

heard on this amendment. I am prepared to yield the floor, and I will suggest the absence of a quorum shortly, unless the Chair, obviously, wants to do something. If others want to speak, or if Senator KYL wants to come over and start his debate, I am perfectly amenable to that.

If other Members, all of a sudden, want to come and discuss the Dodd amendment, the Dodd-Lieberman amendment, there will be a period to do so before we actually get to a vote, I assume, at 4 o'clock.

With that, Madam President, I thank, again, the distinguished chairman of the committee and the ranking member and their staffs for their patience. They demonstrate great patience in these debates, and I thank them for that.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3167

Mr. REID. Madam President, I ask unanimous consent that immediately following the last vote today, Thursday, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill; that it be considered under the following limitations: That there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of Senator BIDEN, or his designee; 90 minutes under the control of Senator WARNER, or his designee; further, that no amendments or motion be in order; that upon the use or yielding back of time, the bill be read the third time, and on Friday, May 17, the Senate resume consideration of the bill at 10 a.m., with the time until 10:30 a.m. equally divided and controlled between Senators BIDEN and WARNER, or their designees; and that at 10:30 a.m., the Senate vote on passage of the bill, without further intervening action or debate, notwithstanding rule XII, paragraph 4.

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

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### A NATIONAL COMMISSION CONCERNING THE EVENTS OF SEPTEMBER 11, 2001

Mr. TORRICELLI. Madam President, on four occasions since September 11, 2001, I have come to the Chamber to recommend to my colleagues that the Senate immediately consider the establishment of a national commission concerning the events of September 11, 2001.

My request has been based on no motivation but the belief that the Amer-

ican people deserve honest answers and that the only means of preventing another terrorist attack on the United States is a fair, honest, and dispassionate view of what happened and what didn't happen, what was known, and what should have occurred.

The historic basis of such an honest approach to the tragedy of New York and the Pentagon is overwhelming. Ten days after December 7, 1941, Franklin Delano Roosevelt recognized that he could not reassure the American people about their Government and could not unify the country for the war ahead unless he gave them an explanation about what failed at Pearl Harbor. Lyndon Johnson recognized almost immediately the same need to reassure the American people about the operations of their Government and the integrity of its officers after the assassination of President Kennedy in 1963. Ronald Reagan drew upon the same precedent establishing the Challenger Commission to assure the American people that they would receive an honest answer to prevent any recurrence in the loss of life in the *Challenger*.

What I recommend has not only had precedents, it was the rule. Democratic and Republican administrations, for a century, have seen the need to assure the American people about the operation of their Government and that indeed we were a confident enough people under the rule of law to face honestly our own failings—all based on the belief that the only means of assuring that there would not be a recurrence would be to discover the reasons for the failings of the past. On those four occasions, there have been reasons to postpone, excuses to not act, and the debate has continued.

The debate continued after it was revealed that the FBI had in its possession Zacarias Moussaoui, a Frenchman of Moroccan descent who, in August, was discovered in a flight training school. The Justice Department denied access to his computer. The debate continued after it was learned that French intelligence had warned American intelligence officials that they had knowledge of a possible terrorist plot to hijack aircraft.

The debate continued after it was learned that Philippine intelligence and law enforcement authorities had warned United States Government officials of possible targeting of American aircraft.

The debate continued after it was revealed that the FBI office in Phoenix had written a memorandum warning that large numbers of suspicious individuals were seeking pilot and security training at American flight schools. The debate continued.

The debate has to end. Revelations that the Central Intelligence Agency might have intercepted suspicious communications as early as last July indicating a possible terrorist attack on American installations or facilities and that indeed the President of the United States himself was informed of

this information should effectively end any debate.

I do not rise to cast blame or aspersions on any individuals or institutions. I believe the officials of this Government have acted honorably, and I would never believe any American institution or individual, for a moment, would not have done everything possible to defend the people of this country if sufficiently warned.

Something is wrong. The United States of America has a defense establishment of over \$330 billion a year. Public accounts estimate intelligence budgets at over \$30 billion a year. The heart of our greatest city was struck, the center of our military power was hit by 19 people, funded by \$250,000. Something is wrong.

I do not know whether there has been a failure to collect intelligence or an inability to share intelligence. I don't know whether law enforcement and intelligence agencies have failed to work together. I don't know whether they acted properly and a reasoned, rational person never could have put these pieces together. I don't know. But neither does anybody else in this Government.

It was always going to be difficult to face the families of those who lost their lives on September 11. It just became impossible. Without some dispassionate and honest review of what was known by this Government and its agencies, without an honest assessment of how agencies performed and coordinated their activities, without a dispassionate assessment of what failed, not only can we not look the victims' families in the eyes and tell them, "Your Government met its responsibility," we cannot assure this country that it will not happen again.

Franklin Delano Roosevelt didn't have a Pearl Harbor commission, Earl Warren didn't have a commission on the Kennedy assassination, and Ronald Reagan didn't have a Challenger commission to assign blame. It wasn't about partisanship. It was about assuring the American people of the future that the Government had taken actions to assure it would never happen again.

Who here would assure one of their constituents in any of our States that we have the confidence or the simple good judgment to undertake such a review?

On March 21 of this year, the Governmental Affairs Committee voted on S. 1867, introduced by Senators LIEBERMAN, MCCAIN, GRASSLEY, and myself, a bill to establish the National Commission on Terrorist Attacks upon the United States. That bill is ready for consideration. What reason do we offer for not acting immediately? What is the excuse to the American people?

I trust that based on current revelations, law enforcement officials of the Justice Department, intelligence officials of the National Security Agency and the Central Intelligence Agency, and, indeed, the national leadership of

the White House itself will now end all excuses, stop all efforts to block this legislation or similar reviews, and join with us in one complete analysis of what happened, what went wrong, what was known, and, most importantly, what we do about it.

There will be those who say this is a matter for the Senate and its Intelligence Committee. This is a matter for this Government and all of its representatives. Some secret analysis by a committee reviewing one aspect of the actions of the U.S. Government on classified material making recommendations unto itself is not what the country requires. Every element, every aspect of the Government should be reviewed on how it acted and how it should be changed, including this Congress.

I suggest a reserve of analysis of no one and nothing from law enforcement, to the national intelligence community, to the executive branch, to the operations of this Congress itself. We all share the responsibility for the future of the country. We all share the responsibility for the security of our communities and our families. An honest analysis must involve all of us, including this Congress.

Madam President, I hope the President of the United States and the relevant agencies accept this invitation to work with us. This legislation should be offensive to no one and, if successful, provide reassurance to everyone. There may be attempts to delay this legislation and put this review off for months or years.

History is a demanding master, and ultimately it governs all of us. History will never settle for the excuse that we are not ready or it needed more time or it would offend someone. History will demand an answer of how the greatest Nation on Earth, with the greatest intelligence and military capabilities ever conceived by man, was laid vulnerable by a small band of terrorists who brought destruction to our greatest city and the very seat of our military authority. History will demand it, and we should answer it.

It is not the responsibility of another generation to revisit this matter in 20 years. It is not the responsibility of our successors to return to this in another decade. The responsibility for the safety of the country and governance of its institutions is ours, and this legislation is ours. It should be adopted.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be permitted to speak up to 5 minutes as in morning business.

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

Mr. LIEBERMAN. I thank the Chair.

Madam President, I rise to join with my colleague from New Jersey who just addressed the Senate in regard to a proposal that he, Senator MCCAIN, Senator GRASSLEY, and I introduced some time ago which would create an independent commission to investigate the horrific attacks against the United States on September 11, 2001, a day that truly also will live in infamy, a day of extraordinary suffering, of heroism, of anguish, of insecurity, of ultimately unity and strength for the United States of America.

The idea of this commission which Senator MCCAIN, Senator TORRICELLI, Senator GRASSLEY, and I introduced was to build on the precedents of history, particularly the other day of infamy, Pearl Harbor, which was followed both by congressional investigations and by an independent commission to review what happened and what could have been done, if anything, to prevent the attacks from happening, and what did we learn from Pearl Harbor and all that surrounded it that would enable us to raise our defenses so that nothing such as that would ever happen again.

Sadly, history has turned in a way to put us in a similar position to where the previous generation of Americans was at the outset of World War II. We were attacked on September 11, 2001, with an inhumane brutality and a cunning lack of respect for human life that was shocking.

The other reality that was unsettling, of course, was that in the literal sense, the American government, the great national security apparatus that we have established, intelligence, foreign policy, and law enforcement, failed to protect the American people from the attacks against us on September 11 of last year.

Perhaps there was nothing more that could have been done to prevent them. We understand that in an open society such as ours, a society premised on freedom as our highest value, if we are dealing with an inhumane enemy, lacking in regard for their own lives, let alone the lives of Americans, then there is only so much that can be done to stop such attacks.

Yet we have had the gnawing question: Was there something that could have been done to prevent the attacks of September 11? Understanding that hindsight is always clearer than foresight, is there something we can learn from what happened on September 11 to strengthen ourselves, to raise our guard, to do whatever is humanly possible to make sure that nothing like those terrorist attacks ever happens again to the American people? That was the purpose that my three colleagues and I had in introducing this bill to create an independent, non-political citizens commission to conduct the broadest possible review of what happened on September 11: why

did it happen and what can we do to make sure it never happens again?

In the last couple of weeks, there have been a series of revelations, beginning with FBI disclosure of warnings, memos last year, in which agents of the FBI had reason to be concerned about activity of people in this country, particularly at the flight training schools, wondering whether that might be related to a potential terrorist attack, linking it particularly in some minds to Osama bin Laden, who we knew had already struck us in foreign places.

Add to this now the disclosure that President Bush received, as part of a daily intelligence briefing, indication that the Central Intelligence Agency had similar words from a different point of view; the FBI and CIA apparently never coming together in one place to reach the critical mass that would have engendered the kind of action that looking back, painfully now, we wish someone had taken.

The reason why my colleagues and I introduced this bill creating an independent commission, it seems to me, is based on the revelations and disclosures of the last few weeks and are now even more significant and more compelling. Our anxiety about what happened and whether something could have been done by people working for the U.S. Government to have prevented the horrific acts of September 11, and the suffering that resulted therefrom becomes even more gnawing today.

I note the presence of one of the three cosponsors of this legislation, the Senator from Iowa, Mr. GRASSLEY. I indicate to my colleagues that I soon intend, I hope with my cosponsors, to find an early opportunity to submit our proposal for an independent commission to review the events of September 11, and what was learned from them, as an amendment to a bill in the Senate. I think the moment is here.

I received a call about 2 weeks ago from some of the survivors and some of the families of victims of September 11 who had heard about the commission proposal. They are coming actually the first or second week of June—I do not remember the exact date—to lobby Members of the Senate and House to adopt such legislation so that the questions that gnaw at them because of the losses they have suffered of a spouse, of a child, of a relative, a friend, will, to the best of our ability, be answered.

This commission proposal, I am pleased to say, received a hearing before the Senate Governmental Affairs Committee. It was reported out by the committee. I do think, in light of these events, that the greater knowledge we have now of what may have been known before September 11, it becomes even more urgent to move forward on it, and it is why I hope to soon join with my cosponsors in offering it as an amendment to a pending bill.

I understand, of course, that the Intelligence Committees of the Senate

and House are proceeding with investigations related to the attacks of September 11. I respect those committees. I support the investigations they are conducting. But the idea in the commission proposal we have made is broader than that. In the first instance, it is an independent, nonpartisan, nonpolitical citizens commission that would conduct this investigation and would have the credibility that would go with that.

Secondly, its purview is beyond intelligence, beyond whatever failures may have occurred in the intelligence apparatus in the U.S. Government. It will go to law enforcement. It will go to the military. It will go to foreign policy. It will go to America's communications policy. I think, in that sense, it will supplement and complement the critical work the Intelligence Committees are doing.

Again, I go back to, unfortunately, the comparable event which was the attack against Americans at Pearl Harbor. There was not just one investigation by one or two committees of Congress; there were congressional investigations and there were independent citizen commission investigations. That is what I think the events of September 11, and particularly the disclosures of the last few weeks, cry out for today if we are to learn in the fullest sense the lessons of recent history and apply them so we can better secure the future of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Madam President, I would like to respond to some of the comments which my colleague, the Senator from Connecticut, just made, if he has a moment to remain. I caught some of what he said, and I think I caught the gist of what he said.

I want to be very clear about something. I am a member of the Senate Select Committee on Intelligence, and therefore I might be perceived to have a bit of a conflict of interest since, as the Senator from Connecticut noted, we have an ongoing investigation. The investigation has been authorized by the House and Senate committees. We are in the middle of that investigation now and plan to have a report ready around the end of the year as to the full panoply of circumstances and events surrounding the tragedy of September 11, with recommendations for what should be done in the future to ensure, to the extent possible, that event not be repeated, or that we be able to prevent it if it is at all possible.

I am troubled by a couple of the comments the Senator made, and I wanted him to hear this and respond, if he would like. Here is what troubles me: I was accosted by numerous members of the media this morning breathlessly asking me, as a member of the Intelligence Committee, what I thought about the fact that the President had been briefed that terrorists, al-Qaida terrorists, were going to hijack airplanes and didn't this require us to immediately begin some kind of investigation, fill in the blanks. Some of them sounded a little bit like what the Senator from Connecticut is suggesting.

That would be the wrong thing to do, in my view, and there are about three reasons why.

First of all, let us be clear: The President was not briefed in some emergency situation that he should expect al-Qaida terrorists or any other terrorists to hijack an airplane and fly it into the World Trade Center. Nothing like that happened. So we should be very careful before we begin calling for new mechanisms for investigating the September 11 events when we already have a good investigation underway based upon information such as that. It is incorrect information.

I know the Senator from Connecticut is a very thoughtful person and would never predicate his call for this activity on that kind of information. Let me hasten to say I know that is not what he is saying. Part of the impetus for that, and I am afraid part of the emotional reaction, could be to find a home in a suggestion like this of the Senator from Connecticut.

To clarify the record—I think the administration will clarify it in an appropriate way at some time soon—let me put it this way: Every morning, the President of the United States receives a briefing from the intelligence community. As the President just advised some Members, if he had been briefed about a threat that anybody thought was specific and credible and we could do anything about, does anybody doubt that he wouldn't have reacted in the strongest possible way? I know the Senator from Connecticut joins me, and everybody else, in answering that question: Of course he would have reacted.

That should give the first clue about what was actually done. Each morning he receives a briefing. It should come as no surprise that during one of those briefings when the subject is terrorists, al-Qaida was one of the terrorist groups that was mentioned at that time. Terrorists have been hijacking airplanes for over 40 years. It is not exactly big, breathless news that this could happen, hypothetically. That is a far cry from someone suggesting there is credible, specific information about a particular threat of hijacking.

We all need to take a deep breath. I particularly suggest these remarks apply to our friends in the media. Calm down a minute. Don't jump to any con-

clusions about what the President was told. Don't take from that the intelligence community somehow messed up by not following through or taking sufficiently seriously some kind of threat. That is not the way it happened.

The point the Senator from Connecticut makes, with which I totally agree, is there is a lot of information out there that we need to put together to tell the story about what did happen and determine what kinds of changes, if any, we need to make in the future.

My only concern about his suggestion is two things: One, as the media leaks themselves demonstrate, if it comes out in little dribbles and drabs of incomplete bits of information, it is likely to be counterproductive and to certainly delay the process of putting it all together in a coherent way to present a set of facts to the American people on which conclusions can be based.

Since so much of this has to be done in a classified setting, the place for it is the Intelligence Committee. It will be difficult to even have public hearings to discuss a lot of this while we are right in the middle of, one, the war on terror and, two, prosecutions in which the FBI is engaged.

Second, it is important the investigation already underway, which is already putting demands on the time of the Justice Department and the CIA, not be further complicated by other investigations which would put further demands upon these peoples' time at the very time they are preparing for these prosecutions and conducting the war on terror.

Those are thoughts I have with respect to the Senator's suggestion. I will appreciate the opportunity to visit with him more about them. I wanted the opportunity to express those concerns.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Of course, I thank my dear friend and colleague from Arizona. Let me respond briefly to his thoughtful and thoroughly appropriate comments.

First, to restate: the proposal I am talking about for an independent commission was made some time ago. We held a hearing on it in the Senate Governmental Affairs Committee, and it has been reported out and essentially is ready for action by the Senate.

We have said all along we respect and support the work the Intelligence Committees are doing. As in previous cases, such as Pearl Harbor, post-Pearl Harbor, the country would benefit from an independent citizen commission inquiry—not accusatory but investigatory—which would have the power to obtain information which would have the authority to go into classified, secret session because of the matters being considered. This would likely extend beyond the intelligence function to law enforcement, to foreign policy, to military policy, to immigration policy—anything that might have affected

and contributed to the attack of September 11.

My point today is that the leaks, the disclosures of the last couple of weeks, both from the FBI and now the indication of the CIA briefing to the President, just reinforces within me the fact that we need such an independent commission. In fact, in some ways it may argue even in a different more forceful sense for such a commission. If we don't have a comprehensive, public, official investigation, I fear leaks related to September 11 and the tragedy that occurred will continue for months, for years. We ought to try as best we can through the intelligence committee investigations and through such an independent commission to answer all the questions that can possibly be answered.

That is what I intend, I believe, with my colleagues: To offer this as an amendment at an early time.

I respond to the points the Senator from Arizona makes about the most recent disclosures on briefing to the President. They are quite on point. It is very important not to overreact to them. For the record, I have not in this case received any of the classified briefings. I speak based on publicly available sources in the media. Those are the reports of the various FBI memos that went into Washington and now this report of the CIA briefing of the President.

What truly troubles me and gnaws at me is not the President's behavior because, of course, if he had any indication in the briefing that an attack was imminent, he would have acted as Commander in Chief. My concern is about the quality of the information working its way up to the President as Commander in Chief.

More particularly, was there any point of connection between what we now know are the FBI memo's concerns about Moussoui's conduct in Minnesota at the flight school, the agent in Phoenix who had broader concerns, very acute, and unfortunately turns out to be right to the point, did those intersect on anyone's desk with the information that the CIA had which was the basis of a longer briefing to the President last summer in a way that would have led anyone to reach a more specific conclusion that they could have taken to the President?

I agree, there ought not be an overreaction. My reaction is, as I stated, as to whether all the systems underneath the President, as Commander in Chief, worked together as we would want them to, to be able to alert him to what was about to happen. And in a more direct sense, was this in any measure preventable?

I even ask the question with a sense of humility because I know the difficulty in an investigation of this kind. It is that which motivates me, and I am sure would motivate a commission and Intelligence Committees more than any second-guessing on the President's behavior.

I know we have used our time. I thank my colleague. I look forward to talking to him off the floor, and I yield the floor.

#### RECESS

The PRESIDING OFFICER. Two o'clock having arrived, under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 2 p.m., recessed until 3:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

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

Mrs. CLINTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business. We are on the trade bill.

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will proceed.

#### INVESTIGATE 9-11

Mrs. CLINTON. Mr. President, I rise today out of respect for and to speak on behalf of the people I represent in New York. I am especially mindful today of the memory of those whom we lost on September 11, their family members and their loved ones who, until this very minute, grieve for those who were sacrificed in the terrible attacks we suffered on September 11.

We have learned something today that raises a number of serious questions. We have learned that President Bush had been informed last year, before September 11, of a possible plot by those associated with Osama bin Laden to hijack a U.S. airliner. The White House says the President took all appropriate steps in reaction to that warning. The White House further says that the warning did not include any specific information, such as which airline, which date, or the fact that a hijacked plane would be used as a missile. Those are all very important issues, worthy of exploration by the relevant committees of Congress. The goal of such an examination should not be to assign blame but to find out all of the facts.

I also support the effort by Senators LIEBERMAN and MCCAIN to establish an independent national commission on terrorist attacks upon the United States. That was reported out of the Senate Governmental Affairs Committee in March. Such a panel can help assure the people of New York and America that every facet of this national tragedy will be fully examined in hopes that the lessons we learn can prevent disasters in the future.

I very much appreciated the remarks by Senator LIEBERMAN in the Chamber earlier today, indicating his desire to offer this proposal that he and Senator MCCAIN have put forth as an amendment at the earliest possible time.

Because we must do all we can to learn the hard lessons of experience from our past and apply them to safeguard our future, I also support the call by the distinguished majority leader, Mr. DASCHLE, for the release of the Phoenix FBI memorandum and the August intelligence briefing to congressional investigators, because, as Senator DASCHLE said this morning, the American people need to get the facts.

I do know some things about the unique challenges faced by the person who assumes the mantle of Commander in Chief. I do not for a minute doubt that any individual who holds that responsibility is the only person who can truly know the full scope of the burdens of that office. Just the other day there was a survey about the most difficult job in America, the most stressful position. It should not come as any surprise that President of the United States ranked at the top.

I have had the privilege of witnessing history up close, and I know there is never any shortage of second guessers and Monday morning quarterbacks, ready to dismantle any comment or critique any action taken or not taken. Having experienced that from the other end of Pennsylvania Avenue, I for one will not play that game, especially in these circumstances. I am simply here today on the floor of this hallowed Chamber to seek answers to the questions being asked by my constituents, questions raised by one of our newspapers in New York with the headline "Bush Knew."

The President knew what? My constituents would like to know the answer to that and many other questions, not to blame the President or any other American but just to know, to learn from experience, to do all we can today to ensure that a 9-11 never happens again.

If we look back, we know that the Phoenix FBI memorandum in early July raised very specific issues about certain people of Arab heritage who were taking flying lessons. For what purpose? To do what?

We know that shortly after there was at least the news report of the Attorney General sending a directive that people of the Justice Department should no longer fly commercially. In fact, the Attorney General took a chartered plane for his own vacation.

We know that in August additional information came forward, including what we learned today about the intelligence briefing provided to the President.

The pain of 9-11 is revisited in thousands of homes in New York and around our country every time that terrible scene of those planes going into those towers and then their collapse appears on television. It is revisited in our minds every time we see a picture of the cleanup at Ground Zero. It is revisited every time the remains of a fallen hero are recovered, as they were yesterday for Deputy Chief Downey. And it is revisited today with the