

businesses that have their entire season wiped out in a matter of a few hours.

Unfortunately for some small businesses, drought assistance is available only for agriculture related small businesses, such as feed and seed stores. For businesses that are based on tourism around lakes and rivers, there is currently no drought assistance available.

The Small Business Administration (SBA) is not currently authorized to help these businesses because a drought is not a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that causes great damage to these small businesses.

I would like to lend my support to S. 2734, The Small Business Drought Relief Act. This bill would amend the guidelines and authorize the SBA to offer assistance to small businesses affected by prolonged drought. With passage of this bill, Governors would be allowed to ask SBA for administrative declarations of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain economically viable for future operation.

Sincerely,

KENNY C. GUINN,
Governor.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE GOVERNOR,
Frankfort, KY, July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Hon. CHRISTOPHER S. "KIT" BOND,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KERRY AND SENATOR BOND: As you know, much of our nation is struggling to overcome "moderate" to "extreme" drought conditions. Droughts, especially prolonged droughts, have extensive, devastating effects that damage crops and livestock, deteriorate soil, and fuel raging wildfires. These are only some of the irreparable effects that droughts can have on small businesses, communities, and state and local economies.

In general, federal disaster assistance is available for agriculture and agriculture-related small businesses that are impacted by drought. However, droughts hurt more than agricultural, forestry, and livestock businesses.

Prolonged drought also causes a drastic reduction in stream and river flow levels. This can trigger such a significant drop in the level of lakes that existing docks and boat ramps cannot provide access to boats, which impacts many additional small businesses.

As a result, many non-farm small businesses that are water-reliant also suffer staggering revenue losses in the wake of a drought disaster, yet they do not currently receive disaster relief. Unlike other natural disasters such as hurricanes or floods, the effects of drought build up over-time, last for several years, and are jeopardizing the future of these small business owners. The lack of federal disaster assistance available to these non-farm small businesses only forces undue job layoffs and bankruptcies and further disrupts drought-impacted communities.

I thank you for recognizing that many fish and tackle shops, rafting businesses, restaurants, motels, camp grounds, marinas, gas stations, and other small businesses in Kentucky and other states are severely impacted by drought but are unable to receive federal disaster assistance. I strongly support your resulting efforts, the Small Business Drought Relief Act (S. 2734), which would allow the Small Business Administra-

tion to offer low-interest disaster loans to these businesses and afford them the same opportunity as agriculture-related businesses to recover and survive.

I appreciate your assistance and support and look forward to working with you and your colleagues on this very important matter.

Sincerely,

PAUL E. PATTON,
Governor.

Mr. KERRY. This is a letter from the Southern Governors' Association, with 15 southern Governors signing and asking us to pass this assistance. They have sent letters to Members of Congress asking them to support and pass the bill.

Finally, we are not talking about grants. We are talking about loans. These are going to be repaid. The default record of the SBA over the last 10 years is really quite extraordinary on the positive side of the ledger. The question is whether we are going to look to small businesses that are equally hard working as anyone else in the country, who, like farmers, are suffering the economic consequences of a drought that is beyond their control.

I thank Senator BOND for working with me to try to address this problem. I thank Senator HOLLINGS, particularly, the chairman of the Commerce Committee, for introducing the bill with me. I am particularly grateful to the small business owners who have brought this issue to our attention and who hope we can break out of any partisan resistance within the Senate in order to do what is right.

I hope my colleagues will permit us to proceed forward on this legislation.

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. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 535, S. 2734; and that the Bond amendment, which is at the desk, be considered and agreed to; the committee-reported substitute amendment, as amended, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD at the appropriate place as if read, without further intervening business or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. Mr. President, my hope is, again, that Senators on the other side, who are also cosponsors of this bill, will assist us in trying to proceed forward because there is no rationale

for delay—I underscore—there was an e-mail circulated by somebody with some gargantuan unofficial estimate of cost that has no relationship to any legitimate estimate that has been made here. The CBO estimate clearly demonstrates that this measure is sensible, with a cost of about \$5 million a year.

What is happening is we are seeing a little bit of partisanship—maybe we are seeing a lot of it these last days here in the Senate. I hope we can overcome this in the next days. I look forward to working with Senator BOND and others to see if we can proceed forward on this legislation.

I yield the floor.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we all agree that one of the many important tasks of the new Department of Homeland Security will be protecting our country's computer infrastructure from cyber attacks. Computer technology is at the heart of our country's economy and has improved every aspect of our lives. Terrorists and others who wish to harm our country recognize that cyber attacks on our vital computer and related technological systems can have a devastating impact on our country, our economy and the lives of our people. The threat of cyber attacks, be it from foreign and/or domestic actors, is not new, but we all understand that the risks today are even greater.

The threat of a devastating cyber attack is real and the potential for harm is great.

A recent study found that cyber attacks on the Internet were projected to increase this year by as much as 65 percent. Just last year, two Russian hackers infiltrated American banks and businesses, stole private data, including credit card numbers, and extorted those companies by threatening to destroy their computers or release their customers' private information.

Since September 11, there has been growing concern about the risk to our country of a serious cyber attack, particularly one against our infrastructure which could have devastating consequences. Late last fall the FBI traced a suspicious pattern of surveillance against Silicon Valley computers originating from the Middle East and South Asia involving emergency telephone systems, electrical generation and transmission, water storage and distribution, nuclear power plants and gas facilities in the bay area. Recently, it was reported that energy companies have suffered a significant increase in cyber attacks—up 77 percent this year—which have raised concern that the country's power system may be within the cross hairs of cyber terrorists.

Given the vital role that computer and related technologies play in our

country's economy and infrastructure, it is not difficult to imagine an assault on a computer system which might cause death or serious bodily injury. For example, a hacker who infiltrates a hospital database to erase records may thereby cause a patient to be deprived of necessary medication or treatment. As another example, consider the possibility of a cyber attack on a natural gas distribution pipeline that opens safety valves and releases fuel or gas. Attacks on sophisticated control systems, such as those involving natural gas, oil, electric power and water, which typically use automated supervisory control and data acquisition systems, would have a far-reaching effect.

We have acted before when necessary to protect our country and our economy from cyberterrorists. The Patriot Act included several important provisions to improve our nation's cyber security in response to the increasing threats to our country. The amendment I am offering today continues that work.

The amendment I am offering today is noncontroversial, and was passed by the House, on July 15, 2002. The House bill, H.R. 3482, was sponsored by Representative LAMAR SMITH from Texas, and passed with overwhelming bipartisan support by a vote of 385 to 3. We need to act in the same bipartisan manner and pass this amendment.

The amendment will strengthen our criminal laws and provide greater flexibility to communications providers and law enforcement when necessary to prevent and protect against devastating cyber attacks. Specifically, the amendment would increase the criminal penalty in section 1030 of title 18 of the United States Code for a cyber attack to a maximum of 20 years imprisonment where such an attack causes serious bodily injury, and life imprisonment where such an attack causes death. Currently, section 1030 provides a maximum punishment of only 10 years imprisonment for a cyber attack which results in serious bodily injury or death.

The amendment directs the Sentencing Commission to review the Federal sentencing guidelines for cyber crimes to reflect the significant harm caused by such crimes and the need for deterrence. Such a review was not included in the Patriot Act, and is clearly necessary in light of the changes to the federal computer crime statutes contained in the act as well as in this amendment. Such a review based on the factors included in this amendment should give judges greater latitude to increase a defendant's sentence to better account for the seriousness of the cyber attack.

The amendment also includes provisions to give communications providers and law enforcement greater flexibility when dealing with emergency situations where there is a risk of serious bodily injury or death. Specifically, the amendment creates a "good faith" exception to allow communications providers to disclose communications

to a governmental entity—e.g. hospital, law enforcement—in an emergency situation involving danger of death or serious bodily harm. The amendment also expands the list of "emergency" situations where law enforcement may obtain pen register and trap and trace information to include ongoing attacks on a protected computer and when necessary to protect national security interest. In order to address privacy concerns, the amendment includes increased penalties for illegal interceptions of cellular telephone calls and intrusions of stored communications.

Finally, the bill establishes the Office of Science and Technology as an independent office under the general authority of the Assistant Attorney General, Office of Justice Programs. This modification will help OJP to focus the necessary resources on the development of technology and hard science research. This measure will enhance OST's ability to assist state and local law enforcement in developing new cutting-edge technologies, such as computer forensics, firearms and ballistics technology, and crime mapping. Law enforcement is increasingly relying on new and innovative technologies, and we need to make sure that they have all of the tools available to fight terrorists and other criminals.

Mr. President, I urge my colleagues to join in support of my amendment. Once again, we need to demonstrate to our country that working together, in a bipartisan fashion, we can accomplish great things, and we can protect our country from the dangers of potentially devastating cyber attacks.

Mr. President, I pay special tribute to Senator SCHUMER from New York, who is a cosponsor, and tell him how much I appreciate the work of him and all the others who are cosponsors of this particular amendment.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be laid aside and that Senator HATCH be recognized to offer his amendment dealing with cybersecurity; that Senator HATCH be allowed to speak for up to 5 minutes—and we have been informed there is no one on our side who wishes to speak on this matter—that there be no second-degree amendments in order; that at the conclusion or yielding back of time, the amendment be agreed to and the motion to reconsider be laid upon the table.

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

Mr. REID. Mr. President, if the Senator will withhold 1 minute, we are in the process of trying to work out the next step of our unanimous consent request. We think we are going to be able to do that. Senator THOMPSON is on his way to the Chamber.

If that is the case, the next amendment that will be offered in the next few minutes will be that of Senator LIEBERMAN and Senator MCCAIN. That

should occur, hopefully, momentarily. That amendment will be debated tonight. The leader is expecting to vote sometime tomorrow morning before noon.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 4693 TO AMENDMENT NO. 4471
(Purpose: To provide greater cybersecurity)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. SCHUMER, proposes an amendment numbered 4693 to amendment No. 4471.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. HATCH. Mr. President, I yield back the rest of my time. Of course, the amendment will be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4693) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

Mr. HATCH. 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. LIEBERMAN. 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. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment of Senator BYRD be laid aside so I might offer another amendment.

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

AMENDMENT NO. 4694 TO AMENDMENT NO. 4471
(Purpose: To establish the National Commission on Terrorist Attacks Upon the United States and for other purposes)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. MCCAIN, proposes an amendment numbered 4694 to amendment No. 4471.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, this is an amendment which embraces legislation that my friend and colleague

from Arizona, Senator McCain, and I introduced last December and then joined up with similar legislation introduced by the Senator from New Jersey, Mr. TORRICELLI. Ultimately, we have 22 Members of the Senate from both parties who have joined as cosponsors of the legislation.

The underlying bill went to the Senate Governmental Affairs Committee, which I am privileged to chair, and was reported out favorably earlier this year.

This amendment now embraces that legislation. It would create an independent, nonpartisan citizens commission to investigate how and why the tragic terrorist attacks against the United States happened on September 11, 2001.

The underlying measure we are considering to create a Department of Homeland Security, to better organize the Federal agencies whose disorganization, I fear, created some of the vulnerabilities that the terrorists took advantage of in striking us on September 11, is a proposal that also came out of our committee.

This amendment would improve the Department that will be created as a result of the underlying proposal. Up until this time, the Joint Intelligence Committees of the House and Senate have been pursuing investigations focused particularly on how the intelligence community performed and what lapses there were in that performance that may have contributed to the attacks of September 11.

Senator McCain and I, and our colleagues, introduced this measure last December because we believed, first, that there was a need now, after this truly unprecedented attack of September 11, 2001. People compare it to Pearl Harbor. It is comparable, but remember, Pearl Harbor was primarily an attack against Americans in uniform. September 11, 2001, was an attack against innocent civilians, a classic terrorist attack. After Pearl Harbor, there were investigations in Congress, not unlike the ones being carried out by the Joint Intelligence Committee. But there were also citizens' commissions involved to carry out broader investigations, and that is exactly what this commission, as created by this amendment now, would do, if adopted.

This commission would build on the work done by the Intelligence Committees which began their reports yesterday.

The testimony from the staff director of the committee, I found chilling, insofar as it reported that as far back as 1998, if I remember the date correctly, there was intelligence traffic intercepted that indicated that the al-Qaida terrorists were, in fact, discussing the use of civilian aircraft as weapons targeted against prominent buildings in the United States of America. Along the way, the Director of the CIA, so the testimony yesterday went before the Intelligence Committees, effectively declared an intelligence community

war against al-Qaida but only assigned a single analyst to that task; there was intelligence information, of course, and law enforcement intelligence, not being coordinated.

Senator McCain and I, as well as Senators TORRICELLI and SPECTER, met earlier today with some of the families of the people who lost their lives on September 11. The question they continued to ask is: How could this have happened and was it preventable? They strongly support the adoption of this independent commission. Why? Because they have had the heroic strength to turn their grievous loss into active advocacy for the kind of investigation that will go as far as we can humanly go to determine the causes of September 11 so we make sure it never happens again.

The commission, to be appointed by legislative leaders of both parties of both Houses, is to have 10 persons on it, not Government employees, not Members of Congress—an equal number of members of both political parties. They choose the chair and vice chair. This ought to be, and I am confident will be, a commission that will not consider itself in any sense limited or truly identified by party affiliation. This is a commission that will have a public purpose: To go beyond the focus of the Intelligence Committees; directed towards intelligence; to consider the widest array of possible causes of September 11; to look at our defense policies, our foreign policies, our international economic policies, our international public diplomacy policies, our intelligence, our law enforcement; to leave no stone unturned in trying to answer the question of how September 11 could have happened, so we make sure it never happens again.

It will have the credibility of an independent, nonpolitical, nonpartisan commission composed of a mix of citizens whose experience and capacity will bring great credibility to this report.

I am so pleased there has been a twist of fate and procedure, often quite important in this body, that has allowed us now to introduce this amendment. I am, therefore, honored to move its adoption.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Arizona.

Mr. McCain. Madam President, I thank my friend, Senator Lieberman, for the privilege of working with him on an issue that I think is of some importance. I appreciate again the fact that he moved this legislation through the committee of which he is chairman. At that time, the debate and the discussion lent weight to the passage of this legislation.

We are simply seeking a commission to investigate all of the factors that led to the tragic events of September 11. We believe there is more than an intelligence aspect of this scenario that needs to be addressed. We believe there were a variety of factors that need to

be made known to the American people. Whether they be economic, diplomatic, intelligence, there are a number of factors which led up to the tragic events of September 11.

Obviously, the lawmakers and those who are involved so far in the investigation are not satisfied with the information we have received. There is an article in the Washington Post, dated Thursday, September 19, today, which says in part:

Lawmakers from both parties yesterday protested the Bush administration's lack of cooperation in the congressional inquiry into September 11 intelligence failures and threaten to renew efforts to establish an independent commission.

The article continues:

"Are we getting the cooperation we need? Absolutely not," Sen. Richard C. Shelby (Ala.), the ranking Republican on the Senate Intelligence committee said in a joint appearance with Chairman Bob Graham (D-Fla.). . . .

Graham added: "What we're trying to do is get people who had hands on these issues. . . . And what we're being told is: no, they don't want to make those kind of witnesses available."

Both Graham and Shelby yesterday endorsed the idea of independent panels. In his remarks at the start of the hearings, Shelby warned that "there may come a day very soon when it will become apparent that ours must be only a prelude to further inquiries."

Shelby acknowledged that the congressional probe would be incomplete. "I'm afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be things that we don't know because we hadn't had time to probe them and we have cooperation."

I quote Senators Shelby and Graham because they are two of the most respected Members of this body, the chairman and ranking member of the Intelligence Committee, both highly regarded in all areas but particularly in carrying out their responsibilities as members of the Intelligence Committee.

I go back for a second to the issue of what brought about September 11. I will give an example of a factor that needs to be examined which has nothing to do with any secret information or intelligence information.

In 1989, with the active help of the United States of America and our allies, the then-Soviet Union was driven out of Afghanistan. At that point in time, we, as a policy, the United States of America, turned our back on Afghanistan. We provided very little assistance, we paid very little attention, except to celebrate a great victory for the then-Afghan freedom fighters.

We all know what transpired in the ensuing 10 to 11 years. The Government of Afghanistan basically became a series of fighting warlords, and chaos prevailed throughout the Nation, and up came, as happens in history, a group called the Taliban that promised order to the people of Afghanistan. Over time they welcomed the Taliban and, of course, the Taliban assumed power. As part of their regime, they not only allowed but encouraged and provided help and assistance—all this is a matter of public record—to Osama bin

Laden. It was well known that Osama bin Laden maintained and built his terrorist training camps there, his financial network, and was the breeding ground for the terrorists, including those who hijacked the airplanes on September 11.

What is it that led the United States of America to make a policy decision that what happened in Afghanistan was not of sufficient concern to the United States of America and our policymakers to intervene at any time as this scenario unfolded? That is just one example of the areas that need to be explored.

Where was the economic aid? Did the United States of America, because of a variety of reasons, not encourage or even countenance the behavior of the Saudi Government? The Saudi Government, as we all know, is funding the Madrasas. They are giving money to the Islamic extremists who recruit young Middle Eastern men off the streets and teach them to hate the United States of America, our culture, our values, the West. Indeed, 15 of the 19 hijackers on September 11 were Saudi citizens. They were not uneducated. Many of them, as we all know, had received pilot training in the United States of America.

Why did the United States fail to realize that the Saudis, in the guise, perhaps, of being the guardians of the most sacred places of the Muslim Islamic religion, were funding very generously these radical Islamic elements whose influence spread all over the Middle East?

There was a tragic bombing of the Marine barracks in Beirut in 1983. What was the reaction of the United States to that, beside an eventual very rapid withdrawal from Beirut?

The U.S.S. *Cole*, in port in Yemen, was attacked by Islamic extremists. U.S. Embassies all over the world were attacked. What was the response of the United States to those tragedies?

My point is there is a broad variety of issues that need to be addressed. Those issues, as credible as the U.S. Congress is, need to be examined by the most respected people in the United States of America—men and women who have spent their entire lives in public service and are highly regarded by the American people whose assessment and evaluation and, most importantly, recommendations will be given enormous credibility by the Congress of the United States, the President of the United States and, most importantly, the people of the United States, who still are confused as to how these events came about to their great surprise, astonishment, and sorrow.

The makeup of the commission should be of the most respected people in America. Exactly who appoints who—the President, the majority leader—we have a formula in our bill, but we are willing to negotiate that. In a bipartisan spirit, we can select the

most respected people in America to serve on this commission.

But let's have no doubt that a commission is called for, just as a commission was called for following December 7, 1941, when Franklin Delano Roosevelt felt that the United States of America was not too busy to appoint a commission to examine the events that led up to what he called the day that will live in infamy.

I thank Senator LIEBERMAN. I will quote from several articles that appeared in the newspapers in previous days that are bound to ratchet up concern and, in some cases, the frustration of the American people about this issue.

L.A. Times headline: U.S. Overlooked Terrorism Signs Well Before September 11:

A House-Senate panel report says al-Qaida was focusing on a domestic attack and the use of planes as far back as the mid-1990s.

New York Times editorial, September 19, 2002, "While America Slept":

The initial findings of a Congressional committee that has been reviewing the performance of America's intelligence agencies before Sept. 11 are profoundly disturbing. While the investigation has not found that the agencies collected information pointing to the date and targets of the attacks, it has discovered reports that Osama bin Laden and his followers hoped to hit sites in the United States and that they might employ commercial airliners as weapons. The response of spy organizations—and the government at large—was anemic.

One of the great unanswered questions has been whether the government had enough intelligence in the months before Sept. 11 to fear an imminent blow within the United States and to take aggressive steps to heighten security, especially at airports. The answer now appears to be affirmative. Investigators working for the Senate and House intelligence committees found numerous reports in the archives of the Central Intelligence Agency and other spy organizations suggesting that the bin Laden network was eager to mount attacks within the United States.

One of the articles here from USA Today is entitled "Intelligence Fails." It is very curious:

Almost 3 years before the September 11 attacks, CIA Director George Tenet sent a memo to his deputies. "We are at war against Osama bin Laden. I want no resources or people spared in this effort."

I want to repeat what CIA Director George Tenet sent in a memo 3 years prior to September 11:

We are at war. . . . I want no resources or people spared in this effort.

But the article goes on to say that, by the morning of September 11, the war effort had yet to be mounted.

According to a report released Wednesday by the House and Senate in their first public hearing. . . . Lawmakers revealed CIA's Counterterrorism Center had just five analysts assigned full time to tracking bin Laden's network. The FBI put one lone al-Qaida analyst assigned to the agency's international terrorist unit. A lack of attention

devoted to al-Qaida before 9/11 helps explain why the \$30 billion a year spent on intelligence did not turn up the terrorist plot.

But the report raises new questions about the failure of the FBI and CIA to redirect resources from cold war enemies to new age terrorists.

The New York Times:

Despite DCI's declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11.

I ask unanimous consent that these articles I just quoted from be printed in the RECORD.

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

WHILE AMERICA SLEPT

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One of the great unanswered questions has been whether the government had enough intelligence in the months before Sept. 11 to fear an imminent blow within the United States and to take aggressive steps to heighten security, especially at airports. The answer now appears to be affirmative. Investigators working for the Senate and House intelligence committees found numerous reports in the archives of the Central Intelligence Agency and other spy organizations suggesting that the bin Laden network was eager to mount attacks within the United States. There were also warnings that terrorists were considering using airplanes.

The accumulation of alarming evidence led George Tenet, the director of central intelligence, to tell his top aides in December 1998 that "we are at war" with Osama bin Laden and "I want no resources or people spared in this effort." That was exactly the right reaction, but the mobilization of resources that followed did not match the threat.

The Congressional investigators learned that almost no one at the Federal Bureau of Investigation was aware of Mr. Tenet's declaration of war. On Sept. 11, the F.B.I.'s international terrorism unit had just one analyst to deal with Al Qaeda. Even the C.I.A. itself did not make major readjustments to evaluate the threat. The agency increased the number of analysts assigned full time to the bin Laden network from three in 1999 to five in 2001 before the attacks. Despite the indications that airliners might be used as weapons, including one August 1998 report that terrorists might fly a plane into the World Trade Center, intelligence analyst apparently made little effort to assess the aerial threat. The Federal Aviation Administration did not take the threat seriously.

Since Sept. 11, the C.I.A., F.B.I. and other agencies have poured resources into the fight against terrorism, and addressed many of the inadequacies depicted in the Congressional study. The findings underscore the urgent need for greater alertness, more coordination between agencies and the recognition that intelligence agencies must constantly be looking not just for familiar threats but also for new and unexpected methods of attacking America.

INTELLIGENCE FAILS

As the massive FBI investigation uncovers more details of the scope, complexity and long-term planning behind the Sept. 11 terrorist attacks, it is revealing an equally massive failure in the nation's counterintelligence efforts.

Earlier this week, the FBI suggested that two more planes might have been targeted for hijacking. That's on top of what is already known—that more than a dozen terrorists spent years training and preparing for the attack inside the USA, almost certainly with the help of many more accomplices. How could so many terrorists operate for so long in the U.S. piecing together a complex attack plan without detection?

President Bush took the first much-needed step to addressing that question Thursday with a call for a new Cabinet-level homeland-defense agency. It is a recognition of what many terrorism experts have long seen as a key weakness in national security, one that has left the country not just scrambling to piece together the Sept. 11 attack, but also wondering whether the nation's counterterrorism efforts will be able to detect the next attack before it is launched.

The nation's checkered history of tracking Osama bin Laden and anticipating the evil deeds later linked to his network is anything but reassuring.

Since the U.S. Embassy bombings in Tanzania and Kenya in 1998, the government has claimed that it is taking substantial efforts to root out bin Laden's terrorist network. As recently as June of this year, the CIA and Senate Intelligence Committee members were reassuring the public that bin Laden was being kept "off balance" and "on the run." Yet this diligence didn't detect or deter either the Sept. 11 tragedies or the October suicide bombing of the USS Cole in Yemen, both of which were only later linked to bin Laden's terrorist network.

These missteps come as no surprise to terrorism experts. In recent years, studies by those inside and outside government have repeatedly warned that the intelligence system, built during the Cold War, was ill-suited to counter the modern terrorist threat. The focus was too much on monitoring troop movements and acquiring hardware and spying technology, not utilizing the kind of human intelligence needed to penetrate multinational, loosely organized terror cells.

Responsibilities have been spread across several federal agencies that don't always coordinate. As a December 2000 RAND report put it, the nation's anti-terrorism program "is fragmented, uncoordinated and politically unaccountable."

At the same time, reports were detailing the growing threat of massive attacks posed by rogue terrorists. The spread of technology made greater levels of destruction possible, and the advance of religious fanaticism made use of it more likely. As a June 2000 National Commission on Terrorism report noted, "today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil."

With all efforts now devoted to tracking down leads in the wake of the Sept. 11 attack, law enforcement and intelligence communities have little time to analyze their failings. As CIA spokesman Mark Mansfield put it Tuesday, the agency "won't be distracted" by criticism.

That's fine. Their failings will get plenty of airing in Congress and elsewhere. The Senate Intelligence Committee has already promised hearings on the failure to detect the suicide hijackings.

More important, though, is that problems identified in these postmortems should be corrected. Recommendations made in the

wake of previous attacks tended to result in piecemeal reforms. What's needed is a whole-sale review of how the U.S. collects, studies and uses foreign and domestic intelligence. Preferably with an eye toward better coordination.

In this context, Bush's new Cabinet position makes perfect sense.

There are almost certainly other terrorist plots in the works designed to take advantage of previously identified weaknesses in the system.

Finding out who perpetrated the unimaginable horror inflicted on the U.S. last week is important. Preventing any future attacks on U.S. citizens is critical.

Madam President, there is an editorial from the *Weekly Standard*, "Time For An Investigation."

If President Bush knows what's good for the country—and we think he does—he will immediately appoint an independent, blue-ribbon commission to investigate the government's failure to anticipate and adequately prepare for the terrorist attacks of September 11. Make George Shultz and Sam Nunn co-chairmen. Give the commission full and unfettered access to all intelligence from the CIA and FBI and to all relevant internal administration documents.

This is a very important point in this commission. This commission must have access to all relevant documents. I think the frustration articulated by Senators SHELBY and GRAHAM cannot be a part of this independent commission.

There are three reasons such an investigation is necessary. First, the administration is now in danger of looking as if it has engaged in a cover-up. The carefully worded and evasive statements by various administration spokesmen in response to the report of the president's August 6 CIA briefing have raised as many questions as they have answered. We understand the conundrum that administration spokesmen face. They can't be precise about what they did or didn't know without revealing classified information. We also presume the administration has nothing to hide. But the cat is out of the bag. The ranking Republican on the Senate Intelligence Committee, Richard Shelby, says that "we've just scratched the surface." The country needs to be assured that a reputable and unbiased group is going beneath the surface to find the truth.

Nor can we assume that the investigation already in progress by a special joint congressional committee will do the trick. Given the vulgar partisanship into which most elected officials descended last week, we have no confidence that any congressional committee can come up with a reputable and authoritative report.

Furthermore, regardless of what congress does, the president should order an investigation for the sake of accountability within the executive branch.

I think my colleagues and the American people may know that not one person has been replaced, removed, fired, asked to resign, retire or held responsible for the events of September 11—remarkable. Remarkable.

Ever since September 11 we have been troubled and puzzled that almost no one in the government seems to have been held responsible—much less, heaven forbid, stepped forward to assume responsibility—for failure. Was what happened on September 11 the consequence of everyone doing their job perfectly? Can it really be that no one made a mistake? And if someone did make a mis-

take, shouldn't that someone be held accountable, just a little? People lose jobs in government for hiring nannies and forgetting to pay their taxes. In the military, officers resign when something goes wrong on their watch, even if they were personally blameless for what happened. Isn't it possible that some people should be reprimanded, or even lose their jobs, when 3,000 Americans are killed in a terrorist attack? For the past eight months the Bush administration has essentially been saying that everything and everyone worked just fine. That is absurd and unsustainable.

And, of course, it's perilous. The third reason we need an investigation is that the system did not work. Either we didn't have the intelligence we should have had before September 11. Or the information was not adequately distributed and therefore key signals were missed. Or the intelligence was assembled but wasn't taken seriously enough. Or it was taken seriously but insufficient action was taken to prevent an attack. We don't know there the system broke down. We only now that it did.

Surely the first step in fixing the system—and thereby defending ourselves against the next attack [and that is really what this commission is about, fix the system and defend ourselves from the next attack] is to identify what went wrong or who performed badly. Isn't anyone troubled by the fact that if the failure stemmed partly from incompetence, then the incompetent people are still at their vitally important posts? Isn't President Bush troubled? If it was the system that failed, then should that same system be left in place because no one is willing to take a hard look at how and why it failed?

We understand the administration's reluctance to go through this wrenching process. We understand, too, why the president's supporters are reluctant to demand an investigation. It was nauseating last week to watch Democratic politicians trying to score cheap points against President Bush, treating this most serious of questions as if it were another made-to-order Washington scandal. "What we have to do now is to find out what the president, what the White House, knew about the vents leading up to 9/11, when they knew it, and, most importantly, what was done about it at that time," said Dick Gephardt smarmily, desperately trying to fasten blame on the president à la Watergate.

Unfortunately, the Bush administration, too, has gone into scandal mode—into a defensive crouch. Vice President Dick Cheney came out swinging, claiming that any criticism, even a call for an investigation of the administration's actions before September 11, was "thoroughly irresponsible . . . in a time of war." But he's wrong. It's precisely because we're in a war that we need an investigation to find out where we failed. After Pearl Harbor, there were half a dozen such investigations. Franklin D. Roosevelt ordered the first—just after Pearl harbor. President Bush should follow that war president's lead. Then he should get back to the business of winning the war.

Again, I believe everyone who is responsible for anything, as a matter of public service, should be held responsible. That is obvious. But the reason why Senator LIEBERMAN and I have fought so hard is because the American people deserve to know one fundamental fact; that is, that we know all of the factors and causes of the tragedy of September 11. Once we know all of those factors and causes, we will then be able to take the necessary action to prevent a repetition.

I don't know how in the world we can assure the American people that there will not be a repetition unless we know everything that caused it. That seems to me so obvious on its face that that alone is a compelling reason for the appointment of this commission.

I have had the great honor, as have most Members of this body, to have the opportunity to know the family members and survivors of those who perished or were wounded in the tragic events of September 11. They have come to me and to Senator LIEBERMAN and many other Members of this body and said: We deserve to know. We deserve to know what happened that brought about the deaths of our loved ones.

They make a very compelling case. They make an argument that I think is hard to refute. We owe them a great debt because of the service and sacrifice of many of their loved ones. Incredible feats of heroism, as we all know, were performed on September 11. I hope we will give some weight to their opinions and desires. I think it is perfectly legitimate and understandable that they have a right to know what caused the events that took away their husbands, fathers, wives, sons, daughters, brothers, sisters, and friends.

I hope we can get a large majority vote so we can go to conference with the House, get this commission appointed, and give them the tools they need to make sure we appoint in a nonpartisan—not bipartisan, nonpartisan—fashion the members of this committee who are the most respected men and women in America. We could come up with a list in a very short period of time, give them the tools they need, and within a reasonable length of time they could report back to the President, to the Congress, and, most importantly, to the American people.

In that way, as far as those who lost loved ones in the tragic 9/11 attacks are concerned, at least they may have some comfort in the knowledge that we will be prepared to take whatever necessary steps to ensure that no other family member ever experiences the tragic loss they experienced.

I hope we can discuss this issue at the proper length.

I again thank my friend from Connecticut. I see my friend Senator THOMPSON on the floor, who probably knows as much as or more than, on many of these issues, any Member of this body. I am obviously very interested in hearing his views on this legislation.

Finally, I say again that this legislation is not carved in stone. Senator LIEBERMAN and I are willing to make adjustments to it. We are willing to take input from the administration or any of our colleagues or anyone else who is concerned about it. That is why we have the amending process. But we also think we ought to get it done, and we also think that time is not on our side because the sooner we get the re-

sults of this commission, the sooner we can take the necessary measures to defend against a repetition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from Arizona for a very eloquent statement. I thank him for the work we have done together on this proposal. I also thank him for clarifying something about which I misspoke. I said there had only been one analyst at the CIA committed to targeting al-Qaida even after al-Qaida had been determined to be the source of terrorism against us in a very committed act. In fact, there were five—still not a significant enough number—in the counterterrorism center of the CIA, and one analyst at the Federal Bureau of Investigation.

For the record, the amendment we have offered today differs in a few respects from the bill reported out of committee.

We are calling for an even division between Republicans and Democrats in choosing commission members. As Senator MCCAIN said, I certainly hope this is a nonpartisan commission—not even bipartisan—with the majority parties of the Senate and House each receiving three picks and the minority parties in each House having two nominations. This is the configuration of an equivalent commission recently created by the House of Representatives. And it has another notable precedent in the form of a National Commission on Terrorism created by Congress in 1999 headed by former Ambassador Paul Bremer, which produced some work that had an effect on our foreign policy.

There are three other minor changes in the text of our original bill. The bill emphasizes that the commission should build on the progress of Congress and its committees, and other inquiries, especially the joint inquiry of the Senate and House Intelligence Committees regarding terrorist attacks.

I hope they will come to the floor and speak for themselves. But I want to say that Senator GRAMM, chairman of the Intelligence Committee of the Senate, and Senator SHELBY, vice chairman, have each said to me—although originally earlier in the hearings—that they have some concerns but now fully support the creation of the commission that this amendment would bring about.

The amendment, as we have submitted it, provides that the chair and the vice chair of the commission, in addition to the chairpersons, can issue subpoenas. And it makes technical improvements to the bill's alternative subpoena enforcement mechanism.

I wanted my colleagues to know that there have been those changes from the bill as it came out of our committee, and to echo what Senator MCCAIN has said. This is an idea. It is an idea that we believe is a necessity, in the public interest, to answer the plaintive cries

of the families of those who died on September 11: How did this happen? And how can we know everything that is possible to know so we can make sure it never happens again?

But as to the specific details, we welcome the questions and inquiries of the Members of the Senate before this amendment comes to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, while the two sponsors of this amendment are in the Chamber, and the two managers of this bill, we have had a number of inquiries in the cloakrooms about what the rest of the day is going to hold. There is the question of whether or not we will have any more votes tonight.

I know the Senator from Tennessee has looked at the proposed unanimous consent request, which basically would give several hours of debate on this amendment today and an hour set aside for Monday to complete debate on it and vote on it on Monday. But I am wondering, without pressing the Senator from Tennessee too hard, could the Senator give us some indication when he might be in the position to see if we can enter into this unanimous consent request so we can better field the questions in the cloakrooms?

Mr. THOMPSON. I am not sure exactly what is in the unanimous consent request. But I can possibly be a little bit more definitive after we have had a chance to discuss what is going on here.

Mr. REID. What it simply says is that there would be a total of probably 3 hours for debate equally divided, and then we would come back on Monday and debate it for another hour. At that time, the Senate would vote in relation to the amendment. There would be no second-degree amendments in order prior to the disposition of the amendment.

It is very simple and direct. But we are trying to get something set up for tomorrow and Monday. We have left a lot of Senators without any direction. We need to do that. As soon as the Senator from Tennessee feels confident that we can enter this agreement, let us know, and we will do that as quickly as possible. If we can do that, I think the leader will be in a position to announce that there will be no more votes tonight. Until that happens, we can't do that.

Mr. THOMPSON. I will be happy to respond to the Senator a little later this afternoon.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I welcome the opportunity, while I have two of my close friends and respected Members who are sponsoring this amendment here on the floor, to hopefully enter into a discussion under the rules of the Senate and with the consent of our colleagues as to some of the details of this proposal, as to what is

intended, as to what we are trying to accomplish, and as to whether or not this is the best way to accomplish it.

I commend my colleagues for their effort. I think they have had for a long time the idea of a commission—a long time before a lot of other people who are now calling for one. They have had this vision. Quite frankly, I have tried to keep an open mind with regard to the wisdom of it. I sit on the Intelligence Committee. Right now, we are having bipartisan and bicameral hearings with regard to many issues, some of which have to do with 9/11.

I ask my colleagues—either or both of them—how they view the role of the commission with regard to the intelligence issues.

I am wondering whether we could probe very deeply and successfully into what happened with regard to 9/11, including any intelligence breakdown, and still come away with a not very good analysis of the difficulties we are having in the intelligence community.

Is it the best thing to do to have a commission that has a rather broad mandate with regard to anything and everything and at any level of Government with regard to September 11 of which intelligence would be a part? Is that better than maybe a deeper probe that is more narrowly focused with regard to our intelligence failures? Because most of us believe that is at the heart of the difficulties we saw in relation to September 11.

I have had the opportunity to read the amendment once. I notice the functions of the commission are to conduct investigations that may include relevant facts relating to intelligence agencies. But “intelligence agencies” is mentioned, along with a lot of other agencies: “law enforcement agencies;” “immigration, nonimmigrant visas, and border control;” “the flow of assets to terrorist organizations;” and other areas of concern that are not agencies, such as “commercial aviation” and “diplomacy.” I am not sure what that means.

But I would ask my colleagues what went into their thinking, what is the state of their thinking with regard to that issue. Is it best to have the broader scope that might trip lightly over intelligence issues? Would that be better than having a more detailed and narrow inquiry as to intelligence failures?

I would ask my friend from Arizona what his thinking is with regard to that.

Mr. MCCAIN. Madam President, I ask unanimous consent that Senator LIEBERMAN, Senator THOMPSON, and I be allowed to enter into a colloquy for the exchange of comments to one another.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I thank you, Madam President.

I say to my friend from Tennessee, first of all, our amendment explicitly

states—and we would be glad to report language, with the assistance of the Senator from Tennessee, to point out that clearly intelligence is a central and perhaps most important aspect of any investigation of this nature. The Senator mentioned that there are a number of other factors we would want to take into consideration.

While the Senator was off the floor, I pointed out that we turned our back on Afghanistan after 1989. What were the reasons for that? And what were the diplomatic or national security factors that led to that decision being made?

However, having said that, it is clear intelligence plays a featured role in any investigation. But I am also a little bit concerned—and I wonder if the Senator from Tennessee is concerned—about a report in the Washington Post where, “[Senator] Shelby acknowledged that the congressional probe would be incomplete. ‘I’m afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be some things that we don’t know because we hadn’t had time to probe them and we have not had enough cooperation,’ he said.”

As I respond, I wonder if the Senator from Tennessee has that concern, as expressed by Senator SHELBY.

Mr. THOMPSON. I would say, in response, that I indeed have had that concern as that investigation has gone along. And we have seen the various problems we have had with it and the various difficulties we have had internally and externally, and with the time limitation we placed on ourselves in this intelligence investigation. And I was concerned a long time about where we were going to end up and whether we were going to be in a position of assuring the American people that we had done more than we had really done.

I will have more to say on that later. I still want to keep my powder as dry as I can for as long as I can because it is ongoing and hope springs eternal.

But I certainly do have concern about that, which gets me back to my original concern about where intelligence ought to play in this inquiry.

I appreciate the Senator’s reassurance with regard to that, and its importance and, perhaps, central function, central role. But I wonder; it concerns me when I see that put together with immigration issues, and aviation issues, and diplomacy issues.

For example, I would be interested and would like, if we could get the right kind of people and the right kind of objectivity, to have a session as to our policies with regard to reaction ever since the bombings in Beirut, to the attack on the USS *Cole*, to the events in Somalia, and all of that.

What effect did all of that have on all of this? Did that embolden people around the world, who have ill intent toward us, to do some of these things? Those are very interesting, important issues. But can we take on all of that within—what do we have here?—a

year’s timeframe for this investigation?

Mr. LIEBERMAN. Responding to the Senator, a total of 18 months, with a preliminary report due after 6 months.

Mr. THOMPSON. All right. Well, that is more than the Intelligence Committee has had. I must concede that. But the question really is, Can we do all of that? We are combining some things that would be very subjective, very politically sensitive. Hopefully, we will have the kind of people on this commission to be able to deal with that, along with some very detailed inquiry with regard to the intelligence community.

Is that the best way to go? Can we really hope that at the end of the day we have been able to do all of that?

That leads me to my second question, I suppose, and that is in regard to access to information. As I read through this, there is a provision for “Information From Federal Agencies” for this commission. On page 9 of the amendment, it says:

The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.

I am not sure that—let’s just say for the purposes of this discussion—having access with regard to intelligence agencies, with regard to suggestions, estimates, and statistics would do us very much good.

Now, the right kind of information would be helpful, but is the intent here that this commission will be able to go into these agencies, regardless of what they are?

Also, you have another provision in here that provides for clearance and providing access to people with sensitive information.

But is the intention to provide the members and/or staff of this agency with the authority and the ability to go into these agencies and to review the most sensitive information?

I think back to the Rumsfeld Commission, which I think most people would agree was a very successful enterprise, dealing with issues of missile technology and nuclear capability of various countries, and so forth, very sensitive information. It was done successfully.

A lot of these people were scientists and the same kind of people, perhaps, in many respects that your commission would adopt. They have done that very successfully. I am wondering if someone some months hence would read this document and say: We did not intend to do that. Whatever reports are out there, analyze those reports. But we didn’t have any intention for you going in and really getting something that they didn’t want to give you.

I think that is relevant because apparently we still have to make the White House a believer that this is a good idea. I am wondering, in terms of

the wording of the bill or legislative history, what would be the proper way to address that question.

Mr. LIEBERMAN. Madam President, I will respond to the Senator from Tennessee. I thank my friend for his very thoughtful and directly relevant questions.

I will try to respond to the first one very briefly and add to what the Senator from Arizona said.

The commission is given a broad mandate, in section 604 of this proposal, to conduct an investigation of all relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, and then it goes on to say, that "may" include relevant facts and circumstances relating to, first, intelligence agencies, and then all the rest. Obviously, intelligence is listed first, though I emphasize the "may."

This commission has discretionary authority to go ahead as it will decide to conduct a very broad investigation called for under that section A that I read from. I certainly hope they will do some work on the intelligence community, building on the work the joint intelligence committee has done.

The uniqueness of our proposal is to have it be more comprehensive, to get into exactly the kind of broader questions that may seem remote but are not, about what impact the USS *Cole* and Somalia, et cetera, had on both our foreign policy and the attitudes of others abroad that may have all contributed to what happened on September 11. The breadth is very important.

We are trying to build a complementary structure because if you want to end this commission's work feeling that you asked every question that could have been asked about how September 11 happened, there would have to be a lot of questions about intelligence agencies but a lot as well about things that may seem remote, like commercial aviation policies or immigration policies. That is what the intent is.

I do want to respond to the second question, which is very important. It seems to me this commission will not be able to successfully complete its work unless it has full access to all the relevant documents in our Government. That is why we have required in the wording of the proposal that the various departments expeditiously respond to requests for security clearances by members of the commission and their staffs.

There was an earlier time when some criticized the idea for this commission, saying it might be a circus; I guess on the presumption that it would all be in public. That is not our intention.

Mr. THOMPSON. Do you provide for closed hearings?

Mr. LIEBERMAN. That is right. The legislation provides for closed hearings. It is my guess that most of the work of this commission, though not all of it, would be done in closed classified investigations. But some of it, hopefully, presumably, would be done

in public, certainly to engage public testimony at various points.

Mr. MCCAIN. I have one additional comment for my friend from Tennessee. One, I believe some of these hearings have to be held in a classified environment. There is just too much raw data out there. I believe the Warren Commission, in their investigations, held closed meetings as well.

I also want to say to the Senator from Tennessee, he was an integral part, as all of us know, in probably the most successful and best known investigation in this century. That, of course, was the Watergate committee. There are certain parallels, there are certain nonparallels, obviously, because we are dealing with different issues. But I know the Senator from Tennessee learned a number of lessons from the Watergate hearings. Those that apply to this legislation that he thinks could improve our efforts and get a better product—we now will have that vote on Monday, I understand—I would be eager to work up an amendment or amendments with the help of the Senator from Tennessee to bring this commission to the quality and level which would achieve the goals that we seek.

I would like to engage in those discussions, if we could.

Mr. THOMPSON. I appreciate that very much. I would ask, just narrowing down a little bit more, how do my colleagues see the work of this commission in relation to the work of the joint intelligence committee?

Mr. LIEBERMAN. Responding to the Senator from Tennessee—another very important question—it is the intention of the sponsors that the work of this commission build on and complement the work of the joint intelligence committee in investigating the events of September 11, 2001. The joint intelligence committee has done some very important work. It already produced some material, just yesterday released publicly, that was riveting and in its way raised an additional set of questions to be answered either by the committee and its later investigation or by this commission.

Again, the purview, the focus of the commission we intend to create is much broader and would build on what the joint committee on intelligence has done but then go into other areas we talked about: Defense, foreign policy, immigration policy, law enforcement, commercial aviation, et cetera.

Mr. THOMPSON. I say to my colleague, it seems to me the situation is basically this: We have concerns, some with regard to our intelligence community and our intelligence difficulties; some have to do with nonintelligence areas. We have talked about the area of diplomacy and action and reaction to attacks, for example. We have a committee that is about to wind up its work dealing with the intelligence area. I think many people are very concerned that they are not going to get to the heart of the issue.

Your commission would come along and overlay that and take up where that leaves off but would have quite a bit broader mandate. It makes me wonder whether you really could pick up where they leave off and do the same kind of job they would have done had they been in business for a while longer, which leads me to the additional question: Has my friend considered—I haven't discussed this with anyone because it just occurred to me—whether or not it might be wise to extend the inquiry of the joint intelligence committee? We placed an end-of-the-year limitation on this. We had the first, I guess you might say, substantive public hearing yesterday. We know about how much longer we are going to be around here from a practical standpoint in terms of Members.

I don't think anybody wants a result and a report that is totally staff driven. It is not even a permanent staff. It is a very good staff, assembled from various places. Some of us know who these people are and some of us don't. But on something this important, with this kind of time limitation, there is going to be an awful lot of uneasiness about all of that.

I have some uneasiness about the ability of this commission to just pick up from there and go on, when we are considering these other broad categories that perhaps need to be considered, either in a commission or otherwise. I am not sure. But one of the things that occurs to me—I don't see why we would shy away from putting it on the table and talking about it—is perhaps extending the joint committee's work into next year.

Mr. LIEBERMAN. Responding again to my friend from Tennessee, let me direct myself to the first part of your question. If this commission functions as its sponsors want it to, this national commission on terrorist attacks upon the United States, it will have the high-quality commissioners devoted to its work, as well as a large, first-rate staff that will have the capability both to pick up the work in the intelligence community and carry it as far as it can be carried forward to answer all relevant questions relating to the causes of September 11, but also to investigate the other subject matter areas we have talked about—diplomacy, law enforcement, aviation policy, et cetera.

Of course, the question of whether the Intelligence Committee investigation goes on is a separate question. And this commission idea stands on its own. I am encouraged, as I mentioned, that the chair and vice chair of the Intelligence Committee, Senators GRAHAM of Florida and SHELBY, both support the establishment of an independent commission. So I conclude they believe its work can be complementary.

Mr. THOMPSON. I thank my colleague. Does the Senator from New Jersey have a contribution to make?

Mr. LIEBERMAN. If I might first note the presence of the Senator from

New Jersey on the floor, he was an early, outspoken, and passionate advocate for an independent investigation—and I have another adjective—persistent. Acting separately, he introduced a bill with Senator GRASSLEY, and Senator McCAIN and I introduced another measure. We all agreed we have the same goals, and we put our two proposals together.

I thank him for his advocacy of this idea, and I am glad he is on the floor. I welcome him now to this discussion.

Mr. TORRICELLI. I thank my friend. Is the Senator from Tennessee controlling the time?

The PRESIDING OFFICER. The Senator has used his time. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Madam President, on September 12, 2001, I came to the floor of the Senate to suggest to my colleagues that the magnitude of what had happened to the United States of America in the terrorist attack required an independent analysis and establishment of a national commission of inquiry. I am proud to have led this effort, but it was not either my creation or principally my idea.

In New Jersey, a week after the terror of September 11, I began to hear from the widows and the families—simple Americans who believe in their country, pay their taxes, and felt secure behind our borders, recognizing that the United States is the most awesome military power ever assembled on the face of the earth. Intelligence and law enforcement services are larger here than in every other nation combined. Just 24 hours before, 19 men with \$250,000 had delivered the most devastating attack on these United States in our history.

Their inquiry of me as their Senator was simply: What do we tell our children? What are we to believe about our country and our Government that we were unable to defend our most vulnerable citizens; that thousands had been left dead and thousands were orphaned and lives will never be the same again? I did not have any answers to their questions, so I brought their questions to my colleagues.

It has been a long struggle to bring this commission to this point. I am more grateful than I can explain that Senator LIEBERMAN and Senator McCAIN have taken this effort to the point of legislation and possible adoption.

No one seeks to cast blame. No one seeks to unfairly lay responsibility upon those who may not deserve it. But something is wrong—370 days have passed, after thousands of lives were lost in a complete and total breakdown of the security of the United States of America, and I am unaware that one individual has been transferred, demoted, held responsible, fired, noted, or criticized. It cannot be that the security of the United States was breached, thousands of lives were lost, and every agency performed perfectly, everybody did their job, all 1 million Federal employees performed as expected.

Madam President, I cannot give that explanation to the hundreds of widows or orphans and parents and brothers and sisters in the State of New Jersey who have survived and dealt with the unimaginable. I do not simply hope that this commission is adopted, but that, on a bipartisan basis, Members of this Senate send an unequivocal message that this Government is accountable, its agencies are accountable, and the American people will get answers.

It is not that I have come to the floor with a suggestion that is somehow a compromise with our tradition or unusual in our practice. This commission will respond, exactly as every other generation of Americans has responded in every other crisis of similar or lesser proportions. This Congress demanded an answer from a commission about the reasons of the causes of the Civil War. They were still collecting bodies in the North Atlantic and this Senate went to New York and met in midtown Manhattan to get answers for how the *Titanic* could have sunk. The Depression was still ongoing when we demanded a commission for its reasons. And 11 days after Pearl Harbor, Franklin Delano Roosevelt, before the U.S. even counterattacked, wanted the American people to know how their Armed Forces had let them down. He would not allow American sons and daughters to die in a war until their parents knew what happened to our military, our preparedness, so their parents would know that their lives were in good hands.

Lyndon Johnson did no less after the Kennedy assassination, and President Reagan did no less after the *Challenger* accident.

None of these reports were perfect. It was always a painful experience. None of us ever want to admit that anyone in our Government, anyone in the service of our country did not perform perfectly. The truth is that terrible things happen even when people do perform well, and that may be the conclusion of this commission, as it has been with others. I don't know. But the truth is, no Member of the Senate knows either. Unless this commission is established, we will never know.

The simple truth is the Senate might reject this commission, the President may fail to sign it, or the House of Representatives may fail to adopt it. But that does not mean that there will not be a commission.

Sometimes justice is so overwhelming, a cause so obvious and powerful that you can delay it, but you cannot stop it. Defeat this commission today and it will be voted on next year or the next year—even if it is 10 years, even if it is 20 years. No event of this magnitude can happen in a country, inflicting this much pain, this much change in a society, without the accountability of its Government. Either the widows and the widowers and the parents of these victims will get this commission or their children will.

Either the Members of the Senate will establish this commission or our

successors will. But make no mistake about it, there will be answers. Something very wrong happened.

Somebody has to provide answers. First, we were told that a commission was impossible because it would interfere with the war in Afghanistan. What an extraordinary notion: A nation with a \$2 trillion budget, a quarter of a billion people, a million men under arms and confronting al-Qaida in Afghanistan prohibited us from using resources or personnel to conduct an investigation—an extraordinary notion, considering that Franklin Delano Roosevelt was willing to undertake an investigation while fighting the Germans and the Japanese with sufficient resources.

Then we were told this was better done in the Intelligence Committee—possibly a good explanation if the only issues of failures were in the intelligence community. What about immigration? How about the FAA? How about law enforcement? How about the coordination of policies to save the lives of those firefighters or police officers? How about 100 other Government agencies? This may be a CIA issue, but it is not only a CIA issue. Still the belief was this could be done in the Intelligence Committee. Only now the bipartisan leadership of the Intelligence Committee, Senator SHELBY and Senator GRAHAM, report to us that they cannot get cooperation from the necessary Government agencies to even conduct their limited review in this narrow focus.

How dare they. How dare anyone withhold information or cooperation from this Senate or the families of the victims who have demanded answers? How dare anyone.

Are there those in this Government who believe their principal loyalty is to their agency, the reputation of their bureau, someone in the bureaucracy rather than the people of the United States of America? Does it mean so much to be an agent of the CIA, an employee of the FBI, or the National Security Agency? Is that so important that you would withhold information from the American people in a search for justice for the United States of America?

I have served in institutions, and I believe in institutional loyalty, but that means nothing compared to loyalty to the United States of America. Yet we have the spectacle of the bipartisan leadership of our Intelligence Committee claiming they cannot get cooperation from the bureaucracy itself.

There are issues so large in this debate that they can only be settled by an overwhelming vote for this commission. It is about the accountability of the Government itself to the people. It is about many things, but most fundamentally it is that: Can the people of the country hold their Government and its agencies accountable? I do not know.

For one of the first times in my life, I am not sure the bureaucracy or its

components in the intelligence or law enforcement agencies genuinely can be monitored and controlled by the Congress of the United States. But we are going to find out because that is what this commission is about, more than anything else.

One year has passed. Billions of dollars have now been appropriated to deal with terrorism and homeland security. The Congress has been asked for the most sweeping reorganization of the Government in American history. There is not a Member of this Senate who in good conscience either cast these votes or can cast votes in the future without knowing the results of this inquiry. Spend \$10 billion, \$20 billion, \$30 billion. On what basis is the money spent? Is there a Member of the Senate who knows which agencies failed, which should be improved, which should be expanded, which should be curtailed, what new activities would make a difference? What is the sum of our knowledge of what happened on September 11? I do not know. More importantly, neither do the other 99 Members of the Senate, and they will never know until we know what happened, why, who failed and who succeeded, who met their responsibilities, and who did not.

Does this reorganization, the underlying legislation before the Senate, make sense for the country? Mr. President, I am going to be asked to vote upon that issue and, in good conscience, I cannot tell you. On what basis is this reorganization done? Because we have learned which agencies did not perform?

It is no different than the financial recommendations. There is not a Member of the Senate who knows which agencies were not in control, which were, which met their responsibilities, how a chain of command might have been different. Some day we will know but not without this commission.

What we are learning about the failures of intelligence and law enforcement since September 11 is shocking. Naming a national commission dealing with the realities of what happened is going to be a painful national experience.

We now know that the CIA had advised the FBI of the names of a hundred terrorists and to watch for their entry into the United States. They failed. We now know as early as 1998 intelligence agencies received information about Bin Laden planning an attack involving aircraft in New York and Washington.

We now know, as late as July 2001, the National Security Agency reported 33 communications involving a possible and imminent terrorist attack. We now know the U.S. Government was put on notice by foreign intelligence agencies and our own of the possibility of such attack.

This will be a painful national experience—painful for the country, painful for the families. But this problem is not going away. Time will not heal it.

The distance between ourselves and the events will not lessen the intensity of the need or the demand for the inquiry.

I want nothing but the truth for the families, the communities in my State of New Jersey which have suffered so badly, and mostly for my country. The U.S. Government failed our people. It does not mean that we are not a good people or that this is not a great Government, but good and great governments learn by experiences and their failures. We can be a better country better able to protect our people with a more accountable Government, with intelligence and law enforcement agencies that understand their responsibilities and their needs based on this process.

It will be a painful process of growth, but it will happen. We will learn how it is that the FBI, given all these warnings, could not have had people who were possibly trained in Arabic translation, how piles of documents may have accumulated having never been analyzed. We will learn how information about flight schools and the possible warnings of the ill intent of its students never came to proper attention.

We will learn how over the course of years a conspiracy was built, signals were received, but we were unable to see the dimensions of a plot that would so change our country.

Put aside your loyalties to institutions. Put aside your commitment to individuals. This is not about the bureaucracy. We have passed the point of being able to preserve the reputations of agencies that failed our country. It is no longer about them. It is about the accountability of the United States Government. Whoever is found at fault, whoever is found to have performed their duties, it is time to face the truth.

This is the issue that will never go away. This is the one part of the Government, the formation of an independent commission on September 11, 2001, that will happen no matter what we do, no matter how we vote, or whatever is said. It is as inevitable as tomorrow morning's sunrise because the cause is so powerful, so just and so necessary.

Give those few widows, parents, and children the one thing they have been demanding. Writing them checks will not change it. Laying wreaths will not change it. Prayers will not change it. They are asking for an answer. They want an answer, and so do other Americans. And I intend to get it for them. I intend to get that answer. I hope it is today.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from New Jersey for his comments. I used the words "passionate" and "persistent" to describe his advocacy of an independent inquiry into the events of September 11. He has brought that pas-

sion and eloquence to the floor today. We will persist together, in growing numbers in this body, until the questions that he asks, that the families are asking, are answered. He is right, there is an inevitability to this idea, but "inevitable" can be a long time. We have to make it happen sooner rather than later, and the adoption of this amendment will do just that.

I do want to say to my friend from New Jersey, he raised a question about the underlying bill—I know it was done in the context of what he was saying. I do want to assure him, which I know he knows, that the underlying proposal for the Department of Homeland Security does derive from the Hart-Rudman Commission, which saw these vulnerabilities before September 11, and called for a new department, and the National Commission on Terrorism—the Bremer Commission did the same—and from the various hearings of our committee. So I think there is an ample record that cries out for the establishment of a Department of Homeland Security, but as I have said all along in this debate, this is our first best effort to create such a department.

It will be, in my opinion, hope, and belief, measurably improved over time, by experience but also by the results of the inquiry that this amendment will create because the more we know about how September 11 happened, the better we will be able, through this new Department of Homeland Security, to make sure it never happens again.

This morning, I spoke to one of the family members of someone who was killed in New York on September 11, and she said that sitting at the hearing of the joint intelligence committee yesterday, hearing the staff director report on findings to date, forced her to a conclusion that she did not want to reach; that the attacks were preventable.

I am not one who believes that another September 11 type of attack is inevitable. It is not. We all know that if somebody is crazy enough to strap explosives around their waist and walk into a crowd, it is hard to stop that; but even that, with proper intelligence and infiltration of terrorist groups, can be stopped. A terrorist event as large and as comprehensive as September 11, involving all of the context it had with financial resources, with aviation, with Governmental agencies, immigration and otherwise, when one considers all the money we are investing every year in satellites and conversation surveillance devices, that should have been noted and prevented, and that is the aim of the commission and the department, to make sure that September 11 never happens again.

The Senator from New Jersey made reference to the *Titanic*. I will share with my colleagues very briefly an excerpt from an article that appeared in the New York Times on September 11, 2002, just last week, on the first anniversary of that day. It is written by Jim Dwyer, and it says:

Of course the country had to understand what went wrong. One of the largest structures ever built had failed, at a terrible cost in lives. When warned of danger, those in charge had shrugged. Many died because the rescue effort was plagued by communication breakdowns, a lack of coordination, failure to prepare.

These findings on the sinking of the Titanic entered the public record after the Carpathia docked at the Chelsea piers in Manhattan on April 18, 1912, with the 705 survivors plucked from the North Atlantic. Starting the next morning at the Waldorf-Astoria, the barely dry witnesses provided a rich body of facts about the accident, the Titanic, the maritime practices to the United States Senate Commerce Committee, which held 18 days of hearings. Their testimony gave form to a distant horror, shaping law and history. No inquiry remotely similar in scope, energy, or transparency has examined the attacks of last September 11, the devastating collapse of two of the world's tallest structures, the deaths at the Pentagon, or on United Airlines flight 93 in Pennsylvania. A handful of tightly focused reviews have taken place mostly in secret, conducted by private consultants, or by Congressional committees.

One year later, the public knows less about the circumstances of 2,801 deaths at the foot of Manhattan in broad daylight than people in 1912 knew within weeks about the Titanic, which sank in the middle of an ocean in the dead of night.

That hardly seems possible, considering that 9/11 iconography has been absorbed into everything from football pageants to pitches by speakers peddling lessons in leadership. And yet, says John F. Timoney, once a senior police commander in New York and the former police commissioner in Philadelphia, the events of September 11 are among the most rare in American public life: true catastrophes that have gone fundamentally unscrutinized.

"You can hardly point to a cataclysmic event in our history, whether it was the sinking of the Titanic, the Pearl Harbor attack, the Kennedy assassination, when a blue-ribbon panel did not set out to establish the facts and, where appropriate, suggest reforms," Mr. Timoney. That has not happened here."

That is the dreadful gap and omission that this amendment aims to fill. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, my colleague is very eloquent in the promotion of his cause, which is the creation of this commission. I appreciate the response of Senator LIEBERMAN and Senator MCCAIN to the concerns I have. I appreciate the offer they have made to work with us to see if we go in this direction and make sure we can put forth our best effort. I suppose I look at the whole endeavor a little bit differently than my friend from Connecticut.

Probably the best reason for going forward with some additional activity, whether extension of the joint committee or creation of a new commissioner, is not necessarily because we can do something that will prevent future catastrophes. I wish we could. But there is too much hate and too much technology in the world to be able to ever guarantee our citizenry that we

can do that. It is not that we can even resolve the issue. Tragedies have happened before in this country, and we are still debating what happened or what did not happen.

It is a matter of doing what we can to find out what happened in the best way possible. It is a matter of simple justice. We owe it to the people involved. We owe it to the American people. We owe it to ourselves. We owe it to our world to do the best we can to do all those things to make it a little more preventable, to resolve key issues, do the best we can. It is the right thing to do. It is a matter of simple justice—not that there will be a pot of gold at the end of the rainbow.

I have become more realistic as I look into these things. When I hear about the "connecting of the dots," we should have been able to connect these dots, or this is preventable, what I know is these dots were in a sea of dots, a veritable sea of dots. The problem we had with regard to September 11 is not just the fact we did not have the analytical capability there at that time, before that time, in order to put this together, but for a long time now we have lost our ability, analytically and technologically, to pull together these disparate facts. Technologically, we ought to be able to evaluate the disparate facts and put our computers to work and get analyses and estimates as to what is likely to happen.

It will be a long, drawn-out deal. We did not get there overnight, and we will not get a solution to it overnight. Even if we do everything right, we are never going to be totally safe. There is too much hatred, too much fanaticism in the world, and too much high technology. It is too easy for those things to come together. We will have to be vigilant for the rest of our lives and the lives of our children and our grandchildren—and spend a lot of money and have a lot of effort.

The idea that we can come together and have a little investigation or have a commission, and we can tell the American people and those tragic victims who lost loved ones, and imply we are going to find out exactly what happened, we will prevent this thing from happening again—I wish that were true. I don't think it will be.

As I said, we need to do what we can. We need to do as much as we can. What we are struggling with is trying to determine the best way to do that and the best forum. We should not be afraid.

People say it is not a blame game. Of course, it is a blame game, to a certain extent. Why shy away from assessing blame if there is blame to be assessed? We are talking almost 3,000 lives here. That is part of it. Prevention is a part of it. But also a very important part of it is doing what we can to assess the nature of the problem so that we are as strong as we can be—not that we can prevent any potential problem, but be as strong as we can be. That is what I think my friend is trying to do with

this commission. I appreciate that effort.

I want to continue to study this bill, this amendment.

I want to talk to my friends who support this amendment between now and the time we vote. I want the opportunity to discuss our process with my colleagues.

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 the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no more rollcall votes tonight.

Mr. GRASSLEY. Mr. President, I rise to support Senator LIEBERMAN's amendment establishing a National Commission on Terrorist Acts Upon the United States. This amendment would direct the new independent commission in both investigation of the facts and circumstances relating to the September 11 attacks, and evaluation of the lessons learned from the attacks regarding the Federal Government's abilities to detect, prevent and respond to such attacks. Further, the bill empowers the commission to hold hearings, collect relevant materials and subpoena witnesses for the purpose of studying the systemic problems within the intelligence and law enforcement communities and to discover what part these problems played in the September 11 attacks. I support this amendment with the expectation that the recommendations coming from this commission will assist us in strengthening our national security by improving our intelligence and law enforcement as well as our intelligence efforts. We need to do everything possible to make sure that this type of attack never happens again.

As we learn more from the investigation into the September 11 attacks, it is increasingly evident that there are many barriers of communications between the several agencies involved in the battle against terrorism. I have been concerned about this problem for a number of years. There is no place for jurisdictional battles and unnecessary statutory barriers when America's security is at risk. We also need to determine where our national security shortcomings are, and what can be done to remedy them, so that we can look at potential legislative initiatives or the appropriate allocation of resources.

Make no mistake, this commission will not be a witch hunt. We are not trying to place blame. Our goal in creating this commission is to find the best way to make our law enforcement and intelligence the best that it can be.

Although I support this amendment and the general idea of a commission

for this purpose, I would like to note that I have concerns regarding the changes to the composition of the commission. Focusing on the party affiliation of the officials who select the commission members unnecessarily politicizes the commission's work. This commission should be staffed by men and women with knowledge and expertise necessary to develop solutions that will prevent further terrorist attacks.

That having been said, I would like to reiterate the importance of this amendment and the need for an independent commission that will dedicate its time to fleshing out these problems and in turn allow us to prevent further attacks and most importantly to protect the American people.

Mr. MCCAIN. Mr. President, more has changed in the last year than any of us, 1 year ago, would have cared to imagine. It was on a September day not unlike this one that terrorists committed mass murder in America, transforming forever the way we think about our security and our role in the world. One year later, we are in the midst of restricting our entire apparatus of Government to protect against future acts of terror in our homeland. But we have yet to comprehensively assess what went wrong last September 11—how our defenses failed us, why our worldwide intelligence network did not provide us warning of imminent attack, how terrorists operated and trained within our borders, how policy decisions may have made the events more likely, and how various Government agencies failed to analyze information in their possessions that could well have provided us a blueprint of the terrorists' intentions.

The anniversary of September 11 is past us, and with it the celebration of heroism and sacrifice that will forever mark that day. Now is the time to take a harder look at the other side of that tragic event: the utter failure of the United States Government to predict and prevent the slaughter of Americans in America's greatest city.

The September 11 attacks were incredibly depraved but not, as it turns out, unimaginable. As early as 1995, an accomplice of Ramzi Yousef revealed that the mastermind behind the 1993 World Trade Center attack intended to plant bombs on 12 U.S.-bound airliners and crash a light plane packed with explosives into CIA headquarters. The accomplice had trained as a pilot at three separate U.S. flight schools. In 1999 the Library of Congress prepared a report for the National Intelligence Council warning that al-Qaeda suicide bombers "could crash-land an aircraft packed with high explosives" in the Pentagon, the CIA, or the White House.

Two months before the September 11 attacks, Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists had enrolled in an Arizona pilot training school. He urged the FBI to begin investigating whether other U.S. flight schools might be training terrorists to fly. His prophetic warn-

ings went unheeded. Similarly, FBI agent Coleen Rowley, whose efforts to have the FBI and CIA investigate hijacker Zacarias Moussaoui were rebuffed, believes such an investigation could have uncovered the terrorists' plot in the weeks before the attacks.

Yesterday, the joint congressional intelligence committee reported that U.S. intelligence received a number of reports indicating that terrorists were plotting to use planes as weapons and planning to attack domestic targets. According to the committee, U.S. intelligence learned in August 1998 that a "group of unidentified Arabs planned to fly an explosive-laden plane from a foreign country into the World Trade Center." This information was given to the FBI and the FAA, which took little action.

CIA Director Tenet told the intelligence community in December 1998 that "We are at war," and "I want no resources or people spared in this effort." According to the joint committee, "Despite the D.C.I.'s declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11, 2001." The committee's report continues: "By late 1998, the intelligence community had amassed a growing body of information—though general in nature, and lacking specific details on time and on place—indicating that bin Laden and the Al Qaeda network intended to strike within the United States, and concern about bin Laden continued to grow over time and reached peak levels in the spring and summer of 2001, as the intelligence community faced increasing numbers of reports of imminent Al Qaeda attacks against U.S. interests. . . ."

According to the congressional investigators, senior government officials in July 2001 were briefed on the threat in the following language: "Based on a review of all source reporting over the last five months, we believe that [Osama bin Laden] will launch a significant terrorist attack against U.S. and/or Israeli interests in the coming weeks. The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning." National Security Agency intercepts on September 10th warning in Arabic that "The match is about to begin" and "Tomorrow is zero hour" went untranslated until the attacks, when their meaning became all too apparent.

Asking for, urging, and demanding answers for why various agencies of the Federal Government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected Federal officials. As is the responsibility for understanding why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is responsi-

bility for questioning Congress' inability or unwillingness to exercise more diligently its oversight responsibilities for those agencies. As is the expectation that officials who did not competently discharge their responsibilities be held accountable.

Congress is on the verge of creating a Department of Homeland Security that constitutes the largest reorganization of the Federal Government in many of our lifetimes. But there has been no comprehensive diagnosis of the state of our preparedness for terrorism prior to last September, no proper analysis of the security loopholes in our immigration and airline security organization that provided the terrorists with the access they needed to kill Americans; no systematic review of the failure of Government agencies to analyze and share information on the terrorists' planning that coordinated analysis could have revealed prior to the attacks; and no formal assessment of the consequences of policy decisions dating back years that led to a climate in Afghanistan in which a terrorist network could train and flourish, with consequences that need no retelling.

We need an honest search for answers, so that we and the people we represent can arrive at fair conclusions about what went wrong and develop ways to repair it. The independent commission we are proposing to look into these and all matters concerning our vulnerability and our initial response to the attacks would provide a blueprint for reform of the way we defend America. The insights of a blue-ribbon panel of experts, removed from the pressures of partisan politics, would add to the reforms we are making with creation of a Homeland Security Department by highlighting additional areas where the way our Government is organized have made us vulnerable.

Eleven days after the attack on Pearl Harbor, President Roosevelt mandated an investigation into how such tragedy could have struck an unknowing America. Ultimately, four different major panels appointed by the President and Congress investigated this "Day of Infamy." Seven days after President Kennedy was murdered, President Johnson appointed a commission of distinguished leaders to investigate the assassination. The independent commission we are proposing would carry on this requirement for answers, which has gone unquestioned and been deemed necessary in previous crises of this magnitude.

There is a crisis of confidence in America today. Americans are more proud than ever to be American. But large percentages deeply distrust the institutions that shape our daily lives—the Federal Government, corporate America, the Church. Corporate corruption, the scandals of campaign financing and corruption of the political process have deprived many Americans of the sense that they have a stake in the way they are governed. In

the same way, I believe the lack of a fundamental accounting for the greatest tragedy in the Nation's history—one that touched all Americans and permanently altered the way we live and think about ourselves—is another source of alienation and insecurity.

I do not believe the administration and the Congress have given the American people reason to be confident that we no longer remain vulnerable to terrorist attack, despite the admirable leadership our President has shown in prosecuting the war on terror, and despite the important work of Congress to create a Department of Homeland Security. The congressional intelligence committees have been conducting a very limited investigation into the intelligence failures related to September 11 and even this narrow inquiry has been sidelined by staff disputes that disrupted its operations and an FBI investigation into leaked material. Strangely, the FBI is now investigating the same people who are investigating the FBI. Indeed, until this week the joint committee has not held any open hearings. Ranking Republican Senator SHELBY in particular has been outspoken in criticizing its lack of progress before it goes out of existence when the 107th Congress adjourns.

Both Senator SHELBY and joint committee co-chairman Senator BOB GRAHAM support the establishment of an independent commission to carry on the work performed by the congressional intelligence investigation they helped to lead. I am pleased that a number of the Senate members of the joint congressional intelligence committee have endorsed our proposal to establish a panel that would build upon their work. The rationale for an independent commission seems indisputable if the very leaders charged with a more narrow inquiry do not believe their own investigation met the necessary standards to authoritatively report on and learn from our past failures.

Many in Congress and the administration voiced concern last year that an independent investigation into September 11th's causes and consequences would interfere with Congress' investigation into these matters. With Congress planning to adjourn very soon, the congressional investigation represents only a first step into the intelligence and other failures that gave the terrorists their opening. The independent commission Senator LIEBERMAN and I are proposing would explicitly build on the work of the congressional investigation and would go far beyond it by examining Government practice and policy in a host of other areas, including foreign policy, border control, aviation security, and law enforcement.

Americans deserve answers after the events of September. This issue rises above politics, as the families and friends who lost loved ones will attest. Indeed, a commission would remove the issue from the political realm and

serve the needs of both the administration and Congress by providing a blueprint for action, above and beyond any conclusions the joint congressional intelligence investigation may draw from its limited review.

Leaders of the joint congressional investigation into the intelligence failures of September 11th have said the attacks may well have been preventable, based on everything we have learned since then about what we knew and how it fit together in a way that formed a blueprint for attack. I find it unfathomable, and frankly unacceptable, that we would accept that we could have prevented the attacks, but in the same breath say we should move on. We should move on—after we have answered all the lingering questions about why we were neither prepared nor organized to meet the challenge of terrorism, and after we have made the kind of reforms that only a panel of distinguished experts separated from politics could propose.

An independent inquiry will not impose a serious burden on the administration as it prosecutes our just war on terrorism, any more than a similar inquiry after Pearl Harbor impeded Franklin D. Roosevelt's prosecution of World War II. Nor should it prevent members of Congress, the press, or any American citizen from questioning or criticizing the Government's apparent failures over the course of successive administrations. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one's supreme interest. But it is not responsible or right to shrink from offering thoughtful criticism when and to whom it is due, and when the consequences of incompletely understanding failures of governance are potentially catastrophic. On the contrary, such timidity is indefensibly irresponsible especially in times of war, so irresponsible that it verges on the unpatriotic.

Two years before the attacks, the distinguished Hart-Rudman Commission on national security warned that as a result of the threat of catastrophic terrorism, "Americans will likely die on American soil, possibly in large numbers." Congress and successive administration ignored the commission's recommendations for reform to defend against this threat—many of which are now embodied in the homeland security legislation we are considering this week. We shouldn't wait for the next attack to investigate what more we need to do to protect the American people.

Until we have comprehensive assessment of needed reforms across the spectrum of our Government, based on what went wrong last September, we will not be prepared to predict and prevent the next attack. Americans need answers. I urge my colleagues to join

us to create a commission that will tell them the truth—and put in place the protections that will prevent future generations from judging us for abdicating our responsibility to that truth.

Mr. THOMPSON. Mr. President, I have been asked by Senator HATCH to request unanimous consent that Senator SCHUMER be removed as a cosponsor of amendment No. 4693.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:56 p.m., recessed subject to the call of the Chair and reassembled at 7:13 p.m., when called to order by the Presiding Officer (Mrs. MURRAY).

DOMESTIC NEEDS

Mrs. BOXER. Madam President, I want to thank publicly the majority leader, TOM DASCHLE. Yesterday, Leader DASCHLE took to the floor and talked about something that, frankly, is just not talked about by this administration, and that is the very sad state of our economy. Somebody needs to focus on that because, while we must devote much of our time to the war against terrorism, while we must devote much of our time to figuring out the best way to meet the threat that Iraq poses in terms of her weapons of mass destruction and the frightening prospect of those weapons being used, while we address those issues, I think we know very well that an administration must also pay attention to domestic needs, to the job needs, the educational needs, the health care needs. We must do both things in a great nation like this.

So as the Democratic leader made his statement yesterday, it is stunning to see that, in some categories, this economy under this administration is the worst we have seen in more than 50 years. It is very serious. We must address it. We must have a plan to address it. We must look back at the success of the Clinton administration and other administrations, Democratic and Republican, which had good economic records. We are seeing record stock market losses because there is a loss of confidence. There is a decrease in earnings and there are massive layoffs. We have seen a maiming or loss in private sector jobs—the worst in 50 years—and the weakest economic growth in 50 years.

Madam President, I hope this Senate will take care of the two most important things we could do: Foreign policy concerns and also domestic concerns, with a prime focus on this economy and turning it around and giving Americans the kind of confidence they had in the 1990s. That was a good time for America.