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Senate

The Senate met at 9:45 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.

Sovereign Saviour, under whom all hearts are open, all desires known, and from Whom no secrets are hidden, You commended the light to shine out of darkness and gave us the gift of this new day. Forgive us when we ignore Your efforts to guide us. Help us to take the long view of our work and to not become weary of helping others.

Thank You, Lord, for teaching us to trust You and for opening our minds to the counsels of Your eternal wisdom. Increase our hunger for right living and teach us the power of gratitude.

Today keep our Senators within the circle of Your will, and may they be willing to be led by You. Guide them and give them the graciousness to strive to humbly serve one another, following Your example of lowliness.

We pray this in Your living Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN 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 assistant journal clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2004.

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 ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, very briefly, today following morning business, at approximately 10:45, the Senate will resume consideration of H.R. 4, the welfare reauthorization bill. At 12:15 we will proceed to a vote on the Snowe amendment on child care. Following that vote the Senate will recess for our weekly party lunches. For the remainder of the day the Senate will continue with the welfare bill and amendments thereto. The chairman and ranking member of the Finance Committee will be here throughout the day to work through those amendments. Senators should therefore expect votes throughout the day. I encourage Members who have amendments to notify the bill managers in the hopes that we can process those amendments and move forward with this bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that my leader time not be taken as part of the allocation for Members in morning business.

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

SYSTEMATIC ABUSE OF GOVERNMENT PREROGATIVES

Mr. DASCHLE. Mr. President, last week I spoke about the White House's reaction to Richard Clarke's testimony before the 9/11 Commission. I am compelled today to rise again because the people around the President are systematically abusing the powers and the prerogatives of Government.

We all need to reflect seriously on what is going on, not in anger, not in partisanship, but in keeping with our responsibilities as Senators, with an abiding respect for the fundamental values of our democracy.

Richard Clarke did something extraordinary when he testified before the 9-11 Commission last week. He didn't try to escape blame, as so many routinely do.

Instead, he accepted his share of responsibility and offered his perceptions

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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about what happened in the months and years leading up to September 11.

We can and should debate the facts and interpretations Clarke has offered. But there can be no doubt that he has risked enormous damage to his reputation and professional future to hold both himself and our Government accountable.

The retaliation from those around the President has been fierce. Mr. Clarke's personal motives have been questioned and his honesty challenged. He has even been accused, right here on the Senate floor, of perjury. Not one shred of proof was given, but that wasn't the point. The point was to have the perjury accusation on television and in the newspapers. The point was to damage Mr. Clarke in any way possible. This is wrong—and it is not the first time it has happened.

When Senator MCCAIN ran for President, the Bush campaign smeared him and his family with vicious, false attacks.

When Max Cleland ran for reelection to this Senate, his patriotism was attacked. He was accused of not caring about protecting our Nation—a man who lost both legs and an arm in Vietnam, accused of being indifferent to America's national security. That was such an ugly lie, it's still hard to fathom almost 2 years later.

There are some things that simply ought not be done—even in politics. Too many people around the President seem not to understand that, and that line has been crossed.

When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq, Niger, and uranium, the people around the President didn't respond with facts. Instead, they publicly disclosed that Ambassador Wilson's wife was a deep-cover CIA agent. In doing so, they undermined America's national security and put politics first. They also may well have put the lives of Ambassador Wilson's wife, and her sources, in danger.

When former Treasury Secretary Paul O'Neil revealed that the White House was thinking about an Iraq War in its first weeks in office, his former colleagues in the Bush administration ridiculed him from morning to night, and even subjected him to a fruitless Federal investigation.

When Larry Lindsay, one of President Bush's former top economic advisors, and General Eric Shinseki, the former Army Chief of Staff, spoke honestly about the amount of money and the number of troops the war would demand, they learned the hard way that the White House doesn't tolerate candor.

This is not "politics as usual." In nearly all of these cases, it's not Democrats who are being attacked. Senator MCCAIN and Secretary O'Neill are prominent Republicans, and Richard Clarke, Larry Lindsay, Joe Wilson, Eric Shinseki, and Larry Lindsay all worked for Republican administrations. The common denominator is

that these Government officials said things the White House didn't want said.

The response from those around the President was retribution and character assassination—a 21st century twist to the strategy of "shooting the messenger."

If it takes intimidation to keep inconvenient facts from the American people, the people around the President don't hesitate. Richard Foster, the chief actuary for Medicare, found that out. He was told he'd be fired if he told the truth about the cost of the administration's prescription drug plan.

This is no way to run a government. The White House and its supporters should not be using the power of Government to try to conceal facts from the American people or to reshape history in an effort to portray themselves in the best light. They should not be threatening the reputations and livelihoods of people simply for asking—or answering—questions. They should seek to put all information about past decisions on the table for evaluation so that the best possible decisions can be made for the Nation's future.

In Mr. Clarke's case, clear and troubling double standards are being applied.

Last year, when the administration was being criticized for the President's misleading statement about Niger and uranium, the White House unexpectedly declassified portions of the National Intelligence Estimate.

When the administration wants to bolster its public case, there is little that appears too sensitive to be declassified.

Now, people around the President want to release parts of Mr. Clarke's earlier testimony in 2002. According to news reports, the CIA is already working on declassifying that testimony—at the administration's request.

And last week several documents were declassified literally overnight, not in an effort to provide information on a pressing policy matter to the American people, but in an apparent effort to discredit a public servant who gave 30 years of service to the American Government.

I'll support declassifying Mr. Clarke's testimony before the Joint Inquiry, but the administration shouldn't be selective.

Consistent with our need to protect sources and methods, we should declassify his entire testimony. And to make sure that the American people have access to the full record as they consider this question, we should also declassify his January 25 memo to Dr. Rice, the September 4, 2001 National Security Directive dealing with terrorism, Dr. Rice's testimony to the 9-11 Commission, the still-classified 28 pages from the House-Senate inquiry relating to Saudi Arabia, and a list of the dates and topics of all National Security Council meetings before September 4, 2001.

I hope this new interest in openness will also include the Vice President's

Energy and Terrorism Task Forces. While much, if not all, of what these task forces discussed was unclassified, their proceedings have not been shared with the public to date.

There also seems to be a double standard when it comes to investigations. In recent days leading congressional Republicans are now calling for an investigation into Mr. Clarke.

As I mentioned earlier, Secretary O'Neill was also subjected to an investigation.

Clarke and O'Neill sought legal and classification review of any information in their books before they were published.

Nonetheless, our colleagues tell us these two should be investigated, at the same time that there has been no Senate investigation into the leaking of Valerie Plame's identity as a deep cover CIA agent, no thorough investigation into whether leading administration officials misrepresented the intelligence regarding threats posed by Iraq, no Senate hearings into the threat the chief Medicare Actuary faced for trying to do his job, and no Senate investigation into the reports of continued overcharging by Halliburton for its work in Iraq.

There is a clear double standard when it comes to investigating or releasing information, and that's just not right. The American people deserve more from their leaders.

We're seeing it again now in the shifting reasons the White House has given for Dr. Rice's refusal to testify under oath and publicly before the 9-11 Commission.

The people around the President first said it would be unprecedented for Dr. Rice to testify. But thanks to the Congressional Research Service, we now know that previous sitting National Security Advisors have testified before Congress.

Now the people around the President are saying that Dr. Rice can't testify because it would violate an important constitutional principle: the separation of powers.

We will soon face this debate again when it comes time for President Bush and Vice President CHENEY to meet with the 9-11 Commission. I believe they should lift the limitations they have placed on their cooperation with the Commission and be willing to appear before the entire Commission for as much time as the Commission deems productive.

The all-out assault on Richard Clarke has gone on for more than a week now. Mr. Clarke has been accused of "profiteering" and possible perjury. It is time for this to stop.

The commission should declassify Mr. Clarke's earlier testimony. All of it. Not just the parts the White House wants. And Dr. Rice should testify before the 9-11 Commission, and she should be under oath and in public.

The American people deserve to know the truth—the full truth—about what happened in the years and months leading up to September 11.

Senator MCCAIN, Senator Cleland, Secretary O'Neill, Ambassador Wilson, General Shinseki, Richard Foster, Richard Clarke, Larry Lindsay—when will the character assassination, retribution, and intimidation end?

When will we say enough is enough?

The September 11 families—and our entire country—deserve better. Our democracy depends on it. And our Nation's future security depends on it.

The ACTING PRESIDENT pro tempore. Who yields time?

ORDER OF PROCEDURE

Mr. REID. Mr. President, the minority has 30 minutes. I ask unanimous consent that our time be equally divided, with 7½ minutes going to Senator WYDEN, 7½ minutes to Senator SCHUMER, 7½ minutes to Senator DURBIN, and 7½ minutes to Senator STABENOW, in that order.

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

Mr. REID. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

PERFECT STORM COMING

Mr. WYDEN. Mr. President, it is time for the Bush administration to end its campaign of inaction on gasoline price hikes. Tomorrow, OPEC will vote on whether there should be additional production cuts, and this very morning, the Saudi oil minister said OPEC should go ahead with its scheduled production cut in the month of April.

If they do, that is going to take 1 million barrels of oil off the market per day, when U.S. private oil supplies are already millions of barrels low and when U.S. gasoline prices are at record highs.

Folks on the west coast of the United States are getting clobbered by these gasoline price hikes. People in California pay considerably more than \$2 a gallon. Folks in my home State of Oregon are close behind, paying an average of more than \$1.80 in some of our towns.

There is a perfect storm coming with respect to these gasoline price hikes. The combination of the Bush administration filling the Strategic Petroleum Reserve at the wrong time, the fact we have these refinery cutbacks on the west coast that seem as much to boost profit as anything else, the Federal Trade Commission turning a blind eye to anticompetitive profits, and the shenanigans of OPEC are the factors that are coming together to create what I think could be a perfect storm with gasoline prices of \$3 a gallon.

On the OPEC issue, less than a month ago the head of the Energy Information Agency told me OPEC would make up the difference for the oil the U.S. Energy Department is putting in the Strategic Petroleum Reserve. I have to tell you, Mr. President, if you think

OPEC is going to be looking out for the American gasoline consumer, you have to think Colonel Sanders is looking out for the chickens. It simply does not add up.

For the life of me, I cannot understand the administration's insistence on continuing to swipe oil out of the private U.S. market and squirrel it away in the Strategic Petroleum Reserve at a time when the American consumer is getting clobbered each week at the gasoline station. The Bush administration needs to stop filling the Strategic Petroleum Reserve. The administration is spending American tax dollars to buy oil at record high prices and put it in the reserve, and apparently they are saying they will not stop it. But, in fact, they did stop filling the reserve when it helped the oil companies. They stopped filling the reserve in December 2002 when the oil companies needed more supply for refineries.

It seems to me the message today is what the administration is willing to do for the big oil companies they ought to do for the American consumer, and particularly the ones I represent on the west coast of the United States.

There is no substitute for leadership when American families are hurting financially and getting shellacked by these gasoline price hikes. It is interesting to note that when the President was a candidate in 2000, he said the President ought to be using his bully pulpit to jawbone OPEC. This administration is not doing that.

Last week, they took credit for oil coming down about \$1 a barrel. The fact was, that was a day late and \$7 a barrel short because the price is still way above the OPEC price target level.

We come to the floor today to say when the American people are hurting, there needs to be Presidential leadership. These gas prices are hurting my constituents. They are devastating to businesses and to consumers on the west coast, and they are driving up prices for goods and transportation in this country.

We have a proposal. It is to stop filling the Strategic Petroleum Reserve, No. 1. No. 2, it is for the Federal Trade Commission to get off the dime and look at these anticompetitive practices. I have introduced legislation, S. 1737. If the Bush administration does not like that bill, I would like to hear their proposal. Let's hear what they are going to do to stand up for the west coast consumer.

It seems the administration is busy filling the Strategic Petroleum Reserve with no regard for rising gas prices. They are busy with their campaign of inaction that seems to help nobody but the oil companies and will not direct the Federal Trade Commission to take steps now to protect the consumer. I think the American people deserve better.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Under the previous agree-

ment, the Senator from New York is recognized for 7½ minutes.

Mr. SCHUMER. I thank the Chair.

RICE TESTIMONY

Mr. SCHUMER. Mr. President, honestly, I had come to the floor to submit a resolution on behalf of myself and 14 of my colleagues, including Senators KENNEDY, BYRD, LIEBERMAN, CLINTON, CORZINE, DODD, JOHNSON, HOLLINGS, REID from Nevada, LAUTENBERG, DORGAN, DURBIN, DASCHLE, and NELSON to ask the President to allow Condoleezza Rice to testify under oath and in public. I heard NBC News has announced she will do just that. So the resolution is moot. I will make a couple of points, though.

One is I suppose all of the protestation that this would violate separation of powers has gone by the wayside. We all knew that was just a smokescreen because this commission is not congressional, and the whole theory of separation of powers is congressional.

The bottom line is the real reason the administration did not want Condoleezza Rice to testify, that they did not want her out there speaking about this, is quite apparent and had nothing to do with separation of powers.

The second point I make is to compliment the Commission. The Commission has done an incredible job. I think when Tom Kean, the former Governor of New Jersey, a Republican, one known for integrity, said the only way she would testify was under oath—she has been on every talk show. She is on television 24/7. So she has plenty of time to go public and say what she wants, but not what the Commission will ask her under oath.

Her statements, her public statements contradicted some of Dick Clarke's. Dick Clarke's were given under oath. Dick Clarke's were given after considerable criticism and vituperation directed from the White House and the attack machine that we know about here in Washington, the Republican attack machine. He stood by his story. So we now all wait with bated breath to hear what Condoleezza Rice will say under oath.

Mr. President, people as diverse as Colin Powell, JOHN MCCAIN, CHUCK HAGEL—Republicans—have talked about Dick Clarke's character. I have known Dick Clarke for a long time. He is a principled man. He has been a registered Republican. Whenever he met me—and I met him under the Clinton administration—he said he was a Republican. His one passion was to make America safe.

When all the information he had and all the work he and his staff had done were ignored, he became more and more frustrated. Dick Clarke's book is not aimed at political retribution. Dick Clarke's book is aimed at the truth. Like everywhere else, the Scriptures are right: The truth will set us free.