

School Social Work Association of America
 Service Employees International Union
 Shaken Baby Alliance
 Sjogren's Syndrome Foundation
 Society for Adolescent Medicine
 Society for Pediatric Research
 Society for Personality Assessment
 Society for Public Health Education
 Society for Research on Child Development
 Society for Social Work Research
 Society for Women's Health Research
 Society of American Gastrointestinal
 Endoscopic Surgeons
 Society of Medical Consultants to Armed
 Forces
 Society of Professors of Child and Adolescent
 Psychiatry
 Society of Thoracic Surgeons
 South Carolina Medical Association
 South Dakota State Medical Association
 STOP IT NOW!
 Suicide Awareness Voice of Education
 Suicide Prevention Action Network USA
 Tennessee Medical Association
 Texas Medical Association
 The Arc of the United States
 Title II Community AIDS National Network
 Tourette Syndrome Association
 Treatment and Research Advancements As-
 sociation of Personality Disorder
 Union of American Hebrew Congregations
 Unitarian Universalist Association of Con-
 gregations
 United Cerebral Palsy Association
 United Church of Christ, Justice and Witness
 Ministry
 United Jewish Communities
 United Methodist General Board of Church
 and Society
 Utah Medical Association
 Vermont Medical Society
 Volunteers of America
 Washington State Medical Association
 Wellstone Action
 West Virginia State Medical Association
 Wisconsin Medical Society
 Working Assets
 Women of Reform Judaism
 Wyoming Medical Society
 Yellow Ribbon Suicide Prevention Program
 Youth Law Center

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there now will be a period for the transaction of morning business until 10:40 a.m. with the first 22 minutes under the control of the Senator from Kansas, Mr. ROBERTS, or his designee; the following 22 minutes under the control of the Senator from Florida, Mr. GRAHAM, or his designee; the following 22 minutes under the control of the majority leader or his designee; and the final 22 minutes under the control of the Senator from California, Mrs. FEINSTEIN, or her designee. Under the unanimous consent agreement just entered, this time shall not be diminished by the minority leader having used his time.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, Senator GRAHAM and I have conferred. He has a scheduling conflict. So I ask

unanimous consent that he be recognized first. I think that is his intent.

The PRESIDENT pro tempore. Without objection, the Senator from Florida is recognized for 22 minutes.

Mr. GRAHAM of Florida. Mr. President, I thank my friend and colleague for his graciousness. I also commend him for the leadership he has been providing to this body, particularly as the chair of the Intelligence Committee. That is the subject of my remarks today.

THE NEED FOR INTELLIGENCE REFORM, PART III

Mr. GRAHAM of Florida. Mr. President, during this week, I have spoken—and this will be the third statement—about the need to reform our Nation's intelligence agencies. I have suggested that the horrific acts of September 11, 2001—acts which killed nearly 3,000 Americans in New York, Washington, and Pennsylvania—could have been avoided if our intelligence agencies had been more organized and more focused in dealing with the threat of international terrorism. These conclusions were largely the result of the work of the House-Senate joint inquiry on September 11, 2001. This bicameral, bipartisan committee finished its investigation on December 20, 2002, and filed its report. In that report, it concluded there were a number of problems with our existing intelligence networks and it made 19 recommendations of how to fix those problems.

Repairing the flaws in our intelligence community is a matter of national security, a matter of the highest importance and urgency. As we are now learning in the context of the war with Iraq and Saddam Hussein's weapons of mass destruction, policymakers cannot make wise decisions affecting the security of American people without timely, accurate, credible information, and tough-minded, independent analysis, and will use that information to shape the judgments of the President and other decisionmakers, not to validate previously held opinions. If we fail to accurately perceive future threats, we will be poorly prepared to respond to them. If we do not perceive current threats accurately, then our response may be either inadequate or excessive.

Whether restraining the development of proliferation of weapons of mass destruction or interdicting terrorists, now, more than ever, intelligence matters. If there is another terrorist attack on American soil, the American people will demand to know what the Congress, what the President, what other governmental institutions learned from the September 11 attacks, and now the prewar intelligence in Iraq, and how that information was used to protect them. There will be no avoidance of accountability for the next attack, either for Congress or the President. We must take our responsibility seriously.

Further, we must recognize that every day needed intelligence reforms are delayed is a day of unnecessary risk for the American people. Unfortunately, with regard to the recommendations of the joint inquiry committee, very little has been accomplished to date. In my two previous statements, I discussed the status of these recommendations dealing with the intelligence community reform and specific responses to terrorism. I particularly commend Senator DIANNE FEINSTEIN for her leading role in the area of reorganization of the intelligence community.

Today I will turn to two additional areas of particular concern: the Federal Bureau of Investigation and the application of the Foreign Intelligence Surveillance Act, or FISA, which governs the use of electronic eavesdropping on foreign nationals in the United States. Here, I particularly recognize the contributions of Senators DEWINE, DURBIN, EDWARDS, and KYL to this section of our report.

We know now the FBI did not have or did not give adequate attention and resources to the problem of terrorism prior to September 11, 2001. For the FBI, terrorism was a lesser priority and its personnel did not understand the FISA and therefore did not use effectively its available investigative authority. Important information was not shared with other agencies, was not shared even within the various branches of the FBI itself. During the summer of 2001, separate parts of the FBI had information that could have been used to disrupt or destroy al-Qaida's hijacking plot, but that information was never collectively analyzed.

For example, what agents in Minnesota knew about Zacaria Moussaoui, the so-called twentieth hijacker who was taken into custody in August of that year, is he was studying to fly commercial airlines but was disinterested in either taking them off or landing them. Meanwhile, a Phoenix field agent of the FBI had become suspicious of radical Islamists who were also learning to fly airplanes. An agent in San Diego was working with an informant who knew at least two of the hijackers. The informant was aware that one of the future hijackers was moving to Arizona with a fellow terrorist—again to attend flight school.

If these agents had been aware of each other's activities or if the analysts at FBI headquarters had connected these geographically separate events, portions of the September 11 plot might well have been uncovered and disrupted. Unfortunately, the FBI lacked the sufficient number of analysts to process all the relevant information, and barriers to sharing information prevented agents from learning about each other's activities, even though both the Phoenix memo which expressed concern that bin Laden was sending young recruits to the United States for pilot training and the

Moussaoui investigation were handled by the same unit at FBI headquarters.

Furthermore, although existing laws gave FBI agents the authority to pursue these leads, individual agents were in some cases unaware of their powers under the Foreign Intelligence Surveillance Act and this confusion prevented them from pursuing aggressively potentially helpful lines of investigation.

With these facts in mind, the joint inquiry made four recommendations related to the FBI and FISA which I will now discuss.

Recommendation No. 6 calls for the FBI to improve its domestic intelligence capability as fully and as quickly as possible and to establish clear counterterrorism priorities for the agency to follow. Specific areas for improvement are mentioned, including the need to improve analytical capability, the need to disseminate intelligence information within the FBI and among Government agencies, the need to improve knowledge of national security laws, the need to hire more personnel with linguistic skills, and the need to fix persistent information technology problems.

Our joint inquiry report gives a thorough explanation of why each of these improvements is necessary. In the years leading up to September 11, the FBI was faced with a shortage of counterterrorism personnel partly due to a lack of overall resources, partly because counterterrorism priorities were not clearly established or followed. In particular, the number of qualified intelligence analysts was at a critically low level. This is the reason the memo from the FBI agent in the Phoenix field office did not generate any further discussion or analysis and is also the reason no one at the FBI headquarters was able to connect the dots and see that information collected by the FBI in California, in Minnesota, in Arizona was all related to a larger terrorist plot. The analyst shortage was compounded by outdated information technologies and the lack of a good counterterrorism database which made it difficult for analysts to assess and organize crucial information.

Prior to September 11, the FBI also had a severe shortage of linguists. For example, 35 percent of all materials collected by the FBI in the Arabic language were not even reviewed because there were not enough persons within the FBI to translate that material. This one fact may have deprived the Bureau of potentially valuable terrorist-related intelligence which could have avoided September 11. Even in those cases where the Bureau did collect and identify information on terrorist activity, it failed to share that information with other agencies, both inside and outside the intelligence community.

For example, if the Federal Aviation Authority had been told in August of 2001 that the FBI had identified a potential airline suicide hijacker in Minnesota, the FAA would have had at

least the opportunity to increase security precautions on domestic flights such as by reinforcing the doors between the cockpit and the passenger cabin. Tragically, this did not happen.

I am pleased to report some improvement has been made in these problem areas. In 2003, the Bureau developed a strategic plan outlining its top counterterrorism priorities. It has also increased hiring and training and many agents have been permanently reassigned to high priority areas. However, while hiring and training have increased, the General Accounting Office has suggested the FBI continues to lack fully adequate analytical capability and that the Bureau continues to face a shortage of linguists and information technology personnel as well as administrative staff.

Even more troubling is the fact that officials in Federal agencies, State governments, and local levels continue to report they do not consider the current information-sharing system to be effective. With few exceptions, these individuals say they are not receiving all the information they need to fulfill their responsibilities as the front line of our war against terrorism.

In some cases this is because information is simply not available. But too often it is because of institutional practices that prevent important information from being shared. Even when information is disseminated, officials at all three levels report that it is frequently inaccurate, irrelevant, and not received in a timely fashion.

This situation is made worse by the fact that none of these problems are new. In the year 2000, two separate commissions on national security pointed to these same weaknesses within the FBI and urged that they be corrected.

The National Commission on Terrorism, also known as the Bremer commission, issued its report in June of 2000, and the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, known as the Gilmore commission, issued its second report the following December.

Both commissions stated that the FBI needed to improve its analytical capability and disseminate information in a more timely manner inside and outside the Bureau.

The two commissions also suggested that FISA gave the FBI more investigative powers than were currently being used, and the Gilmore commission suggested that this was due to misunderstanding and confusion regarding the law. The Bremer commission also called attention to the shortage of skilled linguists within the agency, which is a problem that we still face today.

Since September 11, FBI Director Mueller has initiated a serious and sustained effort to reform and reshape the FBI to fight terrorism. Progress has been made. However, much is left to be done.

One particular area of concern is the information technology systems at the FBI. The computer and communication systems at the FBI have been notoriously outdated.

I recall a meeting at one of our CIA stations in the Middle East during which the agency personnel pleaded with the Members of Congress who were present to push the FBI toward adopting computer systems that would be compatible with the CIA's so that basic information could be shared.

A recent report by the General Accounting Office on this subject is highly critical of the FBI's attempts to improve its information technology systems. As we saw in our investigation of the September 11 attacks, the best work of skilled agents is wasted if they cannot communicate it to those who will use it. We cannot rest until we are certain the FBI has made all the changes it so desperately needs.

Recommendation No. 7 advises the Congress and the administration to evaluate and consider changes to the domestic intelligence sector.

In the short term, our national security interests are best served by taking actions to improve the capabilities of the FBI. However, over the long term, we must decide on the best way to organize our domestic intelligence agencies and consider serious restructuring if we conclude that the current structure is inadequate to serve our national security interests.

The joint inquiry recommended that FISA be included in this review. This recommendation reflects concerns that the FBI, which is primarily a law enforcement organization, is inherently ill-suited to the challenge of domestic intelligence gathering.

While the agency has done a commendable job carrying out its law enforcement missions, preventing attacks before they occur requires an approach very different from finding and punishing criminals after they have acted. Throughout its history, the FBI's focus has been on investigating crime and arresting criminals rather than preventing crime.

The lapses that preceded 9/11 may therefore be in part the consequence of requiring the same agency to carry out two very different functions. One example of this tendency of the FBI is how it defines investigatory targets. It tends to do so in terms of those that are likely to result in a prosecution as opposed to those that pose the greatest threat.

I recall during one of our Senate Intelligence Committee hearings a senior FBI official was asked to provide an estimate of the number of suspected terrorists within a specific region of the country. He responded by giving us the number of open investigative files at a certain field office—clearly a law enforcement methodology rather than the approach that an intelligence agency would take. I would note that none of the 19 hijackers of September 11 had an open FBI file that would have

marked them as a suspected terrorist in our midst.

Our recommendations on the FBI consisted of three parts: First, we said in the short term we should do everything possible to strengthen the capability of the FBI to fight the war on terror. The FBI is all we have at the present time, and we need to make it as effective as possible.

Second, we need to conduct an open debate on the type of domestic intelligence that we as a nation want and need. We can look to other nations for models which are based on the perceived threat within the borders of each of those nations. They range from the extremely high level of surveillance that the Israeli Government exercises to protect its citizens from internal terrorist threats to the resistance to scrutiny of private citizens in certain regions of Germany.

Third, we need to evaluate the enhanced capability of the FBI against the model that we establish as our desired end state, and then determine if our security needs could be better met by creating a separate domestic intelligence agency, leaving the FBI to focus on law enforcement priorities. That model exists in Great Britain, where Scotland Yard, like the FBI, handles national domestic law enforcement matters, but there is a separate agency, the MI5, which performs domestic intelligence gathering.

To date, no changes have been made to FISA since we issued our report, nor has the larger debate regarding the structure of our domestic intelligence community taken place.

Our joint committee called for Congress to request a report from the administration regarding the structure of our domestic intelligence program. So far, no action has been taken on this recommendation.

Recommendation No. 8 calls for the Attorney General and the FBI to assure that the FBI uses its powers effectively and disseminates information quickly. In particular, it calls for FBI personnel to receive in-depth training on the Foreign Intelligence Surveillance Act and to implement a plan to use FISA to assess the threat of terrorist groups within the United States. It specifically refers to the need to identify whether and how any of these groups receive funding or support from foreign governments.

The need for clearer guidelines and better training regarding the FISA was made abundantly clear during the FBI's investigation of Zacharias Moussaoui. Agents in Minnesota correctly suspected that he was involved in a hijacking plot, but even after he was detained by the Immigration and Naturalization Service, the agents concluded that FISA did not give them the authority to search his belongings since it was not established that Moussaoui was acting as an agent of a foreign power.

This conclusion was incorrect under the FISA law. It demonstrates the sig-

nificant confusion and ambiguity that has developed surrounding the use of FISA and that reform is important and urgent.

FISA is also one of the best tools we have for tracking terrorist funding. However, it is not always used to its fullest potential. For example, the chief of the FBI's Financial Crimes Section told our committee that if asked, he would have been able to locate hijackers Nawaf al-Hazmi and Khalid al-Mindhar by tracking credit card and banking transactions. These same powers could have been used by the FBI to track foreign sources of terrorist funding, with the aim of cutting off funds for terrorists and attacking these sources of funding directly.

The FBI has made significant progress in increasing awareness and knowledge of FISA. The Attorney General has issued new guidelines regarding terrorist investigations, and both current personnel and new hires are now receiving training on these guidelines.

Unfortunately, the Bureau has not made very good progress identifying foreign sources of funding for terrorist groups within the United States.

As an example, as I emphasized in my previous statements, the joint inquiry uncovered significant evidence of foreign government involvement in the 9/11 attacks, and raised the possibility that foreign governments continue to provide support to terrorist groups within the United States.

In spite of this alarming assessment, the FBI has not even developed an effective plan to assess the threat of foreign funding for terrorist groups, let alone combat this threat.

The USA PATRIOT Act and subsequent modifications have given the Bureau expanded access to banking and financial records, but it has been widely noted that terrorist groups use alternative methods of collecting, moving, and storing their money.

These methods include illegal drugs and other contraband; shipment of gems and other commodities; informal financial networks, such as the hawala system; and nontransparent organizations, such as charities and religious organizations.

The FBI, which is responsible for leading these investigations into terrorist financing, has acknowledged it does not systematically collect and analyze data on alternative financing mechanisms. Unless al-Qaida develops a policy of transferring money entirely by ATMs, the FBI's current investigatory methods are unlikely to be very effective.

The final recommendation of this report is No. 9, which urges the House and Senate Intelligence and Judiciary Committees to evaluate the FISA, and all modifying legislation, such as the USA PATRIOT Act, to ensure that our legal system adequately addresses current and future terrorist threats. These House and Senate committees have effectively begun to follow through on

this task, and I am confident they will continue to do so.

This last report is one bright spot on an otherwise disappointing report card.

In evaluating the status of the joint inquiry's recommendations, I have tried to give due attention to those areas in which progress has been made. However, we must not ignore those shortcomings that remain, particularly when so many of them are of such a serious nature. We must overcome bureaucratic inertia and organizational difficulties to fix these problems in an effective and expeditious manner. We must not continue to be a slave to the status quo. Our national security and the well-being of the American people demand nothing less, as does the memory of nearly 3,000 innocent American lives lost on September 11, 2001.

I ask unanimous consent that the recommendations of the Joint Inquiry Committee, as adopted on December 10, 2002, be printed in the RECORD.

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

RECOMMENDATIONS—DECEMBER 10, 2002

Since the National Security Act's establishment of the Director of Central Intelligence and the Central Intelligence Agency in 1947, numerous independent commissions, experts, and legislative initiatives have examined the growth and performance of the U.S. Intelligence Community. While those efforts generated numerous proposals for reform over the years, some of the most significant proposals have not been implemented, particularly in the areas of organization and structure. These Committees believe that the cataclysmic events of September 11, 2001 provide a unique and compelling mandate for strong leadership and constructive change throughout the Intelligence Community. With that in mind, and based on the work of this Joint Inquiry, the committees recommend the following:

1. Congress should amend the National Security Act of 1947 to create and sufficiently staff a statutory Director of National Intelligence who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole. These responsibilities should include: Establishment and enforcement of consistent priorities for the collection, analysis, and dissemination of intelligence throughout the Intelligence Community; setting of policy and the ability to move personnel between elements of the Intelligence Community; review, approval, modification, and primary management and oversight of the execution of Intelligence Community budgets; review, approval, modification, and primary management and oversight of the execution of Intelligence Community personnel and resource allocations; review, approval, modification, and primary management and oversight of the execution of Intelligence Community research and development efforts; review, approval, and coordination of relationships between the Intelligence Community agencies and foreign intelligence and law enforcement services; and exercise of statutory authority to insure that Intelligence Community agencies and components fully comply with Community-wide policy, management, spending, and administrative guidance and priorities.

The Director of National Intelligence should be a Cabinet level position, appointed

by the President and subject to Senate confirmation. Congress and the President should also work to insure that the Director of National Intelligence effectively exercises these authorities.

To insure focused and consistent Intelligence Community leadership, Congress should require that no person may simultaneously serve as both the Director of National Intelligence and the Director of the Central Intelligence Agency, or as the director of any other specific intelligence agency.

2. Current efforts by the National Security Council to examine and revamp existing intelligence priorities should be expedited, given the immediate need for clear guidance in intelligence and counterterrorism efforts. The President should take action to ensure that clear, consistent, and current priorities are established and enforced throughout the Intelligence Community. Once established, these priorities should be reviewed and updated on at least an annual basis to ensure that the allocation of Intelligence Community resources reflects and effectively addresses the continually evolving threat environment. Finally, the establishment of Intelligence Community priorities, and the justification for such priorities, should be reported to both the House and Senate Intelligence Committees on an annual basis.

3. The National Security Council, in conjunction with the Director of National Intelligence, and in consultation with the Secretary of the Department of Homeland Security, the Secretary of State and Secretary of Defense, should prepare, for the President's approval, a U.S. government-wide strategy for combating terrorism, both at home and abroad, including the growing terrorism threat posed by the proliferation of weapons of mass destruction and associated technologies. This strategy should identify and full engage those foreign policy, economic, military, intelligence, and law enforcement elements that are critical to a comprehensive blueprint for success in the war against terrorism.

As part of that effort, the Director of National Intelligence shall develop the Intelligence Community component of the strategy, identifying specific programs and budgets and including plans to address the threats posed by Usama Bin Ladin and al Qa'ida, Hezbollah, Hamas, and other significant terrorist groups. Consistent with applicable law, the strategy should effectively employ and integrate all capabilities available to the Intelligence Community against those threats and should encompass specific efforts to: Develop human sources to penetrate terrorist organizations and networks both overseas and within the United States; fully utilize existing and future technologies to better exploit terrorist communications; to improve and expand the use of data mining and other cutting edge analytical tools; and to develop a multi-level security capability to facilitate the timely and complete sharing of relevant intelligence information both within the Intelligence Community and with other appropriate federal, state, and local authorities; enhance the depth and quality of domestic intelligence collection and analysis by, for example, modernizing current intelligence reporting formats through the use of existing information technology to emphasize the existence and the significance of links between new and previously acquired information; maximize the effective use of covert action in counterterrorism efforts; develop programs to deal with financial support for international terrorism; and facilitate the ability of CIA paramilitary units and military special operations forces to conduct joint operations against terrorist targets.

4. The position of National Intelligence Officer for Terrorism should be created on the

National Intelligence Council and a highly qualified individual appointed to prepare intelligence estimates on terrorism for the use of Congress and policymakers in the Executive Branch and to assist the Intelligence Community in developing a program for strategic analysis and assessments.

5. Congress and the Administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to: Have full and timely access to all counterterrorism-related intelligence information, including "raw" supporting data as needed; have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats; integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities; implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law; retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on "joint tours" from the various Intelligence Community agencies; institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report; maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and establish and sustain effective channels for the exchange of counterterrorism-related information with federal agencies outside the Intelligence Community as well as with state and local authorities.

6. Given the FBI's history of repeated shortcomings within its current responsibility for domestic intelligence, and in the face of grave and immediate threats to our homeland, the FBI should strengthen and improve its domestic capability as fully and expeditiously as possible by immediately instituting measures to: Strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities; establish and sustain independent career tracks within the FBI that recognize and provide incentives for demonstrated skills and performance of counterterrorism agents and analysts; significantly improve strategic analytical capabilities by assuring the qualification, training, and independence of analysts, coupled with sufficient access to necessary information and resources; establish a strong reports officer cadre at FBI Headquarters and field offices to facilitate timely dissemination of intelligence from agents to analysts within the FBI and other agencies within the Intelligence Community; implement training for agents in the effective use of analysts and analysis in their work; expand and sustain the recruitment of agents and analysts with the linguistic skills needed in counterterrorism efforts; increase substantially efforts to penetrate terrorist organizations operating in the United States through all available means of collection; improve the national security law training of FBI personnel; implement mechanisms to maximize the exchange of counterterrorism-related information between the FBI and other fed-

eral, state and local agencies; and finally solve the FBI's persistent and incapacitating information technology problems.

7. Congress and the Administration should carefully consider how best to structure and manage U.S. domestic intelligence responsibilities. Congress should review the scope of domestic intelligence authorities to determine their adequacy in pursuing counterterrorism at home and ensuring the protection of privacy and other rights guaranteed under the Constitution. This review should include, for example, such questions as whether the range of persons subject to searches and surveillances authorized under the Foreign Intelligence Surveillance Act (FISA) should be expanded.

Based on their oversight responsibilities, the Intelligence and Judiciary Committees of the Congress, as appropriate, should consider promptly, in consultation with the Administration, whether the FBI should continue to perform the domestic intelligence functions of the United States Government or whether legislation is necessary to remedy this problem, including the possibility of creating a new agency to perform those functions.

Congress should require that the new Director of National Intelligence, the Attorney General, and the Secretary of the Department of Homeland Security report to the President and the Congress on a date certain concerning: The FBI's progress since September 11, 2001 in implementing the reforms required to conduct an effective domestic intelligence program, including the measures recommended above; the experience of other democratic nations in organizing the conduct of domestic intelligence; the specific manner in which a new domestic intelligence service could be established in the United States, recognizing the need to enhance national security while fully protecting civil liberties; and their recommendations on how to best fulfill the nation's need for an effective domestic intelligence capability, including necessary legislation.

8. The Attorney General and the Director of the FBI should take action necessary to ensure that: The office of Intelligence Policy and Review and other Department of Justice components provide in-depth training to the FBI and other members of the Intelligence Community regarding the use of the Foreign Intelligence Surveillance Act (FISA) to address terrorist threats to the United States; the FBI disseminates results of searches and surveillances authorized under FISA to appropriate personnel within the FBI and the Intelligence Community on a timely basis so they may be used for analysis and operations that address terrorist threats to the United States; and the FBI develops and implements a plan to use authorities provided by FISA to assess the threat of international terrorist groups within the United States fully, including the extent to which such groups are funded or otherwise supported by foreign governments.

9. The House and Senate Intelligence and Judiciary Committees should continue to examine the Foreign Intelligence Surveillance Act and its implementation thoroughly, particularly with respect to changes made as a result of the USA PATRIOT Act and the subsequent decision of the United States Foreign Intelligence Court of Review, to determine whether its provisions adequately address present and emerging terrorist threats to the United States. Legislation should be proposed by those Committees to remedy any deficiencies identified as a result of that review.

10. The Director of the National Security Agency should present to the Director of National Intelligence and the Secretary of Defense by June 30, 2003, and report to the

House and Senate Intelligence Committees, a detailed plan that: Describes solutions for the technological challenges for signals intelligence; requires a review, on a quarterly basis, of the goals, products to be delivered, funding levels and schedules for every technology development program; ensures strict accounting for program expenditures; within their jurisdiction as established by current law, makes NSA a full collaborating partner with the Central Intelligence Agency and the Federal Bureau of Investigation in the war on terrorism, including fully integrating the collection and analytic capabilities of NSA, CIA, and the FBI; and makes recommendations for legislation needed to facilitate these goals.

In evaluating the plan, the Committees should also consider issues pertaining to whether civilians should be appointed to the position of Director of the National Security Agency and whether the term of service for the position should be longer than it has been in the recent past.

11. Recognizing that the Intelligence Community's employees remain its greatest resource, the Director of National Intelligence should require that measures be implemented to greatly enhance the recruitment and development of a workforce with the intelligence skills and expertise needed for success in counterterrorist efforts, including: The agencies of the Intelligence Community should act promptly to expand and improve counterterrorism training programs within the Community, insuring coverage of such critical areas as information sharing among law enforcement and intelligence personnel; language capabilities; the use of the Foreign Intelligence Surveillance Act; and watchlisting; the Intelligence Community should build on the provisions of the Intelligence Authorization Act for Fiscal Year 2003 regarding the development of language capabilities, including the Act's requirement for a report on the feasibility of establishing a Civilian Linguist Reserve Corps, and implement expeditiously measures to identify and recruit linguists outside the Community whose abilities are relevant to the needs of counterterrorism; the existing Intelligence Community Reserve Corps should be expanded to ensure the use of relevant personnel and expertise from outside the Community as special needs arise; Congress should consider enacting legislation, modeled on the Goldwater-Nichols Act of 1986, to instill the concept of "jointness" throughout the Intelligence Community. By emphasizing such things as joint education, a joint career specialty, increased authority for regional commanders, and joint exercises, that Act greatly enhanced the joint warfighting capabilities of the individual military services. Legislation to instill similar concepts throughout the Intelligence Community could help improve management of Community resources and priorities and insure a far more effective "team" effort by all the intelligence agencies. The Director of National Intelligence should require more extensive use of "joint tours" for intelligence and appropriate law enforcement personnel to broaden their experience and help bridge existing organizational and cultural divides through service in other agencies. These joint tours should include not only service at Intelligence Community agencies, but also service in those agencies that are users or consumers of intelligence products. Serious incentives for joint service should be established throughout the Intelligence Community and personnel should be rewarded for joint service with career advancement credit at individual agencies. The Director of National Intelligence should also require Intelligence Community agencies to participate in joint exercises; Congress should expand

and improve existing educational grant programs focused on intelligence-related fields, similar to military scholarship programs and others that provide financial assistance in return for a commitment to serve in the Intelligence Community; and the Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devise a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans, a strategy designed to utilize their skills to the greatest practical effect while recognizing the potential counterintelligence challenges such hiring decisions might pose.

12. Steps should be taken to increase and ensure the greatest return on this nation's substantial investment in intelligence, including: The President should submit budget recommendations, and Congress should enact budget authority, for sustained, long-term investment in counterterrorism capabilities that avoid dependence on repeated stop-gap supplemental appropriations; in making such budget recommendations, the President should provide for the consideration of a separate classified Intelligence Community budget; long-term counterterrorism investment should be accompanied by sufficient flexibility, subject to congressional oversight, to enable the Intelligence Community to rapidly respond to altered or unanticipated needs; the Director of National Intelligence should insure that Intelligence Community budgeting practices and procedures are revised to better identify the levels and nature of counterterrorism funding within the Community; counterterrorism funding should be allocated in accordance with the program requirements of the national counterterrorism strategy; and due consideration should be given to directing an outside agency or entity to conduct a thorough and rigorous cost-benefit analysis of the resources spent on intelligence.

13. The State Department, in consultation with the Department of Justice, should review and report to the President and the Congress by June 30, 2003 on the extent to which revisions in bilateral and multilateral agreements, including extradition and mutual assistance treaties, would strengthen U.S. counterterrorism efforts. The review should address the degree to which current categories of extraditable offenses should be expanded to cover offenses, such as visa and immigration fraud, which may be particularly useful against terrorists and those who support them.

14. Recognizing the importance of intelligence in this nation's struggle against terrorism, Congress should maintain vigorous, informed, and constructive oversight of the Intelligence Community. To best achieve that goal, the National Commission on Terrorist Attacks Upon the United States should study and make recommendations concerning how Congress may improve its oversight of the Intelligence Community, including consideration of such areas as: Changes in the budgetary process; changes in the rules regarding membership on the oversight committees; whether oversight responsibility should be vested in a joint House-Senate Committee or, as currently exists, in separate Committees in each house; the extent to which classification decisions impair congressional oversight; and how Congressional oversight can best contribute to the continuing need of the Intelligence Community to evolve and adapt to changes in the subject matter of intelligence and the needs of policy makers.

15. The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to

relevant information for federal agencies outside the Intelligence Community, for state and local authorities, which are critical to the fight against terrorism, and for the American public. In addition, the President and the heads of federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented and vigorously enforced.

Congress should also review the statutes, policies and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure. Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information. The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information. The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

16. Assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires. Given the absence of any substantial efforts within the Intelligence Community to impose accountability in relation to the events of September 11, 2001, the Director of Central Intelligence and the heads of Intelligence Community agencies should require that measures designed to ensure accountability are implemented throughout the Community. To underscore the need for accountability: The Director of Central Intelligence should report to the House and Senate Intelligence Committees no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance; as part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community; and the Inspectors General at the Central Intelligence Agency, the Department of Defense, the Department of Justice, and the Department of State should review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks, including the events of September 11, 2001. These reviews should also address those individuals who performed in a stellar or exceptional manner, and the degree to which the quality of their performance was rewarded or otherwise impacted their careers. Based on those investigations and reviews, agency heads should take appropriate disciplinary and other action and the President and the House and Senate Intelligence Committees should be advised of such action.

17. The Administration should review and report to the House and Senate Intelligence Committees by June 30, 2003 regarding what

progress has been made in reducing the inappropriate and obsolete barriers among intelligence and law enforcement agencies engaged in counterterrorism, what remains to be done to reduce those barriers, and what legislative actions may be advisable in that regard. In particular, this report should address what steps are being taken to insure that perceptions within the Intelligence Community about the scope and limits of current law and policy with respect to restrictions on collection and information sharing are, in fact, accurate and well-founded.

18. Congress and the Administration should ensure the full development of a national watchlist center that will be responsible for coordinating and integrating all terrorist-related watchlist systems; promoting awareness and use of the center by all relevant government agencies and elements of the private sector; and ensuring a consistent and comprehensive flow of terrorist names into the center from all relevant points of collection.

19. The Intelligence Community, and particularly the FBI and the CIA, should aggressively address the possibility that foreign governments are providing support to or are involved in terrorist activity targeting the United States and U.S. interests. State-sponsored terrorism substantially increases the likelihood of successful and more lethal attacks within the United States. This issue must be addressed from a national standpoint and should not be limited in focus by the geographical and factual boundaries of individual cases. The FBI and CIA should aggressively and thoroughly pursue related matters developed through this Joint Inquiry that have been referred to them for further investigation by these Committees.

The Intelligence Community should fully inform the House and Senate Intelligence Committees of significant developments in these efforts, through regular reports and additional communications as necessary, and the Committees should, in turn, exercise vigorous and continuing oversight of the Community's work in this critically important area.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, if I could have the attention of the Senator from Florida, I thank him for his presentation. Essentially, I think what the Senator suggested was the Intelligence Committee, which is the appropriate committee of jurisdiction, have hearings and take a look at the recommendations he just outlined as a result of the investigation by the House and Senate on the 9/11 tragedy. As I have indicated to the Senator before—and he has written me a letter—both Senator ROCKEFELLER and I think that is most appropriate, and we intend to hold hearings just as soon as we can get our current inquiry on the prewar intelligence in Iraq out in a situation where we can present it to the public. I think the Senator has provided a valuable service.

One of the important aspects when discussing intelligence is not only to find out the accuracy and timeliness of the prewar intelligence but also to really get into the recommendations on how we fix things. The Senator has done us a good service. We will have hearings on these recommendations.

Mr. GRAHAM. Mr. President, I thank the Senator for his comments. I particularly appreciate his sense of urgency to move forward on these issues and present to the Senate and the American people a set of reforms that will give them greater security.

ACTIVITIES OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE—IRAQ

Mr. ROBERTS. Mr. President, I rise today in order to update my colleagues in this body on the recent activities of the Senate Select Committee on Intelligence with respect to Iraq. This is a subject that has been in the headlines consistently for many different reasons. But my purpose in rising today is to report to the Senate, for it is an important day in that the Intelligence Committee members, as of this afternoon, will be presented the working draft of what the staff has been working on for better than 7 months.

In June of last year, nearly 8 months ago, the Intelligence Committee began a formal review of U.S. intelligence into the existence of Iraq's weapons of mass destruction programs, Iraq's ties to terrorist groups, Saddam Hussein's threat to regional stability and security in the Persian Gulf, and his violation—obvious violation—of human rights.

This review was initiated as part of the committee's continuing oversight of the U.S. intelligence community's activities and programs, which is always continuing. Our committee staff had, for the previous several months, already been examining the intelligence activities regarding Iraq, including the intelligence community's support to the United Nations weapons inspections in Iraq and the community's analysis and collection of reporting related to the alleged Niger-Iraq uranium deal.

On June 20, 2003, however, Vice Chairman ROCKEFELLER and I issued a press statement. We announced a joint commitment to continue the committee's thorough review of prewar U.S. intelligence. In that press statement, Senator ROCKEFELLER and I agreed to examine the following: the quantity and quality of U.S. intelligence on the Iraqi regime's weapons of mass destruction programs, its ties to terrorist groups, the regime's threat to stability and security in the region, and its repression of its own people.

We also agreed to look at the objectivity and the reasonableness, independence, and accuracy of the judgments reached by the Intelligence Community; whether those judgments were properly disseminated to policymakers in the executive branch and the Congress; whether—and this is very important—any influence was brought to bear on anyone to shape their analysis to support policy objectives; finally, other issues we might mutually identify in the course of the committee's review.

I laid out three phases of the committee's overall Iraq review. First, to evaluate the quantity and quality of the intelligence underlying prewar assessments concerning Iraq; second, to determine whether the analytical judgments contained in those assessments were objective, independent, and reasonable; third, to evaluate the accuracy of those assessments by comparing them with the results of the ongoing investigative efforts in Iraq.

This afternoon, as I have stated, our committee members will begin reading and reviewing the staff's draft report, which does contain the committee's efforts to complete the first and second phases of the review. The third and final phase will be completed when the Iraq survey group completes its work in Iraq.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. ROBERTS. I am delighted to yield.

Mr. WARNER. Mr. President, I am privileged to serve on the committee with the Senator. There has been criticism, raising the inference that we have not in the Senate been addressing this with the depth and sincerity and interest we should.

I take great umbrage at that. Under the leadership of the chairman and, indeed, myself, we are the ones who brought David Kay up. We are the ones who put David Kay on the stand, the Intelligence Committee first, and before the Armed Services Committee immediately following, and subjected him to cross-examination after the delivery of his report. His report is a mixed one in certain ways, in my judgment, but nevertheless in no way were we not taking the initiative to bring this to the forefront.

I say also, yesterday the Armed Services Committee heard from the Secretary of Defense. The distinguished chairman was present. He is a member of that committee. Again, the first questions on WMD and precisely the question of whether or not there was any manipulation or distortion came from the Chair, myself, addressed directly to the Secretary.

Any objective analysis of the reports out of that hearing this morning—it was covered by the press—he faced it head on and answered those questions.

As we are speaking, I just departed the television where Director Tenet is now addressing the Nation. So I think the President and his principal deputies are facing square on these complex issues, as is the Senate.

I commend the chairman, and perhaps he will agree with my observations.

Mr. ROBERTS. Mr. President, I fully agree with the distinguished chairman of the Armed Services Committee, and I am very proud to serve on that committee, as well as privileged being the chairman of the Intelligence Committee.

We discussed this at great length. All members of these committees discussed it at great length. We have a responsibility to the American people to