

this would be taken care of. Nonetheless, this has occurred. There is no reason the Senate should not take up and consider this bill without further delay.

Again, had the representative of the majority stayed, I would have asked whether there was a time when they would expect to be ready for action. I will find other ways to ask the other side to work with me to pass the bill. I took the comments of the Senator from South Carolina in good faith that he has spoken to the leadership and that they are willing to work with us. I hope we can sit down and work this out as soon as possible to ensure that the U.S. Government accounts for what happened so many years ago.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from North Carolina.

#### THE CAROLINA PANTHERS

Mrs. DOLE. Mr. President, when Jerry Richardson founded the Carolina Panthers 9 years ago, he said his goal was to be in a Super Bowl within 10 years. After upsetting the Philadelphia Eagles recently, this dream has become a reality. But the dream is not over, of course. There is one more hurdle the Panthers must clear.

Today I salute Jerry, Coach John Fox, and the Panthers players for giving North Carolinians a season with a fairy tale ending. When Coach Fox arrived in 2002, the Carolina Panthers were 1 and 15. This turnaround has been nothing short of miraculous, and it is not just the fact that the Panthers have made it to the Super Bowl but how they got to Houston.

The Panthers are called the "Cardiac Cats" because 10 of their victories have been achieved by 6 points or less, and they have won 4 of their 5 overtime games this season.

All over the State, "Go Panthers" signs adorn buses, mailboxes, and cars, and those black and blue jerseys have become the fashion craze of the day. Even Coach Fox had to comment on the groundswell of fan support after about 10,000 of them—10,000, Mr. President—showed up on a blustery day as the team left for Houston. "It makes you proud," he said.

Charlotte Observer columnist Danny Romine Powell wrote recently:

A team has transformed a city into Mount Olympus. We're eating ambrosia with the gods.

How true, indeed. I want the Panthers to know that this Senator is coming to Houston, and I can't wait to watch the "Cardiac Cats" shock the world with a victory. In fact, I have

challenged my friend and colleague, Senator TED KENNEDY, to a friendly wager. I am putting up our famous North Carolina barbecue against his New England clam chowder.

I love something that Coach Fox tells his team each week. He says:

We will define ourselves. No one else is going to do that for us.

It is a motto that stands true for all of North Carolina. Earlier this week, late night host David Letterman cracked:

Who knew Carolina had a team.

I daresay that after Sunday the world will know.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMERICA'S INTELLIGENCE-GATHERING APPARATUS

Mr. DORGAN. Mr. President, this morning and part of this afternoon Mr. David Kay who was the top U.S. weapons inspector in Iraq until he resigned last week testified before the Armed Services Committee.

Mr. Kay has been interviewed extensively on media programs, including the "Today" show, and interviewed by Reuters, and others, so I have read a substantial amount of what he has said. And I listened today to his testimony, at least in part, before the Senate Armed Services Committee.

The debate that has gone on, and I suspect the debate that will ensue from his testimony today, will perhaps be a debate about whether the right decision was made when this country decided to embark on this mission in Iraq with United States troops, which has resulted in the elimination and removal of Saddam Hussein as President of that country. In many ways, I think that is not the most relevant debate to have at this moment. I think the debate to have at this moment is on what the implications of what Mr. Kay has said to us are for the safety and the security of this country, and what its implications are for the ability of this country to understand where dangers exist around the rest of the world, and where our national security is at stake.

Let me see if I can paraphrase some of what Mr. Kay has said. He told the Armed Services Committee that the failure to turn up weapons of mass destruction in Iraq has exposed weaknesses in America's intelligence-gathering apparatus.

Is there a time in which our intelligence-gathering apparatus has been more important to this country than this particular time?

In the shadow of 9/11/2001, with the prospect of terrorists wanting again to commit an act of terror in this country, we are required to accept the judg-

ment of our intelligence community: the best intelligence we have available to us that this is a threat or that is a threat. Now Mr. Kay says that what we believed about Iraq's weapons was almost all wrong. And I certainly include myself here. And he says the intelligence community has failed, quote, unquote, the President.

Well, look, if the intelligence community has failed—and it seems clearly to have failed in a significant way—then it has failed not only the President of the United States, it has failed this Senate, and it has failed the people of the United States.

I, and all of my colleagues, have sat in the Intelligence Committee room here in the Senate. That very special room, which is designed for top secret briefings, is a room in which all of us have had top secret briefing after top secret briefing from CIA, from Condoleezza Rice, the National Security Adviser, and from others. In that room, eyeball to eyeball with our intelligence community, we have been told certain things that they believe to be true with respect to a threat—the threat from Iraq, the threat of weapons of mass destruction, and others.

If, in fact, there is a failure—and it appears to me that there is a failure; the top weapons inspector says there is a failure—if that failure exists—and it does—then it is a failure not just for the President of the United States, it is a failure for this country and for this Senate.

All of us, then, had been told, face to face by our intelligence community, what they expected to be the case in Iraq, and it turns out not to be the case.

Now, do people have a right to be wrong? Yes, they do. But we spend billions and billions and billions of dollars on intelligence, and if this country—in the aftermath of the terrorist attacks of 9/11, and confronting the prospect of future terrorist attacks—does not have an intelligence community that gives us great confidence, then we are in trouble.

I would think the President, and certainly this Congress, should demand to know what happened. We ought to seek answers. There has to be accountability. Where does the buck stop?

If, in fact, we have had a failure of our intelligence community—again, not my words, the words of Mr. David Kay, the top weapons inspector; words he uttered today before the Armed Services Committee, words he uttered in interview after interview—if there is, in fact, a failure, then we ought to demand immediately to understand: What was the failure? How did it occur? Whose responsibility was it? And, most importantly, how do we fix it on an urgent basis?

Let me read some of the quotes. I will not read the quotes from today's hearing because I do not have them all, although I was able to listen to much of the hearing.

But this is from Mr. Kay's appearance on the "Today" show, which I

watched with great interest. He was asked on the "Today" show about the presentation before the United Nations of Secretary of State Colin Powell. As you know, we received top secret briefings, and then we received briefings in other venues from the Vice President, from Condoleezza Rice, and others in the administration. Following those briefings, the Secretary of State made a lengthy presentation to the United Nations, and he set out chapter and verse, including pictures and charts, of the threat that existed.

I want to read to you the question that was asked:

Almost a year ago Secretary of State Colin Powell addressed the United Nations. Here's what he had to say.

Then they showed a tape of Secretary Powell at the U.N. saying, "[Our] conservative estimate [is] that Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agents." The interviewer then asked Mr. Kay: "Is that conservative or is it just plain wrong?"

Mr. Kay responds: No, I think that was the estimate based on information and intelligence before the war. It turns out to be wrong, just wrong.

Next question: So what was the problem with the intelligence? Why were we so wrong?

Mr. Kay said: Well, don't forget, Iraq is not the only place we have been wrong recently. We have been wrong about Iran. We have been wrong about Libya's program. We clearly need a renovation of our ability to collect intelligence.

The question was asked: Here is what you said to Tom Brokaw: "Clearly the intelligence we went to war on was inaccurate, wrong. We need to understand why that was. If anyone was abused by the intelligence, it was the President of the United States rather than the other way around."

My point is simple: If anyone was abused in this country by bad intelligence, by inaccurate intelligence, it is not just the President, it is Members of the Senate who sat eyeball to eyeball with our intelligence officers and with those who run our intelligence community who told us what they believed to be the case, which turns out now not to be accurate. The American people were failed. The Senate was failed. To use another word Mr. Kay used, the President was failed.

So why is it the case that we don't see someone standing on the tallest stump saying: There is something wrong here. We need to get to the bottom of it, and now. This country's security depends on it.

Today somewhere someone is assessing intelligence picked up over telephone lines or computer transmittals or any number of ways to evaluate what is happening with terrorist cells. Where might they be planning to attack us. What might the attack be when they attempt to enter this country once again and kill Americans. Well, that same intelligence commu-

nity that has been so wrong, according to Mr. Kay—and I think now according to most Members of the Senate who would assess that—are they the ones still analyzing this?

My question is where is the accountability? I think the President and the Congress ought to join together in a common bond and common interest to demand how this happened. There isn't any question that we ought to have a completely independent commission evaluating and studying and investigating this right now. There ought to be an independent investigation right now. I hope finally the Congress will do that.

Second, I believe next week, Mr. Tenet, Condoleezza Rice ought to be invited to the intelligence room and all 100 Senators ought to hear their response to this proposition that the intelligence community has failed us. This isn't a politician speaking. This is a top weapons inspector who just came from Iraq. This is Mr. Kay.

I remember when Mr. Kay was appointed with great fanfare. This is a straight shooter, a tough guy, no nonsense. He went to Iraq. He came back, and he finally quit. He said there weren't weapons of mass destruction. The intelligence was bad. The intelligence community failed this President. He forgot to say, failed this Congress and failed the American people.

I am telling you, whether it is tomorrow or next week or next month, this country's security and safety rest on good intelligence. If we have questions about an intelligence community that Mr. Kay says has failed us and if we don't, with great urgency, rush to find out what happened with an independent evaluation, shame on us.

This isn't about politics. It is about the safety of America. It is about being effective in the fight against terrorism. It is about having an intelligence community that works, that gets it right, and that doesn't fail this President or this Congress or this country.

I hope Senator FRIST and Democratic leader DASCHLE will ask Mr. Tenet to come to room 407 and address all 100 Senators and answer all of the questions of the Senators that stem from this testimony of the top weapons inspector who has said our intelligence community failed us. We ought to do that, and we ought to do it now. Days, weeks, or months should not go by without us having answers to this question. It is easy to be critical. It is much more difficult to be constructive. It is not being critical for Mr. Kay, the top weapons inspector appointed by President George W. Bush, to come to this Congress and tell the truth. When he tells the truth, we have a responsibility to follow that truth wherever it leads.

There are some here who don't want to do that. They are worried about politics. It doesn't matter who is President. We have an intelligence community on which we spend a great deal of money. In fact, the amount is classified

information. The American people should trust me when I say we spend a substantial amount of money on intelligence. The security and safety of this country and the American people rests on our ability to make sure that money is spent wisely in an intelligence community that gets it right and provides good information to this country. We cannot any longer decide this is business as usual, one more hearing, one more set of questions that remains unanswered.

Saddam Hussein is gone, and the world is better for it. Saddam Hussein was a bad guy. We opened up football-field-sized graves in Iraq with tens of thousands of skeletons of people murdered by this regime. That is a fact. Saddam Hussein crawled into a rat hole. That says a lot about him. He is now in jail, soon to be on trial, perhaps soon to meet with the ultimate penalty. This is not about Saddam Hussein. This discussion is about whether this country is able to protect itself from a terrorist attack a month from now or a year from now. Do we have an intelligence community that gets it right? Mr. Kay seems to say no. That community has failed us. He says they have not just failed in Iraq, they have gotten it wrong in Libya and Iran. We need a renovation of our ability to collect intelligence.

Incidentally, Mr. Kay, former top weapons inspector of this President, said this morning he favors an independent commission to take a look at and investigate the failure of the intelligence community. I hope we will move with great haste to embrace that recommendation. It is not just his recommendation. Senator DASCHLE and others have made that same recommendation in the Senate.

We need to move with great urgency. This is about the safety and security of our country.

My colleague from Florida is on the floor and wishes to speak to an issue. Time is short. We have an urgent requirement to pursue this issue. I call on Senator FRIST next week to give all of us here in the Senate the opportunity to hear and question Mr. Tenet, head of the CIA, as well as Condoleezza Rice, National Security Adviser. We should have that opportunity because they, in top secret briefings, gave us information. They represented the intelligence, the community of intelligence and the assessment of the intelligence community prior to going to war in Iraq.

That assessment is what Mr. Kay refers to when he says there was a failure. The assessment that apparently was accepted—perhaps embraced, certainly embraced—by the Secretary of State when he went to New York and made his presentation to the United Nations was a failure of intelligence. I think the Secretary of State would want these answers. The President certainly needs these answers. He should demand it this afternoon. The Senate deserves these answers next week at the very latest.

I call on Senator FRIST to convene a meeting next week of the 100 Senators in our Intelligence Committee room so we can question and hear from the head of the CIA and the head of the National Security Council, Mr. Tenet and Ms. Rice. Mr. Tenet and Ms. Rice ought to present themselves, and we should begin this process of finding out what happened. Why did it happen. Who is accountable, and where does the buck stop.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Florida is recognized.

#### NEW INFORMATION ON IRAQ'S POSSESSION OF WEAPONS OF MASS DESTRUCTION

Mr. NELSON of Florida. Mr. President, I express my appreciation to the Senator from North Dakota for the case that he has made, which has been very disturbing to us as two Senators, because the information we have received over the last several days causes us not only to scratch our heads but to shake our heads—that the intelligence we received in the secure rooms of this Capitol complex was either so faulty that we are in a considerable degree of vulnerability, that we are not getting accurate information upon which to defend this country, or that the information that was presented to us was faulty not because of the sources of that information and the analysis but there was some suggestion of coloring that information to reach a certain conclusion.

I think this is far beyond Republicans and Democrats. This is about defense of the homeland. This is about America. Just because this has come up in January of an election year, with Dr. Kay coming forth and telling us today in the Armed Services Committee that he concluded this last November, then it is sure time for us to get some answers for the protection of this country and its people.

I want to take this occasion to inform the Senate of specific information that I was given, which turns out not to be true. I was one of 77 Senators who voted for the resolution in October of 2002 to authorize the expenditure of funds for the President to engage in an attack on Iraq. I voted for it. I want to tell you some specific information that I received that had a great deal of bearing on my conclusion to vote for that resolution. There were other factors, but this information was very convincing to me that there was an imminent peril to the interests of the United States.

I, along with nearly every Senator in this Chamber, in that secure room of this Capitol complex, was not only told there were weapons of mass destruction—specifically chemical and biological—but I was looked at straight in the face and told that Saddam Hussein had the means of delivering those biological and chemical weapons of mass de-

struction by unmanned drones, called UAVs, unmanned aerial vehicles. Further, I was looked at straight in the face and told that UAVs could be launched from ships off the Atlantic coast to attack eastern seaboard cities of the United States.

Is it any wonder that I concluded there was an imminent peril to the United States? The first public disclosure of that information occurred perhaps a couple of weeks later, when the information was told to us. It was prior to the vote on the resolution and it was in a highly classified setting in a secure room. But the first public disclosure of that information was when the President addressed the Nation on TV. He said that Saddam Hussein possessed UAVs.

Later, the Secretary of State, Colin Powell, in his presentation to the United Nations, in a very dramatic and effective presentation, expanded that and suggested the possibility that UAVs could be launched against the homeland, having been transported out of Iraq. The information was made public, but it was made public after we had already voted on the resolution, and at the time there was nothing to contradict that.

We now know, after the fact and on the basis of Dr. Kay's testimony today in the Senate Armed Services Committee, that the information was false; and not only that there were not weapons of mass destruction—chemical and biological—but there was no fleet of UAVs, unmanned aerial vehicles, nor was there any capability of putting UAVs on ships and transporting them to the Atlantic coast and launching them at U.S. cities on the eastern seaboard.

I am upset that the degree of specificity I was given a year and a half ago, prior to my vote, was not only inaccurate; it was patently false. I want some further explanations.

Now, what I have found after the fact—and I presented this to Dr. Kay this morning in the Senate Armed Services Committee—is there was a vigorous dispute within the intelligence community as to what the CIA had concluded was accurate about those UAVs and about their ability to be used elsewhere outside of Iraq. Not only was it in vigorous dispute, there was an outright denial that the information was accurate. That was all within the intelligence community.

But I didn't find that out before my vote. I wasn't told that. I wasn't told that there was a vigorous debate going on as to whether or not that was accurate information. I was given that information as if it were fact, and any reasonable person then would logically conclude that the interests of the United States and its people were in immediate jeopardy and peril. That has turned out not to be true.

We need some answers, and I saw the ranking member of the Armed Services Committee ask the chairman for a further investigation into this matter. I

heard the chairman say: I will take it under consideration.

I hope that is a positive sign and not a negative sign. We need to get to the bottom of this for the protection of our country. It is too bad this is coming up in the year 2004, which happens to coincide with the Presidential election, because people are going to immediately say this is partisan politics.

The fact is, this is the politics of the protection of our country, and we need some answers. I don't want to be voting on war resolutions in the future based on information that is patently false when everybody is telling me, looking me eyeball to eyeball, that it is true.

I am hoping, as the Senator from North Dakota has suggested, that we have a convening of the appropriate intelligence officials in the secure room and that members of the intelligence community, as well as members of the administration, will come and explain, in addition to what Dr. Kay has explained on the public record—which is revealing enough in itself—what, in fact, happened and how we are going to correct the process and the analysis of information so that we never have this kind of miscalculation and misinformation again.

Either the intelligence community's self-examination, its analysis was hugely faulty, or there were the hints at taking information and coloring it, called stacking the news and coming out with a conclusion that was wanted. I think we have to find out what happened.

It is not a question of whether or not Saddam Hussein ought to be gone. Thank goodness he is gone. That probably had a very salutary effect on the United States in that part of the world, that the United States will back up its intentions with force. But when the United States makes decisions about a preemptive war, a war now that has claimed the lives of over 500 American men and women, then we have to have a much higher standard of accuracy of the information upon which we make the judgments to send America's finest on to the battlefield.

I can tell you about all the soldiers from Florida who are now laid to rest. There are plenty of reasons I am raising these questions, but if for no other reason than to raise the questions for the mamas and the daddies and the spouses and the children of those soldiers. That is plenty justification enough. But the justification is much greater, and that is the justification of making sure we can protect ourselves in the future.

In a war against terrorists, our defense is only going to be as good as the information we receive to stop the terrorists. We had a colossal failure of intelligence on September 11, 2 years ago. We can't afford that kind of failure again. Yet we have just found out that when we were given the reasons for going to war, that was faulty intelligence. America can't afford too many more of these, for the protection of ourselves and our loved ones.