

The bottom line is not who wins this political battle in the hearts and minds of the American people. The bottom line is, who will win in terms of America's national security and defense. We need sound and solid intelligence now more than ever. The President's admission last week that there was a failure of intelligence leading up to the invasion of Iraq has really called on all of us to rise above party.

I think the Senator from California and the Senator from South Dakota are moving in the right direction toward an independent, bipartisan, and nonpartisan approach. I hope we do get this done quickly.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there are 10 minutes allocated to the majority.

Mr. REID. Mr. President, I ask unanimous consent that the majority be given an extra 5 minutes in morning business; 5 minutes for Senator KYL, 5 minutes for Senator LOTT, 5 minutes for Senator CHAMBLISS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, I express my appreciation to the assistant minority leader for that request.

INTELLIGENCE INVESTIGATION

Mr. KYL. Mr. President, I think we need to respond to some of what has been said here this morning because the implication is very disturbing. It is not just that some of the intelligence of the United States—and by the way, all of the other intelligence agencies around the world might not have been totally accurate—but that somebody might have been misleading us. That is the charge. That is the implication. It leads to this notion we could not trust the President to look into what might have been wrong with the intelligence, that there is a "shadow of suspicion" here.

Well, the shadow of suspicion is being cast by our colleagues on the other side by the innuendo that is throughout the comments they have been making here this morning and that we have read elsewhere. I think that is a very bad thing. Especially when our troops are fighting abroad trying to win this war on terror, to suggest that not only is the intelligence we are gathering not entirely accurate but that there were deliberate attempts by people in the administration to mislead the American people, and to mislead the Congress, that, I think, is what is very disturbing.

What are some of the strains of that? I heard one of them on the radio this morning: Well, Vice President CHENEY went down to the CIA and talked to them. He must have been trying to intimidate them to come up with some preordained conclusion to sort of cook the books a little bit.

There is no evidence of that whatsoever. David Kay has discounted that as

a possibility. Nobody from the intelligence agencies, under questioning, has suggested that was the case.

Indeed, the question is, if the Vice President had not gone down to the intelligence agencies and asked the tough questions of the CIA people, and said, are you sure you are correct about this, then our friends on the other side would be complaining the administration did not even bother to doublecheck the information. So when politics are involved, you cannot win. But I do not think we should allow these suspicions from the political side of things to dictate the kind of action we take.

Another question: Secretary Powell went to the CIA. I think he spent something like 3 days with them, with these people going over and over and over the evidence, saying: Are you absolutely certain of this? And remember, before he made his presentation to the United Nations, he took some of the material out, some of the material he did not think was verifiable, that they could not nail down well enough. He wanted to make sure what he took to the United Nations was solid.

The Vice President and the Secretary of State are not the only people who have been involved. We have intelligence from other countries, such as the Israelis, the British. We have the United Nations itself, and the inspectors who came back with their reports.

At the end of the day, the reason why the international community passed resolutions asking for Saddam Hussein to comply with his commitment to come clean on what he had was because the whole world thought he had these weapons of mass destruction.

Now, since then, we have not been able to find everything. We have found some things. But one of the things we have not found are the chemical artillery shell warheads. We thought those were going to be used against our troops. Every day the war occurred, we were briefed on the so-called red line, the point at which we thought the Iraqis were going to shoot artillery shells with chemical weapons at our troops. Our troops had to put on all the heavy equipment in order to try to fight through that if, in fact, the attack occurred, and there was some surprise when it did not occur. We had to, of course, bomb the warehouses we thought it was in. We bombed the artillery pieces. We sent millions of leaflets to the commanders saying: Don't you dare fire chemical weapons at our troops or we will take you before the criminal court when this is all done. We disrupted their command and control, and we thought that is what prevented them from firing those artillery shells. But the point is, we thought they had them. We thought they were going to be used against our troops.

This was not a matter of the President or the Vice President or anybody in the administration trying to mislead anybody. Maybe the intelligence was not entirely accurate, but I urge my

colleagues on both sides of the aisle, in conducting this debate, to try to do it from the higher plain, not from the suspicion that the President of the United States is trying to deliberately mislead the American people, but to acknowledge maybe there was something wrong with part of our intelligence and that is worth looking into.

That is precisely what the President has said he wants to have done because obviously he is just as concerned about this as anybody else is. It is for that reason he has asked for an investigation into the intelligence to find out whether it was correct, if it wasn't, why not, and what can we do about that in the future.

I urge my colleagues, in conducting this debate, let's do so from a higher plain than one in which we sow the seeds of politics and blame and suspicion, as has been done around here. We can conduct this debate on a much higher plain than that.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe I have 5 minutes under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. I thank Senator KYL and Senator REID for making sure we have this time. I, too, think we need to sober up a little bit and look at the facts of what is involved.

First, it is an election year. Politics will come into play in everything we do. I don't mean that necessarily critically of us or either side. It is a fact. I suspect that it is having a hand in what we are seeing now.

Secondly, the fact is, we do have some problems with our intelligence community. It is not new. It didn't come up over the last 10 months or the last 10 years. It probably goes back to the mid-1970s when we had the Pike and the Church commissions that forced changes in the intelligence community from which we have never quite recovered. That is when we started getting away from human intelligence and relying on satellites and computers and technology. That is a big problem.

We can go back and point to things we didn't know or information we should have had back in the 1980s and 1990s that we didn't have. For us to take a look at our intelligence community and ask questions about why they have not done some things or they have gotten some things wrong is perfectly legitimate. The most important question should be, what are we going to do about it? Instead of pointing the finger of blame, trying to put some scalp on the wall and say: We nailed somebody because this information may not have been completely accurate, we should ask: What did we know? Did we need to know more? Were there inaccuracies? If so, what were they, and what are we going to do about it? Do we need to completely reconstruct our intelligence community?

Do we need to make some changes at the head of some of these agencies? I don't know yet. But that should be our approach because we are going to need our intelligence community. We need it this very day.

Senator KYL was making the point. Our troops are in the field today all over the world, particularly in Iraq and Afghanistan. They are working with the intelligence community today to try to make sure they know what is going on and what is happening, what the threats are. We don't want to undermine them. At the same time, if we are going to make improvements or changes, the sooner we can do it, the better.

The other thing is, what did we know. It is almost as if there were no weapons of mass destruction. We knew they had weapons of mass destruction—chemical, biological. They tried to get nuclear capability. We know they killed their own people. They used chemical weapons on the Iranians. I was talking to a constituent this morning who was in Bazra back in the early 1990s, who talked about how simple it was to produce chlorine gas. Yet if you looked at the plant, you could be told, this is just a plastics plant. But it is very simple to make chlorine gas. It is very toxic, and that was what was used, I believe, against the Iranians. So we know they had these weapons of mass destruction.

Did they dismantle them, destroy them? Where did they destroy them? Why did Saddam Hussein give out bad information? Was he being lied to? Yes. Was he lying to the world community? Yes. There are all kinds of problems or questions such as that.

Did they move these weapons to Syria, Iran? We know they had them. That is a fact. We still don't know exactly what happened to them, and that is a danger.

What are we going to do about it? Let's become a government of commissions. It is really easy. Pass it off to a commission—the base-closure procedure, the 9/11 investigation, Social Security, intelligence. Let the Congress just say: We know nothing; we see nothing; we hear nothing. Let's let somebody else do it.

By the way, I have watched these commissions. Just because you have Republicans and Democrats, are you going to call them independent? How about an independent commission set up by the President that might have people who weren't clearly Republican or Democrat? How about experts on intelligence, people who have been at the CIA and the FBI, people who are not identified in the political area? If you want a real independent commission, that might be the way to do it.

I have another question: Why don't we do our own work? What do we have the intelligence committee for? The more I am on there, the more I think maybe we should not have it the way it is presently constituted. We are not going to wait for the Senate Intel-

ligence Committee to put out its report. We are not going to wait on the House, bipartisan, Select Intelligence Committee to put out its report. No, we are going to rush pellmell and create a commission before we even see the report.

I suspect the report from the Senate Intelligence Committee is going to be more aggressive than a lot of people might think. I think we are going to ask a lot of legitimate questions. How about letting the Iraqi survey team, the group that is out there still looking, do their work. But, no, it is a political year. We are going to use this to question all kinds of people.

The President got information on which he relied. The Senate got information it relied on. If there was inaccurate information, we ought to find out why and determine what we are going to do about it. We need to back off a little bit because we are dealing with people's lives. How we act in the intelligence area is going to be very important in the next few months.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from Arizona and the Senator from Mississippi for including me in this time because this is the most critical issue, obviously, facing not just the administration but the American public today. It is an issue which has already been adequately addressed, but it is not a new issue.

The fact of failures within the intelligence community is not something newly discovered. We knew following 9/11 that there were deficiencies within our intelligence community that probably allowed September 11 to happen. What have we done since that time?

As the Senator from Mississippi said: It was time to step up to the plate after 9/11, fix the problems. That is what we did in a bipartisan way, and we have done that since that point in time.

Now we are moving into an election year, and we are seeing sniping for political reasons and not solving problems for the right reasons. The problem continues to be out there, the problem of deficiencies within the intelligence community. It is not new. It is the same problem. It is a little bit different area.

We, as Members of this body and as Members of the House of Representatives, have an obligation to the American people to find out what went wrong. But let's not politicize it. Let's figure out what was wrong. By the way, when you look at the deficiencies in our intelligence community and you try to point the finger at them, you can't stop there. If you are going to point it at our intelligence community, what about the French intelligence community that believed exactly the same thing as our intel community? What about the German community, the British community? Every intelligence agency in the world had the

same information and the same facts that we had.

Our President was presented with the facts that every other head of state was presented, but it was the Americans who were the target of the bad guys around the world. It was the Americans who were the victims on September 11 and were the potential victims thereafter. Our President exercised good, sound judgment based upon the information that he had and based upon the information that every other head of state had.

We can talk about the fact that we ought not to politicize the commission but we have, in fact, politicized the issue. There is a major, fundamental difference in trying to say that intelligence was faulty and at the same time trying to intimate that this administration exercised misleading acts. That is something entirely different, and that is an issue that we can debate long and hard. But it is simply not a fact substantiated by any of the evidence. Whereas the fact that Saddam Hussein possessed weapons of mass destruction had been substantiated time and time again since 1992, as the Senator from Mississippi delineated. It has been substantiated by intelligence communities from every other country in the world up until the time the Iraqi conflict began. There was no misleading on the part of this administration based upon the facts with which they were presented.

Let me address one item in particular that the Senator from Illinois stated. He and I both serve on the Intelligence Committee. This issue relative to the UAVs and the possible—I emphasize “possible”—use by Saddam Hussein of UAVs to distribute biological weapons being an issue:

He knows good and well that we received information that indicated it was a possibility. We don't know for sure that was their intention, but we know good and well that it was a possibility.

So we could go down the line item by item with each of the statements that have been made. I will go back and conclude with what the Senator from Mississippi said. We can argue and take 10 minutes on each side to discuss this, but what the American people expect is leadership. What this administration is exhibiting is leadership. This body ought to do the same. We ought to exercise leadership to the American people because that is what we were sent here to do. We could come together and say we know what happened; now let's find the answer; let's figure out what the solution is to the problem at hand within our intelligence community in a bipartisan way, and nobody disputes that is the way we ought to act.

I say what we need to do is quit debating the issue and move forward now with finding out what the problem was, and let's do what is in the best interest of the American people, and that is continue to work hard to make America a safe place.

I yield the floor.

**SAFE, ACCOUNTABLE, FLEXIBLE,
AND EFFICIENT TRANSPORTATION
EQUITY ACT OF 2003—MOTION
TO PROCEED**

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will resume consideration of the motion to proceed to S. 1072, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consideration of S. 1072, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The PRESIDING OFFICER. The motion to proceed is agreed to.

**SAFE, ACCOUNTABLE, FLEXIBLE,
AND EFFICIENT TRANSPORTATION
EQUITY ACT OF 2003**

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1072) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in *Italic*.)

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.]

[(a) **SHORT TITLE.**—This Act may be cited as the “Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003”.]

[(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.]

[Sec. 2. Definitions.]

[TITLE I—FEDERAL-AID HIGHWAYS]

[Subtitle A—Funding]

[Sec. 1101. Authorization of appropriations.]

[Sec. 1102. Obligation ceiling.]

[Sec. 1103. Apportionments.]

[Sec. 1104. Minimum guarantee.]

[Sec. 1105. Revenue aligned budget authority.]

[Subtitle B—New Programs]

[Sec. 1201. Infrastructure performance and maintenance program.]

[Sec. 1202. Clarify federal-aid eligibility for certain security projects.]

[Sec. 1203. Future of the Interstate Highway System.]

[Sec. 1204. Military vehicle access (oversize and overweight vehicles; —relief from tolls).]

[Sec. 1205. Freight transportation gateways; freight intermodal connections.]

[Sec. 1206. Authority for alternative time-saving procedures for —critical transportation security projects.]

[Subtitle C—Finance]

[Sec. 1301. Federal share.]

[Sec. 1302. Transfer of highway and transit funds.]

[Sec. 1303. State infrastructure bank pilot program.]

[Sec. 1304. Transportation Infrastructure Finance and Innovation Act — (TIFIA) Amendments.]

[Sec. 1305. International registration plan and international fuel tax agreement facilitation.]

[Sec. 1306. Commercialized rest area pilot projects.]

[Sec. 1307. Highway use tax evasion projects.]

[Subtitle D—Program Efficiencies and Improvements—Safety]

[Sec. 1401. National highway safety goal; national Blue Ribbon Commission on Highway Safety.]

[Sec. 1402. Highway Safety Improvement Program.]

[Sec. 1403. Operation lifesaver.]

[Sec. 1404. Highway safety programs; certification of public road mileage.]

[Subtitle E—Program Efficiencies and Improvements—Planning]

[Sec. 1501. Metropolitan planning.]

[Sec. 1502. Statewide planning.]

[Sec. 1503. State planning and research.]

[Sec. 1504. Critical real property acquisition.]

[Sec. 1505. Planning capacity building initiative.]

[Subtitle F—Program Efficiencies and Improvements—Environment]

[Sec. 1601. Congestion Mitigation and Air Quality Improvement Program.]

[Sec. 1602. Efficient environmental reviews for project decisionmaking.]

[Sec. 1603. Assumption of responsibility for categorical exclusions.]

[Sec. 1604. Section 4(f) policy on lands, wildlife and waterfowl refuges, and historic sites.]

[Sec. 1605. National Scenic Byways Program.]

[Sec. 1606. Recreational Trails Program.]

[Sec. 1607. Exemption of the Interstate System.]

[Sec. 1608. Modifications to NHS/STP for invasive species, wetlands, brownfields, and environmental restoration.]

[Sec. 1609. Standards.]

[Sec. 1610. Use of HOV lanes.]

[Sec. 1611. Bicycle transportation and pedestrian walkways.]

[Sec. 1612. Transportation, energy, and environment.]

[Sec. 1613. Idling reduction facilities in interstate rights-of-way.]

[Sec. 1614. Appropriation for transportation purposes of lands or interest in lands owned by the United States.]

[Sec. 1615. Toll programs.]

[Sec. 1616. Ozone standards, particulate matter standards, and regional haze program.]

[Sec. 1617. Indemnification on certain railbanked projects.]

[Subtitle G—Program Efficiencies and Improvements—Operations]

[Sec. 1701. Transportation systems management and operations.]

[Sec. 1702. Real-Time System Management Information Program.]

[Sec. 1703. Intelligent transportation systems performance incentive program.]

[Sec. 1704. Commercial vehicle information systems and networks deployment.]

[Subtitle H—Program Efficiencies and Improvements—Federal-Aid Stewardship]

[Sec. 1801. Surface Transportation System Performance Pilot Program.]

[Sec. 1802. Stewardship and oversight.]

[Sec. 1803. Emergency relief.]

[Sec. 1804. Federal Lands Highways Program.]

[Sec. 1805. Appalachian Development Highway System.]

[Sec. 1806. Multi-State Corridor Planning Program.]

[Sec. 1807. Border Planning, Operations, and Technology Program.]

[Sec. 1808. Territorial Highway Program amendments.]

[Sec. 1809. Future interstate system routes.]

[Sec. 1810. Donations and credits.]

[Sec. 1811. Disadvantaged business enterprises.]

[Sec. 1812. Highway Bridge Program.]

[Sec. 1813. Design-build.]

[Sec. 1814. International ferries.]

[Sec. 1815. Assumption of responsibility for transportation enhancements, recreational trails, and Transportation and Community and System Preservation Program projects.]

[Sec. 1816. Transportation, Community, and System Preservation Program.]

[Sec. 1817. Program efficiencies—Finance.]

[Subtitle I—Technical Corrections to Title 23, U.S.C.]

[Sec. 1901. Repeal or update of obsolete text.]

[Sec. 1902. Clarification of date.]

[Sec. 1903. Inclusion of requirements for signs identifying funding sources in title 23.]

[Sec. 1904. Inclusion of “Buy America” requirements in title 23.]

[Sec. 1905. Technical amendments to 23 U.S.C. 140—Nondiscrimination.]

[Sec. 1906. Federal share payable for projects for elimination of hazards of railway-highway crossings.]

[TITLE II—HIGHWAY SAFETY]

[Sec. 2001. Highway safety programs.]

[Sec. 2002. Highway safety research and development.]

[Sec. 2003. Emergency medical services.]

[Sec. 2004. State traffic safety information system improvements.]

[Sec. 2005. Authorization of appropriations.]

[Sec. 2006. Repeal of obsolete provisions of title 23.]

**[TITLE III—FEDERAL TRANSIT
ADMINISTRATION PROGRAMS]**

[Sec. 3001. Short title.]

[Sec. 3002. Updated terminology; amendments to title 49, United States Code.]

[Sec. 3003. Policies, findings, and purposes.]

[Sec. 3004. Definitions.]

[Sec. 3005. Metropolitan planning.]

[Sec. 3006. Statewide planning.]

[Sec. 3007. Planning programs.]

[Sec. 3008. Private enterprise participation.]

[Sec. 3009. Urbanized Area Public Transportation Formula Grants Program.]

[Sec. 3010. Formula grants for other than urbanized areas.]

[Sec. 3011. New Freedom program.]

[Sec. 3012. Major capital investment program.]

[Sec. 3013. Research, development, demonstration, and deployment projects.]

[Sec. 3014. Cooperative research grant program.]

[Sec. 3015. National research programs.]

[Sec. 3016. National Transit Institute.]

[Sec. 3017. Bus testing facility.]

[Sec. 3018. Bicycle facilities.]

[Sec. 3019. Suspended light rail technology pilot project.]

[Sec. 3020. General provisions on assistance.]

[Sec. 3021. Special provisions for capital projects.]

[Sec. 3022. Contract requirements.]