

Pauline Larson sold much of what they owned to pay their medical bills because they take their responsibilities seriously. It's time for this Senate to take seriously its responsibility—to find solutions to reduce the cost of health care and the number of Americans without health insurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the time allotted under the previous unanimous consent agreement for the Democrats be divided 10 minutes to the Senator from Iowa, Mr. HARKIN, 5 minutes to the Senator from New York, Mr. SCHUMER. Under the previous unanimous consent agreement that had been entered into we have time set aside for Senator LEVIN of 10 minutes. Senator LEVIN will not come. I ask unanimous consent that Senator REED of Rhode Island be inserted in his place.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, I am sorry, I was otherwise distracted.

Mr. REID. The Senator does not need to worry. Everything is under control.

Mr. CORNYN. That is what I was afraid of. I want to make sure, are we pushing back morning business?

Mr. REID. No. Morning business is going to proceed, but because of leader time and the prayer and the pledge, morning business did not start until a few minutes later. So the Democrats will now have 15 minutes for morning business and following that we will go into the 2 hours of debate.

Mr. CORNYN. I thank the Senator very much.

Mr. REID. All I was doing is stating that Senator LEVIN will not be here. Senator JACK REED is going to take his place.

Mr. CORNYN. No objection.

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

The Senator from Iowa.

Mr. HARKIN. I understand I have 10 minutes.

The PRESIDING OFFICER. That is correct.

#### CLASSIFIED LEAK INVESTIGATION

Mr. HARKIN. Mr. President, today we observe a sad milestone in the scandal and tragedy that some have labeled "leakgate." It has been exactly 1 year, July 14, since two senior White House officials leaked Valerie Plame's identity as a covert operative at the Central Intelligence Agency.

Last July 14, 2003, 8 days after Ms. Plame's husband published an op-ed in the New York Times which questioned information in the President's 2003 State of the Union message regarding a supposed effort by Iraq to purchase uranium from Africa, her identity was

revealed in print by columnist Robert Novak. This illegal act should have outraged everyone at the White House. It should have moved President Bush immediately to demand the identity of the perpetrators.

Instead, in his only public statement about this act of betrayal, Mr. Bush smiled—yes, he smiled—and said:

This is a town that likes to leak. 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.

Again, he said it with kind of a smirk and a wry smile on his face.

I consider that statement to be disingenuous. The number of senior White House officials with the appropriate clearances and access to knowledge about Ms. Plame's identity can probably be counted on one hand, two at the most. If Mr. Bush was serious about identifying the perpetrators, those officials could have been summoned to the Oval Office and this matter would have been resolved in 24 hours.

Now, we are not talking about some little thing happening. This is an illegal action under the law.

Mr. Bush did not question his staff in the Oval Office. There was no outrage at the White House. There were no internal investigations. There was no angry President Bush demanding answers from his senior aides. There was only a cavalier dismissal, followed by a year of virtual silence.

Three decades ago, a previous occupant of the Oval Office, President Nixon, was recorded on audiotape saying to a senior White House official:

I don't give an [expletive] what happens. I want you to stonewall it, let them plead the Fifth Amendment, cover up or anything else, if it'll save it, save this plan. That's the whole point. We're going to protect our people if we can.

That was Richard Nixon almost 30 years ago. This White House has now delayed any accountability for this damaging and illegal leak for a full year. White House officials who committed this act of treachery presumably are still exercising decision-making power.

Who is the White House protecting? Why? Do we now have a modern day Richard Nixon back in the White House?

And what was the cost of exposing Ms. Plame? Not only her job. As Vincent Cannistraro, former Chief of Operations and Analysis at the CIA Counterterrorism Center, told us:

The consequences are much greater than Valerie Plame's job as a clandestine CIA employee. They include 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.

Valerie Plame's cover was blown to discredit and retaliate against her husband Joseph Wilson. The recent report by the Senate Intelligence Committee provides some insight. It states that back in 2002 when the CIA was search-

ing for someone with connections to Niger to find out about a possible purchase or attempt to purchase uranium by Iraq, she suggested that her husband, former Ambassador Wilson, go as a factfinder. Mr. WILSON was sent there. He reported the claim's lack of credibility to the CIA.

Later that year, the President was to give a speech in Cincinnati mentioning the claim. On October 6, CIA Director Tenet personally called Deputy National Security Adviser Stephen Hadley to outline the CIA's concerns that this claim was not real. And it was then deleted from the President's Cincinnati speech.

Between October 2002 and January 2003, concerns about the claim increased. In January, the State Department sent an e-mail to the CIA outlining "the reasoning why the uranium purchase agreement is probably a hoax."

Here is the troubling aspect: The same official, Stephen Hadley, who spoke with George Tenet and took the claim out of the October speech in Cincinnati, was also in charge of vetting the State of the Union Address. Amazing. If he knew it was a problem and took it out in October, why was it put in for the State of the Union message?

A lot of questions need to be answered. Mr. Bush seemingly does not want to know the identity of the leakers. The White House occupies a small area. The number of employees who are suspect in this matter is small. This should not be like trying to find nonexistent weapons of mass destruction in Iraq.

One year has passed. Perhaps the President and others have already told Special Prosecutor Fitzgerald who is responsible. Perhaps that has happened. If not, I believe it is clear that the President and the Vice President should be put under oath. They need to tell the special prosecutor and the American public who committed these acts. They should be put under oath, questioned, and filmed. Remember, this happened just a few years ago when another President, President Clinton, was put under oath and questioned by the special prosecutor, on film, which we witnessed right here on the Senate floor.

Also, by putting the President and the Vice President under oath and questioning them as they should be questioned, it sends another powerful message to the people of this country: No President, no Vice President, is above the law. President Clinton was not above the law. This President should not be above the law.

I call upon the special prosecutor: Put the President under oath. Put the Vice President under oath. Question them about their knowledge of this incident and let's get this matter cleared up. Find those responsible and prosecute them to the full extent of the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I want to follow up on what my colleague from Iowa has had to say. I thank him for his strength and leadership on this issue.

As was mentioned, it is a year ago that Robert Novak published a column outing a covert CIA agent. The next day I called for an investigation.

For about a month not much happened. Then, and I think the record should underscore this, George Tenet, head of the CIA, publicly and privately asked for an investigation, and one began.

I don't have any complaints with the investigation. I think both Mr. Comey and Prosecutor Fitzgerald have done a fine job. I have faith in what they are doing, at least from everything I have heard. But the bottom line is very simple. First, this was a dastardly crime. This is a crime of a serious nature committed by someone in the White House. We know that much. Unfortunately, the attitude of the White House has not been what it should be. There ought to be an attitude there that says this was a terrible crime. To reveal the name of an agent jeopardizes that agent's life and the lives of many others with whom they came in contact. There ought to be every effort to turn over every stone to find out who did this.

There is a lot of speculation it was done for vengeance, to get at Ambassador Wilson. It doesn't matter what the reason is, the bottom line is there is a rule of law in America, and this crime is a lot worse than a lot of crimes that we get prosecutions for. The bottom line is simple. I believe if the President wanted it to come out, and said, it doesn't matter where the chips fall, we are going to find out who did it and bring them to justice, it would have come out already as to who did it.

Instead, we first had stonewalling—no investigation. Now we have an investigation, but everyone is hiding behind the shield laws and other types of things that say this gets in the way of the sanctity of freedom of the press.

That is not true. If the President insisted that every person in the White House sign a statement—not just asked them to do it, insisted—under oath, that they did or did not, and then released the journalists they might have talked to, we would know who did it.

Ultimately, as Harry Truman always reminded us, the buck stops with the President. This is lawbreaking. This is not just political intrigue, this is not just payback, this is lawbreaking of a serious crime. Right now, as we speak, we are trying to build up human intelligence, which fell too far in the CIA. Right now, as we speak, there are American men and women risking their lives in these undercover activities. They know that somebody who did the same has been put at risk, and there is no strong rush to find out who did it and punish them.

That hurts our intelligence gathering. It hurts our soldiers. It hurts the

rule of law. On this first anniversary we make a plea to the President: It is not too late. Make every person who worked in the White House during the time of the leak sign a statement under oath either that they did or did not talk to them. If they will not sign it, they should not be in the White House anymore. This is too serious to treat as everyday politics.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with the manager of the bill, the Senator from Texas. He has agreed to allow Senator KENNEDY to speak for 5 minutes, and Senator REED to go next.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### FEDERAL MARRIAGE ACT

Mr. KENNEDY. Mr. President, it speaks volumes that the Senate Republican leadership has taken this disgraceful detour into right-wing campaign politics when so much genuine Senate business is still unfinished, and so little time is left to get it done.

We can't pass a budget. We are far behind in meeting our appropriations responsibilities. So far, in fact, we have passed only 1 of the 13 appropriations bills for the next fiscal year that begins on October 1. We may not see any of these bills acted on, on or before the August recess. Even in the wake of the al-Qaida terrorist threat announced last week by Secretary Ridge, the Senate leadership refuses to proceed with debate and votes on the Homeland Security appropriations bills.

We know many higher priorities should be worked on. Since President Bush took office in 2001, health insurance premiums have soared 43 percent. Tuition at public colleges has risen 28 percent. Drug costs have shot up 52 percent. Corporate profits have risen by over 50 percent. Yet private sector wages are down six-tenths of 1 percent since President Bush took office, and there are 3 million more Americans in poverty.

The Senate Republican leadership has consistently failed to address these and many other urgent priorities. It has taken no action to fix America's broken health care system. It has blocked passage of the Patients' Bill of Rights. It has refused to allow a vote on raising the minimum wage. It has still not scheduled a vote on renewing the existing ban on assault weapons, which will expire September 13.

Rather than deal with these urgent priorities, the leadership is engaging in the politics of mass distraction by bringing up a discriminatory marriage amendment to the U.S. Constitution that a majority of Americans do not support.

Conservative activist Paul Weyrich explained the partisan GOP strategy in a recent e-mail newspaper. President Bush has "bet the farm on Iraq" he wrote, and the best solution to his de-

clining poll numbers is to "change the subject" to the Federal marriage constitutional amendment. Weyrich acknowledged that doing so might cost the President votes from gay and lesbian Republicans, but he is not troubled about it. "Good riddance," he wrote.

We all know what this issue is about. It is not about how to protect the sanctity of marriage or how to deal with activist judges. It is about politics. I might say, of the activist judges, of the seven judges who drew the decision in Massachusetts, six of them were appointed by Republicans.

This is about politics, an attempt to drive a wedge between one group of citizens and the rest of the country, solely for partisan advantage. We have rejected that tactic before, and I am hopeful we will do so again.

I am also hopeful that many of our Republican colleagues, those with whom we have worked over the years in a bipartisan effort to expand and defend the civil rights of gay and straight Americans alike, will join us in rejecting this divisive effort. There is absolutely no need to amend the Constitution on this issue. As news reports from across the country make clear, Massachusetts and other States are already dealing with the issue and doing it effectively and doing it according to the wishes of the citizens of their State. No State has been bound or will be bound by the rulings and laws on same-sex marriages in any other State.

The Federal statute enacted in 1996, the Defense of Marriage Act, makes the possibility of nationwide enforceability even more remote. Not a single State or Federal court has called the constitutionality of that act into question.

Furthermore, not a single church, mosque, or synagogue has been required or ever will be required to recognize same-sex marriages. As the First Amendment makes clear, no court, no State, no Congress can tell any church or any religious group how to conduct its own affairs. The true threat to religious freedom is posed by the Federal marriage amendment itself, which would tell churches they cannot consecrate a same-sex marriage, even though some churches are now doing so.

Given these indisputable facts, the proponents of the Federal marriage amendment have built their case upon a tower of speculation and conjecture—an attempt to conjure up a national crisis where none exists.

This is a wholly insufficient basis for even considering a proposed constitutional amendment on the Senate floor, much less voting for it. If it is not necessary to amend the Constitution, it is necessary not to amend it.

I urge my colleagues to show respect for our country's Constitution and its principles and traditions, and not play partisan campaign politics with the foundation of our democracy. I urge them to reject this discriminatory and unnecessary proposal.