

might inch on out there in its track to the west. It is now, as we speak, starting to round the western end of Cuba, between the west end of Cuba and the Yucatan Peninsula of Mexico. But now the track, instead of sending it further west out of Florida, has it coming back.

I see my colleague from Florida, my distinguished senior Senator, is here. Just to share with him the latest 11 o'clock advisory from this morning, instead of coming in at Pensacola, it has now moved back east in the area of Destin, WaterColor, San Destin, that area. It doesn't look like we are going to get spared the third hurricane.

My family has been in Florida 175 years. I know there have been times in that span of time where we have had back-to-back hurricanes, but not hurricanes of the magnitude of a category 4 and then a category 2, a category 2 that had gusts up to 120 miles an hour, which is category 3. But never have I heard where we have had three major hurricanes in a row all hitting the same State. Mind you, as Hurricane Ivan is rounding the tip of western Cuba tonight, it is a category 5, and as it comes around Cuba, what does it hit? It hits the warm waters of the Gulf of Mexico. Unless there is some shearing action at the top of the hurricane, it is even going to intensify more from the 160-mile-an-hour winds it has right now. No State should have to suffer three big ones in a row, yet this is what we are facing.

I ask, I implore, I plead with my colleagues, don't hesitate a moment to help our people in Florida.

ASSAULT WEAPONS BAN

Mr. NELSON of Florida. Mr. President, before I get into this hurricane discussion, my eye caught an Associated Press newswire out early this morning. A Miami-Dade County police officer was shot several times after a driver she stopped fired nearly two dozen bullets at her with an AK-47 assault rifle.

The assault rifle ban has been in effect for over a decade. According to the Department of Justice, it expired this past weekend and now AK-47s are allowed to be purchased under U.S. law.

My family has been in Florida 175 years. I grew up in the country. I grew up on a ranch. I have hunted all my life. I have a son who is an avid hunter. We enjoy the outdoors, but we do not hunt with AK-47s. AK-47s and assault rifles are for killing, not for hunting.

Why is it that law enforcement, at every level of government—Federal, State and local—is against terminating this law that prohibited the sale of assault rifles? Why is law enforcement opposed to the termination of this law? For exactly this reason: A Miami-Dade County police officer was shot two dozen times by an AK-47. I rest my case, and I think it is a sad day that we could not reenact an extension of the law on the abolition of assault weap-

ons, primarily for the sake of law enforcement.

I am a defender of the constitutional right to bear arms. I am a defender of the right to have guns of all kinds except when getting to the common sense that it is not worth it in our society to be able to purchase AK-47s.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, as he leaves, I would like to commend Senator NELSON, my good friend and colleague, who has given an enormous amount of attention to two disastrous hurricanes that have already hit our State, both before and in the aftermath. He is now continuing that as we face yet another hurricane in our State.

I extend my appreciation, admiration, and, as a Floridian, my thanks.

INTELLIGENCE REFORM, III

Mr. GRAHAM of Florida. Mr. President, on Saturday the Nation paused to observe the third anniversary of the horrible tragedy of September 11, 2001. In the first hours and weeks after the attack on the World Trade Center and the Pentagon, the Nation was shocked by what had been the unthinkable—a terrorist plot carried out on the soil of the United States of America.

We have seen grisly images of terrorism on our television screens from the Middle East, from Africa, from the Baltics, even from Great Britain. But now we have been hit here at home seemingly without warning, without the chance to have prevented the loss of over 3,000 innocent lives.

We now know that the terrorist attack of September 11 was the result of a sophisticated plot, a plot that developed over many months, a plot that required the coordination among a number of individuals and we know that had our national intelligence agencies been better organized and more focused on the problem of international terrorism this tragedy would have been avoided.

Incredibly, it is now more than 3 years after that tragic event and the basic problems in our national intelligence community that contributed to our vulnerability on September 11, 2001, are now for the first time being seriously considered. Let me be clear.

These problems were not a mystery before September 11. Before September 11, there had been a series of reviews of our national intelligence, reviews of our national intelligence in the context of terrorism and a series of very similar conforming recommendations. These weaknesses that contributed to September 11 were well known. They were well known by the administration and a majority in this Congress. What had occurred is that they had been essentially dismissed.

I am delighted that the good work of the 9/11 Commission has finally shaken the administration and my colleagues out of their lethargy.

In my last statement I identified five major problems and challenges of the U.S. intelligence community. Today I would like to suggest the direction the reforms should take in response to each of these problems and challenges.

First, the failure to adapt to a changing adversary and a changing global environment.

In the final report of the congressional joint inquiry, we optimistically stated:

The cataclysmic events of September 11, 2001 provided a unique and compelling mandate for strong leadership and constructive changes throughout the intelligence community.

However, the record is that since September 11 the intelligence community has been slow to accept the concept that a non-nation state can challenge the United States of America. We are all familiar with those scenes immediately after September 11 when the finger of responsibility was pointed not at al-Qaida, not at the Taliban, not at the place in which the terrorist plot had emerged but, rather, to Iraq because only a nation state could carry out a plot as complex and as devastating as September 11. We have taken only first steps to understand the real enemy, international terror.

Satellites will not give us the understanding, the capability, nor the intentions of Osama bin Laden. Yet the allocation of our intelligence resources continues to be dominated by the maintenance of the cold war satellite architecture and the development of yet a new generation of satellite technology. The recruitment and training of human intelligence agents has accelerated but remains inadequate. A sense of urgency is required to dramatically increase the number of men and women in the intelligence agencies with the command of the languages and the cultures of the Middle East, Central Asia, and China. In none of our intelligence agencies is this failure to transition to new threats and to new demand more evident than in the Federal Bureau of Investigation.

The FBI is, first and foremost, a law enforcement agency and it deserves its reputation as the best in the world. In that important responsibility, the priorities and professional rewards are for investigating a crime after it has occurred, arresting the culprit, providing the court admissible evidence to secure a conviction, and sending the criminal to jail. That is not the orientation of an intelligence agency. There the objective is to understand the threat before the act has occurred so the plot can be interdicted.

So what should we do? The United States can begin by learning a lesson from our foe.

Since our unfinished war in Afghanistan, al-Qaida has regrouped and decentralized. It has established alliances with terrorist groups in over 60 countries. This may seem counterintuitive, but in public administration there is

an admonition that in order to decentralize, an organization must first centralize.

Since their inception, the intelligence agencies have focused on their specific assignments, such as the collection of communications or the analysis of visual images.

As an example, the National Reconnaissance Office is paid to think about the capabilities of the next generation of satellites, not whether the relative importance of satellites in relation to human intelligence is declining. The larger realities—such as the changed nature of our enemies—go unattended. That is why the joint inquiry recommended that we centralize greater control over the intelligence agencies in a director of national intelligence to “make certain the entire U.S. intelligence community operates as a coherent whole.”

Once the agencies are retrieved into a coherent whole, I would then recommend that they, as the combined military commands of Goldwater-Nichols, be then decentralized around specific missions such as countering global proliferation of weapons of mass destruction and terror.

This new architecture would itself be subject to constant change as old threats decline and go away and new ones emerge to replace them. Such a structure would require constant attention to these questions: Who is the enemy today? Who is the enemy likely to be tomorrow? And what do we need to know in order to successfully confront this enemy?

A second reform designed to keep the intelligence community focused on both today and tomorrow is to increase the linkages between the intelligence communities and other sources of information and analysis. There have been some successful attempts to reach out to, for instance, academic programs and private sector think tanks. These initiatives should be expanded and integrated as a permanent component of the intelligence agency rather than an occasional effort.

I also believe the intelligence communities need to reach out to the consumer. Just as in a commercial venture, where the needs and desires of the consumer drive the success of the provider, the intelligence community should do likewise. What a difference it might have made if before September 11 someone had worked with the administrators of our most vulnerable systems—airlines, seaports, power, and industrial plants—to understand their vulnerabilities and assess whether current intelligence would indicate the need for change in their traditional means of operation in order to harden them from terrorist attacks.

It was no mystery that terrorists were considering using commercial airlines as weapons of mass destruction. That had been discussed for the better part of a decade. The problem was we did not connect that information with those who had a responsibility for the safety of commercial airlines.

Finally, if we are to recentralize our intelligence agency so we can then decentralize based on specific tasks, we need to change the position of the Director of Central Intelligence. Since 1947, when the intelligence community of the United States was first established, the Director of Central Intelligence has also been the head of the CIA. Given the divergent responsibilities of both jobs, that needs to be changed.

To give an analogy, we do not ask the Secretary of Defense to also be the Secretary of the Army. Each job has its own special perspectives and responsibilities. Yet that is essentially what we are doing with a merger of one of the intelligence operative agencies—the CIA—with the head of the individual who is supposed to have a view across the entire intelligence community. The head of the central intelligence function is designed to be one who can make strategic decisions regardless of how they affect the CIA or any other specific functional agency. It is time, today, to apply the same rule we have applied since immediately after World War II to our military, to our intelligence community.

A second failure of intelligence is the repeated instances in which the intelligence community has failed to provide strategic intelligence. Our late colleague, Pat Moynihan, as the Presiding Officer knows, used to have his seat in the back row, middle section of the Chamber of the Senate. From there he often complained that while the United States intelligence services can provide us with information on how many telephones there were in the Kremlin and information on how many sailors man the latest class of Soviet warships, the intelligence community had not been able to figure out that the Soviet Union was on the verge of collapse due to its weakening economy. Sometimes that kind of information gleaned both from publicly available sources and a knowledge of the country, rather than wiretaps and satellites, is the most important information there is.

Senator Moynihan had a solution. He wanted to abolish the American intelligence agency. I believe the need to collect, analyze, integrate, and disseminate intelligence is too great. Instead, rather than abolition, we need a series of reforms designed to enhance the gathering of strategic intelligence. For starters, the President should direct the next Director of Central Intelligence, whatever title he or she might have, to expand the number and orientation of voices that contribute to the intelligence process. The Bush administration has been accused—correctly, in my opinion—of practicing incestuous amplification.

In other words, the only people who were at the table are people who have the same point of view. Their views are then vetted through people who again share the same beliefs. As a result, the original conclusion is not only vali-

dated, it is amplified. After the attacks of September 11, the intelligence community was accused of failing to connect the dots. Incestuous amplification is unlikely to either connect the dots or expand the number of dots which are visible.

Two places to start this report would be the State Department and openly available sources of information. Unfortunately, the State Department has been the orphan of this administration. This is a particular shame, given the fact that the State Department has gotten it right more often than any other security agency.

From the beginning, the Secretary of State was skeptical of the stories coming out of Africa and Damascus about the status of Saddam Hussein's restoration of his nuclear capabilities. Using information from our own sources as well as European allies, the State Department had the best assessment of conditions in postwar Iraq. The intelligence community needs to be more amenable to the use of open source information.

The percentage of information which we contributed to a wise ultimate judgment derived from open sources—such as journalists, regional television and the Internet—is increasing. The duty of reading and assessing the significance of events reported openly in a foreign post is too often assigned to the newest, the least experienced intelligence officer or Foreign Service officer. There are indicators, for example, that press and television reports in the Middle East should have raised concerns before September 11 that a tragedy in the homeland of the United States was in the making.

It is for that reason that the joint inquiry recommended that “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 counter terrorism analysis and facilitate the timely dissemination of relevant intelligence information both within and beyond the boundaries of the Intelligence Community.”

I wish to pause to give particular credit to those words and that wise policy to our colleague, Senator RICHARD SHELBY. He served for an extended period of time as both chairman and vice chairman of the Intelligence Committee and throughout that period was particularly adamant in his support for integrating intelligence collection sources so that all could be taken into account with the wisest analysis and use of intelligence.

This idea—the fusion center—was signed into law within the Department of Homeland Security. But what has happened since? What has happened since is this very good idea has languished. The goal of the fusion center was not only to perform analysis that would fill the gap between foreign and domestic intelligence, but it also was

to share information with State and local law enforcement and to access their capability. This is not happening.

The third failure is the failure to establish within the intelligence community priorities and then deploy behind them. Rather than set up intelligence systems to validate convenient political notions, we need a system that pursues mutually agreed upon intelligence priorities. To that end, the President must assure that clear, consistent, and current policies are established and enforced through the intelligence agency. The President needs to charge the National Security Council with the preparation of a government-wide strategy for combating terrorism at home and abroad. It is an outrage that we are now more than 3 years from September 11 and we do not have a clear national strategy of how we are going to eradicate international terrorists.

The restructuring of the intelligence community suggested above can significantly contribute to a more coherent set of intelligence initiatives, but without leadership and commitment from the President, little progress will be made.

Fourth, the intelligence community has not implemented the policies necessary to recruit, train, reward or sanction, maintain the talents, or diversify its human intelligence capabilities. The intelligence community's current recruitment and training regime has been inadequate to overcome this handicap.

Of particular concern to me is the difficulty of receiving a security clearance for a first-generation American of Arabic ancestry. These young Americans, who have a heritage in the countries of the Middle East and Central Asia, are most likely to have absorbed colloquial Arabic, Farsi or Pashtun, at home, and could have the personal skills that will increase their value as a case agent. Of course, they are likely to have something else; that is, they are likely to have a family.

An intelligence security background check—an important part of assuring the patriotism of our intelligence community—includes interviews with family members. And if those family members live in Syria, for example, it may be difficult or impossible to get a clearance. If one of the family members, even a distant one, has been in the service of that foreign government, the recruit is likely to be rejected, even though he or she may meet every standard of being a patriotic American. By failing to find ways to overcome this bias, we are denying ourselves the benefit of one of our Nation's greatest assets, our diversity.

Another frequently cited reason for difficulty of recruitment of intelligence officers is the mid-1950s culture of the intelligence community. While most other aspects of our society have become accustomed to frequent turnover in careers—in fact, the average American can anticipate working at

seven or more distinctly different jobs or places of employment throughout his or her worklife—intelligence agencies continue to seek to employ people who are prepared to make a lifetime commitment.

Our Joint Inquiry recommended a series of reforms to bring the human talent in the community, which is in line with the current challenges, to the intelligence community. Those included a focus on bringing midcareer professionals into the intelligence community, allowing for more time-limited service for college graduates, finding ways to bring more native language speakers into the intelligence agencies, and other efforts at diversification.

At this point, I commend the former Director of Central Intelligence, Mr. George Tenet, for the work he has done to initiate these policies. I am pleased that the recently enacted Defense appropriations bill for fiscal year 2005 includes seed money for the development of a reserve officers training corps style program for the intelligence community at several universities, a recruitment and training program which will provide financial aid in exchange for a commitment of service within the intelligence community.

This could be a significant response to the need for proficiency in some of the world's most difficult languages and least known cultures and histories. Having these students under supervision during their college careers would also facilitate the clearance of first-generation Americans of Arab background into the intelligence services. And it would have, as does the military reserve officers training corps, the further attribute of facilitating jointness; that is, the willingness of people to see the mission rather than stop their vision at the particular agency at which they serve. Once these young people enter their respective intelligence agencies, many of them will have known each other during their shared preparatory experience and, therefore, will be more likely to work effectively together.

The fifth failure is the failure to realize that many of the most important decisions made by the intelligence community that were previously described as tactical have now become strategic.

There have been too many instances, most of which we cannot talk about in open session, when mid-level bureaucrats in the intelligence community have made decisions at a tactical level without a more strategic view as to the implications of those decisions. These can be seemingly as simple as the rotation of surveillance aircraft or other means of surveillance which, when discovered, set off a diplomatic firestorm with one of our friends or with one of our enemies.

The leadership of the intelligence community has a special responsibility to determine if there is a full understanding of the implications, rewards, and risks of an action. Review and ulti-

mate judgment on tactical measures must be made by someone with the requisite strategic vision and authority.

For that reason, and because of the significant confusion that the FISA process—the process by which a warrant was obtained to either place a wiretap or review the effects of a foreign person—caused for the FBI in seeking to investigate suspects prior to 9/11, it is important we reform the way the Foreign Intelligence Surveillance Act is now taught and applied.

For example, the officials of our Government who are charged with making the ultimate decision on these warrants, the Attorney General and the Secretary of State or their delegates, must place the individual application of such a warrant into the context of U.S. strategic global interests.

There are areas where the Congress, through oversight, can and must play a significant role. In a subsequent statement, I will review in more detail the role of Congress in the oversight and direction of the intelligence community and some of the reforms that I suggest should be made in order to more effectively carry out that responsibility.

America lost more than 3,000 of our people on September 11. But we lost something else. We lost our innocence. We can never bring back those people we lost, nor will we ever restore America's innocence. What we can do is honor their memories. What we can do is learn from their loss by embarking on the road from innocence to wisdom.

Government must lead when the people hesitate. And the people must lead when our Government, as it has under our current President, falters. Our safety and our future are too important to be left to change. Luck may spare us. It will never protect us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that notwithstanding the previous order I be allowed up to 10 minutes to speak as in morning business.

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

FAILED POLICY IN IRAQ

Mr. DAYTON. Mr. President, 3 days ago, a picture appeared in the Minneapolis-based Star Tribune newspaper, accompanying a Los Angeles Times article whose headline read: "U.S. Makes Show of Strength in Fallujah."

Mr. President, I ask unanimous consent that the article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. DAYTON. The picture, for the record, showed about 30 Iraqi civilians standing amidst the rubble of bombed buildings in the Iraqi town of Fallujah. In the forefront of the picture were five Iraqi children, and the caption beneath the picture read: