

people must have a voice. The people, through their elected representatives—not judges—should decide the future of marriage.

Montana, Louisiana, West Virginia, Colorado, Washington, Maine, North Dakota, Ohio, New Hampshire, Nebraska, South Carolina, Arkansas, Alaska, Pennsylvania.

All of these states and many others have made independent determinations to protect same-sex marriage. Without an amendment to the Constitution, all that work will be for naught. They have made those independent determinations to protect traditional marriage, not same-sex marriage. I respectfully ask my colleagues to do the right thing here and to guarantee that the right to self-government on important issues such as this remains with the people rather than in the courts.

This is an important issue. Anybody who argues this issue isn't as important as anything that can possibly come before this body fails to recognize that traditional marriage and the rights of families and children are the most important elements of our societal function and we need to protect them. We need to do it now and not wait until 2 or 3 years from now when all this becomes mush and nothing will be able to be done, such as on other bills that have occurred through the years.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I understand we will be going back and forth. I wondered, because I have a time schedule, if I might ask unanimous consent that after the Senator from Vermont speaks—might I ask how long he plans to speak?

Mr. LEAHY. I can't imagine I will speak much more than probably 10, 15 minutes at most.

Mr. BOND. Might I ask that I be recognized for 5 minutes and then the previous order, which was for the Senator from Texas and the Senator from Alabama to be recognized.

The PRESIDING OFFICER. There is no such order in effect.

Mr. BOND. I ask unanimous consent to make such a request.

Mr. LEAHY. Following me.

Mr. BOND. Following the Senator from Vermont.

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

The Senator from Vermont is recognized.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2636 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### FEDERAL BUDGET RESOLUTION

Mr. LEAHY. Madam President, there is another important issue we have before the Senate. We don't yet have a Federal budget resolution, even though we were supposed to have done that this spring.

It is July. We have considered only one appropriations bill, and that has not been resolved with the House. We have not yet even considered the other 12 appropriations bills, including the Homeland Security appropriations bill. These are usually considered must-pass legislation, whether there is a Republican-controlled Congress or a Democratic-controlled Congress. Instead of passing these bills, however, we sit around not doing any work on the things that we absolutely need to do. We are working on political matters. The divisive constitutional amendment to federalize marriage is an example of that.

For 215 years, we have left it up to States to define marriage. All of a sudden, are we going to tell them they do not know what they are doing? Are we going to take over the marriage issue from the States and define it for them? Are we going to treat this as a matter of urgency, that we must proceed to immediately while setting aside homeland security and the budget?

Heck, the Senate Judiciary Committee, which held a few hearings on this issue, has not even considered the language of this Federal Marriage Amendment. We have not even voted on it in the Republican-controlled Judiciary Committee. The fact that the Committee has been bypassed, and the FMA brought immediately to the Senate floor, is an unmistakable sign that political expediency—and haste in the furtherance of political expediency—is why it is here.

Political expediency, whatever it takes, seems to be the leadership's guidepost, not the pressing needs of the country for homeland security funding or a budget. I am afraid that the paramount thing for the Republican leaders in this body at the moment are such divisive matters as federalizing marriage law by constitutional amendment. I remember the days when the Republican Party would say we are going to keep the Federal Government out of the doings of the States. Well, now we seem not only to politicize judicial nominations, making independent judges a wing of the Republican Party, but to politicize the Constitution itself.

I think it is wrong. I think it is corrosive to seek partisan advantage at the expense of the independent Federal judiciary or our national charter, the Constitution. Maybe we should have a corollary to the Thurmond rule, which is that in Presidential elections, after the Fourth of July we do not consider judicial nominations, except by unanimous consent. Maybe we should have something called the "Durbin rule."

The senior Senator from Illinois observed that we should prohibit consideration of constitutional amendments within 6 months of a Presidential election. I think he is right in pointing out that the Constitution is too important to be made a bulletin board for campaign sloganeering. Somehow we should find a way to restrain the impulse of some to politicize the Con-

stitution. I think we have 50 or 60 proposed constitutional amendments before the Congress right now.

While we are doing this political posturing, let us talk about what we might have been doing. I will take one issue, homeland security. This week, we received further warnings from the Republican administration about impending terrorist attacks. So what are we doing in the Senate to respond to those attacks? Why, we are going to launch a debate over gay marriage.

The Homeland Security appropriations bill is stalled, but notwithstanding the warnings by the administration that there are impending terrorist attacks, first and foremost the Senate has to have a constitutional amendment banning gay marriage. We cannot take time to bring up the Homeland Security bill, something that will probably pass in a day and a half.

If the American people are uneasy about their security during the summer traveling season, that may be because of the conflicting signals they are receiving from the Government. At least this time it was Secretary Ridge and not the Attorney General who appeared on our Nation's television screens to warn of an impending al-Qaida attack. We may remember a few weeks ago, when the Attorney General made dire warnings the same day that Secretary Ridge, the Secretary of Homeland Security, told Americans to go out and have some fun this summer. The American people must wonder what is going on. They must find it hard to believe what is going on in this Senate, how we are using our time now.

I believe Congress should get on with providing the funding needed to address our security vulnerabilities, even at the cost of forsaking some of the President's tax cuts or a fruitless debate on marriage.

We have heard the administration say we are in dire danger. We have given them everything they have wanted: the Homeland Security Department; we have gone deep into debt; we have actually threatened the Social Security fund by our huge deficits to give hundreds of billions of dollars on the fight against terrorism.

It appears we simply cannot meet our needs with the resources we have available. But what do we do? Do we address this in the Senate, the greatest deliberative body on Earth? Heck, no. We are going to talk about gay marriages.

Of course, the Republican Leadership has a history of not getting too concerned about the substance of homeland security issues. The issue of homeland security has been politicized from the start, and even the creation of the Department of Homeland Security is a case study on the political partisanship of my friends in the Republican Party. We may recall that at first they resisted strongly the idea of having a Department of Homeland Security especially the President himself.

Then we heard the partisan attacks from many Republicans on the 9/11 Commission, which the administration allowed to go forward in the first place only after great resistance.

I hope and pray we can return to a time as we used to do, and as it was when I came to the Senate, when security issues were not used for partisan effect or political benefit. Given the track record of this administration for secrecy, unilateralism, overreaching, and abject partisanship, however, I certainly understand why many question their assertions. An administration that can hide legal memoranda justifying torture and then, when forced to acknowledge them, disavow them, does not earn our trust. An administration that reports that terrorism had decreased last year and then, when questioned, had to admit that it was wrong and reissue the report has basic credibility problems.

So I wish we would turn away from these divisive legislative maneuvers and work together on the Nation's agenda. The senior member of the Senate, Senator BYRD, said it all better than I can. He spoke yesterday afternoon about the need to get about our business and the Nation's business. Senator BYRD offered wise counsel to the Republican leadership. I wish it had been listened to.

Roll Call reported earlier this week that this week's activities amount to a showdown prompted by the Republicans' desire for a wedge issue they can use with undecided voters in November. That is a shame and a sham. When we should be considering measures to strengthen homeland security, Republican partisans are focused on devising wedge issues for partisan political purposes. Well, that is wrong. I urge the Republican administration and the Republican leaders in the House and the Senate to come back to the work of Congress, not the work of political partisans. Let us complete our work for the American people.

The Senate does not have to be a battlefield for the Presidential campaign. There is plenty of time for that. In fact, I wonder if we are not setting ourselves up for people to say during the election season that the Republican-controlled Congress did not do the work of the people. Let us get on with doing it. One of the first things we can do is take the stalled Homeland Security appropriations bill and actually vote on it.

If the hundreds of billions of dollars we have spent so far have not made us safe, then let us debate that and find what will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### REPORT OF SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Madam President, I am very pleased to announce that today, about 90 minutes ago, the report of the

Select Committee on Intelligence on the pre-Iraq war has finally been released. We were bound not to talk about it until it was released at 10:30 today. Our staff has done an excellent job reviewing 15,000 documents and 200 witnesses, going back time and again to get the facts straight.

We came up with the unanimous conclusions that I think this body and our friends around the country, including the media, ought to pay attention to what is actually in that report. Some of my colleagues spent yesterday talking about the report and putting their spin on it.

I have been very distressed that the spin had nothing to do with the facts that are actually in the report. It is a lengthy report. For the benefit of my colleagues who have not been on the Intelligence Committee, let me tell you a couple of things that were in the report.

First, the intelligence used by the President, the Vice President, the chairman, and ranking member of the Intelligence Committee, the chairman and ranking member of the Armed Services Committee, along with the rest of us, was the intelligence given to them by the CIA. This was intelligence given to them through three administrations. On the basis of that, on the floor the statement was made on September 19, 2002:

We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the region. He has ignored the mandate of the United Nations and is building weapons of mass destruction and the means of delivering them.

Senator LEVIN stated that.

On October 10, 2002:

There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. We also should remember we have always underestimated the progress Saddam has made in the development of weapons of mass destruction.

Senator JAY ROCKEFELLER stated that.

These were conclusions that came from the best intelligence we had available, that other intelligence agencies had available. Actually, if you look at it, Iraqi Survey Group leader David Kay, when he came back to the United States, said we know that Iraq was a far more dangerous place, even than we had learned from our intelligence because of other things that were going on that were not fully reported.

We identified problems in this report. There was no human intelligence, which you absolutely need. There was faulty analysis in sharing of information among the various agencies. Some analysts did not fully qualify the information that was not confirmed.

But despite the breathless headlines, despite the political charges that are being made on the other side of the aisle, no one was pressured to change judgments or reach specific judgments. In fact, the committee interviewed

over 200 people, searching, searching, and searching for those who might be pressured.

Chairman ROBERTS asked repeatedly, publicly and in hearings, that anybody who had information on pressure to change conclusions, come forward. Nobody did. They chased rabbits all through every brush pile that could be imagined. Anybody who had an idea of pressure was challenged. Do you know what they found? There was tremendous pressure on the analysts because they had not put together the right information prior to 9/11. They felt pressure, but they all said it was pressure to get it right. They said it is the job of the intelligence community to respond to the most searching questions of the people, the policymakers who use it.

Let me cite three conclusions from the report, which I think are very important on intelligence. From page 284: conclusion 83:

The committee did not find any evidence that administration officials attempted to coerce, influence, or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.

Page 285, conclusion 84:

The committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated in the briefings of Iraq's weapons of mass destruction programs, or did pressure analysts to change their assessments.

On page 359, conclusion 102:

The committee found that none of the analysts or other people interviewed by the committee said they were pressured to change their conclusions related to Iraq's links to terrorism. After 9/11, analysts were under tremendous pressure to make correct assessments to avoid missing a credible threat and to avoid an intelligence failure.

These are the findings upon which we unanimously agreed. I think the Vice President and others who have been politically maligned are entitled to an apology.

Do you know what this all comes back to? This comes back to a plan that we learned about on November 6, 2003. I have in my mind a FOX News report on this memo from a Democratic staffer. Nobody has denied it. In fact, they are playing their plays out of that game book now.

It talks about:

No. 1: Pull the majority along as far as we can on issues that may lead to major new disclosures. . . .

No. 2: Assiduously prepare Democratic "additional views" to attach to any interim or final reports. . . .

No. 3: We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the inquiry.

That is exactly what the game plan is that they are following. When you look at the conclusion, the summary of that memo, it says:

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important