

So Faris elected to return to America, visit New York City, and reconnoiter the Brooklyn Bridge with the intent of finding the best means to destroy it. He even went so far as to research how to sever the cables supporting the bridge. Approximately 135,000 vehicles cross the Brooklyn Bridge every day.

According to the Washington Post, Government officials have privately credited Faris's arrest to the President's terrorist surveillance program. Faris has since pleaded guilty to having plotted to destroy the Brooklyn Bridge, a direct result of the terrorism surveillance program.

This time the terrorists did not succeed, but as we all know, while our goal is to stop them every time, their goal is to succeed just once.

Let me repeat that. We have to stop them every time. They only have to succeed once.

To uncover and disrupt attacks such as this, the President must aggressively use every tool at his disposal to exercise his authority under the Constitution to protect America. To do any less would be a dereliction of duty.

A major part of the war on terror is the terrorist surveillance program. This very narrowly tailored program intercepts international communications—not domestic, even though that word has been used a lot in error—international communications by members of al-Qaida or other suspected terrorist groups outside America into this country, or by those terrorists' allies in this country out to terrorists in foreign lands. So the universe is international communications. Public mischaracterizations have portrayed this terrorist surveillance program as something ominous, as if the Government is listening in to domestic phone calls made by average, law-abiding Americans. That is flat out wrong, and those mischaracterizations ought to cease.

If someone is calling from Tora Bora, they are not calling to order a pizza. Let me repeat: If someone is calling from Tora Bora, they are not calling to order a pizza.

The NSA is only interested in al-Qaida sleeper agents in the United States, men such as Iyman Faris, the Brooklyn Bridge bomber, who call or receive calls from known agents of al-Qaida or affiliated terrorist groups abroad with instructions for their next deadly mission.

The NSA terrorist surveillance program is not only entirely necessary, it is entirely lawful. The President enjoys broad authority under the Constitution to protect all Americans. And the Foreign Intelligence Surveillance Court of Review, the court charged with reviewing the legality of measures such as the terrorism surveillance program, has confirmed that the President has broad powers with respect to foreign intelligence gathering.

The court wrote in 2002 that, with respect to conducting searches without

warrants in order to obtain foreign intelligence information:

We take for granted that the President does have that authority, and, assuming that is so, FISA could not encroach upon the President's constitutional power.

That could not be more clear. That is the Foreign Intelligence Surveillance Court of Review saying:

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If that is not enough legal authority, here is more. Congress delegated broad war powers to the President when it authorized the war on terror in 2001. The Senate passed that authorization 98 to 0 with the support of many of the same Democrats who vehemently speak against the program today.

That authorization empowered the President to "use all necessary and appropriate force" to fight terror. It did not say "some force." It did not say "all force except when it comes to international communications intercepts." It did not even say "all force now, less later, depending on the political landscape." It said "all force," and "all force" means "all force."

However, opponents of the terrorism surveillance program apparently do not want to allow the President to use all the force at his disposal to fight terror. Howard Dean, the chairman of the Democratic Party, recently expressed his strong disapproval, and this is how he put it:

President Bush's secret program to spy on the American people reminds Americans of the abuse of power during the days of President Nixon and Vice President Agnew.

That is Howard Dean's appraisal of the terrorism surveillance program. That is from the leader of the Democratic Party. Obviously, he completely misses the point.

The terrorist surveillance program intercepts calls between known al-Qaida terrorists and their affiliates overseas and the al-Qaida terrorist accomplices here in America. As the President has said, if you are calling al-Qaida, we want to know why.

The only conclusion one can draw from statements such as Governor Dean's—statements that explicitly compare programs that stop terrorists who want to destroy the Brooklyn Bridge to illegal activity from a generation ago—is that he opposes the program and wants it stopped.

We cannot fight the war on terror with one hand tied behind our backs. That is exactly the wrong direction we need to take in the war on terror. After more than 4 years since the devastating attack of September 11, this is still a hard-fought battle. Al-Qaida's leader, Osama bin Laden himself, has bragged—has bragged—about impending attacks.

If anyone doubts the death-crazed tenacity of our enemies, let them hear these words, also from the bin Laden audiotape I quoted from earlier. Here is what he had to say further:

We will seek revenge all our lives. The nights and days will not pass without us taking vengeance, like on September 11, God permitting. Your minds will be troubled and your lives embittered.

Clearly our enemy is cunning and our enemy is cruel. We must be aggressive about using every tool at our disposal to fight the war on terror.

I applaud the President for doing just that, and for remaining unbowed in the face of loud criticism from a few as he continues to carry out his duty to protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

#### THE PRESIDENT'S INTELLIGENCE PROGRAM

Mr. ALLARD. Mr. President, I want to take just a moment to say a few words in support of the President's intelligence program and associate myself with the comments that have been made both by the Senator from Georgia as well as the Senator from Kentucky. They focused a lot on the legal arguments, but I thought perhaps I would approach this from what is best for the security of this country and how the American people are reacting to the President's intelligence program. I will have to base my observations on town meetings I have recently held in Colorado. I had several town meetings. I think they help me better understand the issues of importance to my constituents, and I think my constituents in Colorado are a cross-section, pretty much, of the United States.

Interestingly enough, the top issues facing most Coloradans at those town meetings had to do with the war in Iraq, whether we should be in the conflict or not; the Federal deficit—we had a lot of discussion about getting the debt in order, getting the deficit in order—and obviously, because we are a cold weather State, there was a lot of talk about the cost of energy and our continued reliance on foreign energy resources.

The National Security Agency surveillance program was not a top issue. Indeed, it was hardly mentioned. This tells me a couple of things. First, it tells me that Coloradans are not particularly alarmed by the use of those tools that seem to be used by the President which are creating so much objection from the other side of the aisle. I think most Coloradans view this as just a commonsense thing. They know it is important to national security and we have to conduct such a program. They understand that we need to protect this country. I think they understand this Nation is at war. It is at war with terrorism. And I think they are beginning to understand, as I am beginning to understand, that this didn't start with 9/11, it started in the 1990s—maybe even as far back as 1979 when we began to have terrorist attacks on embassies and ships and

planes and various symbols of prosperity in the Western World. Unfortunately, it took a devastating attack such as 9/11 for us to really begin to realize that this war is a war to the finish.

In the 9/11 attack there were more people killed than at Pearl Harbor. This was a serious assault on America. It was an attack on America. We began to realize that al-Qaida is not interested in talking about peace. As a group of extremists, they are not interested in conducting diplomatic relations. They don't want to compromise. They are fanatics who only want to kill, maim, and destroy.

Al-Qaida is a very sophisticated enemy that operates in dozens of countries, including the United States. They have global reach, as seen by their bombings in London, Madrid, and Jordan. This organization works clandestinely, in the shadows, and is very hard to track much less to stop. Most Americans realize that. We have been fortunate that we have not been attacked again since September 11. We all know those attacks could come at any time, but that does not make these attacks inevitable. These terrorists can be stopped. We have the tools at our disposal that we can and must use to defeat al-Qaida. The President's use of the National Security Agency program has to be one of those.

Let's be clear. The President promised after September 11 that he would direct every resource at his command—whether it is diplomatic, intelligence, or military tools—to disrupt and defeat the global network of terror. Americans all over stood up and praised him for stepping forward. The media praised him for stepping forward because we all realized this was unprecedented in American history, and it could not be ignored. It had to be addressed immediately.

The terrorist surveillance program is a very important tool in that effort. The program is narrowly focused. It only targets communications when one party is outside the United States and the reasonable information suggests that at least one party is a member of al-Qaida or an affiliated terrorist group. This program is not being used to listen in on communications of innocent Americans. Those people who want to put a slant against this program, they call it a domestic program. It is not a domestic spy program. It is an extension of our information gathering outside the borders of the United States. It just so happens that we have people in the United States who have aligned themselves with those terrorist groups to harm American citizens.

I think most Americans understand that if they want to have a secure home, if they want to have security for their families, these individuals have to be followed and we have to do what we can to prevent these catastrophic, terrorist-driven events from occurring.

The President takes full responsibility for moving forward. He even

mentioned it in his State of the Union Address. But he has done it in a responsible way. He has followed the reauthorization process every 45 days to ensure that innocent Americans are not being targeted and that the program is working successfully. Republican and Democratic leaders of the Congress have been briefed on this program more than a dozen times since 2001, and no Member of Congress, Republican or Democrat, expressed any concern about this program until it was reported publicly in the press last December.

Here is a problem that this brings up: so many times reports about these intelligence programs, when they come out in the press, are wrong. I have served on the Intelligence Committee. I have taken the opportunity to be briefed on these intelligence programs. But most of what shows up in the press out there is wrong. Those of us who really know the story and would respond cannot respond because in the process of response you may actually validate the fact that it is an intelligence program—which you don't want al-Qaida or the terrorists to know. And the other thing is, if you respond to those accusations that are made in those news articles that are wrong, you have to bring out the facts which just fully disclose what our intelligence program is. With full disclosure, then you tip off the terrorists as to what we are up to.

I think it has been reported time and time again in the testimony before our committees that it is hurting our intelligence program. We are not gathering the information that we were gathering before because, in effect, the terrorists have simply shut down because they have realized what has happened and what our capabilities are in gathering this intelligence. At times, with disclosure of some of these intelligence programs, we have actually had Americans who are in the process of collecting information die as a result—perhaps individuals overseas who are acting on behalf of the United States.

We need to protect this tool because we all know that the enemy listens. They have not stopped their intelligence gathering and would love nothing better than for us to begin a discussion about the operational aspects of these sensitive programs. Compounding this difficulty is the fact that many of the press reports, according to Attorney General Gonzales, have in almost every case—and he confirms what I just said—been misinformed, inaccurate, or just outright wrong.

I support the President. I believe it is a responsible tool to use in the war against terrorism. If we do not use it, we are going to lose our ability to secure the homes of Americans. I think most Americans understand that. We must use these tools provided by law to combat our continued threat. We cannot sit and hope that terrorists will not attack us again.

We should not play into the hands of the terrorists. We now see the danger

in front of us. We see what must be done. We simply must go out and do it and do it in a responsible way. The President's intelligence-gathering program is effective and it is responsible to support him if we want to have security for our families and our homes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent I may have 15 minutes to speak as in morning business.

The PRESIDING OFFICER. The Senator has that right, so he may proceed without objection.

#### EXPANDING EDUCATIONAL OPPORTUNITIES

Mr. AKAKA. Mr. President, the time has come to put our money into action and expand educational opportunities in science, math, and foreign languages.

I began my professional career as an educator. Fighting to ensure a prosperous future for our country and for Hawaii's children is why I am in Congress today. I hope this year we will see real progress by the enactment of legislation to make a real difference, for both the short- and long-term, in science, math, and foreign language education.

I applaud President Bush's call in his State of the Union Address for increasing the number of teachers in math and science and making college-level courses more available to low income high school students. It is unfortunate that the budget reconciliation bill recently passed by the House cut \$12 billion from the Federal student loan program, while the tax reconciliation bill we considered last week provides \$70 billion in tax cuts for the wealthy. I know I am not alone when I say supporting college level courses in high school is no substitute for going to college. We need both and more of each.

Robbing Peter to pay Paul robs our youth of their future.

We need to make a sustained commitment to addressing critical educational issues in science, math, and foreign languages. The President is correct that America's ability to compete in global markets, and to defend ourselves against foreign threats, depend on our ability to educate future generations.

Four years ago, Senator DURBIN and I joined forces with a bipartisan group of Senators to introduce legislation to strengthen national security by encouraging the development and expansion of programs to meet critical needs in science, math, and foreign languages at the elementary, secondary, and higher education levels. I also introduced legislation to strengthen education opportunities for Federal employees in these critical areas, and improve the government's recruitment and retention of individuals possessing these skills. Last year, Senators COCHRAN, DODD, and I introduced legislation