

previously precluded information sharing between law enforcement and intelligence-gathering officials. We haven't heard very much more about the previous calls to either repeal or change the PATRIOT Act because, indeed, it was the PATRIOT Act that tore down that wall and which has made America safer. Perhaps the best evidence of that is not just my statement or anyone else's. It is the fact we have, thank God, avoided another 9/11 in the days since that terrible day.

The spirit of bipartisanship that resulted in a resolution authorizing the use of necessary force against our enemies who brought the war to us on 9/11 and the spirit of bipartisanship that saw a 98-to-1 vote in favor of the USA PATRIOT Act and tearing down that wall needs to continue to prevail on the National Commission on Terrorist Attacks on the United States that was created by Congress and appointed by both the Congress and the President. Of course, it is the job of that Commission to find facts, to create a historical record of the events that led up to that date, and then come up with recommendations. It is absolutely critical that the work of the National Commission on Terrorist Attacks, the 9/11 Commission, not be undermined and that the public confidence be preserved in that Commission.

That brings me to the testimony which I believe must be provided in an open forum by Commissioner Jamie Gorelick. As Attorney General Ashcroft revealed during his testimony, when he declassified a key 1995 memorandum, dated actually March 4, 1995, authored by Ms. Gorelick when she was Deputy Attorney General, it was the policy of the Justice Department, under Ms. Reno and under Ms. Gorelick, during the Clinton administration, that went further than the law required in establishing this wall which prohibited information sharing between law enforcement officials and counterintelligence officials. Indeed, in the days since Attorney General Ashcroft revealed the existence of this memo, we have seen Ms. Gorelick respond in a Washington Post op-ed piece explaining her role.

My point is, Ms. Gorelick, serving in a high-level position in the Justice Department as Deputy Attorney General, in effect the chief operating officer in the Department of Justice under Attorney General Janet Reno, has special knowledge of the facts and circumstances leading up to that memo and the erection and buttressing of that wall barring the sharing of communications.

I believe her testimony under ordinary circumstances would be sort of a no-brainer. The 9/11 Commission would say: This is a person with knowledge of relevant facts. Let's bring her before the Commission and ask her to tell us what she knows.

That has been requested now, public testimony by Ms. Gorelick, in letters signed by a number of Senators, and

now been refused by the cochairs, Chairman Kean and Chairman Hamilton.

Simply put, this is a self-inflicted wound on the credibility of the 9/11 Commission. We have learned that she has provided testimony in camera or, in English, in secret. In other words, she has been interviewed by the 9/11 Commission and told apparently what she knows out of the public eye. Obviously, she has written an op-ed piece explaining, without the benefit of further questions or followup, what it is she intended to do and the circumstances leading up to that 1995 memo.

If public testimony by persons with knowledge of relevant facts ranging from Janet Reno to Louis Freeh to John Ashcroft to Bob Mueller and others, if that testimony was important—and indeed, I believe it was—then public testimony by Ms. Gorelick is important to preserving the public credibility of the work product of the 9/11 Commission.

Secret testimony will not cut it. In fact, we need to know what it was that led up to this policy and the reasons for it in order to understand why it is important never to go there again. As I said, this policy is stated in that very same memo, which went well beyond legal requirements. In other words, the PATRIOT Act, once it was passed virtually unanimously in this body, dismantled that wall in a way that made America safer.

May I ask how much time I have remaining?

The PRESIDING OFFICER. Ten seconds.

Mr. CORNYN. I ask unanimous consent for 2 additional minutes and also to extend the Democratic time by the same amount.

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

Mr. CORNYN. First, Ms. Gorelick claims in this Washington Post op-ed piece that she had no choice when she penned the 1995 memo. It would be worth knowing why it is she thought she had no choice.

Second, she claims this memo did nothing more than continue pre-existing Justice Department policy first established in the 1980s. By the very terms of the memo, she states it is prudent to establish a set of instructions that will clearly separate counterintelligence investigations from criminal investigations. It is appropriate to ask her if she thought she was establishing a policy or continuing a policy, as she stated in another place.

Finally, Ms. Gorelick appears to be shifting the blame for the policy—and we are not talking about blame for the policy—to then-Deputy Attorney General Larry Thompson. At a minimum, it is not appropriate for one Justice Department official to attack her successor for failing to adequately correct their own mistakes, as we now know that wall was a mistake.

So, Mr. President, in conclusion, let me say because I know time is running

out, I believe it is absolutely imperative that Ms. Gorelick offer to come forward and give public testimony about what she knows about the erection of the "wall" barring the critical sharing of information that has subsequently now made America much safer.

I believe the credibility of the Commission's report depends on that public testimony, and I urge the chairman of the 9/11 Commission to reconsider, and indeed Ms. Gorelick to consider her refusal to testify in public and avoid what has, by all appearances, the status of a self-inflicted wound on the credibility of the Commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I think that in addition to having Ms. Gorelick reassess her position, it would be good for the President and administration to reassess their positions and testify publicly, or at least separately, instead of this appearance that they have in secret.

THE HIGHWAY BILL

Mr. REID. Mr. President, tomorrow, in the White House, it is my understanding from press accounts—and I have talked to various Senators and one House Member who will attend the meeting—there is going to be a meeting with the President to talk about the highway bill. I think it is important, therefore, that I, who have worked on this most important bill—and I have worked on several others in years past—make some observations about what I think should take place at that meeting.

Of course, it is a typical meeting that takes place in this administration. It is done in secret, with no Democrats present, which is unusual; but that is in keeping with what this administration has done now for 3½ years. Let me say, though, that I believe Senator JIM INHOFE, the chairman of the Environment and Public Works Committee, has been an exemplary legislator on the highway bill. He has been someone that has been very fixed in his ideas. He is someone, however, who is willing to work and, as legislators have to do, compromise. I have had to do the same thing. Senator JEFFORDS had to do the same thing. Senator BOND has had to do the same thing. The four of us have put this bill together. I think it is a good bill.

I appreciate the tireless efforts of Jim Inhofe on this most important legislation. He has always understood the importance of a highway bill. No one in this country can question the conservative credentials of JIM INHOFE. No one could ever accuse him of trying to give things away. That is why it is a mystery to most of us what the administration is doing on this bill.

Mr. President, first of all, understand that the chairman of the Transportation Committee in the House, Congressman YOUNG from Alaska, believed

a bill of \$300 billion just for highways alone—he was unable to do this because he could not get a proper rule in the House. The administration was opposed to him, and my understanding is that several other leaders in the House were opposed to him.

Finally, they came with a bill of \$275 billion, which included transit. The legislation that we have passed in the Senate takes into consideration the needs of this country. We have \$318 billion over six years. This is a bill that includes transit. We have worked very hard on this. Keep in mind, there are no new taxes. The bill is paid for in a number of different ways, not the least of which is highway trust fund moneys, which are supposed to be used for highways. We have been told by all outside organizations, by our own experts within the Federal Government—and the outside organizations can be exemplified and illustrated by the American Association of State Highway Transportation Officials, AASHTO. They say, as we all say, simply to maintain our roads and bridges—not to have some Cadillac version, but simply to maintain our roads and bridges—the Federal Government must invest at least \$40 billion a year.

Unfortunately, a 6-year bill at \$275 billion that includes all the needs of this country simply doesn't do the trick when we talk about highways and transit. This means, then, more congestion, less safety, and increased maintenance and replacement costs.

The Senate bill is a good bill. It passed by 76 Members voting for it. It would create a \$42.7 billion average annual highway investment. This is a good bill. It would generate real improvements in condition and performance. Let's not forget, it would create more than a million high-paying jobs. The spinoff from those direct jobs would be many thousands more.

I cannot understand the President. He is the first President since Herbert Hoover who has not had a net increase of private sector jobs. It doesn't matter how many jobs are created in the next 6 months, he will be the first President since Hoover to have a net loss of private sector jobs. Yet he is threatening to veto this. It is wrong.

Not only is the bill good for the reasons I have mentioned. That will allow us to at least keep even with the programs that we need in this country—highways, bridges—but it also consolidates all safety programs. It creates a very new program, with safe routes to school, which will allow children to walk and ride bicycles to school. It creates a good program at our ports, called a gateway program, which will not only be one that will create a more safe network of ports in our country, but will be more efficient, and it will save lots of time. There will be a new equity bonus program.

We have tried in this legislation to have a fair bill, not just to add up the number of Senators who are for the bill and run over those who don't get treat-

ed as well. By the end of our bill, every State will get at least 95 cents for every dollar they pay in. This is a tremendous improvement.

Mr. President, I hope at this meeting tomorrow the Republicans who are meeting in secret to discuss this matter will follow the lead of the Senate, and especially Senator INHOFE. This is a bill that we need to pass for the good of every State in the Union.

Mr. President, I am going to yield the remaining time I have to the Senator from New Jersey, with this preface. I say to my friend from New Jersey, who is going to discuss chicken hawk, I want the Senator to understand that when the President held his last press conference and said he could not think of a mistake he made—when I was at home during the last break, I reminded the people of Nevada that I could think of at least 2 mistakes he made. One is when he climbed on the USS *Lincoln*, the big aircraft carrier, and had the big sign in celebration of the “mission accomplished.” I think the second mistake was when he was asked the question whether there are some people in Iraq who, maybe, are going to cause some trouble, as you will remember, the President said, “bring them on.” I think those are two mistakes—“mission accomplished” and “bring them on.”

Since his statement, “bring them on,” we have lost more than 600 American soldiers. That is only the number of those who were killed; that doesn't take into consideration the thousands who are missing limbs, eyes, who are paralyzed, and in bad shape physically. So I think those are two mistakes, I remind the President. No. 1, the mission was not accomplished when he flew on the aircraft carrier in his borrowed jumpsuit; or, No. 2, when he said “bring them on,” I think that was an intemperate remark, and I think he made a mistake.

I yield the remaining time to the Senator from New Jersey.

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

WAR RECORDS

Mr. LAUTENBERG. Mr. President, I thank my friend from Nevada. Nothing could be more poignant, as we view what has taken place in Iraq, than the bravado that led us into the battle and the boastful statements that were made, such as “mission accomplished.” What the mission accomplished was, was to get a picture that could be used in an election campaign. That was the mission that was accomplished.

People thought the President was talking about something else, and he did say the worst is behind us. It is a terrible memory for us to conjure up while people are dying in quantities hardly ever dreamed about, far more casualties in this war where we have 130,000 people in Iraq than when we had 540,000 people in the first gulf war because there were enough of them to

protect one another; there were enough of them to get the job done quickly and effectively.

We have some memories, and I couldn't agree more with the Democratic whip, my friend from Nevada, about mistakes made and remembering “bring them on,” which I found so offensive.

This week is the anniversary of the photo on the bridge of the aircraft carrier *Abraham Lincoln*. Photo on the bridge—that is the memory that is going to be conveyed out there. This is the photo on the bridge. Here is the aircraft carrier looking very splendid in a display of power, but the timing was so far off and the statements were so empty: “Mission accomplished.”

Ask the 600 families who have lost children; ask those 22 families of sons and daughters in the State of New Jersey whether they think the mission was accomplished May 1 a year ago. I don't think they would agree.

Yesterday, I had an opportunity to visit the World War II memorial that is going to be open to the public very shortly. I am a veteran of World War II, as are several other Members of the Senate. I came from a working-class family. My 42-year-old father was on his deathbed from cancer when I enlisted. My mother became a 36-year-old widow. I was 18 already. I did not enlist to be a hero. I simply wanted to do whatever I could to help my country. So when I looked at the memorial yesterday, it brought back some very significant memories.

I remember being in uniform. I remember climbing telephone poles and putting up wire. Once again, I did what I was supposed to do because I was in the Signal Corps and responsible in part for getting communications between those who are commanders and those who are in the field.

I had a fairly narrow perspective, but one thing I did respect was those who received medals, those who had a Purple Heart. They were my heroes, and we used to defer to them. Anyone who got a Bronze Star or a Silver Star was thought to be someone special. That was to those of us in uniform who were trying to bring America victory. That is what happened.

When you visit the Vietnam Memorial here in Washington, it pulls at your heartstrings to see 58,235 names on the wall and you are reminded of the gravity and the impact that conflict had on our Nation. But now we are in a different place. I do not believe, I must say, we should judge our politicians based on who served and who did not serve. But when those who did not serve attack the heroism of those who did, I find it particularly offensive, and I hope people across America will put aside that criticism of Senator JOHN KERRY who received three Purple Hearts and a Silver Star, which is a very high commendation for bravery. I find it offensive, and I hope every American and I hope every veteran will say: No, no, you can't talk like that,