

about a safety net. There is no safety net anymore. It has been eradicated in the last 4 years. Section 8 tenants in the major cities of America are going to really suffer. It is too bad. It is too bad that the poor are getting poorer, the rich are getting richer, the middle class is becoming smaller and smaller. That is what this administration has done to America.

I yield the floor, and any time I have left in morning business, I yield back.

LOBBYING ABOUT MEDICARE

Ms. STABENOW. Mr. President, I felt compelled to come to the Senate floor today to respond to something I read today that was in the newspaper, the Hill, that relates to another effort to confuse people about what happened with the Medicare prescription drug bill, the Medicare cards that I hate to even call discount cards because they are not discounts. In fact, we are now seeing an effort to pay people to reach out and say something nice about the Medicare prescription drug bill and to get seniors to do it. Let me read to you some of this article.

A Republican lobbying firm is offering healthcare consultants almost \$4,000 each to find senior citizens who are willing to speak out in favor of the Medicare drug discount card and write letters to Congress thanking members for saving them money on pharmaceuticals.

Obviously, it is difficult to find people to do that, so now they are paying people to go out in the form of headhunters, if you will, to find people who are willing to say something nice about the new Medicare prescription drug bill.

The DCI Group, a Washington, DC-based lobbying shop that advertises to potential clients that it can treat "corporate issues like campaigns," is offering healthcare consultants \$3,750 plus expenses over six weeks [between now and the election] to generate positive news stories about the drug card and offer support to Congress for voting for the Medicare drug law . . .

A recent e-mail sent from the DCI Group's Starlee Rhoades to healthcare consultants says that the campaign will run from September 15 to October 31 and that the client is RetireSafe, which has sponsored the hiring of healthcare consultants . . . to go out and say good things about the Medicare prescription drug bill.

The DCI Group represents the Pharmaceutical Research and Manufacturers of America—PhRMA.

That is not surprising.

Tony Feather, who helped found the DCI Group, has close ties to President Bush's top political adviser, Karl Rove.

Also not a surprise.

The DCI Group e-mail to healthcare consultants, obtained by The Hill, stipulates a number of "minimum deliverables" that come with the job of touting the drug card.

Or duties, if you will.

The e-mail says that RetireSafe wants seniors, families of seniors and healthcare community leaders "to send letters to their congressmen and senators thanking them for supporting the Medicare benefit, or asking

for that support in the future." [And by the way] "We have help available to write letters if the signer is not comfortable drafting the letter entirely on their own."

For \$3,750 plus expenses, health care officials must be available as an expert source of information to the media and that community and personally stop by the offices of their Congressman and Senators and thank them.

This is also very important as part of the deliverability. They must bring at least one senior or health care community leader to stand up at a townhall meeting and thank the lawmaker. I look forward to that.

The DCI group also asked the health care consultant to speak out on their own in support of the drug card.

Finally, every Wednesday from now until the 31st they are expected to send a report to the DCI that answers many questions, including how many events they attended. Did you speak in favor of the card and benefit? How many health care leaders did you ask to stop by the office of their Congressman or Senators? And how many actually did.

Then it says you will be responsible for acting as a local spokesperson at community events and media to get health care professionals' opinions, which goes a long way in making the story seem credible to the general public.

Reached yesterday, the lady involved initially denied she was involved in this campaign. But when told that her e-mail had been distributed widely, she said, "I can't talk about it."

I feel compelled to talk about this and to take a moment and say that \$3,750 will buy a lot of Medicare for seniors. In fact, I am tempted to actually encourage seniors in my State and around the country to offer to say something nice between now and the election because they can buy a lot of medicine with this. That would be a better way to put it if, in fact, we were giving it directly to seniors.

The truth is, this was a good bill. If the discount cards were really a discount, if the Medicare prescription drug bill was really good for seniors, you would not have to pay consultants \$3,750 plus expenses for 6 weeks. And the truth is, it doesn't matter how much you pay. Seniors know. They are the ones who have to write the checks. They are the ones who have to go to the counter every day and every month to look at what the bill is and decide if they walk away with their medicine or leave it there at the counter. They are the ones who decide whether they take them every other day, cut them in half, share them with their spouse, maybe don't get the medicine, pick it up today or get their medicine another day.

This is real for people. No matter how many consultants are paid \$3,750 plus expenses, people know. It is unfortunate that there are those who underestimate the intelligence of older people in our country, their families, or the disabled. They know.

I hear stories every day of people who have gone to the Web site for Medicare and tried to wade through all of the cards—up to 70-some different cards—to figure out how to get some kind of discount. Then they look at prices continuing to go up.

I had a lady the other day tell me she bought the card, paid \$25, and a couple of weeks later the medicine she was taking no longer had the discount, and she didn't get her money back.

People know. That is the great thing about our country. It doesn't matter what you have or how much you spend. People know whether they are better off. People know what is really happening.

We need to get about the business of getting this Medicare prescription drug bill right. We need to go back and do it over again, and do it right. Pharmacists need to have the ability of doing business with pharmacists in Canada who can really cut prices in half. Then we don't have to pay consultants \$3,750 plus expenses to go find the senior citizen who would say something nice about a Medicare bill. People would say it because it would be true and it would be real.

But in the meantime, I say to folks who are today trying to figure out who to pay for their medicine, you might want to try offering, during the next 6 weeks, to say something nice about the Medicare bill for \$3,750 plus expenses. I know it would buy my mom a lot of medicine. It would buy a lot of folks a lot of medicine, and it would be a better way to spend it than have more lobbyists trying to tell folks something that is not true.

The PRESIDING OFFICER. All time has expired.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the remainder of the morning business time be reserved.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to begin consideration of Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of PORTER J. GOSS, of Florida, to be Director of Central Intelligence.

The PRESIDING OFFICER. Under the previous order, there are 6 hours of debate on the nomination equally divided between the chairman and vice

chairman of the Select Committee on Intelligence.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that any quorum calls that take place during the consideration of the Goss nomination be charged equally to both sides.

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

Mr. ROBERTS. Mr. President, I rise today to urge my colleagues in the Senate to confirm Mr. PORTER J. GOSS, of Florida, to be the next Director of Intelligence.

On August 10, 2004, President Bush nominated PORTER GOSS to be the next Director of Central Intelligence, or the DCI. In doing so, the President stated that Mr. Goss "is a leader with strong experience in intelligence and in the fight against terrorism. He knows the CIA inside and out. He is the right man to lead this important agency at this critical moment in our Nation's history."

The Goss nomination was received in the Senate on September 7. On September 14 and September 20, the Select Committee on Intelligence held extraordinary open hearings on this nomination that were televised and widely covered in the press.

At the September 14 hearing, Mr. GOSS was introduced to the committee by both of Florida's distinguished Senators, BOB GRAHAM, former chairman of the Select Committee on Intelligence, and BILL NELSON, who is well known to the Intelligence Committee as an interested and informed supporter of our efforts.

That both Florida Senators reached across the aisle to support this nomination is a testament to the wide bipartisan support that it does enjoy.

After 2 days of thorough and wide-ranging public hearings, the Goss nomination was placed before the Intelligence Committee membership for a vote yesterday morning.

In yet another impressive display of bipartisanship, the committee approved the Goss nomination and ordered it reported in a vote of 12 to 4. At this time, I would like to congratulate the Intelligence Committee members of both parties for their sober, penetrating, and thorough consideration of this nomination. The committee's handling of this nomination is very much in keeping with the bipartisan spirit that has animated its work during a very difficult year of challenges in the global war on terrorism in Iraq and in other areas around the world.

This bipartisan spirit did produce important steps forward, such as the committee's report on Iraq WMD, in understanding intelligence problems and gaps and also making recommendations in that regard.

As such, the committee's work will certainly help Mr. GOSS as he strives to make the intelligence community better and to produce the best possible intelligence product. I want to say I also appreciate Mr. Goss's efforts during his

2 days of public hearings to respond to members' concerns and questions. He took these hearings very seriously and with attention to detail demanded by consideration for a position that has in the past been part of the Cabinet.

In my opinion, during his confirmation hearings Mr. GOSS showed the qualities we want to see in a good DCI. They are coolness under pressure, a willingness to look at alternative views and, very importantly, a willingness to "take a few licks" for past judgments.

Most important of all, he demonstrated his ability to put the lawmaker's so-called partisan hat aside and take up the strictly nonpartisan duties of this critical executive branch office.

As I noted at Mr. Goss's first public hearing on September 14, the role of the Director of Central Intelligence is of paramount importance to the security of this Nation. It is also one of the most challenging jobs in the executive branch today.

Obviously, this Nation is currently engaged in a war not only in Iraq, not only in Afghanistan, but elsewhere around the globe. In this war, for the most part there are no trenches. There is no barbed wire. There is no well-defined no man's land. On the contrary, in this war of shadows and darkness, intelligence defines the front line and indicates its weak points and gaps.

Recently, a distinguished former National Security Adviser remarked to Senators that during the last 3 years our world has changed dramatically. In the old world, the threats were posed by nation states and organized military forces. In our new world, the greatest threats may be domestic. These threats may come from nation states and their agents and terrorist groups such as al-Qaida. Organized military conflict is only one of many threats.

In our new world, we are not fighting against nation states but against a network of disparate terrorist groups that operate not only in the shadows but at times right in our own midst. Whether Afghanistan or Iraq or here at home, defeating this enemy depends primarily upon the ability of our intelligence services to locate, to penetrate and, yes, to destroy the terrorist cells. We are involved in a world war which requires timely and actionable intelligence to ensure victory and the safety of the American people.

The Director of Central Intelligence is personally responsible for producing this intelligence. As we fight Islamic terror, other global threats continue to menace our Nation, and among them are these: The development of nuclear programs by adversary regimes such as those in Iran and also North Korea; the steady transformation of the People's Republic of China into a power capable of challenging our interests broadly and exercising influence over the region; and the continuing worldwide expansion of WMD technology.

The Director of Central Intelligence is also responsible for producing intel-

ligence to keep the President and policymakers informed about these threats.

And if that were not daunting enough, Mr. GOSS has been nominated for a position which in all probability may not exist for much longer. As Senators know, the President and many in the Congress now support the creation of a new national intelligence director. There has been a great deal of discussion among my colleagues about reform. Above all, we must ensure that a national intelligence director is something more than a weak and ineffective figurehead.

Most of the debate outside the Intelligence Committee has centered on how to grant increased authority to the new national intelligence director while leaving the structural status quo undisturbed.

Many on the Intelligence Committee believe this is simply unworkable. In other words, significant structural change is vital to real reform. I believe strongly that we must create a new structure. This new structure must accommodate the diverse activities of our intelligence agency by giving direct responsibility and control of primary intelligence disciplines and the corresponding agencies to a truly empowered national intelligence director and his assistants. And true empowerment includes both budget authority and line authority to direct and control the activities of the intelligence activities. One without the other may leave us with an intelligence head who can neither succeed nor be held accountable, and that would be a most unfortunate outcome.

We don't know how or when reform will finally be enacted. Until then, however, we need a strong Director of Central Intelligence with the necessary skills to manage a community which needs reform. PORTER GOSS understands these issues. As chairman of the House Intelligence Committee he helped create momentum for reform.

PORTER GOSS will be a good man to have in the intelligence community driver's seat as Congress, in cooperation with the executive branch, goes through the consideration of major reform. His unique background will serve him well as he meets these and other challenges while directing our intelligence community.

For over 40 years, PORTER GOSS has been serving his Nation, his State, and his community. As an Army intelligence officer, a clandestine CIA case officer, a newspaper man, a county commissioner, a U.S. Representative, and chairman of the House Intelligence Committee, PORTER GOSS has done his duty with skill, with honor, and with integrity. I believe, and Members on both sides agree, that his experience makes him uniquely suited to serve as the Director of Central Intelligence.

I have known Mr. GOSS personally for 16 years. I served with him in the other body, the House of Representatives. I have worked with him on a weekly

basis since I joined the Intelligence Committee. I have formed a strong opinion about his fitness to lead the intelligence community.

One of PORTER GOSS's most important characteristics is that he does not ride in a partisan posse. In that sense and in many others, the President has selected an outstanding public servant to be his principal adviser on intelligence.

In concluding my opening statement on the Goss nomination, I would like to underscore an important point. If, as I earnestly hope, the Senate approves this nomination today, this body will not simply have performed a routine pro forma duty. On the contrary, PORTER GOSS's confirmation as the DCI represents perhaps the most important changing of the guard for our intelligence community since 1947. This confirmation represents a fresh start for our Nation's intelligence community. He will be the first Director of Central Intelligence in a new and hopefully better intelligence community. It is not the same entity that George Tenet inherited when he was confirmed by this body 7 years ago.

It is not the same entity that existed on September 10, 2001. The intelligence community has undergone vitally important changes since the terrorist attacks of 2001. These changes are the result of many factors: statutory requirements, Executive orders, and other major changes in policy. That snapshot that we took of the intelligence community back on September 10, 2001, and the snapshot today is much better in terms of improvement. A key factor is the vigilance and dedication of the intelligence community rank and file, to include those men and women who, today, as I speak, are putting their lives at risk in remote and dangerous places to protect our Nation.

Still other changes are on the immediate horizon as Congress considers major intelligence reform. So let us understand clearly what we do here today. PORTER GOSS, as the new DCI, will lead a new intelligence community into a new chapter. Senate confirmation of PORTER GOSS does not mean simply painting a new name on the mailbox at Langley. It represents the opening of a new era for the intelligence community. The errors and omissions of Iraq are well known. They must be corrected.

Steps have been taken and will be taken to ensure that. The errors and the omissions of 9/11 are very clearly and thoroughly described in both the joint inquiry that was conducted by the Senate Intelligence Committee, the House Intelligence Committee, and the 9/11 Commission Report.

These errors and omissions must and will be corrected. PORTER GOSS's task will be to build, inspire, and open a new chapter in our intelligence activities. We must never forget the errors of the past or their human cost. Likewise, we should not dwell on them or allow them to paralyze us. We must grapple

with them and overcome them. That is what is happening now, with structural intelligence community reform. PORTER GOSS's task will be to open the new chapter and lead the intelligence community into that fresh start.

Today, perhaps our highest legislative priority is to repair what is broken in the intelligence community. We must not let this laudable desire immobilize us.

John McLaughlin, the Acting Director, has done a professional and commendable job as the Acting DCI. He, no less than the rank and file of the intelligence community, needs long-term, permanent leadership, and we need it now.

One of the concerns voiced by the 9/11 Commission was that it takes too long to put key intelligence community officials into place. In the case of this nomination, I believe the Senate definitely got the message. The watch word for this nomination since the beginning has been goodwill and bipartisanship. As I stated at the beginning, Senators GRAHAM and NELSON of Florida introduced and strongly endorsed this nominee at his first confirmation hearing. We had an impressive bipartisan vote on this nomination in the Senate Intelligence Committee. The ranking member of the House Intelligence Committee, the Honorable Ms. JANE HARMAN, has pointed with pride to her committee's involvement in intelligence reform under Mr. Goss's chairmanship. Expressions of support for this nomination have come from both sides of the aisle and both sides of Capitol Hill.

This nominee is ready to go to work and he is needed. I urge the Senate to confirm him as soon as possible. I, personally, and I think I speak for the members of the Intelligence Committee, look forward to working with PORTER GOSS, the next and possibly last DCI.

I understand the vice chair is waiting to speak, but I ask his indulgence to permit Senator CHAMBLISS to speak first.

Mr. ROCKEFELLER. Yes.

Mr. ROBERTS. How much time does the Senator request?

Mr. CHAMBLISS. I request 7 minutes.

Mr. ROBERTS. I yield him such time as he would consume.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I appreciate the Senator from West Virginia allowing me to go before him. The leadership that the chairman and the vice chairman of the Senate Intelligence Committee have provided has been unparalleled in this difficult time in the history of our country. Both Senators have conducted themselves in a very professional way and have brought continued honor and dignity to the Senate Intelligence Committee in a bipartisan way, and I want to publicly commend both of them for their leadership.

I rise today in support of the nomination of PORTER GOSS to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence perspective, than we are in today. PORTER GOSS has been nominated by the President to be the chief intelligence officer for the United States. PORTER GOSS brings to the office an unparalleled wealth of experience and knowledge relative to intelligence matters. PORTER GOSS has been a friend of mine for 10 years, and I bring to this argument and this debate a little bit different perspective than any other Member of this body because I served in the House of Representatives for 8 years with PORTER GOSS, the last 2 as a member of the House Intelligence Committee under the chairmanship of PORTER GOSS.

During the last 2 years as a Member of the Senate and as a member of the Senate Select Committee on Intelligence, I have continued a relationship with PORTER GOSS in the intelligence community. Both before September 11 and subsequent to September 11, I have seen PORTER GOSS in the trenches doing the kind of work that lawmakers have to do relative to their day-to-day jobs. Nobody has provided stronger leadership on the issue of intelligence than PORTER GOSS has, both before September 11 as well as after September 11, and more significantly after.

As I think about the arguments that have been brought forth in the public hearings over the last couple of weeks regarding Mr. GOSS, the primary thrust of the negative arguments have been that he is too partisan and too political to carry out the job of the DCI.

Well, I will say this about this man for whom I have so much respect: I have seen him in an atmosphere of committee work. I have seen him in an atmosphere of social work. I have seen him in an atmosphere of operating on the floor of the House of Representatives. Certainly, there is nobody who is a stronger advocate for his position on any issue than PORTER GOSS. He is very direct. He is very plain spoken, and it is pretty obvious which side of the issue he is on. But he always does his arguing in a very respectful way, and in a way which advocates his position but does not get into personalities. Unfortunately, that is where the partisanship occurs in both this body and the body across the U.S. Capitol.

PORTER GOSS has conducted himself in a professional and nonpartisan way as chairman of the House Select Committee on Intelligence, as well as a member of the Rules Committee and otherwise in the U.S. House. He is a strong advocate for his positions but he is not a partisan person.

I will discuss very quickly why I feel so strongly about his background and what it brings to the table relative to his confirmation. PORTER GOSS started out early in his career as a military intelligence officer in the U.S. Army. He then moved into the realm of the Central Intelligence Agency and was a

clandestine officer for the CIA in two different overseas posts. He knows the people within the CIA. A number of individuals who he served with during his CIA years are still employees at the CIA. He knows not only the organization, but he knows the personalities, and he knows the kinds of people who are led, and the kinds of people who need to lead at the Central Intelligence Agency.

PORTER GOSS followed his time as an Intelligence Officer in the field with 8 years as chairman of the House Select Committee on Intelligence. He has covered the spectrum from an intelligence perspective. He has been on the ground as an Army intelligence officer, and the Department of Defense is the largest customer of the CIA. He has been at the ground level of the CIA, where the real work is done and where the real intelligence is gathered, by being a clandestine officer within the CIA. Then in his years as chairman of the House Select Committee on Intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided the oversight and been critical where he needed to be critical, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don't know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. Goss to be the next Director of Central Intelligence.

PORTER GOSS is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, I know the strength of his character, and I know his dedication to duty, which is why he accepted the nomination to become our next DCI. I also know the wealth of intelligence background he will bring to the table as our next DCI.

The main point I want to conclude with is the fact that we are in a very complex world. We are in a world where intelligence matters. We are in a world where we need to have the cooperation of our allies around the world to collect intelligence against common enemies and common threats.

I have been with PORTER GOSS when he has had meetings with numerous—too many to detail—heads of the intelligence communities of our allies, both abroad as well as here in Washington. I have seen the rapport and the relationship he enjoys with these individuals. I have been to other countries around the world to meet with the heads of their intelligence agencies, and the first question they will ask is not how am I doing but, “How is my friend PORTER GOSS doing?” He has an unparalleled relationship with the intelligence

community around the world—not because he is just a good guy but because they respect him for the work he has done and they respect him for the knowledge and the experience he brings to the table relative to the intelligence community.

I strongly support the nomination of PORTER GOSS to be the next Director of Central Intelligence. I ask my colleagues to review the record on Mr. Goss, listen to the debates, but at the end of the day I hope we will send a resounding message to the President, and that is: You have picked the right man. Let's confirm PORTER GOSS as Director of Central Intelligence and move forward.

I yield the floor.

Mr. ROBERTS. Mr. President, I yield such time as he may use to the distinguished Senator from Missouri, a member of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished chairman.

It is a pleasure today to rise in support of PORTER GOSS to be Director of the Central Intelligence Agency. The Senate Intelligence Committee has done its due diligence. It has done its duty with regard to examining the nominee's fitness and qualification for the post of Director of the Central Intelligence Agency. His nomination should be approved without delay.

Much of the work that goes on in the Intelligence Committee is conducted in confidence because of the need to maintain confidentiality. But I will say that the thorough hearings we had on Congressman Goss were similar to the thorough hearings we have had on all of the subjects brought under the jurisdiction and supervision of our distinguished chairman from Kansas, along with the ranking Democratic member from West Virginia.

There is no question that there is a lot of important work awaiting the new Director of Central Intelligence. Somebody has to be in charge. We are at war with those who seek to destroy us and all freedom-loving people's way of life.

Whether we have a new national Director of Intelligence, whether we have a CIA Director with expanded powers or limited powers, the fact remains that we need to move forward with the nomination of PORTER GOSS.

We have a long way to go to hash out what kinds of changes we are going to make to the organization of the intelligence committee. The more I hear, the more I watch other committees working, the more divergence of opinions I see. Whatever structure we have, we need somebody to control intelligence and make sure we put it on the right path.

A cornerstone of our fight in the war against terrorists, as well as other challenges that confront us, is the paramount need for timely and actionable intelligence to ensure good policy decisions, to ensure adequate prepara-

tion for actions that we may take, and to ensure victory for our forces that are deployed in the real-life battles against those who threaten us or threaten national security. Our national security depends on the ability of intelligence services to locate, penetrate, identify targets, and/or destroy terrorist cells.

In addition, we need a Director of Central Intelligence who will keep policymakers informed about other global threats facing our Nation. And, yes, while we are looking at the war on terrorism, we need to be concerned about and following developments about the possible nuclear program advances or missile advances in Iran and North Korea, the steady growth of troubling developments in other major world powers, and the continuing proliferation of weapons of mass destruction technology.

The intelligence community needs a leader right now, the support of the President, and the support of this body who has the experience coupled with a commitment to reform. I am convinced that PORTER GOSS possesses these qualities. He was a former intelligence officer, a former CIA clandestine officer, and as chairman of the House Intelligence Committee, where he probably also went in harm's way to handle that post, PORTER GOSS clearly knows the intelligence business and has the experience.

As cochairman of the joint House-Senate inquiry into the 9/11 intelligence failures, he is intimately aware of the problems currently existing within the intelligence community's ability to counter terrorists. He is someone who will work with the Congress and the administration to implement needed reforms.

Mr. Goss has also earned the respect of his colleagues and fellow policymakers on both sides of the aisle. One of the most, if not the most important principles that applies to our intelligence community and our oversight should be our nonpartisanship.

PORTER GOSS has been praised by his Democratic colleagues year after year for being nonpartisan on national security.

Senator GRAHAM of Florida said of PORTER GOSS, in our hearing:

He is uniquely qualified to be here today as the President's nominee to serve as the Director of Central Intelligence. . . . He is a man of great character, unusual intelligence, a tremendous work ethic and an outstanding personal and professional standard of integrity.

Senator GRAHAM also went on to say:

In addition to those personal qualities, when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congressman Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations.

I could cite many other statements by leaders in both bodies. Senator BILL NELSON of Florida, last month, said of Representative GOSS:

He's a class act. Goss combines all of those characteristics, which are kind of somebody I like.

My colleague and friend from Missouri, Representative IKE SKELTON, the minority leader on the Armed Services Committee, said, in 1997, talking about the work on the intelligence authorization bill:

I salute both the chairman, the gentleman from Florida [Mr. Goss], and the ranking Democrat, the gentleman from Washington [Mr. Dicks] for their dedicated and bipartisan work.

I believe he can work on a bipartisan basis. In addition, PORTER GOSS understands the endemic deficiencies within the intelligence community. There can only be true, meaningful changes if there is a solid understanding of why change is necessary. PORTER GOSS understands what is broken and is determined to work with us to fix what needs to be fixed and not to mess with what does not need to be fixed.

There are some glaring problems we identified in our report on the prewar intelligence on Iraq. One of them was the poor state of human intelligence. That is spies on the ground, HUMINT as it is called in intel-speak. We did not have any. What a disaster. We also have problems in collection in general, analysis, and the consistent problems with information sharing. These are problems that PORTER GOSS has, during his tenure as chairman of the House Intelligence Committee, devoted himself to improving.

As Chairman ROBERTS mentioned in yesterday's open session, PORTER GOSS held over 62 hearings on intelligence community reform issues this year.

Under Chairman Goss's leadership, the House Intelligence Committee advocated changes and added resources annually to address the intelligence community's most pressing problems, especially those related to HUMINT and analysis.

His commitment to reform forced the CIA to repeal its restrictive internal guidelines that had a "chilling effect" on HUMINT operations. He attempted to refocus CIA analytic resources toward longer term, predictive, strategic intelligence, and directed that more attention be paid to language training, breaking down stovepipes, and enhancing information sharing.

I can tell you, the stovepipes still exist. We still have bureaucracies that only want to share information up and down within their little fiefdoms, and we need somebody in charge who is willing to break down those barriers and make sure sensitive information is shared on a need-to-know basis.

PORTER GOSS was a member of the Aspin-Brown commission which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold-War world. The commission made a number of recommendations, including looking how to streamline the DCI's responsibilities and give him more flexibility in managing the intelligence community.

Those who question PORTER GOSS's commitment to change must remember that his leadership and dedication to intelligence community reform is apparent in his work on the "Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001." This report contained 19 recommendations. It laid the foundation for the 9/11 Commission recommendations—the changes that have been the subject of much discussion in the press over the last several months.

Those who question Representative Goss's commitment to reform as well as his commitment to operate independent of the current administration should recall that Mr. Goss took the initiative to introduce his intelligence reform legislation on June 16 of this year, H.R. 4584, which called for significant changes in the intelligence community structure in addition to providing a DCI or DNI the much needed personnel and budgetary authority required to be a truly effective leader. It should be noted that PORTER GOSS's legislation did not fall in lockstep with the recent Executive order issued by the President, thus proving that Mr. Goss will take the necessary bold steps to do what is right for the community.

I quoted Senator NELSON of Florida earlier, but he also said of PORTER GOSS:

... Congressman Goss is someone whose public life has been illustrative of being non-partisan, fair and independent.

When PORTER GOSS was pressed to defend past partisan statements before our committee, he acknowledged there are times on Capitol Hill when partisanship will rear its head. That is, unfortunately, part of the job. However, he told our committee the following:

I well understand that I am leaving one arena and, if confirmed, heading to another arena that operates completely differently where partisan politics are not part of the job.

A considerable record has been created, embracing both substantial comment on PORTER GOSS on his nomination and several commitments by him on intelligence matters involving counterterrorism and other important activities. I stress again the importance of approving Mr. Goss's nomination at this time of paramount importance in the intelligence community. I hope my colleagues will join with the chairman, with me, and other members of the committee in extending him our support.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, the nomination of Representative PORTER GOSS to be the next Director of the Central Intelligence Agency comes, obviously, at an absolutely critical time in our Nation's history.

The documented intelligence failures prior to the terrorist attacks of Sep-

tember 11 and leading up to the war in Iraq have left the intelligence community's credibility bruised and their image tarnished, which none of us wants.

The community's objectivity, their independence, and their competency have been called into question. That is fair in some cases. As a result, a bipartisan call for reform has steadily grown to the point where the Congress is on the threshold of passing landmark legislation, I believe and I hope, to create a stronger, better managed intelligence community before we adjourn this year. I do not think we should stretch it out and wait. I think we should do it, and do it now.

The next Director of Central Intelligence will be the most important person for that position ever confirmed by the Senate. Our decision on who should lead the Central Intelligence Agency, and the other 14 intelligence agencies, according to the law, should not be a rubberstamp job.

The importance of this position requires a thorough examination of the nominee's record and his ability to carry out the weighty responsibilities of the job.

As I have indicated, never before in the 57-year history of the intelligence community has there been such a need for a Director of Central Intelligence with unimpeachable character, proven leadership and management experience, and strong national security credentials.

The new Director will face, in my judgment, no fewer than four major challenges: waging an unrelenting offensive clandestine campaign against al-Qaida and other terrorist organizations around the world; supporting ongoing military operations in Afghanistan and Iraq; managing an intelligence community in a state of transition; and, restoring the intelligence community's lost credibility.

The next Director of Central Intelligence must be extraordinarily qualified in order to successfully carry out these and other national security tasks.

I simply say all of this to say the stakes are enormous. Perhaps most importantly, the next Director of Central Intelligence must be nonpartisan, independent, and objective. This standard is not simply this Senator's; it is what the law, the National Security Act law, requires specifically in language.

I know of no other position of importance in Government requiring that independence, objectivity, and non-partisanship as a requirement for confirmation. The very first responsibility of the Director of Central Intelligence under the National Security Act—and these are the words—says that his advice to the President, the executive branch, the military, and the Congress must be timely, must be objective, and must be independent of political considerations, and based upon all sources available to the intelligence community. That is the law.

I have reviewed Representative Goss's record closely. I have gone over his writings and his speeches of the past 10 years. We have just completed two open hearings, which I thought were good hearings, in the Intelligence Committee, where Representative Goss was asked questions about his past record, his commitment to reform the intelligence community, and his ability to be forthright, objective, and independent.

Representative Goss is, without question, qualified in many respects. He is a fine person. I have been able to work with him well over the past few years—that is not one of the requirements, but it happens to be true—both in the joint congressional inquiry into 9/11, and also in House-Senate conferences. His past employment with the Central Intelligence Agency, doing extremely dangerous work, and his 7-year tenure as chairman of the House Intelligence Committee, have given him both an insider's and outsider's perspective of the intelligence community. There is no doubt that he is an extremely knowledgeable person with respect to the inner workings of the Central Intelligence Agency and the other agencies he is nominated to manage.

But Representative Goss's record is troubling in other regards. I wish to speak about them. He has made a number of statements relative to intelligence matters—many in the past year—that are, in fact, highly partisan and displayed a willingness on his part to use intelligence issues as a political broadsword against members of the Democratic Party. Again, ordinarily, that is kind of routine around here, but with respect to the Director of Central Intelligence, that should not be and cannot be according to the law. When taken collectively, this list of partisan statements and actions on intelligence matters raise a serious doubt in my mind as to whether PORTER GOSS can be the type of nonpartisan, independent, and objective national intelligence adviser our country needs.

What is the public record of the person the President has nominated to be the next director of the CIA? Has he been independent, objective, and nonpartisan on intelligence issues, again, as required by law?

In March of this year, Representative Goss coauthored an intelligence op-ed piece entitled "Need Intelligence? Don't ask John Kerry." In this political attack piece, he made a number of highly charged political allegations relating to intelligence spending. These are quotes from the Congressman:

... when Democrats controlled the Congress, the cuts were deep, far-reaching, and devastating to the ability of the CIA to do its job to keep America safe.

... during the Clinton years, the Intelligence Community was given a clear message that if they failed in politically risky operations ... there would be no backing from the Clinton White House or the Democratic-controlled Congress.

And then Representative Goss targeted Senator KERRY, who he claims

"was leading the way to make deep and devastating cuts in the intelligence community's budget" and "was leading efforts in Congress to dismantle the Nation's intelligence capabilities." Severe criticism. A few months later, in a June 23, 2004 statement on the floor of the House, Representative Goss claimed that "the Democratic Party did not support the Intelligence Community." And in the same June floor debate, he offered the following justification for his claim:

My comment is that when there was opposition to intelligence and, year after year, efforts to cut the intelligence budget, they did come from the Democratic side through the period of the 1990s.

I have gone back over the record and determined that Representative Goss's election year claims mischaracterize the intelligence record of both the Democratic Party and Senator KERRY, in my judgment. He also failed to point out his own record as a member, and eventual chairman, of the House Intelligence Committee during this time. Had he stated the intelligence record factually, it would have taken the sting out of his political attacks and created an entirely different picture than the one he painted.

It is true that during the first two years of the Clinton administration, the intelligence budgets declined. That is true. This was a period of deep cuts in almost all areas of Government, as we tried to grapple with the legacy of the previous 12 years of uncontrolled deficits. Over the next 6 years, however, the Clinton administration's budget increased every single year for intelligence. During that 6-year period, fiscal years 1996 to 2001, Republicans controlled both Houses of Congress, and the Congress cut the President's request in 1996, 1997, 1998, and 2001. In 1999, the Republican-controlled Congress initially cut the intelligence budget, but then passed a large one-time supplemental appropriation.

In fiscal year 2001, the Republican-controlled Congress returned to its pattern of cutting intelligence funding. After the 9/11 attacks, Congress once again passed emergency supplemental funding. By that point, the Democrats had a majority of the Senate—briefly.

Representative Goss voted for every Intelligence authorization bill and every Defense appropriation bill during this period. So he must have thought that the so-called underfunding President Clinton was requesting was acceptable.

Now, I want to look at exactly what Senator KERRY proposed in 1994, and I want to contrast that with a bill, H.R. 1923, introduced by Representative Solomon that had as its first cosponsor Congressman Goss.

In 1994, Senator KERRY introduced a bill to cut the deficit by \$45 billion over 5 years—at a time when Congress was searching for ways to undo the 12 years of uncontrolled deficits under the Reagan and Bush administrations. Senator KERRY's proposal would have re-

scinded \$1 billion from the 1994 Intelligence appropriations and then increased intelligence spending over the next 4 years by the inflation rate. Representative Goss's proposal in 1995 would have cut not less than 4 percent of the personnel from all intelligence agencies in each of the following 5 years. After the initial cut in 1994, Senator KERRY's proposal would have provided significantly more funding for intelligence than was appropriated by the Congress controlled by the Republicans, beginning with the fiscal year 1996 budget.

Representative Goss's proposal, on the other hand, would have resulted in dramatically lower intelligence funding and, in fact JOHN KERRY's proposal would have resulted in \$8.8 billion more for intelligence than Congressman Goss's lead-cosponsored bill.

And worse, all of the cuts Representative Goss proposed in 1995 would have been achieved by firing 20 percent, by law, of America's intelligence officers at the very time the terrorist threat from al-Qaida was growing. In fact, had the Congress followed the Goss plan, the intelligence community would have had tens of thousands fewer intelligence officers in the year 2000: fewer intelligence collectors in the CIA, NSA, and elsewhere; fewer intelligence analysts across the community; fewer intelligence officers in the military service; and fewer counterterrorism officers in the FBI.

The Goss plan would have made, using his own words, in fact, "deep and devastating cuts in the intelligence community budget." But this year, an election year, Representative Goss chose to level that charge against the Democratic Party as a whole and Senator JOHN KERRY by name. Why? When asked at the nomination hearing to reconcile these facts with his charge that it was the Democrats who did not support intelligence, Representative Goss simply said, "The record is the record," about four or five times. He also refused to admit that his accusations might have been in error.

When asked whether anyone from the White House or the President's reelection campaign asked him to write the March editorial and to give the June floor statement against JOHN KERRY, he said he couldn't recall.

Representative Goss's unwillingness to be forthright in his answers on this matter were troubling to me and a number of my colleagues on the committee. His dismissive answers to tough, but as I said repeatedly, I thought fair questions lacked candor.

I was left with doubt that as Director of Central Intelligence, he would have a forceful and independent voice on intelligence assessments that do not necessarily support a political agenda, if there is one, of the current President.

There are other instances where Representative Goss, as chairman of the House Intelligence Committee, played the partisan blame game. It is against the law for the Director of the CIA to

be involved in such. That was then. He is being confirmed now. Does this man's life change completely after 15 years from partisanship to total non-partisanship?

In 1999, when it was disclosed that the Chinese espionage efforts against our Department of Energy weapons laboratories may have resulted in loss of sensitive nuclear weapons design information, a counter-investigation was begun, eventually resulting in charges being brought against Los Alamos scientist Wen Ho Lee.

Representative GOSS repeatedly laid the blame for this espionage activity on the Clinton administration's failure to protect national security. In the final days of the 2000 Presidential election campaign, Representative GOSS took to the House floor and stated:

We have in the Clinton-Gore administration seen a cultural disdain for security.

Again, Representative GOSS's statements on important intelligence issues mischaracterized the record in the attempt to score political points.

The Cox Commission, which PORTER GOSS served on as vice chairman, found that the security problems at the Department of Energy weapons laboratories predated the Clinton administration and that the Chinese espionage collection program against the weapons lab began in the 1970s.

The Cox Commission report also noted it was the Clinton administration that issued Presidential Decision Directive 61 requiring the Department of Energy to improve counterintelligence programs.

Evidently, mentioning these points was not helpful to Representative GOSS when he was making sweeping statements about "a cultural disdain for security," which is highly offensive to me as a Democrat who is vice chairman of the Intelligence Committee, and I think all Republicans and all Democrats care desperately, seriously about what happens in intelligence.

In the rush to assign partisan blame, Representative GOSS ignored the record. In a number of other statements, Representative GOSS erroneously singled out the Clinton administration and congressional Democrats for cutting human intelligence programs in the 1990s that, in turn, he said, limited the intelligence community's ability to carry out its mission.

Yet it was Representative GOSS himself who said in 1998 that human intelligence collection programs needed to be cut by the time the 1990s began. His comment specifically was:

I am convinced that the U.S. clandestine service, the CIA Directorate of Operations was in the mid to late 1980s too large.

When the identity of Valerie Plame, an intelligence officer with the CIA whose clandestine identity is protected by law from unauthorized disclosure, was leaked and published by columnist Robert Novak, Representative GOSS was asked whether the disclosure warranted investigation. His response was stunning. He said:

Someone sends me a blue dress and some DNA, I'll have an investigation.

The whole basis for the law protecting the identity of covered intelligence community employees from being disclosed is to protect the lives of American intelligence officials that are endangered if their true identity is known to our adversaries.

As a former CIA case officer and chairman of the House Intelligence Committee, Representative GOSS knows this. For him to make such a statement, with its clearly implied shot at President Clinton, was wrong, inappropriate, and insensitive to the gravity of the matter. I hope Representative GOSS, if confirmed by the Senate to lead the CIA, will have a more serious attitude toward the outing of CIA employees undercover.

When Richard Clarke, the coordinator for counterterrorism for the National Security Council from 1993 to October 2001, provided testimony to the 9/11 Commission that was clearly damaging to Bush administration claims, Representative GOSS, and others, questioned his integrity and claimed he may have lied before the joint congressional inquiry in closed session, vowing to declassify his testimony to prove it.

These claims were never substantiated, and when the National Security Council forwarded to Chairman GOSS, as requested, a declassified version of Richard Clarke's testimony on June 25, nearly 3 months ago, he took no action to publicly release it so that allegations of perjury and the like could be laid to rest.

While the Senate voted to support the creation of the independent National 9/11 Commission, which eventually became the Commission led by Governor Tom Kean and Representative Lee Hamilton, Representative GOSS opposed the measure on the House floor.

When the Senate and House Intelligence Committees met in the fall of 2002 to conference this issue, he continued to oppose the creation of an independent 9/11 Commission stating that the issue would be decided "above my pay grade."

When the Senate Intelligence Committee undertook an investigation into the use of intelligence—not the collection, analysis, and production of intelligence, but when you hand it to policymakers—the use of intelligence by the administration officials prior to the war as part of our broader Iraq intelligence inquiry, Representative GOSS made disparaging comments about two Democratic Senators in particular who, like many others in this body, are profoundly concerned about the veracity of public statements made about the U.S. intelligence agency, calling them "two old attack dogs gumming their way through artificial outrage about something they should know a lot more about and be more responsible about."

What makes this particular criticism curious is Representative GOSS's lack

of action on the issue of pre-war intelligence. Despite assurances over a year ago that the House Intelligence Committee was evaluating the intelligence community's performance on Iraq since the end of the Gulf War, Chairman GOSS failed to issue the promised report on the failures and mistakes leading up to the war.

Chairman ROBERTS and I, in a thoroughly bipartisan fashion, did so in a 17-to-0 vote. I think we are both proud of that, and justifiably so, along with our colleagues on the committee. The House produced nothing. They produced press releases, but nothing else.

When both the Senate Armed Services Committee and the Senate Intelligence Committee, as committees with shared jurisdiction, began holding difficult but necessary oversight hearings into the improper treatment and interrogation of prisoners in Iraq, Representative GOSS viewed our actions with disdain, saying:

I am not comfortable with what the Senate is doing . . . I do honestly question whether or not they have balance over there on this issue . . . We've got a circus in the Senate, which is always the likely place to look for this circus.

PORTER GOSS chose to denigrate the Senate's investigation, while the House chose to largely ignore the matter and not ask the tough questions about what happened inside Abu Ghraib prison and at other detention facilities in Iraq or elsewhere.

All too often, Representative GOSS's statements and actions as chairman of the House Intelligence Committee seemed designed to protect the administration by avoiding contentious issues which could be embarrassing to the administration and placing blame on Democrats for shortcomings in the intelligence community.

Not surprisingly, one thing missing from Representative GOSS's records is any public statements on intelligence critical of Members of his own party or the administration. During his nomination hearing, Representative GOSS assured the committee that these partisan inclinations of the past would not prevent him from carrying out his duties as Director of Central Intelligence. He said he understood the Director must be an independent adviser to the President and the Congress, beyond reproach and beyond the reach of politics.

While I appreciate his testimony and commitment to being a nonpartisan Director of Intelligence, I cannot say with absolute certainty that he will be exactly that. I must vote on his record. I cannot vote on his promise, and I do not think the Senate should. His record is his record. He said it.

The truth is, Chairman GOSS and I have a very good working relationship, one that I expect will continue and improve in the future. We had a good exchange in recent days, even during difficult nomination hearings. In contrast to those who wish to gloss over this issue, PORTER GOSS himself understands exactly the dilemma that I and

many of my colleagues face with this nomination. He knows this is one of only a handful of positions in the entire U.S. Government that requires by law nonpartisanship and objectivity, and in this case the demand is all the greater because it is about our national security.

PORTER GOSS openly acknowledged in his testimony before the committee this week that he has at times approached national security issues with excessive partisanship, and he expressed regret about that. And I respect that. I believe PORTER GOSS knows that in essence, on this whole question of independence, he is asking us to take it on faith, so to speak, that he can make a clean break from the last 10 to 20 years of his political career.

I hope he is right. I very much want him to be right about that, but at end of the day I do not think taking it on faith is enough for this vice chairman of the Intelligence Committee when it comes to such a critical position of Director of Central Intelligence. It does not meet the legal standard, and it does not meet my obligation, in my judgment, as vice chairman.

These are troubled times for the intelligence community in our country. In so many ways, we are still recovering from the tragedy of 9/11. We are grappling with the tragic impact of flawed and exaggerated intelligence leading up to the war in Iraq, and we are struggling still to understand the truth about what is happening in the world.

Just yesterday, our President surprised and shocked many of us by dismissing outright the highest level of consensus view of the intelligence community when he said they were "just guessing" about the gravity of the situation in Iraq.

In light of all of this, I believe I owe it to the men and women of the intelligence community to send a clear and strong signal about the paramount importance of independence and objectivity. It needs to be said not only in words but in action. So I will vote against the nomination of PORTER GOSS to be the next DCI.

I sincerely hope PORTER GOSS will prove my vote wrong, and I told him that. In fact, I intend to work with him in order to help him prove me wrong. But based on his record of partisanship, based on the dictates of the law, and based on my own strong conviction against mixing politics and intelligence at the CIA, I must vote no.

I yield the floor.

I yield such time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, in beginning my comments, I first want to commend the chairman, Senator ROBERTS, for the way in which he conducted the hearing. He was eminently fair. I believe I had five rounds of questions myself for the nominee, and I

want to express my appreciation to the chairman for the way he conducted the hearings, and also express my thanks to Senator ROCKEFELLER. His leadership on the committee has been invaluable to me.

I also want to commend the vice chairman for an excellent statement this afternoon, much of which I agree with, as he knows.

PORTER GOSS is a good man and a good Congressman, but his long record of supporting business-as-usual intelligence policies is not good enough to warrant his appointment as CIA Director at this dangerous hour. Mr. GOSS showed that on his watch, as chairman of the House Intelligence Committee, he passed on virtually every opportunity to move aggressively for reform. His commitment to public service is unquestioned, but his unwillingness to displease the powerful to force change in our intelligence community is unfortunate.

In the committee, there were three major areas that came up as we sought to evaluate the nominee. The first, as the distinguished Senator from West Virginia has talked about today, has been the issue of partisanship. The second area at which the senior Senator from Michigan, Mr. LEVIN, looked at some length, was the question of the nominee's ability to objectively analyze intelligence. The third was the area that I focused on, which was why the nominee has been so slow to push aggressively for intelligence reform.

I have come to the conclusion that it is possible—and we have all tried, as the Senator from West Virginia has said, to give one the benefit of the doubt in these various areas. I have come to the conclusion that I can give the nominee the benefit of the doubt on the issue of partisanship. I can give the nominee the benefit of the doubt with respect to his pledge to be objective in analyzing intelligence. But I just cannot get over the answers we were given during almost 9 hours of hearings with respect to why the nominee was so slow to be an agent for change in the intelligence community.

It is really that leadership that I find so central. I have tried, as a member of the committee, to be as bipartisan as I possibly can. We understand politics should stop at our borders. We all stand ready to put in place the policies necessary to protect America's security, but to do that we need leadership.

I and others try to be bipartisan. Senator LOTT, Senator SNOWE, Senator GRAHAM, and others sought, for example, to change the way Government documents are classified. I think that is an important issue, to make the right structural changes in intelligence. But if we do not get the right information, information consistent with national security and not classified for political purposes, we are still going to have problems making reforms in the intelligence area.

I want to be bipartisan. I listened carefully to the questions that were

asked in the committee, good questions by Senator ROCKEFELLER, and I am willing to give the nominee the benefit of the doubt with respect to the partisanship issue.

But I will tell you, the answers that we were given with respect to why it took the nominee so long to push for changes in the intelligence community still leave me unconvinced. For example, at one point in our hearings the nominee told me it was difficult to get attention to the issues of intelligence on his watch. He said the reason he had not introduced legislation is that people were not focused on it; it was hard to get people's attention.

Let's think about what happened in those years when we evaluate the nominee's response on that question. PORTER GOSS was chairman of the Intelligence Committee in 1998 when al-Qaida bombed our embassies in Kenya and Tanzania. He was chairman of the Intelligence Committee in 1999 when the United States was investigating allegations of Chinese theft of our nuclear materials. He was chairman of the Intelligence Committee when the USS *Cole* was bombed by al-Qaida in October of 2000. And, of course, he was chairman of the House Intelligence Committee when we faced 9/11.

It took him nearly 3 years to introduce reform legislation after 9/11. I believe that is not good enough. I believe a chairman of a key committee can get attention when that chairman wants to use that chairmanship as a bully pulpit to be an agent for change. I believe a chairman who is committed to intelligence reform has the chance, when he bangs his gavel, to speak out for why changes are needed.

A leader must lead. We all get election certificates, in the U.S. Congress, to try to tackle problems, important problems, but chairmen have a special opportunity. If you look at the long record—and he said the record is the record—the nominee passed on virtually every opportunity to use his bully pulpit, to use his gavel, and to work for the kind of changes that would make this country as safe as necessary.

We, all of us, understand it takes courage to rock the boat. It takes courage to be an agent for bold change. But if you want an example of an individual who did it, an individual who is a prominent Republican, you need look no further than former New Jersey Governor Tom Kean and his performance as the Chair of the 9/11 Commission. This stalwart Republican made truth his only goal. He pressed Republicans and Democrats alike to do the same. He was more successful and has already begun to engineer more change than hardly anybody thought possible in this fractured political climate. What a boon it would have been, had we had the same commitment to change on the issue of intelligence, intelligence reform, by the current nominee to head the CIA.

The current nominee had a front row seat during all those years, the years I

outlined when those terrible acts of terrorism occurred, when he could have pushed for reform. Yet after weeks of going through the nominee's record and 2 full days of questioning, I am hard pressed to find anywhere—in a bill, a vote, or an inquiry—anything that demonstrates the nominee will hold people accountable, for example, rather than just going along with the status quo.

The record shows, to me, again and again, the nominee chose to play it safe rather than take the risks necessary to bring about change in the intelligence community. When I looked at Mr. Goss's record, the first question that occurred to me was could he give us some examples, some concrete examples of when he was willing to stand up, to go against the popular wisdom and even his own party to bring about change; whether he was willing to take the far less dangerous risks that we take as Congressmen and elected officials than lots of other people do, certainly those wearing the uniform.

Right now, we need somebody to head the CIA who is willing to stand up, who is willing to help this country come up with policies that leave the Cold War mentality behind—those are fit for a very different kind of threat—and to hold himself and others accountable.

Mr. Goss has a long, distinguished career as a Member of Congress. I know him personally. I served with him in the other body. It would be hard to find a more decent individual. I will say there are very few jobs in the Government of our country at which I don't think PORTER GOSS would do a good job. But being effective here on Capitol Hill and in other parts of the Government is not where I set the bar for this key appointment. The bar ought to be set very high because we know we have great challenges ahead of us.

For example, I have come to the conclusion that on the intelligence reform legislation we, hopefully, will be dealing with on the floor of the Senate shortly, it may not be the structural problems that are our greatest challenge in improving intelligence and making our country safer. I think there is more to it than moving the boxes around on an organizational chart with respect to intelligence. I think this is as much a people problem as a structural problem. If you are going to solve those problems, in the area of people, human interaction, you have to have leadership, you have to have somebody who is willing to stick his or her neck out.

That is where I set the bar. I think the long record and the questions I asked established beyond a doubt that PORTER GOSS is a good man. He has been a good legislator. But there simply is no evidence that he is willing to rock the boat in the intelligence community, which I think is necessary to make this country as safe as it needs to be.

For that reason I join the distinguished vice chairman of our com-

mittee in opposing the nomination. Like the vice chairman, I am very hopeful I will be proved wrong. As I said, on the issue of partisanship, on the issue of objectivity of analysis, I give the nominee the benefit of the doubt. With respect to his willingness to fight aggressively for bold change, I remain unconvinced. For that reason I will oppose the nominee.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The distinguished Senator from Kansas.

Mr. ROBERTS. I yield as much time as he may need to a valued member of the Intelligence Committee, the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I believe PORTER GOSS is the right man certainly in this crucial time in the history of our intelligence community.

PORTER GOSS spent over a decade at the CIA. He had the opportunity to see it from the inside, to work there in a distinguished career. For the last few years, he has had the opportunity to serve in the Congress, to serve on the Intelligence Committee in the House, and then for the last few years as the chairman. I think it is significant that he has been the chairman for the last few years at the same time many of us have served on the Senate Intelligence Committee, when the force of history has compelled all of us to examine as we have never done before the role of the intelligence community in the world we live in today, a world confronted by the failures of the intelligence community, where we have taken a magnifying glass for the last several years as Members of the House and Members of the Senate to see exactly what is wrong with the intelligence community. There has only been a handful of people who have had that experience. Some of them are in this room today.

PORTER GOSS has distinguished himself in that exercise as chairman of the House Intelligence Committee, as the leader in the House when we went through the joint Senate-House investigation. I had the chance to watch him through that endeavor. I had the chance to watch him learn, as all of us did, about the tragedy of September 11 and how the intelligence community did not function the way we want it to function.

In PORTER GOSS we will have someone who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is wrong, and has looked at it in a critical time in our history. I think that is so very important as we begin the task as a country and he begins the task as the new Director of the CIA to bring about needed reform.

This is a tough job, but I believe PORTER GOSS is a tough man. I believe he is the right man. Some people might say this is an impossible job. I do not

know if it is an impossible job, but it is a very difficult job. Let us think about it for a moment.

This is the man who walks in to see the President every morning, walks in to the Oval Office and greets him, gives him the intelligence report. I think we all understand there has to be a chemistry between the President and the Director; that if there isn't, that relationship—and we have seen that in the past with Presidents and Directors, sometimes there isn't that relationship—if there isn't that relationship, they do not talk and the country suffers.

There has to be a relationship of trust, of confidence. Yet that same man who comes in to see the President every morning where there has to be that relationship, that trust, that rapport, is also a man who has to tell the President what the President does not want to hear; a man who has to have the guts to do it; a man who has to look the President in the eye and have the guts to tell the President of the United States, the most powerful man in the world, Mr. President, that is not the way it is; or maybe a more difficult thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don't know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Well, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day in this world because he is the one who has to be in charge of putting together all of the intelligence. And today it is the intelligence that protects us just as much as our national defense. The facts he comes up with, our intelligence community comes up with, are our first line of defense today. Yet we are telling this man today, if you get this job, at the same time you are carrying on this war on terrorism and you are providing these facts, we expect you to go as fast as you can to carry out reform.

Further, we tell this man that he has to deal with whatever today's crisis is. What we are focused on, of course, is terrorism today. But he has to deal with the long-term crises—nuclear proliferation, what is going on in China, you pick the challenge. He has to be 5 years out, or 10 or 15 years out, and he had better not get it wrong.

This is a new era for the CIA, a new era for the intelligence community which came to maturity in the Cold War, the Soviet Union versus the United States. We sort of understood in those decades when we developed that

intelligence community. Official cover worked pretty well. The new head of the intelligence community has to continue that change, continue to change away from that. We have to move out from the official cover to a nonofficial cover. That is just one of the changes that has to take place. It is a tough job.

I think when you vote on someone's confirmation, a lot of this is kind of a gut check. You don't know what the exact issues are going to be in the future. This is an intensely personal job, as I have pointed out. The person who runs the agency, I suspect we are going to end up giving a lot more power. If PORTER GOSS is confirmed, he may end up with an entirely different job later on. He is going to run a big intelligence community, but it is also an intensely personal job in that relationship with the Congress and that relationship with all of the consumers. And the ultimate consumer, of course, being the Commander in Chief, the President of the United States.

I think it gets down to a lot of the person. What do you think of this guy, or woman if that be the case? Can they handle it?

I think it is helpful to talk to some of the persons who know this person best. I was struck by the testimony of the two Senators from Florida, Senator BOB GRAHAM, of course, the senior Senator, but also significantly the chairman of the Select Intelligence Committee of the Senate, and a pretty harsh critic of the intelligence community and of the administration. This is what he had to say:

Let me say at the beginning that I am not unbiased. I believe that Porter Goss is an exceptional human being and will be an exceptional head of our Central Intelligence.

Senator GRAHAM also said:

Mr. Chairman, I have known PORTER GOSS for well over two decades, and I can tell you from personal experience that he is uniquely qualified to be here today as the President's nominee to serve as the Director of Central Intelligence. He is a man of great character, unusual intelligence, a tremendous work ethic, and an outstanding personal and professional standard of integrity.

Senator GRAHAM added that as Governor of Florida, when he first met the nominee:

Party affiliation did not matter then. What was necessary, good men and women who could carry out a difficult task.

My colleagues, I believe party affiliation does not matter today. The challenge that PORTER GOSS, on a much magnified scale, will face as Director of Central Intelligence is very analogous to the challenge he faced 20 years ago in restoring integrity to his local community and completing a very complex project.

As to PORTER GOSS's fitness to serve as an independent, unbiased DCI, this is what Senator GRAHAM of Florida said.

... when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an out-

sider. For a decade, early in his career, Congressman Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations. Since he has been in Congress, especially as a member and chair of the House Permanent Select Committee on Intelligence, he came to know the agencies from an oversight capacity.

Senator GRAHAM continued:

Some have said he is too close to the intelligence agencies, that he would be too protective of the status quo. Well, most of you served with Porter and myself on the joint inquiry into the events of 9/11. I believe you would join me in saying from that experience Porter is a man who will be independent in his judgments and unflinching in his criticism where he believes they are necessary.

Senator GRAHAM concluded with these words:

I am confident he will not be a part of the problem but rather a leader in taking us toward principled, thoughtful solutions when it comes to reforming the intelligence community. I strongly recommend the confirmation of Porter Goss.

Senator BILL NELSON also participated in the September 14 Goss confirmation hearing. These are some of the things Senator NELSON had to say:

I think we need intelligence reform. I think we need it now. And I think Porter Goss is the man to lead the effort.

Senator NELSON also called PORTER GOSS:

... a uniquely gifted individual whose public life has been illustrative of being non-partisan, fair, and independent.

The Senator further pointed out that:

Those characteristics in this town that is so highly charged with partisanship are sorely needed in a Director of Central Intelligence.

Those statements are from his two colleagues on the other side of the aisle from Florida.

I think sometimes it is good to know and talk to people who know someone best.

Mr. President and Members of the Senate, let me conclude by saying I have known PORTER GOSS for a long time. I have dealt with him on issues not just in the area of intelligence. Sometimes you get to know people in the Senate and the House working in Congress on a variety of issues.

PORTER GOSS and I had shared a tragic situation when we had constituents, hemophiliacs who acquired AIDS because they had to take massive amounts of blood because of their condition. The blood was tainted. It is a long story. I will not go into it now. But the blood was tainted because we thought there was an error made by the Federal Government, that the Federal Government did not become involved early enough, that the Federal Government made mistakes.

I had constituents. I listened to their tragic story. PORTER GOSS listened to some constituents of his. So we both moved in our respective bodies to try to bring about some help for these folks. I saw how compassionate he was and how strongly he felt about the

issue and what he did about it and how he took that passion and feeling he felt for those folks in wanting to do something about it. I worked with him. I traveled with him to Haiti, the poorest country in this hemisphere. I have seen his compassion for the people of Haiti.

I have worked with him on the Intelligence Committee. I will be honest with you, I have had the occasion, many times, to pick up the phone and call across the Capitol and ask PORTER: What is really going on in the intelligence community? What is really going on at the CIA? I will tell you, each time he had an insight that was unrivaled, or rivaled by very few people I have talked to, of what was really going on inside the intelligence community. That is an insight that came about from his years of experience inside the community and his years of experience of watching the community in the oversight capacity while being on the committee and of being the chairman.

He has a passion and an understanding of the intelligence community and of what needs to be done to change it. He understands the importance of human intelligence. Long before it was fashionable in this town to be saying, oh, we have to have more human intelligence, PORTER GOSS was pushing, pushing, and pushing the intelligence community for more human intelligence.

It may not have been flashy, it may not have been with a lot of big speeches, but he was there. He understood it. He understood what the needs were. This man gets it. If you want someone to lead the reform of this community, if you want someone who understands what the problems are, who can do it from the inside, if you want someone who will have the guts to report to the President of the United States and tell it like it is, PORTER GOSS is your man.

So, Mr. President, I am proud to come to the floor today to recommend to my colleagues, based on my personal experience with this man, what I have seen over the years, that we vote for his confirmation. He has a tough job and, yes, it may be almost an impossible job, but I think he is the right man at the right time at this point in our history.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on each side?

The PRESIDING OFFICER. The majority has 124 minutes remaining; the minority has 128 minutes remaining.

Mr. LOTT. Mr. President, I believe the chairman of the committee had indicated a desire to yield 5 minutes, or what time the Senator may consume, to Senator ALLARD of Colorado. It would be my intent to follow Senator ALLARD.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the acting chairman for yielding 5 minutes.

Mr. President, I would like to associate myself with the comments of the distinguished Senator from Ohio. I, too, proudly claim PORTER GOSS as a friend and somebody who I think will do a great job.

There is no doubt that the intelligence community right now is in somewhat disarray, concerned about their jobs and the job they are doing and the public perception.

I say, first, there are a lot of good people at the Central Intelligence Agency. I think Congressman GOSS recognizes that. I think there are some bureaucratic problems over there, too.

I think he has the temperament to deal with some of those problems. PORTER GOSS is a strong leader. He is a quiet individual. He doesn't grandstand. He is a hard worker. He is intelligent and he understands the intelligence community.

I have had an opportunity to serve on the Intelligence Committee in the Senate for 4 years, and I even developed a greater appreciation for the job Mr. GOSS did on the House side in his service on the Intelligence Committee.

For those reasons, I rise to support the President's nomination to head the Central Intelligence Agency. That nominee is Representative PORTER GOSS. I believe he is the right man at the right time for the job. That has been stated a couple of times already. I truly think that is the case. I am glad to see other colleagues recognize that fact. I am asking my colleagues to join me in voting for his confirmation.

The intelligence community is at a critical juncture. It is clear that after the horrific attacks of September 11, and the problems involved with uncovering weapons of mass destruction in Iraq, the intelligence community needs firm leadership during a time when reforms are needed. The President has heeded that call.

President Bush has put into motion, through executive order, most of the recommendations of the 9/11 Commission, and he is committed to strengthening the budget authority given to the intelligence community head administrator. The next step in intelligence reform is to bring in someone who is committed to reforming the Central Intelligence Agency from the inside out. That man is PORTER GOSS.

I have had the pleasure of knowing Representative GOSS personally and professionally. I was lucky enough to serve with him in the House of Representatives, and I value his knowledge of national security issues. Even then, when I served with him in the House, he was a voice both Democrats and Republicans turned to when debating important intelligence issues, and he continues to be a leader in the House today. More importantly, I got to know PORTER GOSS on a personal level. He is someone I trust and have come to call my friend. There is no one I would rather see as director of the agency.

I am convinced Representative GOSS is ready for this challenging task. Representative GOSS will bring a unique perspective to the Director's office in the Central Intelligence Agency. His perspective will not only drive the much-needed changes in the CIA, but will also bring our concerns as a Congress to the agency.

PORTER GOSS has been an Army intelligence officer. He has served as a clandestine agent in the CIA and has chaired the House Intelligence Committee. There is no one better prepared or qualified to be the Director of the Central Intelligence Agency. There should be no doubt that the combination of experience Representative GOSS has will serve the American people well.

I have heard concerns raised that Mr. GOSS is too partisan. I simply have to discount those concerns. This is a man who has served as an officer in the Army and understands very well his duty to the United States and to the citizens he will soon swear to defend.

I am pleased to see the bipartisan support Representative GOSS has already received. His nomination was approved by the Senate Intelligence Committee by a 12-to-4 vote. His colleague from Florida, BOB GRAHAM, has come out strongly in favor of Mr. GOSS.

It is time for the Senate to act on this nomination so we can continue the reforms to the intelligence community that are badly needed. Representative GOSS is prepared to take the agency in a direction that will strengthen our collection and analytical intelligence activities and provide the information we need to keep America safe. He is a man who is truly interested in the needs of our country. He is somebody that I feel I can work with on the Armed Services Committee. I have some of the intelligence programs under my jurisdiction in the subcommittee which I chair, and they are extremely important programs. They are programs that are badly needed, they are expensive programs, and they do have some problems. We need somebody who has the background in intelligence to tackle those, and somebody I think I can work with.

I ask my colleagues to support his nomination because I personally think he is the best man for the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. I yield to the chairman.

Mr. ROBERTS. Mr. President, I will be happy to soon yield to the distinguished Senator from Mississippi, a valued member of the Intelligence Committee.

On the issue of the HPSCI activity, the House intelligence activity, in regard to reform and other intelligence challenges during the last 3 Congresses, which has been brought up, I ask unanimous consent to have printed in the RECORD the Survey of Activities of the Permanent Select Committee on Intelligence During the 107th Congress. I

also commend to my colleagues the Survey of Activities of the Permanent Select Committee on Intelligence during the 106th Congress and the 105th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SURVEY OF ACTIVITIES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE DURING THE 107TH CONGRESS

Mr. GOSS, from the Permanent Select Committee on Intelligence submitted the following report.

This report covers the activities of the House Permanent Select Committee on Intelligence during the One Hundred Seventh Congress. Porter J. Goss (Republican, Florida) served as Chairman; Nancy Pelosi (Democrat, California) served as the Ranking Minority Member.

The stated purpose of H. Res. 658 of the 95th Congress, which created the House Permanent Select Committee on Intelligence, was to establish a committee "to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and intelligence-related activities and programs."

H. Res. 658 also indicated that the Committee "shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States."

In carrying out its mandate from the House regarding oversight of U.S. intelligence and intelligence-related activities, the Committee created four subcommittees:

SUBCOMMITTEE ON HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

Jim Gibbons (R-NV), Chairman,
Leonard L. Boswell (D-IA), Ranking Member,

Sherwood Boehlert (R-NY),
Alcee L. Hastings (D-FL)*,
Ray LaHood (R-IL),
Silvestre Reyes (D-TX)*,
Randy "Duke" Cunningham (R-CA),
Gary Condit (D-CA),
Peter Hoekstra (R-MI),
Collin C. Peterson (D-MN),
Richard M. Burr (R-NC),
Sanford D. Bishop, Jr. (D-GA)*,
Saxby Chambliss (R-GA),
Robert E. (Bud) Cramer, Jr.* (D-AL).

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

Michael N. Castle (R-DE), Chairman,
Sanford D. Bishop, Jr. (D-GA), Ranking Member,

Jim Gibbons (R-NV),
Jane Harman (D-CA),
Sherwood L. Boehlert (R-NY),
Alcee L. Hastings (D-FL)*,
Randy "Duke" Cunningham (R-CA),
Silvestre Reyes (D-TX),
Peter Hoekstra (R-MI),
Leonard L. Boswell (D-IA),
Richard M. Burr (R-NC),
Robert E. (Bud) Cramer, Jr.* (D-AL),
Terry Everett (R-AL).

SUBCOMMITTEE ON INTELLIGENCE POLICY AND NATIONAL SECURITY

Douglas K. Bereuter (R-Nebraska), Chairman,

Gary A. Condit (D-CA), Ranking Member,
Ray LaHood (R-IL),
Sanford D. Bishop, Jr. (D-GA),
Michael N. Castle (R-DE),
Tim Roemer (D-IN),
Saxby Chambliss (R-GA),
Collin C. Peterson (D-MN),
Jim Gibbons (R-NV),
Terry Everett (R-AL).

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Saxby Chambliss (R-GA), Chairman,
Jane Harman (D-CA), Ranking Member,
Peter Hoekstra (R-MI),
Gary A. Condit (D-CA),
Jim Gibbons (R-NV),
Tim Roemer (D-IN),
Ray LaHood (R-IL),
Alcee L. Hastings (D-FL)*,
Richard M. Burr (R-NC),
Silvestre Reyes (D-TX)*,
Terry Everett (R-AL),
Robert E. (Bud) Cramer, Jr.* (D-AL).

*Member served on Subcommittee for only part of 107th Congress.

SCOPE OF COMMITTEE REVIEW

U.S. intelligence and intelligence-related activities under the jurisdiction of the Committee include the National Foreign Intelligence Program (NFEIP), the Joint Military Intelligence Program (JMIP), and the Department of Defense Tactical Intelligence and Related Activities (TIARA).

The National Foreign Intelligence Program consists of activities in the following departments, agencies or other intelligence elements of the government: 1) the Central Intelligence Agency (CIA); 2) the Department of Defense; 3) the Defense Intelligence Agency (DIA); 4) the National Security Agency (NSA); 5) the National Reconnaissance Office (NRO); 6) the Departments of the Army, Navy, and Air Force; 7) the Department of State; 8) the Department of Treasury; 9) the Department of Energy; 10) the Federal Bureau of Investigation (FBI); 11) the National Imagery and Mapping Agency (NIMA); and, 12) the Coast Guard (USCG).

The JMIP was established in 1995 to provide integrated program management of defense intelligence elements that support defense-wide or theater-level consumers. Included within the JMIP are aggregations created for management efficiency and characterized by similarity, either in intelligence discipline (e.g., Signals Intelligence and Imagery Intelligence) or function (e.g., satellite support and aerial reconnaissance). The programs comprising the JMIP also fall within the jurisdiction of the House Armed Services Committee.

The TIARA are a diverse array of reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information support to military operations. TIARA, as defined by the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence programs that respond to requirements of military commanders for operational support information, as well as to national command, control, and intelligence requirements. The programs comprising TIARA also fall within the jurisdiction of the Armed Services Committee.

OVERSIGHT ACTIVITIES

During the 107th Congress, the House Permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

— Responded effectively to the catastrophic attacks on September 11, 2001, by the al Qai'da terrorists by conducting investigations jointly with its sister committee in

the Senate, the Senate Select Committee on Intelligence, to determine whether the IC should have been more adept, better resourced and more capable of thwarting the attacks;

— Promoted a bipartisan effort to continue rebuilding and refining the nation's intelligence capabilities to meet increasingly complex geopolitical and technological challenges to national security; and

— Advanced the education of Members of Congress and the public on matters of vital interest to national security and the distinct role intelligence plays in its defense.

Although the end of the Cold War warranted a reordering of national priorities, the steady decline in intelligence funding since the mid-1990s left the nation with a diminished ability to address emerging threats—such as global terrorism—and the technical challenges of the 21st Century. Further, the IC's lack of a corporate approach to addressing enduring intelligence problems helped to create a culture that hindered data collection (especially human intelligence collection), data sharing, and collaborative analysis.

The revitalization of the National Security Agency (NSA) was the Committee's top priority during the 107th Congress. Although this continues to be one of the Committee's priority concerns, the focus has turned to information sharing and cross community analysis. The Committee notes that the individual intelligence agencies and, moreover, their extremely talented and dedicated people, labor continuously to provide the absolute best intelligence products possible in defense of the Nation. These efforts are, however, generally conducted in isolation from one another, and, most disturbingly, existing rules and procedures often restrict information from the community's depth and breadth of analytic talent. Therefore, those individual efforts can usually only piece together fragments of the overall intelligence puzzle. Crucial in the post-9/11 era is having a community that is, to the maximum extent possible, liberated from information sharing restrictions and one that fosters a culture focused on greater collaborative analysis. The Authorizations for fiscal years 2002 and 2003 included detailed language on the need for the IC to breakdown barriers to information sharing and the need to cease the practice of allowing agencies to routinely restrict "their data" from other agencies, including law enforcement.

In order to maximize further the IC's analytic effectiveness and output, we must ensure that the dedicated professionals of the IC are properly trained and provided the skills necessary for the tasks that are required to fight the global war on terrorism and other daunting threats. For a number of years, the Committee has articulated its specific concerns about the dearth of language skills throughout the IC. The lack of depth in the so-called "low-density" languages was acutely experienced during operations in Afghanistan. The Committee finds this situation unacceptable and has emphasized the critical need for a robust effort to improve foreign language capabilities throughout the Intelligence Community.

The Committee remains concerned about the viability and effectiveness of a future overhead architecture, given the apparent lack of a comprehensive architectural plan for the overhead system of systems, specifically in the area of imagery. For example, the Committee believes the Administration is facing a major challenge in addressing technical and funding problems with the Future Imagery Architecture (FIA) program that could force untenable trades between critical future capabilities and legacy systems. In the Authorization for fiscal year

2003, the Committee has addressed the known FIA problems as well as the need to develop imagery alternatives if developmental problems exist or persist. The Committee noted, however, that the Intelligence Community has engaged in a continuing pattern by which many individual programs have been provided resources with little or no regard to the entire set of IC collection capabilities, including space-based and airborne. The Committee believes that, although individual systems certainly have specific merit, it would be wiser for the Intelligence Community to consider whether the overall collective mix brings the appropriate assets to bear against the range of threats to U.S. national security. Moreover, the ability to fund all legacy, developmental, and desired systems has a finite limit. Therefore, there is a critical need to review each program mindful of the strategic needs so that and necessary tradeoffs are made based on substantive requirements.

Finally, the Committee continued its focus on a number of enduring IC challenges—the need to improve NSA acquisition efforts, the need to improve the depth and breadth of Human Intelligence (HUMINT), and improving research and development (R&D). With respect to NSA, the Committee has been pleased with the Director's attempts to baseline current capabilities so that future needs can be properly identified and resulting acquisition decisions can be appropriately made. To assist the Director in completing these efforts, the Committee included incentives in the Authorization Act for fiscal year 2003. Regarding, HUMINT, the Committee focused on improvements in training, enhancing technical resources to operations, and properly funding analytic efforts. All of these capabilities are supported by R&D efforts. Therefore, the Committee has supported the Administration's increases in basic R&D programs. The Committee believes that the IC must continuously renew itself in this ever-changing world. Intelligence is the first line of defense against elusive and unstructured threats and enemies that use asymmetric means to harm America and her people. Only through providing these much needed resources and a long-term commitment can the IC be prepared for the global challenges that confront us.

INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2002 AND 2003

During the 107th Congress, particularly in the aftermath of the September 11th attacks, the Committee continued to pursue its objective of rebuilding and revitalizing our national intelligence capabilities to better meet the threats of the 21st century. Finally, after eight years of congressional admonition to the executive branch to develop a long term funding program to correct serious and critical Intelligence Community (IC) deficiencies, the President's budget requests provided a down payment on the resources necessary to ensure that our policymakers and military commanders have timely and reliable intelligence support that is crucial to our nation's security.

The Committee reviewed extensively the President's budget submissions for Fiscal Years 2002 and 2003, fulfilling its responsibility to closely examine the nation's intelligence programs and proposed expenditures. These reviews included substantive and programmatic hearings, Member briefings, and numerous staff briefings. Testimony on the President's budget submissions was taken from the Director of Central Intelligence (DCI); the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C3I); the Directors of DIA, NSA, NIMA, NRO, and the FBI; and other major intelligence program managers.

The Committee's examination of the President's Fiscal Years 2002 and 2003 intelligence budgets included 13 committee budget-related hearings principally on a program level. Additional hearings were held addressing the DCI's overall budget submission, the state of health of the IC, and the DCI's views and plans for the future of intelligence and the IC.

In reviewing the President's budget requests, the Committee found that the President has begun to aggressively address the lack of investment and years of neglect that has harmed our nation's intelligence capabilities. The fiscal year 2002 budget request, submitted before the tragic events of September 11, 2001, reflected no major improvements or investment in intelligence capabilities. The fiscal year 2003 budget submitted by the President included the most substantial increase for programs funded in the National Foreign Intelligence Program in history, however, the intelligence authorizations for both fiscal years 2002 and 2003 reiterated the need for renewed investment by focusing on enhancing programs and information sharing across the various IC agencies.

In addition to budget-related hearings, the Committee held over 58 committee hearings and briefings on various issues vital to our IC and national security. Among the subjects examined by the Committee were: terrorism, HUMINT, and developments in Colombia, Southeast Asia, and rogue states.

Given the September 11, 2001, terrorist attacks, the Committee's immediate priority was, and continues to be, the effectiveness of our counterterrorism efforts and the security of our nation. In the last two budget authorization bills, the Committee addressed critical and immediate counterterrorism needs as well as long-term intelligence issues facing the United States.

The "Intelligence Authorization Act of Fiscal Year 2002", (P.L. 107-108), in addition to authorizing generally the activities of the U.S. IC, directly addressed IC shortfalls in domestic counterterrorism efforts, intelligence collection and analysis, threat reporting, aggressive recruitment of human assets, foreign language capabilities, and sharing of intelligence information and analysis across the government. For example, the Congress specifically enacted legislation that repealed restrictions on human intelligence sources. In the wake of the September 11, 2001, attacks on America, the House and Senate significantly increased spending authorizations for intelligence activities well beyond that level requested by the President. The committee also directed significant resource allocation to countering terrorism.

The "Intelligence Authorization Act of Fiscal Year 2003", (P.L. 107-306), in addition to authorizing the intelligence activities of the U.S. IC highlighted five priority areas that must receive significant, sustained attention if intelligence is to fulfill its role in our national security strategy. Those areas are: (1) improving information sharing and all-source analysis; (2) improving IC professional training with a major emphasis on developing language skills; (3) ensuring national imagery collection program viability and effectiveness; (4) correcting enduring systemic problems, deficiencies in HUMINT, and rebuilding a robust research and development program; and (5) establishing a budgeting process that no longer relies so heavily on supplemental appropriations. For example, the fiscal year 2003 legislation provided very clear policy direction to the Administration to improve the cross-community sharing of information from material seized as part of the global war on terrorism. This resulted in new processes and procedures

being implemented to improve the access that community analysts have to this material. Further, the fiscal year 2003 authorization legislation provided significantly enhanced funding for skills training in areas such as foreign languages, analyst-to-analyst technical exchanges and in-area familiarization travel. And finally, the Committee's legislation also provided critically needed direction and funding to ensure the nation's imagery architecture will be capable of supporting customer needs long into the future.

COMMITTEE INVESTIGATIONS

Terrorism Review

The Committee, through its THLS Subcommittee at the behest of the Speaker and Minority Leader as the focal point and coordinating mechanism in the House of Representatives for post-9-11 counterterrorism and homeland security oversight activities."

Prior to the 9-11 terrorist attacks, the Committee's Working Group on Terrorism and Homeland Security held numerous classified hearings and briefings on the terrorist threat, gaps in the IC's counterterrorism capabilities, the need for a more focused and better coordinated national effort on homeland security, and a variety of related matters.

Following 9-11, the Working Group was converted into a full subcommittee with expanded powers of jurisdiction to act as the lead entity in formulating the House's response to the attacks. The new Subcommittee on Terrorism and Homeland Security held what for the Committee was an unprecedented series of televised hearings culminating in a field hearing with then-Mayor Rudy Giuliani in New York City. A significant number of closed hearings and briefings on all aspects of the attacks followed; along with a report to the Speaker and Minority Leader on the gaps in counterterrorism capabilities at CIA, NSA, and the FBI leading up to 9-11. Following publication of this report, the Committee, in conjunction with the Senate Select Committee on Intelligence, established a Joint Investigative Staff on 9-11 that conducted a thorough investigation of the Intelligence Community's inability to prevent the 9-11 attacks. The work of the JIS included a series of open and closed hearings, and the publication of a classified report."

Committee Investigations

At the behest of the Speaker and Minority Leader, the Committee's Subcommittee on Terrorism and Homeland Security was directed in the immediate aftermath of 9-11 to evaluate the performance of the CIA, and FBI against the terrorist target. To this end, the Subcommittee issued a report in July 2002 that offered the following conclusions:

America's intelligence capability shortfalls prior to 9-11 were significantly affected by resource constraints imposed during much of the 1990s, but also by a series of questionable Intelligence Community management decisions on funding priorities.

As a first step, the USG should adopt a single definition of terrorism, which it currently does not have at a cost of significant inefficiencies.

CIA: The availability and allocation of resources, including the redirection by CIA managers of funds for core field collection and analysis to headquarters bureaucracy, hurt CIA's counterterrorism (CT) capabilities prior to 9-11. Internal human rights guidelines issued in 1995 also had a "chilling effect" on CT operations, and these guidelines were only repealed after the Subcommittee's report was released in July 2002. CIA chronically lacks foreign language skills and core CT-specific training, and has become overly reliant on foreign liaison at a cost to its unilateral capability.

FBI: Preventing terrorism was less important than solving crimes prior to 9-11, when FBI decentralized CT information and investigations. FBI also had insufficient linguists and analytic capability and an outdated IT infrastructure. It paid little attention to financial tracking, and did not share information.

NSA: The CT mission was not given a high enough priority in the competition for limited resources prior to 9-11, and NSA must reform program management, systems engineering and integration, and budget management for new investments to have a lasting impact. NSA has been chronically short of linguists, and must better leverage industry for technical solutions to collection problems.

Congressional oversight of counterterrorism is highly duplicative and inefficient. A leadership staff mechanism should be created to streamline the oversight process on both counterterrorism and homeland security matters."

JOINT INQUIRY INVESTIGATIONS

In February, 2002, the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks against the United States. This bicameral investigation, supported by a separate, unified, professional staff, sought to identify what the Community knew or should have known regarding those attacks prior to September 11th, the nature of any systemic problems that may have impeded the Community's ability to prevent those attacks, and recommendations for reform to improve the Community's ability to uncover and prevent similar attacks in the future.

In the months that followed, the Inquiry's investigative staff reviewed massive amounts of information within the Intelligence Community. This included the review of almost 500,000 pages of relevant documents, 300 interviews, and participation in numerous briefings and panel discussions, involving about 600 individuals. Although the inquiry was primarily focused on the Intelligence Community, the investigation also considered relevant information from federal agencies outside the Intelligence Community; from state and local authorities; from foreign government authorities; and from private sector individuals and organizations. Building on the extensive investigative work, the Committees held nine joint public hearings and, given the highly classified nature of much of this information, thirteen joint closed sessions. In December, 2002, both Committees approved, by separate votes, the classified Final Report of the Joint Inquiry. The Committees are currently working with the Intelligence Community in an effort to declassify, consistent with national security interests, as much as possible of the Final Report for public release.

The work of the Joint Inquiry confirmed that although the Intelligence Community had relevant information that was, in retrospect, significant regarding the September 11th attacks, the Community too often failed to focus on the information and to appreciate its collective significance in terms of a probable terrorist attack. The Inquiry's factual record identified not only the information that was overlooked but also a number of systemic weaknesses that contributed to the Community's inability to detect and prevent the attacks. These included a lack of sufficient focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, insufficient analytic focus and quality, a reluctance to develop and implement new technical capabilities aggressively, and inadequate sharing of

relevant counterterrorism information. To correct such deficiencies, the Final Report includes nineteen recommendations for reform, including such things as the creation of a Cabinet-level Director of National Intelligence and prompt consideration of whether the FBI, or a new agency, should perform the domestic intelligence functions of the U.S. Government.

OPEN HEARINGS

During the 107th Congress, the Committee held 13 open hearings on issues of concern to the Intelligence Community and the American people. While committed to the protection of sources and methods and ensuring the security of our nation's secrets, it is the intention of the Committee, whenever possible, to hold open hearings in an unclassified setting on issues of vital importance and concern to the public.

The Committee held four open hearings: Defining Terrorism—September 26, 2001; Asymmetric Threats to Homeland—October 3, 2001; Role of NSC in Current Crisis—October 11, 2001; Domestic Preparedness & Emergency Response—October 29, 2001.

The Joint Inquiry Committee held nine open hearings: Family Advocates for September 11 Victims—September 18, 2002 and September 19, 2002; Intelligence Community Knowledge of September 11 Hijackers—September 20, 2002; Phoenix Memo—September 24, 2002 and September 26, 2002; Counterterrorism Information Sharing—October 1, 2002; Intelligence Community Reform Proposals—October 3, 2002; Past Terrorist Attacks—October 8, 2002; Factual Finding of Inquiry—October 17, 2002.

Mr. ROBERTS. Mr. President, I yield as much time as he may consume to the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the chairman. I also commend the chairman and the vice chairman of the Intelligence Committee for the very difficult job they have been performing, leading the Intelligence Committee. It has to be one of the toughest jobs that I have witnessed in the Senate. It takes time, it takes experience, and it takes intellect to be able to deal with the issues that come before this committee.

I also commend them for the way they have handled this particular nomination. They were patient. They gave every Senator ample time to make their points and ask questions, and they have been commended by Members of both sides of the aisle for the way they handled the nomination. That is why I think the nomination was approved by the Intelligence Committee, and why I believe this nomination will be confirmed by a wide margin.

Before I get into a little more discussion about why I support PORTER GOSS to be head of the CIA and director of intelligence, I will talk about my overall concerns regarding the intelligence area.

As a member of the leadership over the years, I was able to have briefings and meet with Director Tenet. There are specific requirements in the law that certain Members have to be notified when particular actions are taken. I always took those matters very seriously and spent the time that was necessary to get those briefings. For the

last year and a half, I have been on the Intelligence Committee. I must confess that when I went on the committee, I thought I would be a big defender and big supporter of our intelligence community, because I think that what they do is so important. I do support the men and women who work in that community.

But I must say, over the last year and a half, I have developed many concerns about how that job is being done, how the Congress does its job. I didn't appreciate how important oversight is regarding intelligence matters, how important it is that a Senator develop expertise to be able to ask the right questions, do the oversight, and understand what is going on.

I have come to the conclusion that our intelligence community is not set up properly and we are not doing our job in the Congress. We can point fingers and blame somebody else, but a lot of the problem resides here in this body and in the Congress—not because we don't try to do our job, but we are not organized properly to do it. We have this multifaceted process of so many committees claiming jurisdiction, and with good reason. Armed Services needs to be aware of what's going on, as do Foreign Relations, Appropriations, and Governmental Affairs. Is there anybody who doesn't have their finger in this intelligence pie a little bit? Basically, nobody is doing the oversight job properly, because the members of the Intelligence Committee are not there permanently; they come and go and are on the Committee maybe 2 years, 4 years, or 8 years. Once you get to where you know what to ask and what is going on, you leave the Committee.

Frankly, I think the CIA and the intelligence community's attitude is: Don't give them anything; give them a little bit of a courtesy, a brush-off, and we will get what we want from the appropriators in the end.

I think we have real problems in the intelligence community and in the Congress, and we need to fix them. I don't have a magic design. I want to hear what the experts have to say and see what legislation is proposed. I know this: Something has to be done in the way the intelligence community operates. You cannot operate under a construct where you have 15 different agencies and 80 percent of the money going to the Defense Department, with the director of intelligence having little or no control over the money or many of those intelligence agencies.

We need major changes, and we need them now. I am concerned about concerns that were raised yesterday that if we do not do this right, if we rush to reorganize the intelligence community, we could do damage because the job of gathering intelligence has to go on every day. Men and women are putting their lives on the line to gather intelligence. We need to be careful, but we need to press forward with change.

I know this body is loath to change anything. Any kind of reform is looked

at suspiciously: Oh, we can't do that; it has always been done this way. I have taken the time over the years to look at a lot of these issues, and it has not always been done this way. A lot of what we do and say around here, which some say is sacrosanct and cannot be changed, is relatively new. It evolved over the years.

At some point, you have to say there is a higher priority, that there is something more important than turf or jurisdiction or the way it was or is being done.

What is most important is how we are going to do the best job for the men and women in uniform, men and women in intelligence, and for the American people. So I think we need to make necessary changes.

The important point is that we have to have somebody in charge. We have good people in the CIA doing the job. We have an Acting Director who is a good man doing a good job. But we do not need an Acting Director forever. We need a man or woman in charge making decisions, making changes that need to be carried out even without legislation that overhauls the whole operation, and we need it now.

This is a dangerous time we are in. We need to not only confirm this nominee right away, but we need to do it overwhelmingly. We need to show him, we need to show the agencies, and we need to show the departments that he has the confidence of the American people through their representatives in the Senate. We are dealing with very important issues, and it is so important that we have leadership at the top. We need to do it right away.

We have a good man who has been nominated. A lot of thought went into his selection. I know the President sought out the counsel, advice, and the thinking of a number of Members of Congress on both sides of the aisle, in the House and Senate, before he went forward with this nomination. He has nominated a man who is uniquely qualified to be the Director of Intelligence.

PORTER GOSS is the right age. He is in his mid-sixties, still young enough to do the job, and old enough to know what needs to be done. He has a background of military experience, where he was in Army intelligence for 2 years. He worked in the Directorate of Operations of the CIA for many years. Most of this is in the RECORD, but I think it is worth repeating so that my statement will make sense, hopefully, in its entirety.

When he left the CIA, he continued to be involved in trying to serve his fellow man and his community. He was a leader in his hometown in Florida. He served on the city council, was mayor, was a member of the board of commissioners, and has served in Congress since 1988, which is a pretty good period of time. He eventually became chairman of the House Permanent Select Committee on Intelligence where I know he did a good job.

I have watched him. I have watched him deal with difficult issues. I have watched him take a leadership role, and I have watched him work with the ranking member of that committee and with Democrats, and I have been impressed with the job he has done on the Intelligence Committee in the House.

So he knows the CIA. He knows it from having been in Army intelligence, he knows it from having been in the CIA, and he knows it from the position he held as chairman of the Intelligence Committee. He knows where the problems are because he was there, and he knows how to strengthen the intelligence community and make it better. He is no stranger to the difficulty and the complexity of foreign intelligence.

When I look back on some of the former heads of the CIA, frankly, some of them did not have much of a background in that area. But here is a man who is uniquely qualified. He has been in the intelligence community. I know that some people say that if you are in the institution, you are part of the problem. But, my experience leads me to ask, how can you solve a problem if you do not really understand an institution? There are some in Washington that say, if you know the subject, whether it is transportation or oil or intelligence, you should not be in government because you have been co-opted.

I think absolutely the opposite is the case. Practical experience is invaluable. You have to understand the culture, you have to understand the people, and anybody who has paid close attention to the intelligence community in recent months and years knows what changes should be made and have to be made.

PORTER GOSS, a Member of Congress, has been critical of the intelligence community. He does not sugar-coat it. He has called the human intelligence program dysfunctional. He has spoken the truth about the way we have funded the CIA, which he says has not been adequate, it has not been done in the right way, and we have not put enough emphasis on human intelligence. In fact, Congress stopped this nation from having the human intelligence we needed, if we go back and look at the results of the Church Commission some 30 years ago. Once again, we are part of the problem.

He knows we need to do more in linguistic training, and he has raised these questions as chairman of the committee and in his communications with the DCI.

His confirmation would bring stability and experience to the intelligence community. One thing that worries me, as I have talked to some of our intelligence personnel, is a certain concern about whether they are really appreciated, and are the old experienced hands going to stay, or are they going to leave. I have noticed some of the intelligence people I see are getting younger, younger, and younger. They

need a firm and experienced leader. They need a person who has been there with them, understands their needs, and appreciates the job they do, and PORTER GOSS would do that.

He does support what Congress is about to do. We are going to create a national intelligence director position, and we are going to pass legislation that is going to reorganize the intelligence community at some point, maybe sooner than later.

Again, he has the right attitude and supports the position I believe that Congress is going to be taking.

There are those who have questioned his independence. Is he a partisan? Is he a politician? Whatever happened to congressional courtesy? Over the years, I have supported Members of the other party from this body and the other body, even though they have sometimes been very partisan politicians, very aggressive in their speeches on the floor of the House and Senate, but I knew them to be good men and women, and I knew when they took on a different role. When you are in Congress, when you are in politics, you are a politician. That is not a damnation. That is somebody involved in the art of government. When you are a member of a party, sometimes members of the other party get under your skin, and you speak out.

I noticed over the years, PORTER GOSS has not been one of those rabid partisans. He has been very calm and very stable. Sometimes he gets a little upset. Maybe he thought perhaps the Senate was getting carried away with some of our hearings recently. On occasion, I have thought we did a little grandstanding in the Senate, and I said so even though it was sometimes directed at my own party.

I know he is an independent thinker, and I know he will put his job as head of the CIA, uppermost. He will put his political past and his partisanship behind him. He also will be a man, I believe, who can go in and meet with the President at those early morning meetings and say: Mr. President, this is what we know, this is the truth about the situation, and if you go this way, you are going to have certain problems.

He has that stature, he has that credibility, and he will have the independence to do that.

I think having served so many years, having been on the Intelligence Committee, and having the record he built at the Intelligence Committee, is proof that he will be independent to do that job for the American people. I believe he will be more candid with the Congress.

Quite often when we had testimony before the Intelligence Committee, I felt as if I did not get a complete story. Frequently, testimony was less than fully satisfactory or sufficient. PORTER GOSS is going to be able to speak to us on a level basis, not from the perspective of a former staff member. He was one of us, and he will not try to fool us. I think he will tell us the truth.

By the way, I think we will be very comfortable telling him: Mr. Director, we don't believe that. We will be able to be very candid with him. I believe he will show flexibility as we move from where we are to where we need to be.

He has been questioned about the positions he has taken, but he satisfied the members of the Intelligence Committee by a vote of 12 to 4 with several Democrats voting for his confirmation. They asked him the tough questions. They had their reservations, and those reservations have been satisfied.

I cite one point of how he dealt with the former Director. On September of 2003, he wrote a letter to DCI Tenet pointing out concerns he had with intelligence. He joined with the ranking member of the Intelligence Committee in the House, Congresswoman HARMAN, and indicated there were significant deficiencies with respect to the intelligence community's collection activities concerning Iraq's WMD programs and ties to al-Qaida prior to the commencement of hostilities there.

So he did not wait until after the fact; he raised concerns when they needed to be raised. If my colleagues have taken a look at that letter, it certainly shows independence and it was the kind of thing that the DCI needed to hear at that particular time.

So I can attest from experience, from observation, and from a written record that this Congressman will be an independent, thoughtful, strong voice at the CIA.

I urge my colleagues, let us have our discussion but let us have a vote and let us make it overwhelming. Let us do it now because we need strong leadership and we have the right man to do this job. PORTER GOSS will provide leadership for the intelligence community. He will be able to work with Congress and he will help give the intelligence community the ability to do an even better job.

I thank the chairman for yielding me this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield such time as he may consume to the distinguished Senator from Utah and thank him for his service on the Intelligence Committee.

Also, I thank the Senator from Mississippi for his excellent commentary, more especially highlighting Mr. Goss's independence and the fact he will be a nonpartisan DCI.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague and I certainly appreciate the leadership Senators on the Intelligence Committee, in particular the Senator from Kansas. He has done a great job. I think Senator ROCKEFELLER has worked with him very well for the most part.

I associate myself with the remarks of the distinguished Senator from Mississippi. There are very few people around here who have had to deal with

the personalities of so many people as Senator LOTT has. He has done a terrific job throughout both his House and Senate career, and I think we ought to listen to the wise people like that with regard to whether we should vote for PORTER GOSS.

There is no doubt in my mind that PORTER GOSS is worthy of this position and, in my mind, he will do it in an effective way. I compliment the distinguished Senator from Mississippi for his cogent remarks and his very practical remarks to which we ought to all be paying attention.

I remember when George Tenet was nominated, and George Tenet was a Democrat. He was a staffer to Senator Boren. Senator Boren, George Tenet, and I traveled all over the world together. There was not any question that we were going to support George Tenet when he came up for CIA Director, and I think he did a much better job than all of his critics are saying. A lot of that was because he worked very hard for Senator Boren and for the committee and knew an awful lot about intelligence to begin with. This is a tough job. It is almost an impossible job to do. In fact, I think it is an impossible job to do in every way, in every respect, totally right.

The fact is, we supported Mr. Tenet and he was a member of our family. I believe PORTER GOSS is a member of our family, too, and a person who is worthy of this position. We should not politicize this appointment.

The next person to head the Central Intelligence Agency will lead the organization at its most demanding time in history. The next Director of Central Intelligence will have to provide leadership in shepherding that organization through a much needed reform while continuing to play a major role on the ongoing global war on terror. The next person to hold this post will require much more than a passing experience with the workings of the intelligence community. He will need to understand the role of the executive in conducting our foreign policy at war, and the essential role of congressional oversight and support in ensuring that our intelligence community is flexible enough to address threats that have never before been the primary focus of our foreign policy.

President Bush made the right call when he chose PORTER GOSS to fill this role. I am happy to note that an overwhelming majority of my colleagues on the Senate Select Committee on Intelligence have also recognized this, having approved his nomination yesterday. I commend Chairman ROBERTS for his leadership and I thank our majority and minority leaders for bringing this nomination to the floor today. It is important.

I have had the opportunity to work closely with the chairman of the House Permanent Select Committee on Intelligence. In the months of collaboration between our two committees which produced the joint inquiry, I had the

opportunity to take the measure of PORTER GOSS's mind, as well as his experience and his commitment to the intelligence community. I totally support this nomination.

As we all recognize, the intelligence community will be undergoing a major reform, a process that can only succeed if there is close cooperation between the White House and all the relevant executive agencies, the Congress—and that includes Democrats and Republicans—and especially this committee, and the intelligence community.

The reform that will be promoted should not be a mere bureaucratic reshuffling; it should be a reform of our intelligence community that enhances and strengthens our ability to understand, penetrate, co-opt, and neutralize the threat of armed groups to our national security. The success of the next Director of the Central Intelligence Agency must understand this to be successful.

The next Director of Central Intelligence must understand that the new initiatives we are debating in draft legislation this month, legislation we are referring to as an intelligence community reform, will be the beginning, not the end, of reform. In fact, I fear that once we pass a reform package some of us will believe we will have accomplished reform. In fact, we will have only begun.

Everyone agrees that we need better results from our intelligence community. I suppose that is always going to be the case. Most of us, I hope, also agree that the efforts of the intelligence community, from the Director on down, have been admirable, brave, selfless, and intense. I believe former Director Tenet worked hard to revitalize capabilities that devolved after the end of the Cold War. I know he worked hard. He inherited an agency that needed a lot of improvement, and to the extent that he could, he did his best to do so.

The next Director of Central Intelligence must recognize that our goal should not be to rebuild a capability but to build a new capability. We need better results and we need a strategy for achieving them.

Director Tenet was candid in speaking before the 9/11 Commission in saying that our human intelligence capabilities would take at least 5 years to rebuild. PORTER GOSS, when confirmed, must recognize that this will be the issue I will address in our first closed hearing. I will ask: How do you intend to rebuild the capability? What is your strategy? To what standards of measurement will you hold yourself?

The American intelligence community of the 21st century will face traditional geopolitical threats, as we did in the past. We will need intelligence to address the question of rising powers, such as China, and remilitarizing states, such as Russia. We will need intelligence to deal with the failing States of North Korea and Cuba.

As we all know, we will also need to develop intelligence capabilities to

gain a strategic advantage against the threat we face now and will face for some time to come: the threat of armed groups—terrorists, if you will.

I strongly believe al-Qaida will be defeated in the coming years. It is not going to be easy, but we will defeat them. On the other hand, I think a somber analysis of the world we live in today should remind us that, even when al-Qaida is defeated, we will face the threat of other armed groups. Nations that have developed a strategic advantage to understand, penetrate, co-opt and, when necessary, destroy armed groups will enhance their national security.

We rely on our intelligence community for that strategic advantage. PORTER GOSS understands these requirements. He has worked within the intelligence community, and he has performed years of congressional oversight over that community. He respects the community and he knows what is expected of it. If we do our jobs, I can assure PORTER GOSS, when he is confirmed, he will be the Director made most accountable to Congress in the history of intelligence community oversight.

As I said, when the next director comes before our committee, we should not settle for reports. We must demand strategy for achieving reform and measurement standards. Our legislative initiatives can only do so much. Our oversight, and the stewardship of a responsible and experienced director, will be what advances reform.

There is no doubt in my mind that this man can do the job and can do it well. There is no doubt in my mind that as a Member of Congress he has occasionally made statements that have irritated the other side of this aisle. That is probably true of everyone on both sides of the floor. I have to admit I have been irritated from time to time by statements made by my colleagues on the other side—and even by some of my colleagues on our side—and I am sure I have made statements from time to time that have irritated colleagues on the other side as well. I have not wanted to, but I am sure I have. It is just the nature of being in this political arena. But to then presume a person is an indecent partisan because occasionally they find fault with the other side, I think shows a degree of immaturity, of political and professional immaturity that is unworthy of the nomination process.

Nobody is going to come before us who is perfect in every way. But I have to say, there are very few people who have served as much as PORTER GOSS has and who have as much knowledge of the intelligence community as he has, who have ever been members of the top echelon of the CIA.

I have every confidence in him. I am going to support him. I hope all my colleagues also will support him. He is worthy of it. He is a Member of Congress. He is a person who deserves our support. I hope we all get together and

support him and continue to support him as he serves in this job which almost nobody can completely fulfill. This is a job that takes immense capabilities and, I might add, commitment. He has both and we should support him.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from West Virginia.

Mr. ROCKEFELLER. I yield such time as the Senator from New Jersey wishes to express his views. I yield him that amount of time.

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

Mr. LAUTENBERG. Mr. President, we are discussing the nomination of Representative PORTER Goss to be Director of Central Intelligence. This nomination comes to the floor at a critical time for our Nation's intelligence community. With Chairman COLLINS's leadership and Senator LIEBERMAN's ranking membership, the Governmental Affairs Committee is in the process this very day of marking up legislation to reform the intelligence community. It is a task that all of us on the committee are taking very seriously. After all, it was the failures of intelligence that led to the horrors of 9/11 and the loss of almost 3,000 lives. Seven hundred of them came from my home State of New Jersey. It was a painful moment in American history.

It was failures of intelligence that led to our false premises for invading Iraq. I thought everyone from the President on down had agreed that we needed to take intelligence data more seriously. That is why it was so shocking to hear President Bush's odd statement yesterday about our Nation's intelligence data on Iraq. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about the CIA report that he had received in July, regarding the deteriorating situation in Iraq, which could even lead to a full-blown civil war.

The President at that moment dismissed the CIA report by saying that the CIA might have been "just guessing." Just guessing? The Central Intelligence Agency just guessing? That is quite a way to describe their activities.

On this placard we see what President Bush actually said.

The CIA laid out a—several scenarios that said, life could be lousy, life could be OK, life could be better. And they were just guessing as to what the conditions might be like.

That is quite a description, on September 21, yesterday, at the Waldorf-Astoria in New York. If the President thinks our Nation's intelligence system is just guessing, then we are really in trouble. Casual statements.

I remind President Bush that when you pronounced "mission accomplished" on the deck of that aircraft carrier, we had lost 138 American citizens. But since then, since the mission was accomplished—"mission accom-

plished" means job done—almost 900 people, 900 Americans have perished.

How do we treat subjects so casually, statements like this? Does President Bush believe Congressman GOSS will simply direct the guessing game at the CIA? Is that all he expects from our main intelligence agency?

As we now know, in July the CIA sent the President a report that laid out three scenarios for Iraq, with the rosier scenario being the continuation of the disastrous status quo. Under this scenario, we see an average of 87 attacks a day against our troops, and 1,037 dead to date. That is a horrible situation.

The CIA report to the President identified the worst scenario as an all-out civil war, with our troops in the cross-fire. This is not what the President wanted to hear. So what did he do? He ignored it. And now when asked how the information came to him, he said: The CIA—just guessing.

President Bush's comments are a frightening sign he is not dealing with reality, in that he continues to ignore the truth about what is happening on the ground in Iraq. That is why I am so concerned about the nomination of PORTER GOSS to head the CIA.

I know Mr. Goss only casually. Certainly he seems like a nice enough, intelligent fellow. But what the President needs more than ever is an intelligence chief who will tell it like it is, and not revamp intelligence to meet the President's expectations.

Congressman GOSS has not shown himself to be a person who will deliver nonpartisan, objective information to the President.

At a time when the independence and the objectivity of the CIA is more crucial than ever before, President Bush has nominated a politician who has been particularly partisan. In a PBS "Frontline" interview after 9/11, Representative Goss refused to characterize what happened as an intelligence failure. How could one argue that 9/11 was not an intelligence failure? He also opposed the creation of the 9/11 Commission.

Congressman GOSS attacked Senator KERRY claiming that Senator KERRY tried to cut the Nation's intelligence budget during the Clinton administration. But Congressman GOSS made the attack against Senator KERRY while not revealing that he cosponsored a bill during the same period that would have made even deeper budget cuts.

Here is what Mr. GOSS called the Senate Armed Services Committee in recent hearings on the Abu Ghraib prison scandal. I quote him. He said:

We've got a circus in the Senate which is always a likely place to look for the circus.

Quite a commentary about what Mr. GOSS thinks of our Government. First of all, the abuse of prisoners at Abu Ghraib—he thinks the Senate is a circus in hearings, and then he describes this place as a big circus tent. Is that what he thinks of us? I hardly think that is the kind of person who ought to be taking this serious job.

When asked whether he would investigate the disclosure of covert CIA agent Valerie Plame's identity, he dismissed the scandal, saying, "There's a much larger dose of partisan politics going on right now than there is worry about national security."

Then he added flippantly, "Somebody sends me a blue dress and some DNA and I will have an investigation."

What kind of an insulting comment is that intended to be? Do you want to trust this individual with a bipartisan responsibility to the entire Nation who can be so casual, so insulting, so sarcastic in his view of what takes place here? Do we honestly expect someone who has been a partisan attack dog for President Bush's reelection efforts to be independent and nonpartisan? It is just not realistic.

It is time for the President and this administration to return to reality—the reality of Iraq, the sadness of the loss of life, the ruination of families, the emotional disturbances that occur. We have some reservists from the State of New Jersey on active duty in Iraq. We just had our 33rd death of service people from New Jersey in Iraq. The disturbances that go to normal life, the daddies missing, mommies missing in the household—it is terrible. We have to get back to reality, the reality of Iraq, the reality that our Nation's intelligence is not just guessing, and the reality is that we need an objective, nonpartisan intelligence chief in this Nation.

I say with regret that we cannot accept turning responsibility over for managing this Nation's intelligence gathering to someone who first looks at which side of the political aisle someone is on before he makes decisions about the responsibility for the CIA.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Kansas.

Mr. ROBERTS. Thank you, Mr. President.

I now yield as much time as the distinguished Senator from Maryland may use. I thank the distinguished Senator for her service on this committee as she always provides the committee with very candid, independent, and right-on views. I am delighted to yield time to her at this time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the chairman of the Intelligence Committee for his words. I also thank him for the process he provided for us to evaluate the suitability of PORTER GOSS to be the Director of the Central Intelligence Agency. He gave us a lot of time to be able to interview Mr. Goss directly. His staff has been quite collegial and quite cooperative, and we want to thank him for providing us with that type of environment in which to make a wise and prudent decision.

Indeed, deciding on this nomination is vitally important. The Director of the CIA needs to be up to the job.

These are very dangerous times, and it is vitally important that we make the right choice. Now more than ever, the security of our Nation depends on timely, reliable intelligence to detect, disrupt, and deter terrorist attacks on the United States of America and to also make sure attacks don't happen to treasured allies, and to help policymakers, from the President and his Cabinet to Members of Congress, to make the right decisions about what we need to do related to diplomacy and the deployment of our troops.

The next Director of the CIA will have to do all of this and even more. The next Director will also have to push through the much needed reform at the CIA and to cooperate in the reforming of other intelligence agencies. We want to make sure there are no more 9/11's and no more wars based on dated and dubious evidence.

The constitutional duty of the Senate is to review the nominations of the President. I take that very seriously. When a nominee comes, regardless for what position or from whatever party is in power, for an important position like this, I ask four questions: Is that person competent? Do they bring integrity to the job? Are they committed to the core mission of the agency? And will they function in an independent way?

As I said at our hearings, I know PORTER GOSS, and I have worked with him over the years. I have no doubt that Congressman GOSS is competent based on his years of service, both as an agent at the CIA as well as in the House of Representatives chairing the House Intelligence Committee. From my knowledge, he has been a man of integrity. And yes, he is committed to the mission of the CIA and the importance of intelligence to help protect the United States of America. The great big caution yellow light I have is the one about independence—the willingness to speak truth to power, committed to reform, to be nonpartisan, and also never to sugarcoat, dilute, or twist the information going to the President of the United States and top policymakers.

During the last year, I have become very concerned about Mr. Goss's partisan activities. He has unfairly attacked Democrats. He has been strident in other statements in terms of the political campaign for the Presidency.

My questions are, Who is this PORTER GOSS? Is he the one I served with in the House who was a moderate conservative, straightforward, and also someone who said we have to think out of the box so we don't end up in a box? Or is he a rather an aggressively partisan person? My question about PORTER GOSS is, Would he be an independent voice in the administration as well as a strong advocate for real and deep reform? Would he present the President with the best information based on facts and sound analysis without regard to ideology or conventional wis-

dom? Would he tell the President what he should hear, not what the President would like to hear? That is what speaking truth to power means.

Speaking truth to power is not easy. It is very difficult. Yet for the Director of the CIA it is important that he speak the whole truth and nothing but the truth, without sugarcoating, no matter how difficult. The President must receive the best judgment and information. That is what I am looking at.

Now, having had those questions when Mr. GOSS was before the committee, in my usual way I asked very direct questions. I raised those issues. I even raised the issue the previous Senator, the Senator from New Jersey, Mr. LAUTENBERG raised. What about this investigation, the blue dress, and the DNA? Well, I put it to him. And his answer back was, yes, he would be nonpartisan. That he understood the role of the Director of the CIA is different from being a Congressman. That it is not a political job, it is a job that is both policy and operational.

He said he would speak truth to power to both the President and to the Congress. And if anyone knows the importance of congressional oversight, it is PORTER GOSS. He agreed to work with the Congress to reform our intelligence agencies.

As you can see, at the hearing, in response to both my questioning and questioning by the chairman and other members, particularly on this independence issue, he said he would raise these issues.

So when I have to think about, is this the PORTER GOSS who is moderate, straightforward, willing to work across the aisle, or is this the aggressively partisan and even intemperate person, I take him at his word. However, in the words of Ronald Reagan, who said "trust but verify," that is the way I feel about the PORTER GOSS nomination. I accept him at his word, which he not only gave to me but he gave to the entire committee in a public format, that he would be nonpartisan, committed to the truth, a leader for independence and reform, and would always speak truth to power. So I accept him at his word, but I also believe we must engage in vigorous congressional oversight to make sure PORTER GOSS does the job he is to do, and to make sure he does what he has committed to do.

So when my name is called, I will vote for PORTER GOSS. But I want to make it very clear that in voting for PORTER GOSS to be the Director of the CIA, I am not voting for him to be the future NID. As you know, we are not clear on what is the framework for reform we will adopt. There are ideas coming forth that I know we will be debating and voting on next week and in the weeks ahead. So we want to be sure whatever framework we create, and if we do create the National Intelligence Director, a position I have supported for many months, that person's nomi-

nation come to us separately. In voting for PORTER GOSS, I am voting for him to be the head of CIA, but I am not using this vote for him to be the NID by proxy.

Again, let me conclude by thanking the chairman and the vice chairman for their hard work on this committee. It is a committee with great responsibility. We take it seriously. But at the end of the day, my analysis concludes that I will vote for PORTER GOSS. I will trust, but I will use congressional oversight to verify.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank Senator MIKULSKI for her very forthright statement. Like the Senator, I understand the point raised by Senator LAUTENBERG and would only make two points about the notion of PORTER GOSS's alleged lack of independence from the administration.

First, Mr. GOSS sent a very candid letter to DCI Tenet, along with Congresswoman JANE HARMAN, who is the ranking member of the House Intelligence Committee, expressing deep concern about our intelligence on Iraq. That letter is not the work of a shrinking violet, I can assure you.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,

Washington, DC, September 25, 2003.

Hon. GEORGE J. TENET,
Director of Central Intelligence,
Washington, DC.

DEAR MR. TENET: At the outset, we reaffirm our support for the dedicated men and women working in the Intelligence Community (IC). Their deep commitment to our country and to their profession is evident. The nation owes these professional men and women its gratitude for their tireless efforts to provide policymakers with the intelligence they need to make informed decisions about the security of Americans at home and in places like Iraq.

Thank you, again, for promptly responding to the Committee's request for all intelligence information related to Iraq's weapons of mass destruction (WMD) capabilities, as well as any ties to terrorist organizations, including al-Qa'ida. The Committee has reviewed all 9 volumes of material that you provided. Additionally, it has held several closed hearings and an open hearing, conducted a number of interviews, made several oversight trips to Iraq, and reviewed additional materials over the last four months. Although the Committee's work continues, we have some preliminary views that we offer so that the IC can begin to consider necessary improvements. In addition, we offer these views to provide you a chance to answer questions or clarify any issues that will assist us in concluding our review.

At this point, several months into our review, we believe there were significant deficiencies with respect to the IC's intelligence collection activities concerning Iraq's WMD programs and ties to al-Qa'ida prior to the commencement of hostilities there.

We have a fundamental disagreement generally on whether the National Intelligence

Estimate on Iraq's WMD programs and the intelligence on Iraq's ties to al-Qa'ida were deficient with regard to the analysis and presentation, especially in the certainty of the IC's judgments. The Ranking Member believes it was. The Chairman believes it was not.

Additionally, the Committee is also reviewing the intelligence assessments that existed pre-March 2003 regarding the nature and level of resistance that U.S. troops could expect in Iraq and the health of Iraq's civilian infrastructure.

IRAQ'S WMD

In October 2002, the Intelligence Community produced a National Intelligence Estimate that included statements that "We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons . . ." and "in the view of most agencies, Baghdad is reconstituting its nuclear weapons programs." (Iraq's Continuing Programs of Weapons of Mass Destruction at p. 5 (hereafter "NIE")). The Committee thoroughly reviewed the underlying intelligence supporting these conclusions, that you have provided, as well as the reporting from the early efforts to locate WMD after the cessation of major military action in Iraq. Thus far, it appears that these judgments were based on too many uncertainties.

IRAQ'S POSSESSION OF CHEMICAL AND BIOLOGICAL WEAPONS

The U.S. and the U.K. took limited air strikes in 1998 (Operation Desert Fox), based on Iraq's lack of cooperation and violation of United Nations Security Council resolutions regarding weapons of mass destruction. In early 1998, while the UN inspectors were still in Iraq and providing some amount of solid information about the WMD programs, the IC's judgments were based, in substantial part, on circumstantial information. Such information—among other things—identified: gaps and inconsistencies in Iraq's WMD declarations to the UN; Iraq's obstruction of United Nations Special Commission (UNSCOM) inspections and monitoring activities; Saddam's efforts to declare certain sites exempt from inspections; and Saddam's efforts to end inspections entirely.

After the departure of UN weapons inspectors and Operation Desert Fox, in 1998, some new information continued to be developed on Iraq's capabilities, but access to "ground truth" corroboration was lost. The IC was also faced with the daunting challenge of trying to interpret snippets of information in an environment where the regime was engaged in massive denial and deception efforts. Based on past assessments and some new "piecemeal" intelligence, which was otherwise seemingly valid, the Community's analysis of Iraq's WMD programs and capabilities reflected an assumption that these long-standing judgments on the issue were still valid. The absence of proof that chemical and biological weapons and their related development programs had been destroyed was considered as proof that they continued to exist.

The dearth of post-1998 underlying intelligence reflects a weakness in intelligence collection. The Committee on a number of occasions in the past expressed its concern that the IC was facing serious shortfalls in specific areas of intelligence collection—to include intelligence from human sources (HUMINT) and from technologies designed to tell us about weapons development (Measurement and Signatures Intelligence, or MASINT). The issues presented with respect to Iraq's WMD programs and capabilities appear to be a case in point. Lack of specific intelligence on regime plans and intentions,

WMD, and Iraq's support to terrorist groups appears to have hampered the IC's ability to provide a better assessment to the policymakers from 1998 through 2003.

Iraq has held a place of priority in U.S. foreign policy and national security during successive Administrations. For instance, in 1998 U.S. policy toward Iraq was clarified by Congress and the President to reflect an unequivocal policy to seek regime change. See Iraq Liberation Act of 1998 (P.L. 105-338 Oct. 31, 1998). Given the high priority placed on Iraq policy, we believe greater efforts should have been made to acquire more and better sources of information—particularly well-targeted, close-in HUMINT.

RECONSTITUTION OF IRAQ'S NUCLEAR WEAPONS PROGRAM

In October 2002, the NIE on Iraq's WMD programs made a statement about Iraq's nuclear program, "... in the view of most agencies, Baghdad is reconstituting its nuclear weapons program." (NIE at page 5.) The NIE cited six factors in making this judgment:

Iraq's aggressive pursuit of high-strength aluminum tubes;

Iraq's attempts to obtain permanent magnet production capability;

Iraq's attempts to obtain high-speed balancing machines;

Iraq's attempts to obtain computer-controlled machine tools;

Iraq's efforts to re-establish and enhance its cadre of weapons personnel, which included appearances by Saddam on Iraqi TV exhorting his nuclear scientists; and

Activities at suspected nuclear sites.

Our examination has identified the relatively fragile nature of this information. With respect to the aluminum tubes, as was stated in the NIE, the Bureau of Intelligence and Research (INR), citing the Department of Energy (DoE) analysis, disagreed with the view that these tubes were intended for Iraq's nuclear program. The other items that Iraq was seeking (permanent magnet production capability, high-speed balancing machines, and computer-controlled machine tools), in addition to having utility in a nuclear weapons program, also have civilian uses. Other elements of information available to the IC on the topic of nuclear reconstitution may have been susceptible to Iraqi denial and deception efforts. These included trying to determine the nature of Iraqi activities at suspected nuclear sites or the purpose of Saddam's TV appearances exhorting his nuclear scientists. We have not found any information in the assessments that are still classified that was any more definitive.

IRAQ'S TIES TO TERRORISTS INCLUDING AL-QA'IDA

The Committee has reviewed the three volumes of information provided by you on Iraq's ties to terrorism, most of which remains classified. We have found no reason to question the State Department's decision to designate Iraq as a state sponsor of terrorism for at least a decade.

On the issue of Iraq's ties to al-Qa'ida, however, we believe substantial gaps in collection—particularly HUMINT—contributed to the Intelligence Community's inability to give policymakers a clear understanding of the nature of the relationship.

In place of an assessment characterizing the relationship between Saddam and al-Qa'ida, the Intelligence Community reported on possible contacts between al-Qa'ida associates and Iraq. As in other cases of IC reporting on terrorism generally, we believe that there was either a "low threshold" or "no threshold" for disseminating information on ties between Iraq and al-Qa'ida. As a result, intelligence reports that might have been screened out by a more rigorous vetting

process made their way to the analysts' desks, providing ample room for vagary to intrude. Although the Intelligence Community often noted that the reports were "from sources of varying reliability," these reports did not make clear which of them were from sources that were credible and which were from sources that would otherwise be dismissed in the absence of any other corroborating intelligence.

NATURE OF IRAQI RESISTANCE AND THE STATE OF IRAQ'S INFRASTRUCTURE

In addition to these two issues, we are concerned whether the policymakers were warned adequately about the nature and level of resistance our troops would face in Iraq, or about the dilapidated state of Iraq's civilian infrastructure. The Committee will be reviewing the intelligence available to policymakers prior to the commencement of hostilities to determine if there were shortcomings in the support provided on these issues. The Committee will seek to understand what requirements were levied on the IC prior to the invasion, what assessments were made, whether the assessments were completed in a timely manner, and, with the benefit of hindsight, how well the assessments match what has been found in Iraq since the cessation of major hostilities.

POLICYMAKERS STATEMENTS ON IRAQ

The Committee has reviewed extensively allegations that there was a disconnect between public statements by Administration officials and the underlying intelligence. The Committee's purview does not extend to the formulation or articulation of foreign policy. We do believe, however, that if public officials cite intelligence incorrectly, the IC has a responsibility to go back to that policymaker and make clear that the public statement mischaracterized the available intelligence. The IC exists to inform policymakers on matters of foreign intelligence. It does not make policy. The IC is one of many sources of information available to policymakers. Policymakers are under no obligation to believe or adhere to the IC's judgments. Nor should the IC dictate U.S. foreign policy.

SUMMARY

The assessment that Iraq continued to pursue chemical and biological, weapons remained constant and static over the past ten years. The U.S. understanding of Iraq's ties to terror groups was also longstanding. We note, however, that there was insufficient specific information regarding the following:

Saddam's plans and intentions, the status of Iraq's WMD programs and capabilities, and

Iraq's links to al-Qa'ida, specifically.

The intelligence available to the U.S. on Iraq's possession of WMD and its programs and capabilities relating to such weapons after 1998, and its links to al-Qa'ida, was fragmentary and sporadic. These assessments and longstanding judgments were not challenged as a routine matter within the IC. Saddam Hussein, for his part, apparently made no effort to dispel the conclusions that he possessed weapons of mass destruction, had programs in place to produce them and had the capabilities to deliver them, or that he had links to terrorist groups.

Underlying these problem areas were serious deficiencies in our HUMINT collection capabilities against this target. HPSCI has consistently recommended greater management attention and allocation of resources to core intelligence mission areas—such as HUMINT and analysis. We believe Iraq is, in many ways, a case study for improvements in these areas.

We would appreciate your response to the issues raised in this letter. In addition, we

seek your assurance that the shortcomings identified will be promptly addressed. Finally, we intend to have additional hearings, open and closed, as appropriate.

Sincerely,

PORTER J. GOSS,
Chairman.
JANE HARMAN,
Ranking Democrat.

Mr. ROBERTS. Second, the independence issue was thoroughly explored at Mr. GOSS's confirmation hearing as of this week. Mr. GOSS has assured the committee—and I do believe him, knowing him for 16 years in the Congress—that he has the integrity, as Senator MIKULSKI put it, to look the President in the eye and say no.

Mr. President, at present, it does not appear either side has a Member requesting time, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ROBERTS. Mr. President, I yield such time to the distinguished Senator from Florida as he might consume and thank him for his contributions, not only with his strong interest in the Intelligence Committee and the leading intelligence issues and challenges we face today, but for his service on the Armed Services Committee as well, for working with me with regard to Captain Spiker and other issues. I look forward to his comments.

Mr. NELSON of Florida. Mr. President, we are at "no fooling time" with regard to our intelligence activities. Because the only thing that is going to prevent another terrorist attack, of which there are many attempts, is the accuracy and quality and the timeliness of the intelligence information we get. In dealing with a secretive nation such as North Korea, which in this Senator's opinion is one of the gravest threats to the interests of the United States because of their outspoken attempt to acquire nuclear capability, we simply have to penetrate a secret society such as that with our intelligence apparatus more than we have been doing.

Therefore, who is going to lead this administrative apparatus on intelligence gathering and intelligence analysis and intelligence coordination, with the multitude of agencies all dealing with intelligence, is extremely important. That is why I am standing here speaking on behalf of my fellow Floridian and my friend PORTER GOSS.

This Congress will have a monumental task before it very shortly on the reorganization of the intelligence apparatus as well as the reorganization of putting our own house in order as we exercise that oversight or give direction to the executive branch of government. And that needs to be done better than we have in the past.

But the task before us right now is to exercise our constitutional duty in confirming or rejecting an appointment by the President to lead the intelligence apparatus, right now as symbolized by the Director of the Central Intelligence. That is why I am here to speak on behalf of PORTER GOSS.

It has already been said before many times that he started in 1960 as an Army intelligence officer, right out of school. Having gone into the CIA from that, with a distinguished career, he ended up back being a city councilman and a mayor in a little town on the southwest coast of Florida. Then Governor GRAHAM, now my senior colleague in the Senate, when three vacancies occurred on the Lee County Commission—they had occurred for whatever reason, but they were there—then Governor GRAHAM chose PORTER GOSS to fill one of those vacancies. Then his public service expanded, and he later ran and won a seat in the U.S. House of Representatives. We have known of his public service through his capacity as the chairman of the House Intelligence Committee.

Now, has PORTER said some things he probably wishes he would not have said? Yes. But who among us has not made those kinds of mistakes? This Senator knows him to be, in this political cauldron of highly charged partisan politics, one of the most bipartisan of all Members of Congress that I have had the pleasure of knowing. It is my understanding that he made a commitment to the Intelligence Committee, and specifically to questions propounded by the vice chairman of that committee, the distinguished Senator from West Virginia, Mr. ROCKEFELLER, that he would not engage in a partisan manner, which is the least that can be expected of the Director of the CIA. The stakes are too high for this country for any of that kind of nonsense.

I believe PORTER is a man of his word to the Senate Intelligence Committee. I believe, given the circumstances of where we are now, with so much at stake and having to have the right kind of leader, this is the leader the President has nominated. We are now in the process of advising and probably consenting, and with the admonitions he has received, with the exceptional educational background he has had, with the breadth of his experience, not only as an agent but as the chairman of the committee, I think it is the constitutional duty of the Senate to render a verdict. I think that verdict ought to be for the approval of PORTER GOSS as Director of Central Intelligence.

Mr. President, that is my effort to lend to this debate. It is short and sweet. This Senator, as well as my senior colleague from Florida, will be voting in favor of PORTER GOSS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, seeing no other Senators requesting time now, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, following Senator DORGAN's remarks, I ask unanimous consent that the Senate stand in recess until 4 o'clock, and that the time during the 4 o'clock period be equally charged against both sides.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. Reserving the right to object, and I shall not object, it is my understanding, or I can ask the distinguished Senator—

Mr. REID. He said he has a short statement.

Mr. ROBERTS. He would be able to finish his remarks at 3, in time for the meeting?

Mr. REID. Especially if we didn't talk more.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. No.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not have a long presentation. My guess is the 3 o'clock briefing is one most Senators want to attend. I do want to, however, visit a bit about this issue of the Director of the Central Intelligence Agency.

We have been through pretty tough times with respect to intelligence in this country, and this is a critically important position. The President's choice is an important choice, especially given what we have been through. Let me make a couple of comments.

First of all, I am going to vote for this nomination, but I do so without great enthusiasm, and I would like to explain why.

PORTER GOSS, I think, is qualified to assume this role. There is little in his record that suggests he is a reformer, and there is some piece of that record that suggests there is some partisanship, which bothers me. But I know PORTER GOSS. I have known him for a long while. When I served in the House of Representatives, I knew him.

While I would not have made this choice had I been President, the President has the opportunity to make the selection and deserves, in this case, his own team. My hope is the questions asked of Mr. GOSS at his hearings will make certain he will run the CIA with a reformist attitude, with an understanding that things need to change, with an understanding that this cannot, under any circumstance, be a position from which partisanship flows, and that we have to get straight answers, as does the President, from the Central Intelligence Agency.

Over the years, we have had many, many failures in intelligence. For those of us who have been through top secret briefings in room 407 of the Capitol Building, it is nearly unbelievable what they told us they knew from all their different kinds of intelligence-gathering devices and their analysis, and what we subsequently learned were the facts or the truth of the matter.

I am telling you because we need a good intelligence system to protect our country and protect our homeland. I worry about all of this, knowing that the intelligence system was deeply flawed. In candid moments, most Members of the Senate would tell you that which was told them as top secret intelligence information has often turned out to be fundamentally wrong.

We now read, for example—and I am not now discussing that which comes from top secret briefings; I am discussing things that come from the periodicals—we read, for example, that the intelligence we were given in briefings about the issue of mobile chemical weapons laboratories, it turns out came from one source, a source they call “Curve Ball.” I am describing this from *Newsweek* and *Time* magazine, not from top secret briefings. One source turns out to apparently have been a drunk and a fabricator and, as a result of that source, we get top secret briefings and the Secretary of State makes a presentation at the United Nations about something that apparently we now know was untrue. What kind of intelligence system is that?

We learned that Germans provide the name and information of a terrorist to the CIA here in the United States and the telephone number and nobody checks on him, nobody follows up at all. Our intelligence folks cannot find a couple of alleged terrorists living in San Diego when their names and telephone numbers are in the phonebook? What on earth is this? I suppose it is Keystone Kops, except this is about the security of the United States of America.

I want the CIA and the Intelligence Community to succeed. Our country depends on it being able to succeed in gathering good intelligence and protecting this country.

There is so much that is wrong here. Hans Blix, the U.N. weapons inspector, said he was “not impressed” by the intelligence presented by the administration regarding Iraq’s weapons of mass destruction. The Blix team checked every site where U.S. intelligence indicated weapons of mass destruction would be found in Iraq, and there was nothing.

It goes on and on.

David Kay, the CIA chief weapons hunter, said the intelligence community failed.

On the 9/11 issue, the intelligence community failed to connect the dots. I am not talking here just about the CIA; I am talking about the FBI. The list goes on.

When we are talking about 9/11, we also ought to talk about a report that

was done by the Joint Intelligence Committee in December of 2002 that was published with 28 pages missing. Those 28 pages are about the Saudis. Fifteen of the 19 who attacked this country were Saudi citizens. But when the report was published for the public to read, the White House redacted or eliminated the 28 pages that dealt with Saudi Arabia.

On October 29 of last year, I offered an amendment to the Foreign Operations appropriations bill, a sense-of-the-Senate resolution, calling on the administration to declassify those 28 pages. If one is talking about 9/11, and talking about intelligence, I believe the American people and every Member of this Senate and the Congress need to understand what is in those 28 pages dealing with Saudi Arabia.

It is interesting, even the Saudi Ambassador and the Saudi Foreign Minister, publicly insisted that this information be declassified. Senator SHELLEY, the top Republican Senator on the 9/11 inquiry, said that 95 percent of the classified pages of these 28 pages could be released without jeopardizing our national security.

I say once again to the administration and to my colleagues that the 28 pages dealing with Saudi Arabia and 9/11 needs to be released to the American people. This Congress and the American people should not be evaluating 9/11 and our intelligence without releasing those 28 pages, so that the American people see what was deemed required to be classified. It should not have been classified.

Whether we are talking about Iraq, Afghanistan, Pakistan, Syria, or back even further, Libya or the old Soviet Union, there have been intelligence failures. We spend a great deal of money on U.S. intelligence. We want it to work. I do not want our intelligence system to fail our country, because our country requires a good intelligence system to prevent the next terrorist attack and to attack terrorists where they live.

The attack on Iraq was a preemptive strike that the President said was necessary to protect our country. Well, it is very important when talking about preemption, which is a doctrine that has been foreign to this country’s interests in the past, to have good intelligence. Preemption can never occur based on what one thinks. Preemption could only occur based on what one knows. What one knows must come from good intelligence.

We have discovered, since the time preemption was discussed by this administration, that the intelligence was just plain horrible on major points delivered in top secret briefings to Members of this Congress. Our intelligence community was just flat wrong. So we all need to fix it.

There is no Republican or Democratic way to deal with intelligence. We need to fix this system in the interests of this country. Our safety depends on it.

I am going to vote for Mr. Goss. I think he is qualified to do this job. As I indicated, I am concerned about some things he has done in the past. I hope that is over. I am concerned about the intelligence agencies themselves. I believe they are in desperate need of reform. I hope Mr. Goss will be a reformer. Most importantly, our country, all of us, each of us, needs to work together to create an intelligence system that works for the safety of this country and works in a way that a President, a Congress, a Director of the CIA can rely on good intelligence from all around the world.

My understanding is that we will be in recess for 1 hour until the hour of 4 p.m.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, we will now stand in recess until the hour of 4, with the time charged evenly to both sides.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of PORTER GOSS.

Mr. DURBIN. Mr. President, I rise to speak in reference to that nomination.

Mr. President, I will vote against the nomination of Congressman PORTER GOSS to serve as the next Director of Central Intelligence. I do so reluctantly. I have known Congressman GOSS for a number of years, and I consider him a good person and a good public servant. But we are on the verge of enacting significant, historic, and much needed reform of the U.S. intelligence community. It is more important than ever that the next leader of the intelligence community be non-partisan and firmly committed to meaningful intelligence reform.

Based on his record and his public statements, and on the confirmation hearings before the Intelligence Committee on which I serve, I do not believe Mr. Goss is the right person at this moment in time for this vitally important national security position.

Mr. Goss has served as chairman of the House Intelligence Committee for almost 8 years, the second longest tenure in that position in the almost 30 years since its creation. The chairman of a congressional committee has considerable power in determining on which issues the committee will focus,