

not heard Vice President CHENEY or any others criticize Senators such as LUGAR or HAGEL for making these comments.

Senator John McCain said recently: We are not winning. Senator LINDSEY GRAHAM said that we need to be "more honest about how difficult it will be" in Iraq.

The list goes on, and the list tells me that Senators of good conscience on both sides of the aisle feel an obligation to disagree with the President on foreign policy when they have an honest disagreement and to suggest that changes in foreign policy or changes in military policy are important for the security of America.

I do not know if Vice President CHENEY or the Speaker of the House would criticize the fact I have been openly critical of some of the military decisions that have been made since the invasion of Iraq. When a man comes into my office and tells me his son is a military policeman in Iraq and because he cannot be issued body armor he and his wife were raising money at home to buy the body armor and send it to their son, I came to the floor to criticize that. Of the billions of dollars we have sent in preparation for this war, one would think it obvious that body armor would be one of the first things issued to our soldiers. In this case, it was not.

I was critical of the administration, critical of our policies, critical of foreign policy and military policy. Would Vice President CHENEY argue that I am giving comfort to the enemy by suggesting that? I certainly hope not.

When we found that our Humvees were sitting targets for homemade bombs and rocket-propelled grenades, that we had been remiss in failing to equip our Humvees in Iraq with armor plating on the sides to protect our soldiers, many of us came to the floor and made that point, wrote letters to the administration, forced a change in policy, which resulted in more and more of these Humvees being reconstructed, refit with armor to protect the troops.

Does the fact we were critical of the administration raise some question as to whether we are demoralizing the troops? Exactly the opposite occurred. When the Humvees arrived with the armor, our troops' morale went up. They had a chance to survive the attack. They did not have it before.

So Members of Congress—from Senator KERRY, through Republican and Democratic Senators alike—have a moral obligation to raise those issues where they disagree with this administration on foreign policy or military policy, whether they are on the Republican side of the aisle or the Democratic side of the aisle. This debate which we have seen disintegrate and descend to the levels that I have referred to needs to come to an end.

This is not the first time those in the highest levels of political office in Washington have questioned the patriotism of others in political office, have

questioned whether they have the national security of America paramount in their mind. The same thing occurred in the 1950s. A Republican Senator from Wisconsin named Joe McCarthy went about throwing charges at people right and left that they were not loyal to America; that they were, in fact, communist. He destroyed a lot of people. He destroyed a lot of careers in the process.

There came a time in the course of the Army hearings with Senator McCarthy where finally one voice spoke out. That voice turned to Senator McCarthy and said: Have you no shame?

The same question needs to be asked of those who are throwing around so loosely these charges that either JOHN KERRY, JOHN EDWARDS, or TOM DASCHLE do not have the best interests of the United States at heart in everything that they do.

I disagree many times with my colleagues on the floor when it comes to foreign policy, military policy, and many other issues. Yet I have never and will never ever question their patriotism. I believe that is beyond the pale of ordinary political discourse. It has now become common conversation in this Presidential campaign.

On November 2, the voters will have the opportunity to ask the candidates who use these low tactics, Have you no shame?

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### GUIDING PRINCIPLES FOR INTELLIGENCE REFORM

Mr. STEVENS. Mr. President, today our Appropriations Committee held a hearing and listened to distinguished individuals as to their views on the recommendations for intelligence reform. At that time, we were provided a statement which is entitled "Guiding Principles for Intelligence Reform" dated September 21, 2004. It is signed by the following persons: former Senator David Boren, former Senator Bill Bradley, former Secretary of Defense Frank Carlucci, former Secretary of Defense William Cohen, former CIA Director Robert Gates, former Deputy Secretary of Defense John Hamre, former Senator and Presidential candidate Gary Hart, former Secretary of State Henry Kissinger, former Senator Sam Nunn, former Senator Warren Rudman, and former Secretary of State George Shultz.

I do call it to the attention of all Senators in connection with this current review of the 9/11 Commission recommendations on intelligence reform.

I ask unanimous consent that the "Guiding Principles for Intelligence Reform" be printed in the RECORD.

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

#### GUIDING PRINCIPLES FOR INTELLIGENCE REFORM

America's security depends on strengthening our intelligence collection and anal-

ysis. Debate is under way on intelligence reform, and harnessing the energy of an election season is a healthy way to assure the issue receives the attention it deserves. Racing to implement reforms on an election timetable is precisely the wrong thing to do. Intelligence reform is too complex and too important to undertake at a campaign's breakneck speed. Based on our experience in both the executive and legislative branches of the U.S. government and on both sides of the political aisle, these are the basic principles we believe should guide any reform effort:

#### IDENTIFY THE PROBLEMS

Rushing in with solutions before we understand all the problems is a recipe for failure. Only after a full appreciation of the Intelligence Community's problems—and its strengths—can sensible decisions be made about reform, including whether to restructure. Moreover, reform will have to be comprehensive to succeed. Addressing this or that shortcoming—however grave—in isolation will fail to produce the improvement in intelligence capabilities our nation's security demands.

#### STRENGTHEN THE INTELLIGENCE COMMUNITY'S LEADER

The individual responsible for leading the Intelligence Community must be empowered with authority commensurate with his or her responsibility. Specifically and crucially, future leaders must have the ability to align personnel and resources with national intelligence priorities. Whether we maintain the Intelligence Community's current structure or create a new one, we must ensure that the Intelligence Community's leader has the tools to do his or her job.

#### SEPARATE INTELLIGENCE FROM POLICY

A fundamental principle for Intelligence Community reform must be that the intelligence community remains independent from policymakers. Nothing could be more important to a healthy national security structure. When intelligence and policy are too closely tied, the demands of policymakers can distort intelligence and intelligence analysts can hijack the policy development process. It is crucial to ensuring this separation that the Intelligence Community leader have no policy role. Otherwise, an Intelligence Community leader's voice could overwhelm those of Cabinet secretaries and the National Security Advisor and deprive the President of the benefit of robust, informed policy debate. A single individual with the last word on intelligence and a say in policy as well could be a dangerously powerful actor in the national security arena—using intelligence to advocate for particular policy positions, budget requests, or weapons systems that others lacked the knowledge to challenge.

For this reason, the leader of the Intelligence Community should not work inside the White House; he or she should be at arm's length from the policy process, not at the President's right hand. Nor should the leader become an instrument of diplomacy or policy formulation; his or her role should be to support others in these functions. Similarly, Intelligence Community reform must not rob Cabinet secretaries of their own ability to assess intelligence by centralizing the bulk of assessment resources; the secretaries must be able to turn to their own analysts for independent perspective and be able to task the Intelligence Community leader for input to the policymaking process. Finally, to protect against an unhealthy mixing of functions, we believe the person who is chosen to lead the Intelligence Community should be broadly acceptable to both parties and chosen for his or her substantive or management expertise.

## IMPROVE THE QUALITY OF ANALYSIS

Intellectual conformity and failure of analytical imagination have been the major culprits in most intelligence breakdowns, from our failure to predict accurately India and Pakistan's nuclear tests, to our misjudgment of Saddam Hussein's weapons of mass destruction programs. Improving the quality of the analysis on which policy makers rely must therefore be a top reform priority. The best analysis emerges from a competitive environment where different perspectives are welcomed and alternative hypotheses are encouraged. Intelligence reform must institutionalize these traits in the analytical process. To preserve their independence, analysts must be insulated from policy and political pressure. Finally, we must not only concern ourselves with the appropriate structure of intelligence analysis, we must also address the critical shortage of human expertise in critical fields. Funding for programs to address this deficiency is dangerously low and the trust funds for the National Security Education Program will be fully depleted within the next two years unless Congress acts.

## ENSURE MORE EFFECTIVE INFORMATION-SHARING

Intelligence Community players have overwhelming cultural and bureaucratic incentives not to share their information with each other or with those outside the community. These include a natural impulse to hoard information to protect turf, and a deeply ingrained passion for secrecy. Domestic agencies and foreign agencies, in particular, traditionally have resisted sharing information with each other. Yet our nation has learned with painful clarity that failure to share, coordinate, and connect available intelligence can have devastating consequences. The next time an FBI special agent suspects an Arizona flight trainee is an al Qaeda terrorist, the Intelligence Community needs to know. Reform must fundamentally alter agency incentives and culture to require sharing. This must include addressing the excessive emphasis on secrecy and classification that inhibits constructive, timely information flows, while continuing to respect the need to protect genuine sources and methods.

## PROTECT CIVIL LIBERTIES

Collection of intelligence is inherently intrusive; spying on fellow citizens carries with it great potential for abuse. Even as we merge the domestic and foreign intelligence we collect, we should not merge responsibility for collecting it. Intelligence reform might well create a single strategic coordinator of domestic and overseas collection on cross border threats like terrorism, but exclusive responsibility for authorizing and overseeing the act of domestic intelligence collection should remain with the Attorney General. This is the only way to protect the rights of the American people upon whose support a strong intelligence community depends.

## PRESERVE SITUATIONAL AWARENESS FOR TACTICAL MILITARY OPERATIONS

As we have seen from the skies over Bosnia to the sands and cities of Afghanistan and Iraq, tactical intelligence and situational awareness are indispensable to our military's unparalleled operational success. Any successful intelligence reform must respect the military's need to maintain a robust, organic tactical intelligence capability and to have rapid access to national intelligence assets and information.

## ASSURE CLARITY OF AUTHORITY FOR CLANDESTINE OPERATIONS

The war on terrorism has blurred agency roles for some critical national security ac-

tivities. The Department of Defense now performs more clandestine and intelligence operations than in the past; meanwhile, the CIA's Directorate of Operations engages more in traditional military functions, such as the successful campaign in Afghanistan. Authority for these newer roles is murky, and there are sometimes disparities in the type or level of approval needed for an operation, depending on who performs it. The new challenges we face mandate a wide range of tools and creative approaches to intelligence. But establishing absolute clarity of chain of command, oversight, and accountability for clandestine operations is essential.

## REFORM CONGRESSIONAL OVERSIGHT TOO

Intelligence reform will not succeed unless Congressional oversight of the Intelligence Community becomes more effective as well. Rather than relying on review of agency submissions and after-the-fact investigation of failures or abuses, Congress should reach out periodically to test and assure the Community's health. Whether meaningful legislative oversight demands a major overhaul of committee structure or merely a change of philosophy, Congressional reform is as vital as changes affecting the Executive Branch.

Elections are a perfect time for debate, but a terrible time for decision-making. When it comes to intelligence reform, Americans should not settle for adjustments that are driven by the calendar instead of common sense; they deserve a thoughtful, comprehensive approach to these critical issues. If, as seems likely, Congress considers it essential to act now on certain structural reforms, we believe it has an obligation to return to this issue early next year in the 109th Congress to address these issues more comprehensively. We hope the principles we've suggested will help shape serious discussion of reform.

The PRESIDING OFFICER. The Senator from Idaho.

## CAUTION IN POST-9/11 COMMISSION ERA

Mr. CRAIG. Mr. President, I was at that hearing this morning when Henry Kissinger made his presentation, and I was extremely pleased that it was a bipartisan and balanced presentation. Instead of fingers being pointed or accusations being made about what we ought or ought not do in a post-9/11 Commission era, what Henry Kissinger said was, caution. In a political year that is ripe with political innuendo, be careful what you create because you might not like it after the fact, that recreating the intelligence community of this country and of this government is tremendously important, but it needs to be done well so we don't get the wrong results.

I think all of us recognize the dysfunctional character of our intelligence community and the results that it yielded, and why there was a 9/11, and why a 9/11 Commission was developed, and why we are working now in the Governmental Affairs Committee to try to craft and change the character of that intelligence community.

It was a very positive hearing this morning. I was pleased by the bipartisan approach, which will disallow any candidate out there from opportunistically pointing a finger and saying you are or you are not doing

something in the right manner. It was well presented this morning.

MEASURE READ THE FIRST TIME—S. 2823

Mr. CRAIG. Mr. President, I understand that S. 2823 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2823) to provide for adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

Mr. CRAIG. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. CRAIG. Mr. President, I thank you for that process.

What I have just done will result in placing the Agricultural Job Opportunity, Benefits, and Security Act—the AgJOBS bill, or S. 2823—on the calendar for future consideration by this Senate. There is a great deal of work that has not been done by the Senate this year. The issue of immigration reform, especially that affecting well over 1.5 million undocumented agricultural workers of our Nation, is, in my opinion, a critical issue.

In a post-9/11 era, what we have said about our country, and what our citizens are saying, is pretty straightforward. They are saying control the borders, identify those who are within, and arrest those who are undocumented or illegal or who might perpetrate harm to this Nation.

I agree with those very fundamental principles that retain the character and the integrity of our country. But what we are also finding in a post-9/11 era is that our negligence as a country, our responsibility as legislators in failing to produce a workable immigration policy, has resulted in between 8 million and 12 million undocumented foreign nationals in our country. Many of them—frankly, most of them—are hard-working human beings who have contributed a great deal to our country and to our country's economy.

In the area of the agricultural economy, that is especially true. In the agriculture of Idaho and most of our States in the Nation, undocumented workers play a very significant role in the normal processing and functioning of agriculture itself, the production of the food and fiber that make it to the shelves of the supermarkets and the tables of the families across our country. We now attempt policy that tightens our borders, but we also need to recognize our immigration problems will not be solved by simply wanting to penalize. Instead, we need to manage; controlling and shaping a better system;