

Before I do that, I see the chairman of the subcommittee is here. I ask Senator BOND if he has anything further to say insofar as the highway bill is concerned.

Mr. BOND. Mr. President, I thank the chairman, the good Senator from Oklahoma. He is doing a wonderful job. I have been listening to the comments of our friend from Arizona and I understand his concerns. In order to achieve equity, in order to get the bill passed, we were only able to give certain States, under the formula, an increase that maybe in all rights was not adequate. But anybody who gets a 40-percent increase is certainly doing better than most.

I have driven the highways in Arizona, and I know that my colleague from Arizona does an excellent job representing his State. I hope the additional \$1.118 billion will be a help.

This is a problem we always face on the highway bill. I don't know any State that cannot make a compelling case that they have needs that are greater. The chairman of the full committee and I are sitting on the first or second and third worst roads and the first and second worst bridges in the Nation. I am not getting a 40-percent increase. I can tell you in detail about friends who have been killed on the highways in Missouri because there was too much traffic—10,000, 15,000 cars a day on narrow two-lane roads. This is a huge problem.

The State of Oklahoma is a major Southwest-to-Midwest freeway. My State is in the center of the States. When you look at a map that shows the truck traffic and you identify the major corridors by red lines, the center of Missouri is a big red spot, and St. Louis is a big red blotch on the map; there is that much congestion.

We were very proud to have the first interstate in the Nation under President Eisenhower's bill, starting through St. Charles, MO. That is the good news. But the bad news is that the road is badly out of shape, and there is not enough money in this highway bill even to make a beginning on repairing it. The Missouri Department of Transportation may be able to make some improvements. We are giving them some options on how to deal with it in our State, but it is clearly a pressing need.

I can make a case that Missouri is the demographic center, because as many people live north of us as south of us, and as many people live east of us as west of us. The national traffic flow is through the State. We have needs. We don't increase at 40 percent, but we had to stay with the funding formula because this is a compromise. We are trying to take care of everyone and meet the needs that are pressing, meet the highest priority needs, and we were not able to do it.

We want to work with our good friend from Arizona. We understand his concerns and we thank him for his kind comments. Again, I will have to say

that the effort we put in was a lengthy effort and much compromise—nobody got really all they need, which, unfortunately, is the nature of a compromise.

Again, I appreciate the comments made. I hope all of us can get together and move quickly. We are ready to offer an amendment. I gather we are urged to wait until tomorrow morning. If others have amendments, I hope we can be open for business tomorrow and get going because there are lots of pressing amendments and there are issues that need to be voted on. I hope we can get up and running and begin a very important debate and have votes on these amendments. I thank the Senator.

Mr. INHOFE. Mr. President, I thank the Senator from Missouri. I also would like to say that it has been a very difficult task developing this legislation. While it seems as though all some colleagues want to talk about is the formula in terms of money, there are many other issues we dealt with—environmental issues, streamlining issues, safety issues, issues that are of paramount concern to everyone. A compromise was made on all of those issues—some I don't like, but we did compromise.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. CORZINE. Reserving the right to object.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey.

Mr. CORZINE. Mr. President, I wonder if the Senator from Oklahoma will allow for 20 minutes speaking as in morning business.

Mr. INHOFE. Mr. President, I amend that to up to 20 minutes for the first speaker and 10 minutes thereafter.

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

Mr. CORZINE. I thank the Chair.

Mr. President, I, too, respect very much the challenges the chairman of the committee and the ranking member have been able to work through. I look forward to a good, healthy debate about some of the specifics. I think we are on the right track.

#### INTELLIGENCE OPERATIONS

Mr. CORZINE. Mr. President, I rise to speak on an issue about which I have spoken a number of times and which I passionately believe needs to be addressed—frankly, it is one that is well past the maturation stage where it should have been addressed—and that is an independent look at our intelligence operations, particularly as they relate to the pre-Iraqi invasion and how conclusions were drawn, so that can speak to the American people about the facts we had.

It is an issue which I think is essential to the national security of the American people. If we don't learn from our mistakes, we are bound to make those mistakes again. It is high time we have gotten around to it.

In the past few days, the administration and the world have come to understand and acknowledge on a broad basis the colossal intelligence failures that led us to war, a war that may have led to good ends, but the Nation clearly didn't come to those conclusions on the basis of the information we now seem to be discovering.

There is a question about means to an end that I think is pretty simple in the kinds of discussions I think all of us have in the families and in the communities in which we live. I don't think we want to get into a position where means justify ends when they don't relate to them. I just point that out as some of this discussion has evolved.

On January 8, Secretary of State Colin Powell addressed the lack of connection between Iraq and al-Qaida, stating:

I've not seen a smoking gun, concrete evidence about that connection.

We were told something different.

Then the President, in his latest State of the Union Address, referred only to weapons of mass destruction and related program activities, whatever that is—a far cry from the active nuclear program and stockpiles of chemical and biological weapons warned of in his last State of the Union Message in 2003.

It was last week's testimony from David Kay, the man responsible for the weapons search in Iraq, that finally brought this matter to maturity and captured the attention of the Nation, the administration, and the world, and that has really changed the whole context of this debate and discussion.

Dr. Kay, a man who told us last fall that Iraq's nuclear programs were only at the most rudimentary level, told the Senate Armed Services Committee there was no evidence of stockpiles of chemical or biological weapons.

David Kay has made an important recommendation—one that I think has been obvious for a number of months—that an independent inquiry be established so that the American people, so that the allies of the United States and those who would work with us, so that all of us who are involved in policy-making know we have the facts that allow us to make good decisions so that we are not committing the lives of our men and women in our military to efforts that are based on false premises, whether those are intentional or unintentional.

We need to have the right answers, and that recommendation apparently has now led—some might say forced—the President to announce he will name a panel to look at the intelligence issues related to Iraq.

I welcome the President's reversal on this critical need, and I suspect we will

see a reversal of support for that concept among my colleagues, about which there have been some healthy debates in the last months.

This is about the Nation's national security, make no mistake. We need to understand on a collection basis, on an analysis basis, and, yes, on a use basis, just exactly how we got to the kinds of conclusions we did. The means need to be understood so that we can connect them with the end, so that we don't make the same mistakes again and again.

I have serious concerns, however, at least from early reports about what the details of the President's plan for this commission will be, that the response is inadequate—I think seriously inadequate. This needs to be an independent commission.

How do we get to an independent commission? How do we make certain that the judgments we get are not designed or at least limited to only a mission defined by those we are actually looking at? And second, will that commission be allowed to explore the use of intelligence, or the misuse, if you will?

I haven't seen the details. I don't think any of us have. We are reading press reports. But if they are true, it would give the appearance that we don't want to have a commission that is going to deal with the fundamental crux of a lot of these questions. Quite obviously, if we don't deal with the crux of the questions, then are we going to get results that create credibility with the American people, with this body, with the world, on whom we need to count to do things as we go forward? Are we going to get to those kinds of conclusions?

If that is not the case, then I don't think we are headed in the right direction. I am very afraid we are moving into something that may satisfy a call for a commission to investigate our intelligence, but not yet at the fundamental problems that led us to this particular decision in Iraq, but also can be and may have well been replicated in other areas.

I actually think the President is right to talk about it in a broader context. It is just an issue of, sequentially, which one do we look at first. Even by the inspection on the ground, we are told that 15 percent of the issues haven't been examined on the ground in Iraq. We need to deal with where our men and women are being killed now, as opposed to putting off and putting together all of these various issues.

We have what some people might say is a tactical issue with respect to Iraq and a strategic problem with our intelligence operations in a more general context. Fine, we should look at a broader scope of issues to get to the restructuring of our intelligence operations, but we need to deal with the reality of, how did our intelligence serve us so poorly, how were the conclusions so far off the mark? Was there a problem with collection? Was there a prob-

lem with analysis? Or was there a problem in selectivity and use of the intelligence provided?

As I said, it was last summer when I first offered legislation to establish an independent commission. I think we ought to get to a truly bipartisan, independent commission, one that is not unlike what we see with the 9/11 Commission, headed by the former Governor of New Jersey, a Republican, who is doing, in my view, an incredible service to our Nation. It is a diligent, independent, bipartisan approach to find out the facts that led to that tragedy with which all of us live each and every day, whether it is in your local hometown, like it is the case in mine, or whether it is in the broader context of the Nation.

Given the fact that we have had Presidential claims that Iraq had sought to purchase uranium in Africa, which could not be justified or substantiated by intelligence, is enough to ask the question whether intelligence was properly used. It clearly was not, because the President himself has denied that that should have been in the State of the Union.

So how did that intelligence get misused? How did that come about? Similarly, with regard to the aluminum tube issue, on which a whole host of folks have spoken out both publicly, and I have read some things privately, that call into question whether that was ever a viable concept for intelligence to be used as one of the justifications for entering into this conflict.

How can that happen? We need to have certainty and independence in judging how we got to the collection, the analysis, and the use of the intelligence. I think that is important if we are going to go forward with certainty and credibility with regard to our efforts in using our intelligence for proper and effective policy formulation in the years ahead. We need it so we can speak to the world with credibility, and it will not take place, in my view, if we do not have that independent commission.

So I want to reemphasize the point that use of the information is also very important. We have seen time after time, and opinion after opinion, of a number of people, outside of the David Kay remarks, that much of the use has actually been disputed within the intelligence community. I cite in particular an officer from the State Department, Gregg Thielmann—and I will try to get his particular title—who has made the assertion that we are basically operating under faith-based interpretations of a lot of information. He goes back and cites the Nigeria uranium and the use of aluminum tubes, disputes about stockpiles that were reported, and many elements of different perspectives with regard to the intelligence that was available to policymakers.

How did we get such a one-sided view? I think some people would argue

it might be misuse. Some may argue it is selectivity. I think we need an independent commission so we can get to the bottom of these. I think we need to understand how the administration could make public statements that contradicted some of the analysis or failed to incorporate the balance that was actually involved in the communities' reports. Why did these reports Congress mandated under the very resolution that granted the President the authority to go to war include some of those unsubstantiated claims I talked about? Were members of the intelligence community pressured to produce analyses that conformed to the administration policies? They even set up an extra body within the Defense Department to derive points of view that would be used in the Defense Department independent of traditional agencies that are involved in the intelligence. Did the administration officials seek to bypass that normal process by cherry-picking?

I think all of these questions are real and they are ones that need to be independently analyzed. There are plenty of outside experts. I think a lot of people have heard about the Carnegie Endowment study that reported last week, and I quote:

Administration officials systematically misrepresented the threat from Iraq's WMD and ballistic missile programs.

They may not have all of the information. That is why we need a commission to straighten this out and to give us all confidence that we can go forward.

I spoke about Mr. Thielmann, who was the former director of the Office of Strategic Proliferation and Military Affairs in the State Department. He is incredibly offended by the difference between the information he saw and presented to the Secretary of State, as the one who is responsible for collating that, and what he has seen stated in the public. So how did those kinds of differences come to pass? Why are we dealing with such discrepancies?

The commission I proposed would be established by law independent of any executive orders to change its mission, change its role, change its scope. Its members would be selected by the leadership of both parties, balanced, kind of like the 9/11 Commission which I think people would argue as being very independent and is on the right track; receive an independent budget so there would not be issues about how thoroughly they might be able to pursue particular avenues of research; and would be directed to examine every aspect of this critical problem; obviously all elements of the collection, all elements of the analysis, and all elements of use from top to bottom, from our intelligence operatives to the White House.

By the way, in my view, Congress looks to provide the checks and balances that are expected through our constitutional offices.

I think this commission should be thorough and we need an end result

that gives us all confidence that when we make decisions that send 120,000, 130,000 or 150,000 of our men and women into battle that they are fighting a war based on information that was intended to give pure advice as best understood. I do not think the looking back—20/20 hindsight is always better, but looking back, one has to question whether the claims that Saddam Hussein posed a dire and immediate threat to the United States were real. It is important that we have a full examination, particularly when there were other alternatives that would not have necessarily cost American lives, such as continued pursuit of U.N. inspections which were claimed to have been ineffective, further diplomacy pointless, when in fact apparently all of those efforts at U.N. inspections and other things had actually been successful. There has been a huge failure, one that is very real in the lives of the families who have given up their sons and daughters, and I think one that morally requires we have an independent, bipartisan commission that gets to answers independently of any of us who have been involved in the decision-making, because if we do not have that I think we are going to always have questions of credibility as we go forward.

So I hope we can work together. I certainly intend to offer either on a stand-alone basis or in an amendment format an additional opportunity to support a truly independent and bipartisan commission that can get to the bottom of something I think is fundamental to the national security of this Nation, and make sure all of our sons and daughters are fighting wars and protecting America with the kind of information that is there for the best interests of us executing our policies, not for the best execution of our political desires.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Missouri.

Mr. BOND. Mr. President, I want to answer some of the concerns raised by my colleague from New Jersey. Basically what he is describing is the Intelligence Committee. For 8 months, our staffs have interviewed over 200 people. They have gone through thousands of pages of documents. We have investigated all of the charges and all of the concerns that have been raised.

There will be a preliminary report provided to the members of the Intelligence Committee on Thursday. Starting afresh with another congressional commission is not warranted. The report of the Intelligence Committee has not been seen.

There are certain things that we know we have seen supported. I believe everybody believes David Kay is credible. When he testified before the Senate Armed Services Committee on January 28 this year, he said: I think the world is far safer with the disappearance and the removal of Saddam Hussein. I have said I actually think this

may be one of the cases where it was even more dangerous than we thought. I think when we have the complete record you are going to discover that after 1998 it became a regime that was totally corrupt, individuals were out for their own protection. In a world where we know others are seeking WMD, the likelihood at some point in the future of a seller and buyer meeting up would have made that a far more dangerous country than even we anticipated with what may turn out not to be a fully accurate estimate.

There is no question about it not being a fully accurate estimate. This is one of the areas where I think all of us would agree, we did not have as good intelligence as we should have. We didn't have as good intelligence in the 1990s, when we should have. And President Clinton, on February 17, 1998, said:

If Saddam rejects peace and we have to use force our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

Secretary of State Madeleine Albright, a day later, said:

Iraq is a long way from here but what happens there matters a great deal here. For the risks that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the present greatest security threat we face.

Sandy Berger, the National Security Adviser, said on that same day:

He will use those weapons of mass destruction again as he has 10 times since 1983.

All of the people who are making these statements have access to the intelligence information that we as Senators get. We realize, based on what David Kay stated, that we badly underestimated the ballistic missile capability. As a matter of fact, Senator GRAHAM of Florida was prescient in a letter he wrote. In a letter dated December 5, 2001, signed by many others, he said:

There is no doubt Saddam Hussein has reinvigorated his weapons program. Reports indicate biological, chemical and nuclear programs continue apace and may be back to prewar status. In addition Saddam continues to redefine "delivery system" and is doubtless using the cover of a licit missile program to develop long range missiles that will threaten the United States and our allies.

That one was right on the mark because that is what we found.

What are the needs? Obviously, when there are not people who speak Arabic, when we do not have unofficial agents in the country, we are missing out on one of the important elements of a good intelligence program. But, you know something. It is not just Iraq. We didn't know how far Libya was along until Muammar Qadhafi, not wanting to be pulled out of a spider hole by an American soldier standing over him with a grenade, decided he would come clean. We were unaware of how far Iran has gone. And, clearly, prior to the first gulf war, we did not know just how far advanced Saddam Hussein's programs were.

We also know—and David Kay was clear about this—that we cannot ac-

count for weapons of mass destruction that he had. There didn't have to be a large stockpile. A suitcase full of anthrax or ricin, or even a handful, can be a great terrorist weapon, and we will be lucky if we find that small amount, particularly after you look at the lengthy program of denial, deception, and destruction in which he engaged.

There is a lot of intelligence that was lacking with respect to Saddam Hussein. We have to do a better job. The purpose of the Senate Intelligence Committee, one of five or six committees already investigating it, is to find out not only what we lacked but also to recommend changes because the one area on which we would agree is that we have to have a better system of intelligence. What we learn is going to put us on that track.

I know the staff has worked hard. I am looking forward to the report. I will be surprised if it does not confirm what David Kay says and lay out some recommendations. The President has a responsibility as well. We have an oversight responsibility. If he wants people to look at it, to tell him how to improve it: Good luck. Go ahead. But we have the Iraqi Survey Group, internal investigations, and I believe probably the best investigation is what the Senate Intelligence Committee has done.

I apologize. I know my colleague from Illinois wants to speak so I will yield the floor.

Mr. CORZINE. Will the Senator from Missouri be willing to take a question with regard to the Senate Intelligence effort?

Mr. BOND. I will be happy to.

Mr. CORZINE. First of all, I compliment him. I am quite supportive of the Senate Intelligence Committee doing a total rundown on both the collection and the analysis that led both to the Iraq situation and some of the failures he mentioned with regard to Iran and Libya and different points of view. God knows the Pakistani dissemination of technology we have read about in the newspapers in recent months is a pretty horrific proliferation issue about which I think all of us should be concerned.

But there is this fundamental issue of whether intelligence has been misused and whether we are getting the checks and balances in looking at the collected and analyzed information. Are we looking at the full range of possibilities?

I ask my colleague from Missouri, am I correct that the chairman of the Senate Intelligence Committee said that studying the use of the intelligence information was really not part of the efforts the Senate Intelligence Committee would take on in this process? I think the record would be specific. But is that the case or not?

**THE PRESIDING OFFICER.** The Senator from Missouri.

Mr. BOND. Mr. President, to respond to that question, what the Intelligence Committee looks at is what is the intelligence that was gathered. There

have been some suggestions that the intelligence was influenced or colored by pressure from the administration. David Kay said absolutely not. He said he talked to the analysts, there was absolutely no information—there was absolutely no information—and he said that really the intelligence community owes an apology to the President—and I would say to the American people—for not having done it better. But they are dealing with a very inexact science.

If you follow what other elected officials had said prior, during the 1990s, 2001, 2002—what they were saying shows that they used the same intelligence. We are looking at the intelligence, the national intelligence estimates and all those things. We look at it, and if you want to second-guess, if you want to argue that we should not have gone into Iraq, I think David Kay answers that and says the world is far safer. It was a much more dangerous situation than we thought.

Yes, there are errors. There are areas where we overestimated his capability. There are areas where we underestimated his capability. But the fact remains that Saddam Hussein had so much weaponry, it is going to take 18 months just to destroy it. He still may have chemical and biological weapons. We look at what the intelligence is.

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

Mr. DURBIN. I ask unanimous consent to be recognized in morning business for 30 minutes.

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

Mr. DURBIN. Mr. President, let me say at the outset I commend my colleague from New Jersey, Senator CORZINE, who came to this floor several months ago and said we need an independent commission to look at the intelligence that led up to an invasion of Iraq, and the use of that intelligence, and called for a vote on that issue. I don't remember the final outcome of that vote, but I know I stood with him because I thought it was the right thing to do. Many people on our side of the aisle and the other side of the aisle resisted that suggestion, saying the Senate Intelligence Committee would be able to do this investigation.

But the Senator from New Jersey has hit the nail on the head. Senator ROBERTS, the chairman of the Senate Intelligence Committee, made it clear long ago that our committee, the Senate Intelligence Committee, would not look into the use of intelligence but, rather, whether it was accurately gathered and presented to the policymakers. That is a critically important question and one that would be part of any valid investigation.

But equally important, if not more, is whether or not that information, once given to the policymakers, was honestly communicated to the American people. I can think of nothing worse in this open forum of government than to have the suggestion that there were misrepresentations made to

the American people on something as critical as a decision to invade a sovereign nation. That is the question before the Senate.

This week's Newsweek cover story is based on Dr. David Kay's testimony last week before Congress. It has pictures of the leaders of the Bush administration and the quote from Dr. Kay, "We Were All Wrong."

The obvious question is, Where was the error made? Was it just in the collection of intelligence data or was it in the portrayal of that data, the description of that data to the American people? That is a painful question and a delicate question but an important question.

Senator CORZINE has said for many months we need to have people come and ask that question, both questions, in an honest and bipartisan way. I salute him for his leadership on this issue. I know he has been frustrated by the rejection of the Senate for his proposal, but now it is full circle. Now, even the President, who once opposed him, says it is time to move to a commission.

Mr. CORZINE. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. CORZINE. It seems to me it is absolutely essential we understand how the President of the United States can put those 16 words—which were in absolute conflict with the information that generally was available in the Intelligence Committee, if I read that properly—into the State of the Union Message of 2003 with regard to aluminum tubes and with regard to uranium and then later the whole discussion, particularly Secretary Powell's presentation to the U.N. of the use of aluminum tubes. This was also in very strong contradiction to much of the information that is now available. We could go on, with unmanned aerial vehicles and a whole series of other issues.

So somehow or another there were disputes about the response that one should make with regard to collection and analysis of data. And that gets at the fundamental question of how did we use or misuse the intelligence that was presented. To not come up with an answer that is credible to the American people, credible to policymakers in this body, and credible to our allies and the world community is a failure of leadership on our part. It becomes absolutely essential that any independent commission needs to deal with the use, not just the collection and analysis.

Is that how the Senator from Illinois feels?

Mr. DURBIN. Yes, which is why I supported the early resolution. I hope the Senate will return to that. I hope we can find a way to choose people who are fair arbiters. There is a fear on the other side that something will be done to embarrass the administration before an election, especially a feeling we should let the chips fall where they

may. Can't we find people in this country—I think we can—who will be honest, dispassionate, and nonpartisan?

At issue is not just a question of who comes out ahead on the political ledger sheet. The question before the Senate is one of the most important elements for America's national defense and security. If we had planes being flown in Iraq that were crashing, if we had tanks that could not shoot straight, if we had a lot of equipment over there that was failing, we would hear very quickly from the press, from the public, from the Pentagon, that we need an investigation.

Here we have a failure of something equally important, a failure of intelligence. We need to get to the bottom of it. If we are going to be successful in any war on terrorism, we need the very best intelligence in the world. Clearly, our intelligence failed us in the leadup to the invasion of Iraq.

We find ourselves today in a situation which is likely to be long term, costing American taxpayers \$1 billion a week but, more importantly, continuing to cost American lives. That is a compelling reason to move on this with dispatch.

I sincerely hope Senator CORZINE's suggestion is followed up on as quickly as possible.

Mr. DORGAN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. DORGAN. I ask the Senator from Illinois if it is not the case that the gathering of intelligence—today, tonight, tomorrow morning, yesterday—might be the very function that determines whether our country is able to determine and prevent a future terrorist attack against our country; isn't the intelligence-gathering system that important?

Mr. DURBIN. I say to the Senator from North Dakota, more important than it has ever been, since September 11. It is only with valid, credible, good intelligence that we are able to anticipate someone who is trying to cause harm to the American people or to strike us in our territory or to, frankly, attack our special interests around the world. Intelligence is a critical part of our national defense.

Mr. DORGAN. I inquire if the gathering of intelligence is so critical—and the Newsweek magazine describes it as a failure in the description by Mr. Kay, the top weapons inspector—if, in fact, it is a failure, then I would expect that the President of the United States, the Congress, and the American people would demand, on an urgent basis, that we figure out what happened, what is wrong, and how to fix it. Not later, now. The safety and security of this country depends on it.

With respect to the issue of intelligence, we ought to now understand, having the vision in the rearview mirror, the issue is not what we think but, rather, what we know when a country changes a doctrine, as the President did, with respect to preemptive attacks. If you talk about preemption

you better know things rather than think things.

I went back and reread the presentation to the United Nations by the Secretary of State. When he made that presentation, I thought to myself, that is a masterful presentation. And what he did, interestingly enough, is say: We know the following; we know the following; we know. And he put pictures up and he put up pieces of information—we know this from human resources; we know this from inspections; we know this from satellite photos.

They did not know it. What he said we knew turns out to have been fundamentally wrong.

So it seems to me the President, the Congress, and the American people ought to demand on an urgent basis there be an independent commission to find out what on Earth happened and how do we fix it.

Let me make one final point, if I might. Can there really be an independent commission, when a President, who did not want a commission in the first place, and said in recent weeks he did not want a commission, now will say our executive branch and our administration will create a commission that is independent? Can that really be a commission? Or is it not the case that a truly independent commission would be one that follows the course that we usually follow on urgent issues, and that is, we put in law, a law from Congress, that creates and funds a commission and creates a truly independent body to take a hard look at what happened.

The executive branch cannot possibly have a commission that investigates itself. This is not about politics. There is no political way to talk about safety and security of the American people and our great reliance on intelligence.

This is not about Republicans or Democrats. This is about the future of this country and getting it right. It is critically important.

The Senator from New Jersey and what he has been talking about for months about this independent commission is right on the mark, as is the Senator from Illinois. I am pleased to join him in this discussion about how important intelligence really is.

I ask that 10 minutes be added to the Senator's allocation for his presentation.

Mr. DURBIN. I think the Senator said something important in relation to the September 11 commission, a commission which is headed up by former Republican Governor Kean of New Jersey, which has asked for an extension of time, so on a bipartisan basis they can ask all the questions as to whether or not we did anything wrong that led up to September 11, and what we could have done to prevent it.

Former President Bill Clinton said to a gathering of Senators, I am prepared to testify before that commission. I am prepared to cooperate with them completely. If there was any shortcoming

or failing in my administration, so be it. It is more important that the American people know that we have done everything in our power to make this a safer nation.

That should be the attitude of all Members. We should swallow our political pride and say this is not about partisanship. If an error was made by any President, Democrat or Republican, which has put us in harm's way or endangered America's security, don't we deserve to know that? The fact that the Senate Intelligence Committee has drawn a line and said they are not going to even ask the question as to whether the intelligence was misused by any member of the Bush administration tells me they are being politically protective. They are protecting the political interests of the White House instead of the paramount concern, which should be protecting the American people.

I hope, frankly, there is an independent commission that asks hard questions of those in the Clinton administration and President George W. Bush's administration and any administration that might have some bearing on the intelligence capacity of America and on the protection of this great Nation. I thank the Senators who joined in on this important issue.

#### THE PRESIDENT'S FISCAL YEAR 2005 BUDGET

Mr. DURBIN. Mr. President, I came to the floor to address President Bush's fiscal year 2005 budget. This budget was presented to Congress yesterday. It has been characterized by the Concord Coalition, and others, as one of the most irresponsible Federal budgets to have been filed. It continues President Bush's failed tax policies, unfortunately, at the expense of Social Security and Medicare. It shortchanges funding for schools. It shifts the burden of paying for environmental cleanup from the polluters to ordinary taxpayers. And it hurts States in the Midwest, such as my own State of Illinois, that are facing terrible budget situations. It imposes new Federal mandates without providing adequate Federal funds.

The budget is a fundamental reversal of the very things the President said his administration stands for. It is not compassionate, it is not conservative, and, sadly, it is not credible.

Why is it not compassionate? The President's budget again fails to provide full funding for No Child Left Behind. This was the premier education policy of the Bush administration, supported, on a bipartisan basis, by this Senator and many others on the floor, with the understanding that as we identified the weaknesses and shortcomings in public education, we would come forward with the money to help the students reach the level of testing where they should be.

Now we find in Illinois and States across the Nation that test scores show

that kids need help, and the Federal Government continues to say: Take the test, announce whether you are a failing school or a successful school, and we will provide you with less money than we ever promised.

During the debate on No Child Left Behind, Senator Paul Wellstone of Minnesota sat behind me. He opposed the program from the start. He said: You are going to create a program where the tests become the object of education rather than learning. Unfortunately, because the tests create such high stakes, many teachers will have no recourse but to teach to the test, thus dampening the enthusiasm to learn, the creative element that is part of education.

That was Paul Wellstone's point. I said: Paul, I disagree with you. Tests are about accountability. We have taken tests all through our school years, and we should hold our students accountable, our teachers accountable, our school boards and others accountable through testing. So I disagreed with him on that premise.

Then he added: But I will tell you something else. When it comes to providing the Federal resources that you are going to promise, I'll bet they won't be there. When the schools need them, they won't get the help from the Federal Government to improve the education of our children.

Unfortunately, as I have traveled around Illinois, I am afraid former Senator Paul Wellstone was right on both counts. We are finding more and more teachers and principals and school boards complaining that they are spending more and more time focusing on tests, doing their level best to avoid being branded a failing school and facing sanctions from the Federal Government. And when they find some students who are not meeting the test standards, they are hard pressed to come up with the tutoring that is necessary, the afterschool programs or summer school programs to bring these kids back in the mainstream and to bring them up to the level where they should be.

So what do we find in this budget from President Bush when it comes to his premier policy on education? The law in No Child Left Behind authorized \$34.3 billion in funding to school districts in this next fiscal year—\$34.3 billion. The President's budget only provides \$24.9 billion. The President's budget falls short by over \$9 billion of keeping its promise to the American schools and people that we would give them a helping hand so that the kids could move forward in their education.

In Illinois, a State which is facing a deficit, which is causing a lot of hardship, we are going to lose over \$250 million which would have come to us had the President put in his budget a request for funds adequate to fund his premier policy for education. So in Illinois we are facing a mandate, No Child Left Behind, and no funds to pay for it.

Well, I can tell you, school districts around my State can think of a lot of