

CONDUCTING SENATE BUSINESS

Mr. DASCHLE. Mr. President, let me first express the sentiment that I know is shared by the entire Senate family in expressing our concern and our admiration for Senator FRIST and his staff. Having been through this ordeal in another form a couple of years ago, I know the difficulty it presents personally to staff and to families of staff, and I know we are probably in a better position to confront these challenges today than we were 2 years ago. But we speak with one voice in expressing our concern for those staff and our optimism about our ability to successfully confront this challenge as we did 2 years ago.

I know this has been a long 24 hours for the majority leader. He had a late night the night before, and then last night it would not surprise me if he got no sleep at all. So he is working on little sleep, and I appreciate his report this morning.

Obviously, we have a number of decisions to make over the course of the day, and I will consult with him. I do hope, to the extent it is practicable, that we use this opportunity to continue the debate on highways. We do not have a lot of time, and I know each day is valuable from that perspective. But we also want to be practical, recognizing if the offices are closed, it will be hard for Senators and their staff to do work related to the highway bill. I look forward to consulting and working with the distinguished majority leader as we deal with the necessity this situation has presented to us.

Mr. President, I know colleagues on both sides of the aisle are interested in the schedule. I know the majority leader had announced that there will be caucus lunches. I want to make sure people understand, we will have our normally scheduled caucus lunch today. Both the Democrats and Republicans will be meeting. They will be held in the same location.

I yield the floor.

PROVISION FOR EMERGENCY AUTHORITY

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to a resolution at the desk regarding emergency authority; provided, further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 296) was agreed to, as follows:

S. RES. 296

Resolved, That the Presiding Officer of the Senate may suspend any proceeding of the Senate, including a roll call vote or a quorum call, and declare a recess or adjournment of the Senate subject to existing authorities or subject to the call of the Chair, within the limits of article I, section 5, clause 4, of the Constitution, whenever the

Presiding Officer has been notified of an imminent threat.

SEC. 2. When the Senate is out of session, the Majority and Minority Leaders, or their designees, may, acting jointly and within the limits of article I, section 5, clause 4, of the Constitution, modify any order for the time or place of the convening of the Senate when, in their opinion, such action is warranted by intervening circumstances.

The PRESIDENT pro tempore. The Senator from Vermont.

COMMENDING THE MAJORITY AND MINORITY LEADERS

Mr. LEAHY. Mr. President, I will take a moment.

I commend both the Republican and Democratic leaders for opening the Senate today. I was recollecting, as I came in, we had another majority leader from Tennessee, Howard Baker—the Democrat leader was ROBERT BYRD; both distinguished friends and colleagues—and there had been an explosive device put outside the Capitol one evening, something that could not be done today because there are changes in our security. But the majority leader recessed that evening—it was going to be a late-night session. We adjourned a little earlier than we anticipated because we had worked out something and needed time for drafting and worked out a logjam we had, and there was an explosive device put out—and the distinguished Presiding Officer remembers this time very well because he was also serving here, as I was, at the time—blowing out both the Republican and Democratic cloakrooms. There would have been great casualties had we been there. The next morning, as I recall, nearly 90 Senators were sitting in their seats. We came back in basically to say: Nothing is going to close us down.

So I commend my dear friend from Tennessee and my dear friend from South Dakota for opening up this session. I think this is a symbol of democracy throughout the whole world. Certainly in our country, the most obvious symbol of democracy is this Capitol Building. Every time we stay open, as we have after 9/11 and everything else, it demonstrates the leadership of our two leaders but also of the devotion to democracy we see in this Chamber.

That is all I am going to say. That is why I am here this morning. I wanted to compliment both of the leaders for opening up this session.

The PRESIDENT pro tempore. The majority leader.

SENATE STAFF AND THEIR FAMILIES

Mr. FRIST. Mr. President, I do want to briefly comment on the families of the individuals who were potentially exposed yesterday. It is an inconvenience because you are waiting for tests and you are doing screening tests that have a certain meaning in terms of sensitivity, specificity. We are waiting for

results to get back, and you hear about the potential harm these poisons can do. I express my real sympathies to the families and the individuals affected.

We had a conference call. We were all together last night by telephone until the early hours of this morning. We had another conference call at 8:45 this morning, and we will continue to be in touch with all the people who could have potentially been affected. Again, we think about them and their families.

We will be having our policy lunches today. Both sides of the aisle will conduct their policy lunches in the usual fashion.

With that, Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

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

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

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, are we in morning business?

The PRESIDENT pro tempore. We are in morning business, with 30 minutes under the control of the Senator from Florida, Mr. GRAHAM.

Mr. DURBIN. Mr. President, I would be glad to yield to the Senator from Florida.

Mr. GRAHAM of Florida. I say to the Senator, when I take the floor, I am going to be here for about 30 minutes. If the Senator has something he would like to say prior to that, I will yield.

Mr. DURBIN. I thank the Senator from Florida for the forewarning.

I ask the Chair, the Senator from Florida is going to speak for 30 minutes. How much time would I be allocated in morning business?

The PRESIDENT pro tempore. One minute.

Mr. REID. Mr. President, if the Senator from Illinois will yield, I ask unanimous consent that the Senator from Illinois be recognized for up to 10 minutes, and that there be equal time on the other side to match that, if that is necessary.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 10 minutes.

May the Chair inform the Senator from Nevada, under the previous order the remaining time will be under the control of the majority leader. The time for Senator GRAHAM has expired. The Chair suggests the Senate might consider its time.

Mr. REID. I appreciate the counsel of the Presiding Officer. Because of the

events of last night, Senator GRAHAM's time was taken.

Mr. President, I think the time of the Senator from Florida starts at 10 o'clock.

The PRESIDENT pro tempore. The Parliamentarian informs me Senator GRAHAM will have to use his time now.

Mr. REID. He would have to use his time now?

The PRESIDENT pro tempore. Yes.

Mr. REID. I ask unanimous consent that the order now before the Senate be modified to allow the Senator from Illinois to speak for up to 10 minutes in morning business, and that like time be extended to the Republicans.

Mr. DURBIN. Reserving the right to object, I would be happy to yield to the Senator from Florida to go first, and I will follow him. That would be fine with me, 10 minutes after Senator GRAHAM.

Mr. REID. And that Senator GRAHAM be given his 30 minutes. I ask that my consent be modified.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

The Senator from Florida.

INTELLIGENCE LESSONS

Mr. GRAHAM of Florida. Mr. President, yesterday I spoke to the Senate relative to my assessment of the responsibility for the attacks of September 11, 2001, some of the lessons learned from those attacks, and the status of the implementation of those lessons. I explained that my view was that those terrible events would have been prevented if our national intelligence community had been better organized and more clearly focused on the problem of terrorism. And if the Congress and the President had drawn on those lessons learned from the tragedy of 9/11 and initiated reforms of the intelligence community, we might well have avoided some of the embarrassments of the flawed intelligence on weapons of mass destruction or the misleading use of that intelligence which formed the basis of the war against Iraq. Today I would like to continue my discussion of those lessons that we should have learned and implemented.

As chairman of the Senate Select Committee on Intelligence for most of the 107th Congress, I had the honor of cochairing a bipartisan, bicameral committee charged with investigating the events of the intelligence community and their activities before and after the attacks of September 11. We set out to determine whether or not there was anything more we could have done to prevent the attacks and, specifically, if our intelligence community had problems that needed to be corrected.

The importance of our task was well understood. The 9/11 attacks were not the work of a crazed individual but, rather, were the result of a sophisticated plot carried out by a group of 19

terrorists and an undetermined number of facilitators who prepared for the execution of their plot over a period of almost 2 years. We can, we must, improve our ability to detect and disrupt plots of this nature. We can do so by ensuring that our intelligence-gathering networks are operating in an optimal manner and that any flaws in our intelligence community are addressed as quickly and effectively as possible.

Our committee identified a number of problems with our current intelligence-gathering system. We followed up with recommendations on how to fix these problems. By conducting this inquiry, making these recommendations, Congress not only assumed the responsibility for determining what happened before and after September 11 as related to our intelligence community, but it also assumed a responsibility relative to the implementation of the recommendations.

The American people will respond to future terrorist attacks by asking: What did we learn from the previous attack and how has that information been used to give the American people greater protection? They have the right to ask this question and we have an obligation to give them a good answer: What have you done with the information and the lessons learned? How have you implemented those lessons in a way to give me and the American people a greater sense of security?

So far, we have not made acceptable progress toward providing an answer to the American people. In fact, if we had to give it today, it would not be an answer of which we would be proud.

A large number of the problems identified by the joint inquiry and a series of commissions which preceded the joint inquiry have not been addressed. In my previous statement, I discussed those recommendations which related specifically to the issue of counterterrorism. This morning, I would like to address those recommendations which deal with the structure of the intelligence community.

Our national intelligence community is beset by a number of serious problems. There is a lack of leadership at the top and the absence of a coordinated national intelligence policy that gives us agencies with priorities, missions, and resources that do not necessarily complement one another.

As an example, in December of 1998, the Director of Central Intelligence, the man who has the statutory responsibility for the coordination of all of our various intelligence agencies, told senior managers of the CIA that he considered the United States to be at war with al-Qaida and that the intelligence community, all of its agencies, working in a coherent manner, should devote as many resources as possible to combating that terrorist organization.

While this statement might seem to be a positive step, a step in the right direction, our joint inquiry found that the DCI was either unable or unwilling to enlist other intelligence agencies in

this effort. The troops either didn't hear or simply ignored the bugle call of war.

The lack of consistent, coordinated priorities is paralleled by a lack of consistent, predictable funding as well as the lack of internal accountability. This shortage of resources meant that the intelligence community simply did not have enough personnel to perform all the functions that were needed. This left the intelligence community ill-prepared to deal with the rapidly changing terrorist threat.

One of the reasons for the unpredictability and decline of funding of the intelligence community was the mistaken belief that the end of the cold war yielded a peace dividend for the American people when it came to defense spending, including a reduced need to spend money on intelligence.

Mr. President, in fact, the change from the single focus on the Soviet Union and its allies to the current world of diverse, constantly changing, emerging threats such as weapons of mass destruction and international terrorist groups has increased demand and, therefore, the cost of intelligence.

The first recommendation made by our commission urges the creation of a Cabinet-level director of national intelligence, appointed by the President and subject to Senate confirmation. We made this our first recommendation because we think it is the most important recommendation and one that can do the most to prevent another 9/11 tragedy. I gratefully recognize the excellent work of Senator FEINSTEIN in championing this issue.

The director of national intelligence would be responsible for establishing consistent priorities for all of our national intelligence agencies and assuring that these agencies work together, rather than independently, by coordinating budgets and resources and managing interagency relationships. We made this recommendation because of the obvious need for strong leadership in our intelligence community.

It is clear that prior to 9/11 our intelligence-gathering agencies had no comprehensive strategy for counterterrorism. Intelligence priorities were inconsistently formulated and applied throughout the various agencies and were not effectively leveraged through interagency coordination. The joint inquiry report offers specific details of FBI supervisors who thought there was no need to pay attention to Saudi citizens in the United States while at the same time the CIA was tracking suspected Saudi terrorists around the world.

The director of the national security agency, which is responsible for our electronic eavesdropping, described the problem of unclear priorities when he said: "We had about 5 number 1 priorities."

Although the Director of Central Intelligence is normally the head of the intelligence community, in practice he