

the sharing of intelligence information. Agency heads have updated obsolete and inappropriate guidelines. Intelligence community personnel now seem to have a much clearer picture of what methods and actions are available to them.

Unfortunately, while the legislative barriers to information sharing have been removed, the fact is that effective information sharing is still not taking place between intelligence and law enforcement, and this is a special problem between Federal intelligence and law enforcement agencies and State and local law enforcement.

I frequently hear complaints that agency culture, habit, and inertia, have preserved problems that should have been solved, making this yet another area in which the lessons of 9/11 have not been learned and not been applied effectively.

September 11 was a wake-up call. It alerted us to the fact that our intelligence agencies were not performing at the level required during this era of terrorism. We have just received our first report card. The report card is to tell us how well we have done since September 11 in applying lessons learned to the greater protection of the American people. We have received a grade of F. The false assertion of large stockpiles of weapons of mass destruction in Iraq demonstrates that we have not yet made the reforms to our intelligence agencies that are required.

The next report card will come when we have the next intelligence failure. The President and the Congress will both be held accountable if we have not acted on these necessary reforms to protect the safety of the people of America.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Florida for his extraordinarily enlightening and very helpful discussion in this series of speeches he is giving this week. I think we would all do well not only to listen but to read and to thoughtfully consider much of what he has shared with us. He speaks with experience and extraordinary credibility, and I applaud him for taking the time and making the effort that he has to bring this important issue before us in a meaningful way.

#### IRAQ INTELLIGENCE COMMISSION

Mr. DASCHLE. Mr. President, the vital interest of our national security is critical to our understanding of the degree to which we can cope with the circumstances involving the intelligence failure we have now experienced over this past year or more. Two important voices have been added to the growing chorus, raising questions about the accuracy and the veracity of the allegations the administration used to take this country to war. Just yesterday Secretary Powell made clear the importance of the prewar claims,

suggesting that the case for war was much weaker without the allegations of existing stockpiles of weapons. When asked whether he would have recommended an invasion last year if he knew then what he knows now, Secretary Powell said:

I don't know, because it was the stockpile that presented the final little piece that made it more of a real and present danger and threat to the region and to the world.

A year ago this week, Secretary Powell made a lengthy presentation to the United Nations Security Council about the grave threat posed by Iraq's weapons of mass destruction. The Secretary of State did not speak of "weapons of mass destruction-related program activities," but of existing stockpiles—existing stockpiles of horrendous weapons and the means to deliver them. In large measure because of the alarming assertions by Secretary Powell and similar claims by President Bush, Vice President CHENEY, Secretary of Defense Rumsfeld, National Security Adviser Rice, and many other senior administration officials, a majority of Congress voted to give the President the authority to send troops to wage war against Iraq.

Late last month, Secretary Powell had something decidedly different to say. For the first time since his U.N. presentation he explicitly acknowledged the strong possibility his claims about Iraq's weapons were untrue, telling reporters on his trip to Georgia:

... what the open question is: how many stocks [the Iraqis] had, if any? And if they had any, where did they go? And if they didn't have any, then why wasn't that known beforehand?

A few days later, Dr. David Kay, Chief Weapons Inspector in Iraq until a couple of weeks ago, told the Armed Services Committee here in the Senate the administration's prewar intelligence on Iraq was, in his words, "all wrong." While several nonpartisan experts have reached similar conclusions about our intelligence and raised concerns about the accuracy of the administration statements on this issue, hearing Secretary Powell and Dr. Kay, two of this Nation's most respected and knowledgeable officials, speak in this manner, has raised some questions at home and abroad about the foundation of the administration's case for going to war against Iraq.

Given the significance of these questions, a broad, thorough, nonpartisan review of both the intelligence community's assessment of the threats posed by Iraq and the administration's use of this information is essential to restoring the trust of the American public and the international community in this administration and in the intelligence system itself.

The reason is clear. The most effective means to counterterrorism and the many other national security challenges facing this Nation today is by gaining and maintaining the support of the American people and assembling a international coalition. Accurate, un-

impeachable intelligence is one of the most crucial tools the President has at his disposal for rallying the American people and the world. If the President is to successfully convince Americans of the need to send daughters and sons into harm's way and urge our allies to support America's course of action, our intelligence must be seen as absolutely credible and accurate. National security experts of both parties have begun to warn that the lack of any weapons of mass destruction in Iraq after the administration's grave predictions in the runup to the war is undermining America's credibility, not only on Iraq but on other national security challenges as well.

For example, the United States increasingly believes that North Korea has used the last couple of years to create additional nuclear material and weapons. However, officials in South Korea and China have raised questions about these conclusions, in part by pointing to our intelligence community's failures in Iraq. This failure to reach a consensus on the threat posed by North Korea has greatly complicated efforts to effectively confront a nation that already possesses nuclear weapons and has been characterized as the world's greatest weapons proliferator.

Given these stakes, one would think the President would be the first to demand a full and complete accounting of the accuracy and use of Iraq prewar intelligence. Yet up until this past week-end, the President has stubbornly insisted there was nothing wrong with that intelligence or the alarming assertions that he and senior administration officials made in the days leading up to the start of the war in Iraq. In a remarkable about-face this past week, administration officials said publicly that the President will support the establishment of an independent commission, provided he appoints the commissioners and defines the scope of their work. As in other instances, the administration is apparently seeking to both convince the America public it supports a thorough investigation at the same time it stacks the deck against such an investigation effort ever occurring.

Although one of the major questions that needs to be addressed is whether senior administration officials exaggerated the nature of the threat to Iraq, the President is attempting to make the case that actions by these officials are best investigated by a commission whose members are appointed by and report to those very officials in the White House.

There is little reason to believe a commission appointed and controlled by the White House will have the independence and credibility necessary to investigate and bring closure to these crucial issues. Consider this: At the same time the Secretary of State was suggesting that it was an open question whether Iraq had any weapons of mass destruction and the chief weapons

inspector in Iraq was concluding that Iraq did not have any stockpiles of weapons before the war, Vice President CHENEY was on national radio still suggesting that it was just a matter of time until such weapons could be found.

If the President's senior advisers are still arguing that the prewar intelligence was right, can the American people be certain that commissioners handpicked by the White House to undertake an investigation defined by the White House will follow the facts wherever they lead?

It would be a shame to have such an important commission start its work under the shadow of such doubt. We can avoid ever having to ask those questions by forming a truly independent commission that can rise above those concerns. I strongly believe the Congress can and should establish a truly independent commission to examine the collection, analysis, dissemination, and use by policymakers of intelligence on Iraq. Twice the Senate has voted to establish just such a commission that would be given access to all relevant information, appointed on a bipartisan basis by the congressional leadership of the House and Senate. I voted for this proposal both times.

Although supporters of this commission fell short both times, I continue to believe that after putting our troops in harm's way we owe it to them to get to the bottom of this question. We owe them a truly independent investigation, conducted in the same way that our Armed Forces carry out their duties every day in Iraq, with honor and with integrity. I fear the process being started by the administration is neither, but it is not too late to establish a commission of which we can all be proud.

I yield the floor.

Mr. KENNEDY. Will the Senator be good enough to yield?

Mr. DASCHLE. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. First, I thank the Senator for an excellent statement.

Earlier today the Armed Services Committee had meant to meet. We were going to have Secretary Rumsfeld up before the committee. I intended to ask him two or three questions on the issue of intelligence, but since the Senator is on his feet now, I am wondering if he would be willing to respond to a question or two and help clear this up in my mind.

What we have now, as I understand it, is the intelligence agencies saying that they provided the intelligence to the administration and that they were not intimidated. I intended to ask the Secretary whether he was aware of the Defense Intelligence Agency's own intelligence report that stated—and I am quoting. This has been published. It was declassified and published in the news sources—this is the Defense Intelligence Agency:

... there is no reliable information on whether Iraq is producing and stockpiling

chemical weapons, or where Iraq has—or will—establish its chemical warfare agent production facilities.

That was in September of 2002. Yet a month later, just as Congress was about to vote, the National Intelligence Estimate stated very precisely that:

Iraq probably has stocked at least 100 metric tons and possibly as much as 500 metric tons of chemical weapon agents—much of it added in the last year.

I was just wondering, if I can raise this point, here we have the Defense Intelligence Agency giving one report. Then, if we look at the State Department Bureau of Intelligence, this is what the State Department Bureau of Intelligence concluded:

The activities we have detected do not . . . add up to a compelling case that Iraq is currently pursuing what INR would consider an integrated and comprehensive approach to get nuclear weapons . . . INR considers the available evidence inadequate to support such a judgment.

The Department of State, Bureau of Intelligence.

Mr. KYL. Could we have regular order?

Mr. KENNEDY. Regular order. I believe I have the floor.

The PRESIDING OFFICER. The Senator may yield for a question but not for a statement.

Mr. KENNEDY. I am making the predicate. If the Senator from Arizona is not pleased with it, that is his problem.

The third intelligence report was the Department of Energy disagreed that the famous tubes were for nuclear weapons. The State Department's Intelligence Bureau also concluded that the tubes were "not intended for use in Iraq's nuclear weapons program."

Finally, Greg Thielmann, retired State Department official, who served as director of the Office of Strategic Proliferation and Military Affairs in the Bureau of Intelligence, said last July:

Some of the fault lies with the performance of the intelligence community, but most of it lies with the way senior officials misused the information they are provided.

He said:

They surveyed the data, and picked out what they liked. The whole thing was bizarre. The Secretary of Defense had this huge Defense Intelligence Agency, and he went around it.

I just ask, are these the kinds of questions that we hope an independent kind of commission might be helpful to resolve? When the administration's own Defense Intelligence Agency, the State Department agency, and the Energy Intelligence Agency came up with similar conclusions as Dr. Kay prior to the time the Senate voted on this issue, don't you think the American people are entitled to know what the facts are, not just the intelligence information made available but how it was used by the administration and by the President?

Mr. DASCHLE. Mr. President, I appreciate the question, as well as the

predicate offered by the distinguished Senator from Massachusetts.

The answer is yes, I am troubled by one fact that is now undeniable. That fact is, we were given bad information, information that now is much clearer than it was 6 months or 12 months ago, information that many of our colleagues have used repeatedly on which to base decisions fundamental to their interpretation of circumstances and ultimately the vote they cast on the resolution committing this country to a course of action.

I was troubled by a report I read just this morning that there are many in the intelligence community who are becoming increasingly angered and frustrated that all of this responsibility has been put on their shoulders. The report by one intelligence officer was: "We did our job. We reported the information. It isn't us."

My question is, If it is not the intelligence community, who is responsible? Why did we get bad information? Was it the collection and analysis or was it the use of that information once it was collected and analyzed? We do not know the answer to that today. But we do know our best opportunity for collecting the answers to the questions posed by the Senator from Massachusetts is an independent counsel.

What does it say of the independence of those potential commissioners when someone is suggesting to them, we want you to take this job to investigate us; we want you to have the authority to investigate us, with the implication that the detrimental consequences of an adverse investigation could weigh heavily on the commission itself.

I don't think there is any doubt about the need for independence, about the need to look at past precedent when we have established commissions of this kind. We need to know beyond a shadow of a doubt that this commission will have the opportunity to go wherever the facts lead them.

The way the President and this administration are proposing this investigation be done flies in the face of past precedent, with that cloud that hangs over any investigation that could not be as open, honest, and ultimately successful as it needs to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding that under the previous unanimous consent I am recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

#### U.S. INTELLIGENCE

Mr. DURBIN. Mr. President, I thank the minority leader, Senator DASCHLE, as well as my colleague from Massachusetts, Senator KENNEDY, for raising this timely and important question about intelligence. I also salute Senator BOB GRAHAM of Florida, who announced his retirement. His departure will be a great loss to this institution.