

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;

understanding the importance of that workforce to the Nation on the one side, and on the other side, recognizing the sheer humanitarian character and responsibility we have as Senators and as those who form public policy.

Last year, on the United States-Mexican border, over 300 people died trying to make it across the border to identify with a job in this country. Many of them died of heat or lack of water in the deserts of Arizona and New Mexico near Mexico. That is a tragedy in its own right and a crisis in the making. But it is a tragedy that is a result of bad law that doesn't function well, and a law that will not function well until we adjust it and change it. That is why in working with all the interested groups over the last 5 years, TED KENNEDY, CHRIS CANNON and HOWARD BERMAN in the House, and I have produced the legislation that is at the desk. It has been vetted well. It has the support of a tremendous community of interest, from growers and employers on one side to agricultural workers on the other side. It has the support of a historic, bipartisan, and diverse national coalition. It is a bill that should be considered by this Congress. It is a bill that will pass the Senate because we now have over 60 cosponsors. It is a bill whose time has come, but it is a bill that possibly will not find time this year simply because of the shortness left in this session and the work that is necessary to be done?

I have worked with the leader and will continue to work with the leader to see if we can't find that window of opportunity to vote our expression on this most important issue, this year, sooner rather than later.

I have chosen this rule XIV process to make the legislation current at the desk to start the process to see if we might find that window of time in which to debate and vote on what I think is one of America's most important issues: immigration reform, controlling our borders, identifying undocumented people in this country, doing background checks, and the vetting of their character which is necessary to determine whether they are here and constructive, or whether they are here with a destructive thought in mind, a destructive thought against U.S. citizens, as we found on 9/11 a few years ago. Bringing the undocumented out of the shadows not only helps these workers who add to the economy and pay taxes, but it also would help our homeland security.

Many of us are determined to deal with this issue now. If we don't deal with this now, there is no question in my mind that I and others will make it a No. 1 issues in the next session of Congress. This is an issue that legislators cannot turn their backs on. It is an issue that cries out for resolution.

I believe S. 2823 is a proper solution to a major segment of that very large problem in this country.

I thank you and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTELLIGENCE SYSTEM

Mr. LAUTENBERG. Mr. President, I found today to be a rather startling day by virtue of the news we have heard about what is happening with our troops in Iraq, what is happening to those who are in battle, those we are asking to carry on the battle for, let me call it, the liberation of Iraq, the opportunity to turn that society into a democratic society. This was brought to me by virtue of a couple of things that happened.

First, I participated with colleagues in the Governmental Affairs Committee markup of intelligence reform. It is a task that I and so many others on the committee, and throughout this body, take very seriously. We are upset about what happened on 9/11. We just commemorated the third anniversary of that horrific day. I went to a community in New Jersey, Middletown, NJ, and spoke to a group that included survivor families of 9/11. Thirty-seven of their residents lost their lives on that terrible day.

I walked around the memorial walk they established and saw pictures placed on granite stones of those who perished, with messages of love and longing for fathers who died, for brothers, for sisters, and for mothers who were killed that day, murdered. It digs further into the searing memory of that fateful day.

It reminds all of us about what our responsibilities are to try and get this country back on an even keel and to stop mourning the loss of young people because though we struggled hard to turn out our bill on intelligence reform this day, we did not complete it. But there is a fair degree of optimism that we will come to at least an initial description of what the intelligence-gathering mechanism might be.

Then this afternoon I heard President Bush say something that I found almost incomprehensible, extremely disturbing about our Nation's intelligence-gathering system. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about a CIA report that he received last month on the deteriorating situation—as a matter of fact, I believe it was in July—the deteriorating situation in Iraq which could even lead to a full-blown civil war.

The President dismissed the CIA report and said it was “just guessing.” Just guessing. Imagine, we are over 1,000 deaths, thousands of injuries, many of them very serious—if one

wants to see how serious, go down to Walter Reed Hospital and interview some of those who survived these attacks and see how they feel about what is taking place.

We are just guessing? The CIA is just guessing? If the President thinks our Nation's intelligence system is just guessing, then we are in trouble. The President's comments are a frightening sign that he is not living in reality and that he continues to ignore the truth about what is happening on the ground in Iraq.

I am going to quote what the President said this day, September 21:

The CIA laid out a—several scenarios that said, life could be lousy, life could be OK, life could be better, and they were just guessing as to what the conditions might be like.

Talk about casual dismissal of the trauma that family after family across this country faces. Over 33 former residents of New Jersey paid with their lives, all young. When I talk to those families or go to a funeral, there is such distress and grief.

I talked briefly before about these granite markers in a memorial built in Middletown, NJ. All of these granite memorials had legends or quotes from the family like “Daddy, I miss you”—quotes that were so tender. One said, “If love could have kept you alive, we would be having a good time right now.” They are the saddest things.

The reality is that these are not gravestones. These are granite markers done very gracefully throughout a walkway in this park with, again, a marble plate on top, an inscription from a family member, and a picture of the individual. Several men were pictured in tuxedos. I think the idea was to say that life was so full and so happy for these families.

When we look now at where we are, we see the President suggesting that maybe the CIA is just guessing as to what conditions might be like. President Bush ignored some intelligence reports he did not like before he went to war. Now when intelligence contradicts him, he dismisses the content of the report as mere guessing.

When the Central Intelligence Agency sends the President a report that lays out three scenarios for Iraq with the most rosy, the status quo, an average of 87 attacks a day against our troops, 1,035 dead to date, the President dismisses it as guesses? What an insult to the people in our country and to those families. I would like the President to stand in front of some of those survivors and say: Your son died. It is terrible. We made mistakes. The CIA was just guessing about what might be.

Look at where we are. Look at what is taking place. Today's Washington Post has a story about the comments of a general who defends the pace of the Iraqi training. Army LTG Walter Sharp, speaking to reporters at the Pentagon, also disputed the accuracy of some of the Democratic Presidential nominee's new criticism of the pace of training for Iraqi police.