

they are closest to and deal with the issues that are there. This action, of course, is contrary to the system of circuit courts, judges thousands of miles away from disputes involving certain impacted areas. Those lawsuits should be tried in the courts of primary jurisdiction because they are the courts that are there.

We have had a real problem in Yellowstone National Park. The district court judge here in Washington decided to move back again on something that we thought was resolved. The Park Service had asked for relief from Judge Sullivan's December order because it would have left an impossible decision. It then moved back to a Wyoming court where it belonged, a Federal circuit court, of course. So now we find ourselves with 2 years of indecisiveness which means we have not made a decision. People don't know whether they can go into Yellowstone Park in the winter.

I have introduced legislation that would limit the ability of individuals to venue shop. Federal land issues arising in a particular State ought to go to that circuit court in which the Federal judges there are involved. These Federal judges have the same qualifications as anywhere else, and that is what Federal courts are for. That is why we have different venues. So it is important. Access to public lands is very important to our State and certainly we need to exercise the system that has been set up.

The Federal judiciary is a system of circuits. Wyoming is in the Tenth Circuit. Unfortunately, this system now allows people to go around the Tenth Circuit and go to another place where they think they will have better success.

My friend from Montana is here. I hope and I am pushing for a bill that says you ought to go to the circuit in which the problem arises for the Federal court jurisdiction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

A ROCKY START

Mr. BURNS. Madam President, we all came back from our States after the Fourth of July break knowing that we would be working on a short timeline. Lots of legislation and policy has to be done before we end this Congress and all go home and campaign for election and reelection. We are off to kind of a rocky start. Not only do we not have a budget and the rules that we must abide by within a budget in order to proceed to appropriations and to make any sense out of the appropriations process, but we also do not have our appropriations process as being sort of supplanted, that we may have to take another tack in order to pass them and keep the Nation's Government in business.

This week, we have witnessed that we are not really ready to pass any leg-

islation in this body. We, as 100 Senators, are concentrating on votes and issues that lean to doing the business of a political party rather than doing the people's business, which we were sent here to do. This is the people's forum. All people in this country expect us to get our work done. We have issues that are held up, yes, in policy, but the business of financing this Government in a direction that faces the challenges that we do at this time is also being held up.

I am sorry we could not move on to the class action legislation. It was not the intent of this Senate to do that, as objections were thrown out that blocked the legislation no matter what the conditions were, let alone amendments—no agreement on them or a timeframe in which to finish the legislation.

This is important for small business. Class action is important for a State such as mine, because we are a State of small businesses. We don't have any large corporations in the State of Montana. Lawsuits—and frivolous lawsuits—are just sapping the life out of the people who perform the services and deliver the goods for the rest of the citizenry in the State of Montana. That is not being allowed to move forward. Under any condition, there is an objection. Are we heading toward the small end of the tunnel whenever we get down to the end of the session, and then everything breaks loose—issues, bills, and articles are moved much faster. Sometimes they move so fast there are some unintended consequences.

I am disappointed that we don't finish our business. This is the people's house. Issues are on the line. We are just wasting our time. In fact, we are doing it to the point where we might as well be home, working at home, and whenever we decide we want to do business, then we will come back to town and complete the Nation's work.

It is incumbent upon all of us who share the same responsibility, not only to our States but to this country, to complete the work at hand, providing economic opportunities for more people, which we have done.

Look at the statistics. More people own homes now in the United States than ever before in the history of this country, and the same is true about Montana. More people are working today than any other time in Montana history. We gained jobs in the last 4 years, when the rest of the country was struggling. We want to keep that trend going, expanding. Yet we are held up here on issues that are very important in order to make sure that the expansion continues.

I appeal to my colleagues on both sides of the aisle. It is time to move from the frivolous discourse that we have heard in the last couple of weeks and this week, and get on with the business at hand and vote. Let the will of the American people be heard and done. It is our responsibility. It falls on each and every one of our shoulders,

and if we are part of an obstructionist move, we must reassess our position and understand what is at stake.

I appeal to my colleagues. It is time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Is this Senator allotted a certain amount of time?

The PRESIDING OFFICER. Fifteen minutes.

CIA AGENT REVEALED

Mr. HARKIN. Madam President, yesterday I stood before the Senate and noted that it had been almost a full year since the identity of a covert CIA agent was revealed in print by the columnist Robert Novak. It has been 360 days and counting. Next Wednesday, it will be 1 full year. It is time to ask, Why hasn't the White House cleared this up?

Madam President, 360 days have gone by since a CIA agent's name was revealed by top White House officials. We know how agent Valerie Plame's coverage was blown. Back in September, the Washington Post reported that two senior White House officials called at least six Washington journalists and disclosed the identity of a covert CIA agent.

It has also become fairly clear why the agent's cover was blown. It was part of an ongoing effort to discredit and retaliate against critics of this administration, especially those who revealed that intelligence used to justify the war in Iraq was flawed or fabricated. Now Ms. Plame, as we know now, is married to former Ambassador Joseph Wilson. Ambassador Wilson was sent on a factfinding mission to Niger to examine claims that Saddam Hussein had sought to purchase uranium from that nation. He found no evidence to support the claim. But President Bush, nonetheless, made that claim in his State of the Union Address.

How those famous 16 words read by the President to the listening Nation about the efforts by Saddam Hussein to purchase uranium from Niger made it into the State of the Union Address remains a great literary mystery. Who lied in President Bush's State of the Union speech? We still don't know. We do know that Ambassador Wilson published an article disputing the uranium claim in the New York Times. Apparently to discredit and punish Mr. Wilson, senior White House officials leaked the identity of Wilson's wife and the fact that she was a CIA operative.

One day Ms. Plame was a valued human intelligence asset; the next day she was political cannon fodder. What we still don't know almost 1 year later is who the senior White House officials responsible for this destructive leak were. We still don't know who it was that gave this classified information to the White House, to the leakers. Was it someone at the NSC? Was it someone at the CIA? Was it the same person who made the decision to include the

false claims about uranium from Niger in the State of the Union Message?

Madam President, 20 years of training and experience and millions of dollars were invested in this agent. Leaking her identity violated the law and constituted a betrayal of this country. Yet, for all we know, the person responsible for this betrayal could at this very moment still be exercising a senior decisionmaking role in this administration where the buck never stops, an administration where abuses occur, but no one at the top is ever forced to accept responsibility.

In her 20-year career, Valerie Plame operated with unofficial cover, which means she had no diplomatic immunity. Effectively, her only defense was a painstakingly created and maintained cover. She worked closely with undercover operatives and a network of contacts. All were potentially placed in jeopardy and exposed to danger by the disclosure of her status.

Last November, we heard testimony from three former CIA experts. They all agreed on the far-reaching damage this disclosure represented for Ms. Plame's broader network of contacts and for the intelligence community as a whole. After all, what guarantee does any intelligence agent now have that they could not be the next victim of some administration's smear campaign?

Vincent Cannistraro, former chief of operations and analysis at the CIA Counterterrorism Center, said of the Plame disclosure:

The consequences are much greater than Valerie Plame's job as a clandestine CIA employee—they include the damage to the lives and livelihoods of many foreign nationals with whom she was connected and it has destroyed a clandestine cover mechanism that may have been used to protect other CIA nonofficial cover officers.

James Marcinkowski, a former CIA operations officer, seconded this by saying:

The deliberate exposure and identification of Ambassador Wilson's wife, by our government, was unprecedented, unnecessary, harmful and dangerous.

Larry Johnson, a former CIA analyst and State Department employee, said:

For this administration to run on a security platform and allow people in the administration to compromise the security of intelligence assets, I think is unconscionable.

No one in this Chamber, after listening to these three men, could have any doubts about the damage this act has done to the relationship between the intelligence community and the administration. From all reports, the special prosecutor, finally appointed the day before New Year's, Mr. Fitzgerald, has been conducting a very aggressive investigation. He has issued subpoenas, called witnesses before a grand jury, and interviewed the President and Vice President.

I inquired as to whether the President or Vice President were put under oath. I am informed they were not.

Now I find this more than passing strange that the previous President of the United States, President Clinton, when he was being questioned about his relationship with a White House intern, was put under oath and filmed, and yet this President and this Vice President, the head of an administration where people leaked the identity in clear violation of the law of a CIA operative, are interviewed; they are not put under oath; they are not filmed. Would someone please explain the priorities?

In fact, the President has been kind of cavalier and dismissive of this entire situation. In his only public statement about the leak, he told reporters, and this is a direct quote from President Bush:

... I don't know if we are going to find out the senior administration official. Now, this is a large administration, and there's a lot of senior officials. I don't have any idea.

That is what George Bush said on October 7, 2003.

What I would like to know is, where is the President's outrage? Where is the recognition that this is not the same as leaking promising numbers on the economy? Where is the President's fury that one of his own valuable intelligence assets has been destroyed? And what about the Vice President? We know he can be relentless when he is on a quest for information to justify the case for the war in Iraq. Where is his determination to find the people who have destroyed the confidence of the intelligence community in this administration?

All we hear from the President and the Vice President is silence on this issue, as if they do not want to know who leaked this information, or they know and they do not want to be held accountable. In either case, it is inexcusable for the President or Vice President.

The disclosure of Ms. Plame's identity represents an extremely damaging breach of national security. She worked gathering human intelligence, exactly the type of intelligence we have heard over and over again since September 11, 2001 that is so critical to our fighting terrorism.

Only 2 days ago, National Public Radio reported on the fact that there is a growing consensus on the need to improve our human intelligence capacity. There is a recognition that after years of increasing reliance on intercepts and satellite imagery, only solid human intelligence can help us deal with the type of insurgency we face in Iraq in effectively fighting al-Qaida.

The other critical point that was made is that sending troops to a training course on intelligence gathering is not enough. According to one CIA agent, he said it takes 10 years to season somebody as a case officer in order to judge the information and the people they are dealing with, check on bona fides. That is the kind of asset Valerie Plame used to be, and, as Mr. Cannistraro pointed out, the damage

that was done was not only to her but to her network and potentially to all CIA human intelligence operatives.

One publication reported after reading of her own blown cover, Ms. Plame immediately sat down to make a list of all of her contacts and associates who could be in jeopardy. I can only hope when we find out the identity of this leaker or leakers, that person is forced to see this list and be confronted with the full extent of their betrayal of this country and our citizens.

Usually when the cover of agents like Valerie Plame is blown and their contacts placed in jeopardy, it is a result of espionage. The perpetrators, when convicted, face life in prison or even death. In many ways, it is almost worse that this was done as an act of political revenge. The disclosure of Ms. Plame's identity was unquestionably a vicious act of political intimidation and retribution, but it is much more than that. It is part of a clear pattern of coverup, concealment, and contempt for the truth. That is why so much rests on the outcome of Mr. Fitzgerald's investigation.

We need to identify and prosecute those responsible for this damaging episode, and in so doing we need to send a clear message to the President and the Vice President that sacrificing intelligence assets and breaching national security is too high a price to pay for maintaining the issue of deceit that was used to justify the war in Iraq to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY POLICY

Ms. CANTWELL. Madam President, I rise this morning to talk about where we are going with our Nation's energy policy and what this body and the House of Representatives are going to do in protecting consumers and ratepayers from continued market manipulation and energy fraud.

This morning, most of America woke up to a picture of one of America's corporate leaders led off to an indictment in handcuffs. Yes, that is right, Ken Lay from the Enron Corporation, while not found guilty today, was indicted on 11 different counts, including wire fraud, securities fraud, and making false and misleading statements. The question is whether this 65-page indictment of Ken Lay, which does prove that no one is above the law, is going to bring justice to ratepayers and consumers in America who have suffered from market manipulation at the hands of Enron.

I say that because there are still about 10 States in America that have utilities that are being sued by Enron. That is right, even though Enron has manipulated contracts, even though there are documents from Federal investigators showing that market manipulation has happened, Enron still has the audacity to sue utilities across