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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who reigns forever, You are a shelter for the oppressed and a refuge in times of trouble. Give our Nation the shield of Your favor that it may bless our world. Guide our Nation's legislative branch with wisdom, integrity, and unity. Strengthen the executive and judicial branches that they will serve Your purposes. Infuse each citizen with a desire to walk on the right road in order to honor You and serve this land we love.

Bless us all with strength of will, steadiness of purpose, and power to persevere. Remind us that it is better to attempt and fail in some great thing, rather than not to try at all. Lord, teach us to number our days that we may have hearts of wisdom. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I Pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 9, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today we are going to begin with a 1-hour period for morning business, and then we will resume consideration of the Department of Defense authorization bill. We made good progress on that measure yesterday by disposing of a very large number of amendments. Today, we hope to work through the remaining amendments, and it is possible that we could finish the bill this evening. The chairman and ranking member are expected to line up additional rollcall votes throughout today, and we will alert Senators as those votes are scheduled.

The majority leader has mentioned several appropriations conference reports that are available or soon will be available. We expect to consider the foreign operations conference report today or tomorrow and will vote on the remaining bills as we can clear them for action in the Senate.

Having said that, Mr. President, we look forward to further progress on the Defense authorization bill during the day.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINIMIZING DAMAGE FROM STORMS

Ms. LANDRIEU. Mr. President, I would like to spend a few minutes this morning speaking about a subject that is extremely important to the State I represent, the State of Louisiana, and to the gulf coast and also to call attention to a small but important victory we achieved this week that I hope will signal a turning or a course correction that Congress should take to help prevent the destruction we have seen on the gulf coast in the last several weeks.

Mr. President, you are from Kansas, and you know the power of tornadoes and Mother Nature. There is not anything we can do to prevent the fury of nature, but we can minimize the damage. We most certainly can use our intelligence that God has given us and our talent that God has given us and the wisdom that He gives us to make wise investments and smart choices and try to set priorities that help us make good choices for the people we represent so that we can minimize their pain and their suffering and we

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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can maximize their hopes and their dreams for the future. I believe that is why we are here. I know I have talked with you personally, Mr. President, about the reasons you came to the Senate and I came to the Senate, and I think most of our colleagues share that view.

I wish to speak for a few minutes this morning to remind the Nation and my colleagues about the devastation and the destruction that occurred only 10 weeks ago in one of the greatest cities in the United States of America, and that is the city of New Orleans and the surrounding parishes.

New Orleans is our largest city in Louisiana, with 450,000 people, but it sits right next to Jefferson Parish of 450,000, right next to St. Bernard parish of about 60,000, and right next to Plaquemine, which is about 30,000. So it is a metropolitan area of close to 1.5 million to 2 million people.

We have never in the history of the Nation seen destruction such as this. It is unprecedented. It was not, we now know and as I said 2 days after the hurricanes, the hurricanes that got us, Katrina and Rita—a double hit, one to the southeastern part of our State, a category 4 and 5, and one to the southwestern part—but it was our own failings, if you will, that got us stuck. It was the breaching of a levee system that has successfully protected this city for over 300 years. But because of a lack of investment, because we have not set the right priorities in the last several years and over some time, and because we have our focus abroad and not at home, this is the destruction that has occurred, not just in New Orleans but in the region, in the southwestern part of our State as well, and throughout the gulf coast of Mississippi.

Let me show another chart that does not have the same kind of picture, but in a more graphic form it shows the number of people who have been affected by this storm and the breaching of the levee systems which occurred throughout south Louisiana primarily.

Not many levees were breached to the north, but there were levee systems that were breached. In Louisiana, 3 million people were affected; in Texas, 802,000; in Mississippi, 1.7 million; and in Alabama, 829,000 people. Six million people were hit directly by a storm. Again, Katrina and Rita could not have been avoided, but I promise you, Mr. President, we could have minimized the damage and maximized hope if we had set better priorities and invested our money better right in this Congress with a different choice, a different course than the one set by this administration. What do I mean by that? I will get to that in a minute.

I also want to show the significance of this region. There were 6 million people affected in this region, but it is not just any region in the country. Forgive me, I represent this area, so I am quite partial to it. I do know every other area of this country is spectac-

ular and wonderful, and I have visited many places, but I think anybody looking at this chart can understand there is something special about Louisiana, Texas, Mississippi, and Alabama.

What is special about it is we are the Nation's only energy coast. Most of the domestic production comes off the shores, basically, of Texas, Louisiana, Mississippi, and Alabama. Yes, we have some important production in the West in shallow plays of oil and gas, but we have virtually shut down drilling in other parts of the country—in my opinion, not on very good data, but nonetheless that is a choice that has been made.

The point is that we have continued to supply this Nation at a time when it needs oil and gas and needs energy production. Louisiana has not sat down on the job, Texas has not sat down, Mississippi has not sat down, and Alabama has not sat down. But what has happened is this administration and some parts of this Congress have sat down on the job of helping Louisiana and this energy coast protect itself from the kinds of storms that we have seen.

How? By not investing in the wetlands restoration, which serves as a natural barrier to the great city of New Orleans and its surrounding areas and by not investing in the critical infrastructure of levees and navigation channels and appropriate dredging that would help manage water.

Water can be a very powerful force for good. You can see here the mighty Mississippi River. Our country, in large measure, became a nation because of the securing of the mouth of the Mississippi River, the Louisiana Purchase by President Jefferson—when he made a very smart strategic investment. He did not waste his money on things that would not return a benefit to our country, but made the Louisiana Purchase for 3 cents an acre, the best real estate deal ever done. But we purchased the mouth of this river, secured it for national security but also secured it for commerce.

Mr. President, it is impossible to get grain out of Kansas, your State, or Nebraska, or throughout the great Farm Belt in the Midwest of the United States, without using the Mississippi River and its tributaries. Yes, we can manage to get some of it over here to the east coast and out to our trading partners to the east, but moving it out here, down south to our trading partners in the south and also trade routes to the east and the west would be impossible without the Mississippi River.

You would think this Congress would pay attention, particularly this administration that talks about energy independence would pay attention to this energy coast.

In addition to an energy coast, you can see here the red dots are our ports. These are parts of the largest port system in the country—two of the largest. All of the south Louisiana ports and Houston. If you combined all of the ports in Louisiana from New Orleans to

the Baton Rouge port, to south Louisiana, that port and the other ports, our port system is larger than any port system in the North American Continent and one of the largest port systems in the world. You would think that we would pay attention to infrastructure such as this and invest wisely and take some of the money out of this Treasury and invest in protection of the wetlands and in a strong and robust levee system.

But we have not done that. In fact, we have done the opposite. This chart is a startling summary. It is startling to me. It is hard to grasp. This is "Civil Works Capital Investment as a Percentage of Gross Domestic Product," since 1929 to the year 2001. When we in America, the America I grew up in, talk about the great investments after the war, you can see what we are talking about. You can see a Nation that was focused on its future. Why? Because it was investing in roads and bridges and levees and dams and infrastructure necessary to lay down the framework for the greatest explosion of entrepreneurship and scientific discovery that before had not been seen in the world; almost unequaled in its breadth and its scope. But what happened? Look here. Starting in the 1980s, there were new priorities set in Washington. They have been very damaging priorities, indeed—slashing critical investments in infrastructure, cutting back on "nonessentials," trying to "conserve." This is not conservation. This is akin to taking a gun and shooting yourself in the head, when you take money out of civil works projects, away from cities, away from suburbs, away from communities, and spend it on either tax cuts for people who do not need them or on other priorities that are not as important or on wars that we cannot win. It is this low line here, right down here to the lowest percentage, under one-half of 1 percent of the GDP, that results in devastation such as this.

You do not have to have a Ph.D. in economics to understand this. This is not complicated. I am going to show it to you again. This is 20 years of disinvestment, disengagement, pretending that these problems do not exist, pretending we have surpluses when we do not, and underfunding critical infrastructure. When that happens, this is the result.

The 450,000 people who lived in the city of New Orleans at one time and the 450,000 people who lived in Jefferson Parish and the 200,000 people who lived in St. Tammany Parish and the 60,000 people who lived in St. Bernard and the 30,000 people who lived in Plaquemines Parish—and that is not mentioning the other parishes along the western part of our coast, Cameron, that is completely destroyed, and Calcasieu Parish, that suffered, and Washington Parish, that had not every tree fall but every house collapsed or destroyed in some way or affected in some way by the falling of the trees—

ask these people whom I represent, was it smart to cut off investments? I don't think so.

The sad thing is, we have had an answer. I am not coming to complain. I am coming to offer a solution which our delegation has offered, now, decade after decade. We have pleaded, we have held hearings, we have had field trips to Louisiana, we have done fly-overs, we have formed a national alliance, we built a coalition of 4,500, an alliance of industry and environmentalists. We have done it all. But what we cannot seem to do is get the attention of this administration and enough members of the Republican leadership to understand that smart investments make a difference: They save lives, they build hope, they build communities, and they make a nation stronger. What I have asked for and my delegation has asked for—and I know my time is running out, and I will take 2 more minutes—what we have asked for is to redirect a portion of offshore oil and gas revenues that have been generated off of our coast, off of this coast where all these people have been injured.

There it is. With the oil and gas being drilled—and has been drilled since 1955—off of this coast, we are generating about \$6 billion a year that comes into the general fund. It would be a smart thing and a wise thing right now, a wise action and a smart action, to redirect a portion of those revenues to invest in a levee system, in the restoration of this Gulf Coast area and the wetlands that protect the Nation's great energy port and trade port.

That is my message. We can do better. We must do better. We must make smarter investments with the money that is in the National Treasury. We do not have to raise additional taxes to do this. We have to redirect some of the taxes already flowing into the Treasury to invest to protect the people along the gulf coast. If we needed to share those revenues with other coastal communities—since by the year 2020, two-thirds of the continental United States will live within 50 miles of the coast—we most certainly are able to do that. But for Heaven's sake, let's get our priorities straight.

We can do better. We can make better decisions. That is what this effort is about. We are going to continue on, not complaining but offering solutions. We are not offering to raise taxes but to redirect some of the taxes that we have to make better choices to build a stronger Nation and stronger communities. I ask my colleagues to join us in this effort because I know we can get this job done. I thank the Senator from Illinois for yielding some time this morning for me to discuss this important issue.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Illinois.

Mr. DURBIN. Mr. President, let me thank the Senator from Louisiana. She has been through an ordeal, as well as her colleague, Senator VITTER, with

the Katrina damage and what followed. She has been on this floor every day and in private meetings every single day, exhorting this Senate, both Democrats and Republicans, not to forget what happened to her home State. It is a tragedy that none of us would like to see befall our own States, and we owe it to her to work with the President, on a bipartisan basis, first, to help the evacuees and victims; second, to make sure the great city of New Orleans is back and running as quickly as possible; third, to make the changes that are necessary to give them peace of mind and security for generations to come.

I have listened to her time and again come to the floor and talk about health care and education, the basics that people need to survive. I worry, as I am sure she does, that we are going through Katrina fatigue, that we have heard it for so long we want to turn the page and talk about other things. Thank you for reminding us every single day we cannot turn that page. I have met with those victims. Some have come to Illinois. I tell you but for the generosity and compassion of churches, charities, and local community groups, I do not know how some of these families would have survived.

What has happened in farflung communities in Illinois is that these evacuees have been embraced—and thank goodness that happened because otherwise they tell me they wouldn't have known where to turn. When the Government should have been there, it was not there. Sadly, we have to step back now and take an honest evaluation of why that happened.

I know the Senator from Louisiana shares my belief that if we had an independent, nonpartisan commission—which we have been begging for for weeks now—to take a look at what happened, not so much that we can figure out who to blame but so that we make sure we never do it again. We hear complaints about FEMA—a few weeks ago in Florida and complaints in Texas. We can do better. When it comes to disasters facing America, natural and otherwise, we can do better. I think we need to come together in an independent, nonpartisan way to make that happen.

AHMED CHALABI

It is almost hard to believe, and impossible to explain, what is going on in Washington today as we honor and fete Ahmed Chalabi. Who is Ahmed Chalabi? He enjoys the rank of Deputy Prime Minister in the nation of Iraq. But he enjoys a very questionable reputation otherwise.

Ahmed Chalabi, it turns out, was one of the key advisers to the Bush administration before the invasion of Iraq. He was so important to the Bush administration that they paid his organization, through the Defense Intelligence Agency, \$335,000 a month to sustain his life and his office. Overall, the Bush White House gave his Iraqi National Congress \$39 million over the

last 5 years, \$39 million to this Ahmed Chalabi. Ahmed Chalabi is an expatriate from Iraq, now returned with Saddam Hussein being removed from power, and he has been bankrolled by our Government as long as President Bush has been in office. His Iraqi National Congress was a major source of misinformation and disinformation about the situation in Iraq before our invasion. He was the one who was producing the evidence that led the administration to tell the American people there were weapons of mass destruction.

There were people who were skeptical of Ahmed Chalabi from the start. Former Secretary of State Colin Powell said, on June 12, 2003, "I can't substantiate Chalabi's claims. He makes new ones every year."

This skepticism was shared by other agencies of our Government, but it did not stop the leaders of our Government, under President Bush, from bringing Ahmed Chalabi into the highest level meetings concerning America's national security and our policies in Iraq.

On September 18, 2001, Richard Perle convened a 2-day meeting of the Defense Policy Board, a group that advises the Pentagon. Chalabi, who was a guest speaker at this meeting, made a presentation on the threat from Iraq.

It turns out that Chalabi was producing information from so-called defectors on a regular basis to the highest levels of the Bush administration—most of which turned out to be false.

Chalabi's defector reports were . . . flowing from the Pentagon directly to the Vice-President's office [Mr. CHENEY] and then on to the President, with little prior evaluation by intelligence professionals.

That statement was made by State Department intelligence expert Greg Thielmann in the New Yorker. He went on to say:

There was considerable skepticism throughout the intelligence community about the reliability of Chalabi's sources, but the defector reports were coming all the time. Knock one down and another comes along. Meanwhile, the garbage was being shoved straight to the President.

Ahmed Chalabi was the source of this so-called intelligence garbage about the situation in Iraq.

And then there was the notorious source named "Curve Ball."

He should have been given that name because his information turned out to be so wrong, so bad, and so misleading. He was another one of the so-called defectors who provided this information. He was a discredited INC defector to Germany, code named "Curve Ball," and the chief source of information on Iraq's supposed fleet of mobile germ weapons factories which turned out to be a hoax. "Curve Ball" was the brother of a top lieutenant to Ahmad Chalabi.

Chalabi did not stop with reaching the highest levels of our Government and misleading them about the situation in Iraq. He had his friends in the

media. Chalabi was the source of discredited news stories about Iraq, penned by New York Times reporter Judith Miller. In 2001, Miller wrote a front-page story about claims that Saddam had 20 secret WMD sites hidden in Iraq. It is amazing, the exclusive story came “just three days after the source had shown deception in a polygraph test administered by the CIA at the request of the Defense Intelligence Agency.”

So when they confronted Ahmad Chalabi and asked, how could you mislead the United States with all of this bad information, leading to our invasion of Iraq, 160,000 American soldiers risking their lives, over 2,000 killed, he said “we are heroes in error.” He boasted to the international media that even if he had misled the United States, he had achieved his goal. He got the United States to invade Iraq and depose Saddam Hussein.

And then what happened? The tables turned on Mr. Ahmad Chalabi last year. In May of last year, the Iraqi officials, with the cooperation of the United States, raided Ahmad Chalabi's offices in Iraq. Why? I will tell you. In June 2004 Chalabi came under investigation for allegations that he passed secret intelligence data to Iran. Remember Iran, one of the axes of evil? Chalabi is accused of telling the Iranian Government that the United States had broken the code it used for secret communications. National Security Adviser Condoleezza Rice promised Congress a full investigation into these allegations.

The Wall Street Journal reports:

There is little sign of progress in a Federal investigation of allegations that Chalabi once leaked United States intelligence secrets to Iran.

If he did this, it is clear he endangered the lives of our troops, he endangered America's national security.

Just this week, the Wall Street Journal came out with a story about Ahmad Chalabi. They went to the FBI and said some 18 months later, what is the status of Ahmad Chalabi? Let me quote FBI spokesman John Miller, who strongly denied that the Chalabi investigation is languished. He said:

This is currently an open investigation and an active investigation.

He added:

Numerous current and former government employees have been interviewed.

Here we have a man who misled the leaders of our Government. Here we have a man who conceded and boasted that although he misled them, he achieved his purpose of getting the United States to invade Iraq. Here we have a man accused of selling secrets to the enemy, to Iran, and endangering American troops. And where do we find Ahmad Chalabi today? He is being hosted and feted by this administration. This man is in Washington with his motorcade moving around town, having appointments with Treasury Secretary Snow and the Secretary of State, Condoleezza Rice. Today, he is

going to share his wise view of the world with the conservative think tank, the American Enterprise Institute.

This is a hard story to explain. Hard to explain to the American people; harder still to explain to American troops. How can a man who has been accused and is under investigation for passing secrets from the United States to the Iranians and endangering the lives of our troops and national security now be the toast of the town in Washington, DC? How can a man under active investigation by the Federal Bureau of Investigation, a man who has not been called for any statement or any testimony, be this guest at the highest levels of our Government?

Congressman GEORGE MILLER has been involved in this inquiry, as I have. He has made it clear, and I agree with him, when it comes to Ahmad Chalabi we shouldn't be serving him lunch, we ought to be serving him with a subpoena. We shouldn't treat him like a hero, we should treat him like a suspect in a case that may have endangered the lives of our troops.

I don't understand it. We need to call on the Intelligence Committee as well as the Department of Justice to use the tools they have to subpoena Ahmad Chalabi to make certain he answers the hard questions about how he misled our Government into invading Iraq and what he did to endanger the lives of our troops and our national security. Nothing less should be allowed when it comes to protecting our troops.

How much time remains?

The PRESIDING OFFICER (Mr. ISAKSON). There is 2 minutes 10 seconds.

OIL PROFITS

Mr. DURBIN. Mr. President, I close by saying we also have coming to Capitol Hill today a group of oil company executives. They couldn't have come at a better time.

Someone said this is simply theater. I hope it isn't. It is time to ask hard questions of these oil companies which have over the past 6 months dramatically increased the price of energy for people across America. People living in Illinois and across our Nation—families, small businesses, farmers—have been dealing with this oppressive increase in prices.

A lot of blame was pointed, when it came to OPEC, that it is the Saudis; they are running up the price of oil. Well, they did, but that was not the reason the price at the gasoline pump went to \$3. It went to \$3 because of this: Oil companies are making record profits, record profits over the increased prices they are charging to consumers across America. This chart is an indication of the billions of dollars they are making.

ExxonMobil reported record quarterly profits of \$9.9 billion, up 75 percent from last year. Put the nozzle in the tank and watch the numbers spin on the gas pump; the money from your credit card is going directly to the

boardrooms of these oil company executives.

Senator MARIA CANTWELL of Washington has the right idea: We need to put the oil company executives under oath today, ask them the hard questions as to whether they have been profiteering at the expense of the most vulnerable people in America, people who get up and go to work every day and cannot afford to fill their gas tanks; businesses that are languishing, that cannot hire the people they need, cannot reach profitability, because of the profiteering of oil companies. And farmers, already hard pressed in many parts of our country by bad weather and bad prices, find their input costs going through the roof because of the high cost of energy.

The oil company and lobbyists are all over Capitol Hill. They are swarming because several Senators, including some Republicans, have called for a windfall profits tax. I support that. Take the money back from these oil companies, give it to consumers across America, fully fund LIHEAP, our program to provide heating sources for the poor in America. Make certain we tell these oil companies no, and stand up for the consumers who paid these outrageous prices.

I yield the floor.

The PRESIDING OFFICER. The balance of morning business is controlled by the majority.

The Chair recognizes the Senator from Kentucky.

RATIFICATION OF IRAQ CONSTITUTION

Mr. MCCONNELL. Mr. President, normally I don't get an opportunity to hear my good friend from Illinois, but I am glad I was here as he gave one of his appraisals of the situation in Iraq. As Paul Harvey often says, I would like to provide the rest of the story; arguably, a more balanced view of what is going on in that very important country.

In fact, freedom has taken another giant step forward in Iraq. On October 15 the Iraqi people voted overwhelmingly to ratify their Constitution. Iraqis turned out in stunning numbers to embrace democracy, tolerance, and a just rule under law. In fact, they turned out in greater numbers than we turned out here last November, which was a very high turnout by U.S. standards—and, of course, most Americans were not afraid they would get shot when they went to the polls.

Iraqis created a constitutional republic in the heart of the Middle East. This is an unequivocal victory in the war on terror. It is the only way we can assess it. With their votes, millions of brave Iraqis rejected dictatorship and created a republic. They rejected rule by fear and terror and embraced rule by the consent of the governed. They stood together as a country under one motto: “we the people.”

Nearly 10 million Iraqis turned out to vote, a turnout rate of 63 percent. That