbes 400 lists prove that—with occasional blips—the rich do indeed get richer. Nonetheless, the Senate voted last week to supply major aid to the rich in their pursuit of even greater wealth.

The Senate decided that the dividends an individual receives should be 50 percent free of tax in 2003, 100 percent tax-free in 2004 through 2006 and then again fully taxable in 2007. The mental flexibility the Senate demonstrated in crafting these zigzags is breathtaking. What it has put in motion, though, is clear: If enacted, these changes would further tilt the tax scales toward the rich.

Let me, as a member of that non-endangered species, give you an example of how the scales are currently balanced. The taxes I pay to the federal government, including the payroll tax that is paid for me by my employer, Berkshire Hathaway, are roughly the