REFUGE FOR EXTREMISTS

Even as new trouble spots emerge, eradicating known extremist sanctuaries has proved difficult, particularly in remote places out of the reach of government authority, such as parts of Yemen on the southern tip of the Arabian Peninsula.

After Al Qaeda bombed the U.S. destroyer *Cole* in Yemen in 2000, killing 17 American sailors, Washington helped train and equip Yemeni security forces and tried to persuade the government to do more to counter extremists.

But diplomats say the country remains primarily a lawless place where forbidding terrain and intricate tribal codes provide an ideal nest for militants.

Saudi and U.S. officials identified Yemen as the primary source of weapons and explosives for the Al Qaeda cells that have launched attacks in neighboring Saudi Arabia.

''Yemen still has to be viewed as largely ungovernable,'' a senior U.S. counter-terrorism official said. ''We sunk some money and time and effort into it, but we don't have much to show for it.''

Yemeni officials acknowledged in interviews that surface-to-air missiles, grenade launchers and other weapons remain widely available despite a crackdown on open-air arms bazaars.

The mix of radicals and weapons is particularly potent along the Saudi border, which encompasses rugged mountains and remote desert where tribal leaders hold sway.

''If somebody comes, he's going to pay for tribal protection,'' said Faisal Aburas, a sheik from the impoverished province of Al Jawf on the Saudi border.

''Then it would look bad for a sheik to hand him in, even if he's a criminal, because it shows weakness.''

Abubakr al Qerbi, Yemen's foreign minister, denied that the country still harbored Al Qaeda veterans.

''This is old information,'' he said, saying they were expelled in 1995 and again after the *Cole* bombing.

But Hamood Abdulhamid Hitar, a Yemeni government official in charge of negotiating with extremists, said he was holding theological debates with hundreds of militants, including 107 suspected Al Qaeda loyalists.

Yemen also links the Arabian Peninsula and the Horn of Africa. Somalia, where there is virtually no workable, central government, is just an hour by boat across waterways that are essentially wide open.

Farther down the coast in Kenya, concerns focus on a group run by Fazul Abdullah Mohammed, an Al Qaeda operative with a $25-million bounty on his head. Mohammed, a native of Comoros off the southeastern coast of Africa, was indicted in the United States on charges of orchestrating the 1998 bombings of the U.S. embassies in Kenya and Tanzania. He also is suspected of organizing the 2002 attacks on Israeli targets in Mombasa, Kenya.

Today, U.S. and other Western security officials say they believe he is planning another round of attacks, possibly on the new U.S. Embassy in Nairobi, the Kenyan capital.

''Al Qaeda is preparing for another sensational attack against Western targets in Kenya,'' a Western security official said. ''Two attacks planned for Kenya were exposed during the past year.''

U.S. officials suspect that the hunt for Mohammed has driven him into a remote part of northern Kenya, but they say he remains in touch with Al Qaeda leaders through courier and computer.

''I consider him to be a high-value target and a real player in the global Al Qaeda operation,'' said a senior U.S. official in Washington.

U.S. STILL A TARGET

U.S. and foreign intelligence and counter-terrorism officials warned that the United States remained the prime target of radical Islam.

''They have overcome the shock of the Afghanistan war and very likely they are preparing another large scale attack, possibly on a U.S. target,'' the senior European counter-terrorism official said. ''There are good reasons to be on alert.''

A CHANGING ROSTER

Despite the arrests of several high-profile leaders, anti-terrorism experts believe that Al Qaeda has managed to reemerge as a lethal ideological movement. Dispersed operatives—loosely organized or acting alone—recruit and quickly train local terrorist groups for small but deadly attacks.

A TERRORIST EVOLUTION

In operations such as the 1998 U.S. Embassy bombings in Africa and the Sept. 11 attacks, Al Qaeda leaders exercised considerable control over operations. Today, Al Qaeda appears to have become more ideology than network, spreading globally among cells inspired by Sept. 11.

MARKING TERROR'S CHANGES

''In Iraq, a problem has been created that didn't exist there before. The events in Iraq have had a profound impact on the entirety of the jihad movement.'' Judge Jean-Louis Brugulere, French anti-terrorism investigator.

''Any assessment that the global terror movement has been rolled back or that even one component, Al Qaeda, is on the run is optimistic and most certainly incorrect. Bin Laden's doctrines are now playing themselves out all over the world. Destroying Al Qaeda will not resolve the problem.'' M.J. Gohel, head of the Asia-Pacific Foundation, a London think tank.

''Once these guys have gone to Iraq to train, they know how to use weapons and explosives. That's the first level: Iraq as a new Afghanistan, a Chechnya.'' Pierre de Bousquet de Florian, director of France's intelligence agency.

''Al Qaeda is increasingly being invoked as an ideological motivation of Islamic radicals.'' Gijs de Vries, counter-terrorism coordinator for the European Union.

''By now we have no evidence, not even credible intelligence, that the Madrid group was steered, financed, organized from the outside. So that might be the biggest success of Bin Laden.'' A senior European counter-terrorism official.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the remainder of morning business time on both sides be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

NATIONAL INTELLIGENCE REFORM ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 2845, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, today the Senate begins an important debate on the National Intelligence Reform Act. This legislation, which I have introduced with my good friend and colleague, Senator JOE LIEBERMAN, represents the most sweeping reform of our intelligence structures in more than 50 years. It reorganizes an intelligence community designed for the Cold War into one designed for the war against global terrorism and future national security threats. It recognizes that the fundamental obligation of government is to protect its citizens and that those protections must evolve along with the threats. It reorders the priorities of an intelligence structure that was devised for a different time and a different enemy.

On July 22, the 9/11 Commission released its final report on terrorist attacks against the United States. On that same day, our leaders, Senator FRIST and Senator DASCHLE, assigned the Governmental Affairs Committee the task of developing legislation addressing the Commission's recommendations to restructure the intelligence agencies within the executive branch. Our committee performed that task with dedication and diligence, and with the active participation of its talented members. From late July until mid-September, we held eight indepth hearings to assess the recommendations of the 9/11 Commission. We heard testimony from more than two dozen witnesses, including Secretary of State Powell, Secretary of Homeland Security Ridge, FBI Director Mueller, CIA Director McLaughlin, the 9/11 Commission Cochairmen, Kean and Hamilton, Commissioners Fielding and Gorelick, intelligence experts, field operatives, professors, and representatives of the 9/11 families. As a result of this unprecedented effort and wide-ranging input, the committee has produced the legislation now before the Senate. It is legislation that is comprehensive, bipartisan—indeed, unanimous—and historic.

This legislation is not, however, merely the product of 2 months' work by our committee. It is based upon the work of the 9/11 Commission and the inquiry that spanned 20 months, with 19 days of hearings and 160 witnesses, the review of 2.5 million documents,

and interviews of more than 1,200 individuals in 10 countries. The new intelligence structure we propose in our legislation is built upon a rock-solid foundation of inquiry and information.

In crafting a structure designed for today and for the future, the committee built on the strengths of our current system, recognized the progress that has been made since 9/11, and charted a new course to strengthen our intelligence community. We understood that the 15 agencies that comprise the intelligence community provide a wide range of unique experience, expertise, and viewpoints that must be preserved. We realize that the barriers to information sharing, cooperation, and coordination—what the 9/11 Commission referred to as ''stovepipes''—must be demolished.

We set as our goal an intelligence structure with the agility that the times and the threats demand, not simply another layer of bureaucracy. We were determined that this new structure not infringe upon the freedoms that Americans cherish.

This legislation uses the Commission's recommendations as our guide and these principles as our compass. It begins with the creation of the position of national intelligence director. The NID will be the head of our intelligence community and the principal adviser to the President of the United States. As the head of the new National Intelligence Authority, this Presidentially appointed, Senate-confirmed official will truly be in charge of our intelligence community. No longer will there be confusion and doubt about who is in charge and accountable. The answer will clearly be the national intelligence director.

The director will have broad authority to unify and strengthen our intelligence community's efforts and to eliminate barriers that impede the coordination of intelligence activities. He or she will set standards for information sharing and classification across the intelligence community and develop an integrated, coordinated communications network. His responsibility will be to turn the stovepipes that separate our intelligence community into conduits that promote cooperation. Along with this responsibility will come strong authority to direct budgetary and personnel resources where they are needed most.

To illustrate why these authorities are crucial, consider this passage from the 9/11 Commission Report.

In late 1998, it had become increasingly apparent that Osama bin Laden and al-Qaida posed a direct, immediate, and deadly threat to the United States. On December 4 of that year, Director of Central Intelligence George Tenet issued this memorandum. I quote from it:

> We are at war. I want no resources or people spared in this effort, either inside CIA or the Community.

You may ask, What is the result of this clear, concise and direct order from the head of our intelligence community.

According to the Commission:

> The memorandum had little overall effect on mobilizing the CIA or the intelligence community.

Why did it have so little impact? The expert witnesses before our committee and before the Commission provided the answer. Under the current structure, the DCI is responsible for managing the intelligence community but does not have the real authority to do so. No organization can succeed with such a disconnect between responsibility and authority.

At our committee hearing on September 13, I asked Secretaries Powell and Ridge what I consider to be the bottom-line question in this debate. I asked them both: Do you believe that a strong national intelligence director with enhanced power to set collection priorities, to task the collection of intelligence, will improve the quality of intelligence that you both need in your capacity as policymakers?

Each answered with an enthusiastic and unambiguous ''yes.'' As Secretary Powell put it, our intelligence team needs, and I quote the Secretary, ''a stronger, empowered quarterback.'' The Collins-Lieberman bill would provide that quarterback.

Perhaps the most important power that we provide to the national intelligence director is the power of the purse. In order to foster cooperation throughout the intelligence community, the NID will have control over the budget for national intelligence. Currently, that funding is largely funneled through the Department of Defense, and the director of the CIA has only very limited authority over the overall resources of the intelligence community.

Under the Collins-Lieberman bill, the NID, in consultation with the agency and department heads, will develop and recommend an intelligence budget to the President. After congressional action, it will be the NID who receives the appropriations for what will be known as the national intelligence program. The NID will also have significant authority to reprogram and transfer funds so that he can marshal the resources needed to counter a threat.

Never again should we have the kind of situation we saw with the directives issued by George Tenet in December of 1998, calling on the marshaling of resources and yet nothing happens.

After careful consideration, the committee decided to declassify only the aggregate figure for the national intelligence program. The Collins-Lieberman bill does not require the declassification of the budget totals for the various agencies that make up the NIP. Our witnesses generally urged great caution in going that far; instead, we require the directors to report to Congress on whether further declassification of budget totals is appropriate.

The NID will allocate the budget to the various intelligence agencies in accordance with the appropriations determined by the Congress. That includes agencies such as the National Security Agency, the National Geospatial Intelligence Agency, the National Reconnaissance Office, and parts of the Defense Intelligence Agency which serve national intelligence consumers but are located within the Department of Defense. In recognition of the dual roles played by these important agencies, which provide critical intelligence not only to the Department of Defense but also to the CIA and other national customers, our bill keeps these agencies within the department but strengthens the NID's authority over them.

It is important to emphasize that nothing in the national intelligence agency's authority will in any way hinder military operations or readiness. Tactical and joint military intelligence programs will remain under the control of the Pentagon and outside the national intelligence program as they are today. The Collins-Lieberman bill will not affect the tactical intelligence assets of the Army, Air Force, Navy, or Marines. This bill will not impede the flow of real-time actionable intelligence that our war fighters require. In fact, by strengthening and improving the collection and analysis of intelligence, our legislation should improve the quality of intelligence provided to Pentagon officials and the combatant commanders.

The members of the intelligence community collect a vast amount of information, but the Commission found that we have a weak system for processing and transmitting this information where it is needed. As the 9/11 report reveals, this weakness has been evident during many terrorist attacks over many years. It took an attack that claimed the lives of 3,000 people for this weakness to be fully exposed, and now it cannot be ignored.

Our legislation contains strong provisions that make information sharing the rule, not the exception, and requires integrated communications networks to be developed, a serious deficiency in our current system which Senator DURBIN highlighted in our hearings. We simply can no longer tolerate a system where the pieces of the puzzle are not assembled, where the CIA and the FBI each have vital, urgent, and compelling information, but no one puts the picture together.

The second major Commission recommendation included in our bill is the establishment of a national counterterrorism center. It would expand the communitywide intelligence analysis capabilities of the Terrorist Threat Integration Center established by the President last year.

A major benefit of this new center is that much of its staff will be drawn from the various intelligence agencies now scattered across the Federal Government. These intelligence experts will work side by side sharing and analyzing information, gaining an understanding of each other's mission, and

creating a culture of cooperation. A significant responsibility of the NCTC will be joint planning. The center will have the authority to develop plans that include a mission, objectives to be achieved, courses of action, and recommendations from operational plans. Moreover, the center will assign responsibilities for counterterrorism operations to the agencies as set forth in these plans.

As an example of how this might work, the NCTC would have the authority to create an interagency plan to dismantle a particular al-Qaida cell. The center would assign specific tasks to the appropriate agencies. But I want to be clear that the NCTC would not have the authority to tell any agency how it must execute that task, nor will it be in the military chain of command. Should an agency object to the NCTC assignment, the national intelligence director could either accede to the objection or appeal to the President to resolve the conflict.

These provisions are important. They will ensure an integrated approach to operational planning. We are not telling the various agencies precisely how to carry out the plan, how to execute it, but we will make sure that someone is looking at plans that span agencies, and in doing the planning when it affects more than one agency, when it is joint.

The legislation also includes provisions recommended by the Commission and authored by Senator VOINOVICH that streamline and standardize the system for security clearances, a system that we have heard, over and over again, is inconsistent, slow, and backlogged. An important provision requires the President to designate a single agency to handle security clearances for Government employees and contractors.

The final chapter of the 9/11 report, the chapter that outlines the recommendations we seek to implement, begins with this statement:

Some of the saddest aspects of the 9/11 story are the outstanding efforts of so many individual officials straining, often without success, against the boundaries of the possible. Good people can overcome bad structures. They should not have to.

This summarizes one of the major reasons we need reform. We have a system now that does not allow us to respond with agility to the threats we face today.

As this next chart shows, in our legislation we are not adding a layer of bureaucracy, nor are we breaking up individual agencies, nor are we creating a new department of intelligence. We are, instead, creating a new structure for cooperation, accountability, and results. Our legislation gives the good people in our intelligence community the structure they deserve. It also takes steps recommended by Senator JAY ROCKEFELLER, the vice chairman of the Intelligence Committee, to ensure that we will always have good people. It creates a scholarship program to encourage bright young Americans to join the intelligence community and it will enable veteran intelligence officers to enhance their skills. Intelligence reform requires this investment in human capital. We also create a reserve corps of retired intelligence officers who can be called upon when their special skills and judgment are needed.

Our bill also creates a civil liberties board as recommended by the Commission and strengthened by amendments offered by Senator DURBIN. Nominated by the President and confirmed by the Senate, the members of this board will advise agencies of the civil liberties ramifications of policies before they are adopted and then will conduct oversight.

In addition, our legislation will create both a civil liberties and privacy officer as part of the new national intelligence authority.

The fundamental obligation of any government is to protect its citizens. The American Government has an additional obligation to protect the freedom of its citizens. Our legislation does not ask the American people to choose between security and liberty. We firmly believe that no such choice is necessary. Our structure reflects that belief.

To help ensure a smooth transition from the current structure to the new, the bill provides a 6-month phase-in period that gives the President considerable discretion in implementing these reforms. We will not let our guard down during any point in this process.

We also recognize that reforms of this magnitude require continued and careful congressional oversight and review. The bill includes a provision recommended by former Senator Warren Rudman that requires a report to Congress on implementation of these reforms after 1 year. As a result of an amendment offered by Senator PRYOR, it also includes a useful requirement for a government accountability study and report to Congress.

As I have indicated, this legislation is the product of a concerted effort by the Governmental Affairs Committee. It reflects the recommendations of other committees and it builds upon the work of the 9/11 Commission. But it is important to know that the 9/11 Commission did not start from scratch, either. Its work takes into account nearly a half century of studies on intelligence reform dating back to the Eisenhower administration.

The titles of the studies and commissions reads like a ''Who's Who'' of 20th century military, intelligence, and diplomatic expertise: Hoover, Doolittle, Schlesinger, Rockefeller, Scowcroft, to name just a few. These studies were conducted under a variety of conditions and threats but a central theme emerges: America's intelligence system is hindered by a fragmented structure and compartmentalized thinking.

Our past failure to act on these many studies, which spans decades, which is repeated over and over again, is why we are here today. For example, the Boren-McCurdy legislation of 1992 realized the emerging threat of the post-Cold War era, terrorism, and weapons proliferation. Using the successful restructurings of the military since World War II as models, the National Security Act of 1947 and the Goldwater-Nichols Act of 1986, this legislation called for the creation—yes, you guessed it, Mr. President—the creation of a national director of intelligence with strong authority similar to what we propose today.

The Boren-McCurdy Act was not adopted. At the same time that those reforms were being set aside for another day, one component of our intelligence community had identified Osama bin Laden as the mastermind behind a foiled plot to bomb American troops. Another noted bin Laden's close ties to a known terrorist who was later revealed as the architect of the 1993 World Trade Center bombing. Yet another considered bin Laden to be nothing more than an extremist financier. Information that could have led to effective action against bin Laden a decade ago was there, but it was not shared or acted on. In 1996, the Aspin-Brown Commission reached the same post-Cold War conclusion and made very similar reform recommendations. The result: yet another failure by Congress to take action.

Meanwhile, our intelligence community was starting to agree that bin Laden had started something called al-Qaida and that it was some kind of terrorist army. As the 9/11 Commission notes, however, every relevant member of the intelligence community had a different plan for dealing with bin Laden and al-Qaida, from cruise missiles to diplomacy with the Taliban. While these conflicting plans were butting heads, two American Embassies in Africa were bombed, the attack on the USS *Cole* was approved, and what became known as the Planes Operation was taking shape.

The need for reform was made clear by the 9/11 Commission's exhaustive study on the intelligence failures that preceded the murder of 3,000 innocent people on September 11, 2001. In late July of this year, as the Governmental Affairs Committee's work began, Washington, New York City, and northern New Jersey were placed under elevated terrorist alert, an alert that is still very much evident at the intersections of this city today. Our committee work neared its conclusion as terrorists murdered once again, this time at a schoolhouse in Russia.

These terrible events, combined with the slaughter we have seen in Bali, Istanbul, Madrid, Jerusalem, Jakarta, and so many other places, leaves no doubt that the enemy we face has both a global reach and an unlimited capacity for cruelty. Our response must be far reaching, and it must unleash America's capacity to meet any challenge. This legislation is an essential part of that response.

The calls for reform go back 50 years. For nearly 2 years, the 9/11 Commission conducted an investigation of unprecedented depth. Our committee produced comprehensive legislation with unanimous support.

Hardly a day passes in which we do not see new evidence of terrorism's depravity. Yet there are still some who say: We should wait. We need more information. Under the current threat of terrorist attack, the time is not right. The charged atmosphere of the election season is not the right environment for such important decisions.

I ask, What more information do we need? Look at the list of witnesses who appeared before the 9/11 Commission and our committee. What point of view has not been heard? What area of expertise was not explored? What more compelling evidence do we need before we act?

I ask, If the time is not right now, when will the right time come? When will there be no threats? I ask, What could be more cynical than our failure to act on something of such critical importance to the citizens of our country?

At our very first Commission hearing on July 30, Commission Chairman Thomas Kean spoke on the need to move forward with these reforms. This is what he said—and I hope we will heed his words—

> These people are planning to attack us again and trying to attack us sooner, rather than later. Every delay we have in changing structures or changing people . . . to make that less likely is a delay the American people can't tolerate.

Yes, we can wait. We can wait until the day when we know everything we possibly can know, when there are no more threats, when the American people do not expect their leaders to lead. We can wait until the day another attack leaves us all wondering once again why we did not see it coming.

That first day will never come. If we do not act, the second surely will.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent request which I am really happy to make. I am sure Senator COLLINS, if she does not know yet, will be happy to hear this. I ask unanimous consent to add Senators FEINSTEIN and MIKULSKI as cosponsors of our legislation.

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

Mr. LIEBERMAN. Mr. President, I am truly proud to join with Chairman COLLINS in presenting to the Senate this historic bipartisan legislation, the National Intelligence Reform Act of 2004.

Senator COLLINS deserves enormous credit for shepherding this bill through the Governmental Affairs Committee and for involving so many interested parties to produce transformational reform, which, when implemented, will make all Americans safer than we are today. It has been truly a personal pleasure to work with her and other members of our committee to produce the legislation we have brought before the Senate this afternoon.

On the day after the September 11 Commission report was issued and the bipartisan leadership of this Senate, Senator FRIST and Senator DASCHLE, gave the Governmental Affairs Committee jurisdiction to take up and discuss and report back to the full Senate on the executive branch recommendations for intelligence reform, Senator COLLINS and I spoke and we agreed from the beginning that this was the moment to forget party labels and focus on the national security interests.

After all, not only were we attacked 3 years ago, we are under imminent threat of another terrorist attack. Al-Qaida and the other terrorist groups have made absolutely clear they intend to strike us again. The news reports today feature warnings from our Government to various levels of Government throughout the country to be prepared and on guard for the potential of terrorist attempts to disrupt our election process, right up to and through election day.

So Senator COLLINS and I understood from the beginning that we had to work together to do what was best for the country as we saw it. There would be differences of opinion, but we would do everything we could to make sure they were not partisan. That is exactly the tenor of the markup our committee conducted for 2 days last week. It was one of the best 2 days of my 16 years as a Senator. When it was over, we had more than 40 amendments filed with the committee. Not a single amendment was decided on a partisan vote. One particular Democratic colleague said to me: For 2 days it was actually like we were legislating, the reason we came here in the first place.

That is absolutely right. We produced a solid, bold bill to transform our intelligence community to meet the challenges of an age of terrorism. We present it to the Senate with a confidence that the momentum that has been created by the 9/11 Commission, by the families of victims of September 11 appealing to us for action, by our own committee's nonpartisan work, will carry through the Senate, the House, the conference committee, and we will get this critical job done and in law as soon as possible, certainly this year, hopefully before the election.

I call this transformational reform because transformational reform is exactly what is necessary to face the enemy of today.

Terrorists working across national boundaries are brutal. They are inhumane. They strike, most of all, undefended targets, and they adapt to meet new circumstances. They are not going to be defeated solely, or perhaps even largely, in the end by military power or with the help of an intelligence system and community that were organized to fight the Cold War and helped win the Cold War. We need to restructure our intelligence capabilities to meet the challenges of 21st century warfare, and that means the war on terrorism.

That is what the legislation Senator COLLINS and I are presenting today will do. We owe a great debt to the seminal work of the 9/11 Commission and to their staff whose recommendations we relied on in drafting this bill. The Commission spent a year and a half studying the weaknesses in our national defenses that left us vulnerable on September 11, 2001. They interviewed more than 1,200 witnesses, reviewed literally millions of documents, held 12 public hearings, and produced a compelling narrative, chilling in its details and implications.

Under the strong leadership of Governor Kean and Congressman Hamilton, this bipartisan Commission made 41 recommendations to strengthen our country against terrorists. The two that they have called the most urgent—that is, the most time sensitive to act on—a strong national intelligence director, and a national counterterrorism center, form the centerpiece of the legislation we put before the Senate today.

We owe a deep debt of gratitude as well to the courageous families of those who died on September 11. We are here today because they turned their personal grief into an inestimable force for change, playing a vital role in getting the 9/11 Commission established in the first place, working relentlessly to help the Commission through the rough patches it faced, and embracing and championing its final recommendations. They are a mighty moral force. I continue to be awed and inspired by them in this debate. I will not forget their loss and their commitment to make sure that we reform our Government so that no other Americans face similar losses from 9/11 type attacks.

When the Commission released its report on July 22, very few would have predicted that legislation would be on the Senate floor today and the Senate would be poised to debate the most far-reaching reforms of our Nation's intelligence community in half a century. In fact, many predicted it would never happen. Most people thought it certainly wouldn't happen this year. Maybe next year. But the 9/11 Commission confirmed what we knew—the work of protecting our Nation from terrorist attacks cannot wait and must not be delayed. Business as usual on these matters is not an acceptable option.

During August and early September, in fact beginning at the end of July, the Senate Governmental Affairs Committee held, as Senator COLLINS said, eight hearings on the Commission's recommendations and drafted a bill on their work. Last week we held a 2-day markup, considered more than 40 amendments, and voted the measure

out of committee unanimously, with amendments adopted, good give and take, thoughtful discussion, negotiation on wording that in the end strengthened the authority and the position of national intelligence director.

Following the example of the 9/11 Commission, our committee members did work, not as partisans, though we are in the midst of an election campaign; we worked as Americans, concerned about the security of our fellow Americans and the responsibility we have to protect them. That is a much more compelling interest than any partisan political interest that any one of us may have.

Although we have acted with speed, we have also acted with deliberation. Our legislation is based not only on the comprehensive work of the 9/11 Commission I have described but on the earlier work of the joint House and Senate Intelligence Committees in their inquiry into matters of intelligence, on the expertise of scores of experts who have been thinking about this subject for decades, and on critical reports, as Senator COLLINS indicated, that date back not 10 or 20 years but 50 years, making similar recommendations to the ones we have made. It is a tragedy that it took 9/11 to shake us out of our bureaucratic lethargy to be on the edge of doing what should have been done 50 years ago.

The fact is, we are not moving too fast. Three years have passed since the devastation of the attacks of September 11. The 9/11 Commission has stated—and I think this says it all—''We are safer. But we are not safe.'' That is why we are moving so swiftly in this proposal to modernize the management of our intelligence agencies, to make sure we get the maximum in national security for the billions of dollars we are investing. Our enemies continue to plot against us, and intelligence is the first line of defense against these plots.

As the Commission report noted:

> Not only does good intelligence win wars, but the best intelligence enables us to prevent them from happening altogether.

These are not ordinary times. Our citizens are still at risk. Our military is on a wartime footing and in action, deployed abroad. So, too, we must be on wartime footing and deployed here at home.

September 11, 2001, reminds us that we can no longer afford to put off reform. In its extensive report, the 9/11 Commission literally indicted the status quo in America's intelligence community and insisted on change. The report said:

> As presently configured, the national security institutions of the United States Government are still the institutions constructed to win the Cold War.

The Cold War is over. We are now engaged in a wholly different conflict: a long-term war on terror. That is why the old systems of intelligence, the old structures must give way to new and more effective ones that meet our current threat.

A big part of the problem with the old structure, the Commission found, is that it has no leader. Lee Hamilton, vice chair of the Commission, said:

> A critical theme that emerged throughout our inquiry was the difficulty of answering the question: Who is in charge? Who ensures that agencies pool resources, avoid duplication, and plan jointly? Who oversees the massive integration and unity of effort to keep America safe? Too often, the answer is no one.

Our intelligence community is like an army without a commanding officer, a football team without a quarterback. It doesn't work; it is not acceptable, not with the challenges we face.

No one below the level of the President is charged today with the responsibility of overseeing a diffusion of organizations spread across 15 agencies in our intelligence community. No one today has the authority to knit together the efforts of these disparate elements; therefore, no one is accountable for mistakes.

Senator COLLINS showed a chart which portrays the changes our reform proposes. For comparison, here is our best effort to show the current system. You see the President, but then you see stovepipes—CIA, Defense, Homeland Security, State, et cetera—without a leader. We can't expect the President, with all the demands on the highest office in our Nation, to be on a daily basis coordinating this community which spends billions and billions of dollars every year—so stovepipes but not coordination.

That leads to some of the shortcomings that Senator COLLINS so ably and eloquently dramatized.

In fact, the Commission's report describes over and over again the consequences of the absence of a leader of our intelligence community today.

Senator COLLINS referred to George Tenet's call to war against terrorism, a directive sent to all of the agencies of the intelligence community on December 4, 1998. What was done in response to that call to war? Nothing. Why? Because most of the members of the intelligence community didn't think they had to do anything. The Commission concluded that Tenet's declaration ''had little overall effect on mobilizing the CIA or the intelligence community'' because he didn't have the power. He was not in control. The fallout, as we all know, was a frustrating series of missed opportunities and an agonizing failure to piece together good information that different agencies had gathered—the failure to connect the dots.

We have a lot of able people and extraordinary capacities in our intelligence community. Nobody in the world can do all that we can do in intelligence. But if you don't bring it together in one place, if you don't have coordination and leadership, literally one arm doesn't know what the other is doing, and the national security suffers and the terrorists gain.

At its core, the configuration of the intelligence community today prevents us from drawing upon the experienced people, the ample resources, and the extraordinary information that are available within the community. Some of the problem is this lack of leadership I have talked about. Some of it is the top-to-bottom bureaucratic organization that the stovepipes on the chart show. Too often, each of the 15 intelligence agencies reside in their own universe, walled off from alternative points of view, failing to share information, and adjusting too slowly to new and emerging threats. As the commissioner put it on page 353 of the 9/11 report:

> Information was not shared, sometimes inadvertently or because of legal misunderstandings. Analysis was not pooled. Effective operations were not launched. Often, the handoffs of information were lost across the divide separating the foreign and domestic agencies of the government.

I depart from the quote. Even though the terrorists don't make that foreign and domestic divide, they are coordinating their activities; they are at war against us without regard to bureaucratic or foreign and domestic divides.

The Commission said that:

> The Agencies [of the intelligence community] are like a set of specialists in a hospital, each ordering tests, looking for symptoms, and prescribing medications. What is missing is the attending physician who makes sure they work as a team.

Today, the head of the intelligence community—whom we call the DCI, Director of Central Intelligence—only has effective control over the funds of one agency within the entire community, and that is the CIA. That means that roughly 80 percent of the national intelligence budget is not even controlled by the Director of Central Intelligence. We may have won the Cold War with that structure, but as has been made painfully clear, it is not enough for the war on terror, if we are to learn many lessons the hardest way possible. And agencies are doing a better job now sharing information and better coordinating their activity, but the system is still not organized—certainly not as well as it should be to get maximum security from the billions of dollars American taxpayers invest every year in the intelligence community.

Listen to this story. Philip Zelikow, the executive director of the 9/11 Commission, spelled out the problem before our committee. He told of traveling to Pakistan and Afghanistan to visit representatives of various U.S. agencies working in the border areas there to determine, he said, how they were working together, how they were integrating their hunt for Osama bin Laden. Surely, it is one of our most critical national goals since September 11 to find bin Laden. So Zelikow asked his host:

> Well, where is the joint strategic plan for the hunt for bin Laden? Where is the person who is in charge every day of the integrated strategic plan, [who] updates that plan every day of how we're hunting bin Laden?

What Zelikow found was that 3 years after September 11, ''there is no such

joint plan. There isn't a joint integrated planner for that hunt.''

I imagine that will shock and unsettle the American people as much as it did the members of the Commission and the members of our committee. That is why we want to put this national intelligence director and national counterterrorism center in charge.

The legislation we are presenting today deals with these deficiencies by adopting two of the three critical Commission recommendations. Under our proposal, the national intelligence director would be the President's primary intelligence adviser but also the leader of the national intelligence community, with strong budget, personnel, and tasking authorities to break down the stovepipes and knit the agencies together into a powerful, agile, effective network. Tom Kean and Lee Hamilton told our committee they recommended a national intelligence director:

> Not because we want to create some new ''czar'' or a new layer of bureaucracy to sit atop the existing bureaucracy. We come to this recommendation because we see it as the only way to effect what we believe is necessary: a complete transformation of the way the intelligence community does its work.

The national intelligence director will have strong authority to reprogram and transfer money and people, so that he or she may react quickly to changing threats, and direct intelligence resources when and where they are most needed.

We heard from many witnesses before our committee about how critical it was to give the new national intelligence director budget authority if we wanted that director to forge the unity of effort we are looking for. The Director of Central Intelligence currently has authority to reprogram funds but not real budget authority, and even the reprogramming authority is not exercised frequently because the process takes from 3 to 5 months to complete. Imagine that. The threat of terrorism is daily, and it requires agility, quick action, and reprogramming funds to fight it, but reprogramming can take 3 to 5 months.

We heard from the former Director of the CIA, Jim Woolsey. He described what he called the Washington version of the Golden Rule: Whoever has the gold makes the rules. That is why we want to give the new national intelligence director real budget authority. Let me quote Woolsey:

> If budget execution authority is given to the national intelligence director, he will or she will have a much better ability to say to the Secretary of State or Secretary of Defense, ''Look, I sympathize, I understand. I know this fluent Arabic language linguist is a very rare asset. But you didn't hear me. I really need her or him.''

Unlike the current DCI, the new director would not run the CIA, while simultaneously trying to manage the entire intelligence community. We are going to separate them. The 9/11 Commission told us you cannot be both the President's principal intelligence adviser, the head of the intelligence community, and also run the CIA every day. So we have separated those two functions.

Our proposal thus puts the director in charge of the national intelligence program, which will encompass all programs and intelligence activities concerned with ''national'' intelligence—the interests of the entire nation rather than just one department.

Remember that our intelligence community ultimately serves the President as Commander in Chief, but the President is the head of our Government overall, representing the public interest. I know there are concerns about how these changes might affect the American military, so let me be very clear about this. Intelligence for use by the military services must continue to be a top priority of the national intelligence director and of our intelligence community. Support of our warfighters will always be a primary concern of our intelligence community, but it is not the only concern. Under this organization, the warfighter will benefit because as the national intelligence director takes charge, our overall intelligence will become more effective, including for the warfighter.

As Senator COLLINS made clear, the Department of Defense will retain control totally over the tactical military intelligence budgets.

Finally, the national intelligence director will have the assistance of a newly created Cabinet-level joint intelligence community council—Secretary Powell, when he appeared before us, compared this to the Joint Chiefs of Staff in the military—headed by the intelligence director as well as the Secretaries of State, Treasury, Defense, Energy, and Homeland Security, as well as the Attorney General. This council will advise the Director of Intelligence and ensure that the timely execution of the Director's priorities within each member's respective Department occurs. That reform, we believe, will bring direction and focus to the intelligence community's work.

The national counterterrorism center, the second urgent major recommendation made by the 9/11 Commission, is designed to overcome the failure to share information, to break through the stovepipes, to coordinate activities to make sure, to the best of our ability, that never again does 1 agency of our Government see 2 terrorist suspects coming into our country and not tell the border security agencies and those 2 end up as 2 of the 19 who attacked us on September 11.

Our legislation establishes the center with two key functions: First, to build on the Terrorist Threat Integration Center now housed at the CIA and ensure that intelligence from all sources in our Government is integrated and analyzed. In other words, this is the place where we can be sure the dots will be connected. Second, it will develop interagency counterterrorism plans and assign agencies responsibilities and monitor and report on implementation of the plans.

The obvious point here is if we are going to have everybody at the same table sharing the intelligence they collected, the analysis they make of it, it makes every bit of common sense to authorize them to plan together what to do about it.

This counterterrorism center—and I note the occupant of the chair is a member of the Armed Services Committee—would be comparable to the combatant commands, the joint commands that were created pursuant to the Goldwater-Nichols Act of the mid-eighties. These operations that would be planned could be on the larger strategic level, such as how do we win the war on terrorism, how do we win the hearts and minds of people in the Muslim world, and, of course, they also should be on the more tactical level: What can we do together to more quickly capture or kill bin Laden? What can we do together about this terrorist cell we see in some American city?

Here is what the Commission chairman and vice chair said about this:

> Today, we face a transnational threat. That threat respects no boundaries and makes no distinction between foreign and domestic. The enemy is resourceful, flexible and disciplined. We need a system of management that is as flexible and resourceful as is the enemy. We need a system that can bring all the resources of Government to bear on the problem—and that can change and respond as the threat changes. We need a model of Government that meets the needs of the 21st century. We believe that the National Counterterrorist Center will meet that test.

So, too, of course, Senator COLLINS and I and the members of our committee, whose bill we put before you today, would establish such a center.

This is a critical reform. It will triumph over the bureaucratic inaction and failure to share information described by the Commission throughout its report. Let me just give this example from the report.

In late 1999, the National Security Agency, which overseas the collection of signal intelligence, analyzed communications to and from and about some people they were watching who turned out to be future terrorist hijackers of September 11. NSA correctly concluded that someone named ''Nawaf'' and his accomplice named ''Khalid'' were part of ''an operational cadre,'' and that ''something nefarious might be afoot.'' But the NSA, and that particular analyst and others, did not think its job was to pursue further the identities of these men because it saw itself as a support agency that should energetically respond to requests for information, listen to conversations, et cetera, but not initiate investigations. It turns out there was additional valuable information right in the NSA computers regarding these two terrorists which, had it been checked, might well have thwarted the 9/11 plot.

The Commission tells us how the CIA tracked Nawaf and Khalid to Kuala Lumpur and then lost them when they traveled to Bangkok. The evidence is that one of the men's passports indicated that a possible destination and interdiction point was the United States. Yet no one alerted the Immigration and Naturalization Service or the FBI, and so these 2 arrived in Los Angeles unhindered on January 15, 2000, and became 2 of the 19 September 11 terrorist attackers.

The Commission report notes the response of different officials to this information. There was confusion about who was supposed to do what. The head of the CIA's Counterterrorism Center at the time did not recall why the case fell through the cracks or off the radar. The Director of the al-Qaida unit in CIA did not think it was his job to determine what actions should or should not be taken in a case such as this.

Under our proposal, the national counterterrorism center will put in place interagency orders to make sure rules and responsibilities for counterterrorism missions are clear. It will monitor the implementation of those plans to make sure information so critical does not fall through the cracks of bureaucratic stovepipes again and that no one drops the ball again and that the American people are never left unprotected again.

As the Commission recommended, the national intelligence director will also have authority to create new national intelligence centers beyond the Counterterrorism Center to integrate capabilities across the intelligence community to focus on other threats, such as weapons of mass destruction, or geographic areas, such as North Korea. You can imagine a national intelligence center on North Korea or Iran or, more specifically, on what we are so worried about today: the development of a potential nuclear weapons capability in Iran. This would bring everyone in our Government who knows anything about such a capability together to share information and analysis, and develop plans.

Senator COLLINS talked about the information-sharing parts of our report, and I will not go over that any further except to say that I am proud of what we have done here. We built on some excellent work done by the Markle Foundation which, quite rightly, suggested the old need-to-know standard in intelligence ought to be broken to allow more sharing at every level of our Government to maximize protection of the public.

I do want to say that Senator DURBIN has for years championed the idea that we need a concerted effort to make sure that information is shared throughout our Government in a systematic way, using the best of modern information technology to gather, pool, and understand information—a Manhattan Project, as Senator DURBIN likes to call it, for information sharing. His ideas are reflected in substantial parts of this report, and I thank him for it.

We have a very important section on civil liberties. Again, Senator COLLINS referred to this, and I will just say briefly that throughout our history, America has always balanced the joint concerns and commitments to security, without which there is no liberty, and liberty. We seek security for a purpose, which is to protect our liberties so as not to compromise the liberties that define us as Americans.

As the 9/11 Commission said, we are at a stage in our history, after having been attacked as we never were before on September 11, where the Government will have to play a more active role in American life. We want to make sure as that happens that the liberties of the American people are not compromised.

There is a broad section on independence—which in some senses goes beyond what the 9/11 Commission was specifically responding to, and responds to other concerns that people in both parties and both Chambers have had—to make sure that the intelligence product the President gets and that we in Congress get is independent and objective.

Senator ROCKEFELLER brought to this matter his extraordinary expertise as ranking member of the Intelligence Committee. He deserves special thanks from our committee for the many contributions he made to the bill that we put before the Senate. I mention him because he had uniquely the idea of creating an ombudsman within the National Intelligence Authority who will serve as an independent counselor for complaints, but more than that, an independent reviewer of analytical products throughout the intelligence community to ensure that the intelligence advice the President and Members of Congress get is free of bias of any kind, political or otherwise.

In private industry, there is not a business I know that can afford it, that does not have some kind of quality control system. In some sense we do not have a quality control system for the $40 billion-plus we spend on intelligence, and this office of ombudsman will be the quality control office for American intelligence.

Senator ROCKEFELLER is also the author of the national intelligence reserve corps idea. It is a great idea, allowing in these demanding times for temporary reemployment of retired intelligence community employees with specialized skills to help us meet emergency mission requirements.

Senator LEVIN helped improve Congress's access to intelligence, and to require that the information is free from bias, with substantial input to this bill as a member of our committee.

Senator PRYOR, too, added significantly to the bill. Because of his efforts, we will have reports from the Government Accountability Office, the GAO, providing us with an assessment as to how this legislation is actually being implemented, enabling Congress to be more effective in our oversight. I hope it will give some sense of assurance to those who wonder how this will all work that we have built in lookbacks to make sure that if it is not working in all of its particulars as we want it to, we will know that and we will act on it.

The 9/11 Commission report tells us:

> Our biggest weapon of defense is our intelligence system. If that doesn't work, our chances of being attacked are so much greater. So our major recommendation is to fix that intelligence system and do it as fast as possible. Chairman Tom Kean said:
>
> Not only does good intelligence win wars, but the best intelligence enables us to prevent them from happening altogether.

Intelligence has always been critical to warfare. In many ways, it is even more critical to the war on terrorism because we face an enemy unlike any we faced before, whose basic mode of operating is to strike undefended targets, to strike not at the military but to strike at undefended, innocent civilians. Intelligence is critical so we can see and hear what our terrorist enemies are planning so we can stop them before they strike at us again.

Senator COLLINS and I have taken the words of the Commission to heart and are offering this historic and transformational reform in direct response to those words. We have hewn very close to the Commission's intelligence reform recommendations and are proud and grateful to have the explicit support of the chairman, vice chairman, and the members of this extraordinary bipartisan Commission.

Yes, we are moving quickly but we are moving quickly for a reason. As I have said, our terrorist enemies are not mired in bureaucratic tradition. They are flexible. They are agile, brutal, and inhumane. We must be, in all of our humanity, with all of our values, as powerful, agile, and quick to change as they are. If we hesitate, we will truly pay the consequences again.

The Deputy Director of the CIA's counterterrorism center, Philip Mudd, summed it up when he told our committee:

> We need clear, clean, short lines of command and control. Opportunities to roll up a terrorist or prevent an attack demand immediate action. This is a war of speed.

Those are important words to remember.

I expect some of the most significant amendments that will be presented on the floor will be those that I am afraid will blur the clear, clean, short lines of command and control.

Preserving the strength of the national intelligence director is one of the critical aims that Senator COLLINS and I have as we go forward with this debate.

FBI Director Robert Mueller said:

> Don't create a national intelligence director with no real authority, because you will have the worst of all worlds then.

Interestingly, that was echoed by the now former Acting Director of the CIA,

John McLaughlin, when he said, and I paraphrase with apologies, the only thing worse than doing nothing is to create a national intelligence director without real authority. Then it is just another layer of bureaucracy.

We have to establish that 21st century management system we have talked about.

So in a Congress that unfortunately over the years has grown increasingly partisan, in the middle of an election season which is inherently political and partisan, Senator COLLINS, the members of our committee, and I, on a bipartisan basis, putting aside our partisan labels to work exclusively for the national security interests, present this proposal to the Senate. Every member of the Governmental Affairs Committee worked hard, with some disagreements, and ultimately supported the proposal.

There is now a significant political consensus for change. Momentum is building and I am confident our colleagues in the Senate will rise to the challenge and take strong action in the national interest. We are, after all, a nation at war, a war like none we have ever fought. We must maximize and transform our ability to defend our Nation to meet this new threat. We cannot do that without the best intelligence possible.

Senator COLLINS and I are confident that the proposal we put before our colleagues today will result in just that, the best intelligence possible. It deserves the support of our colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I rise in support of the National Intelligence Reform Act of 2004, the bill that Senator COLLINS and Senator LIEBERMAN have discussed. I speak not only as the Senator from West Virginia but also as the vice chairman of the Intelligence Committee.

I begin by expressing my thanks for the bipartisan cooperation of Chairman COLLINS and Ranking Member LIEBERMAN, their staffs, and members of their committee for the way in which they worked and reached out across the intelligence community. It was an extraordinary thing, something one does not see around here very often.

I lend my voice as strongly as I can to theirs in saying that Congress—and by that I mean both the Senate and the House—should pass and enact this critical legislation before we recess.

I certainly am committed to making that happen, as I know Senator COLLINS and Senator LIEBERMAN are. With an equal level of commitment from the Senate leadership, the House leadership, and the President of the United States, we can meet this ambitious goal, a goal about which, a month ago, even 3 weeks ago, people would have said is absolutely impossible. This has to not be put off. Distinguished statesmen from eras gone by have said we can't do these things, we have to take our time.

I say, from time to time, when you give Congress the time to do something, we may not. If you give us a little bit of time to do something very important, we may very well. I believe this is one of those cases.

In just the past 2 years, the Senate Select Committee on Intelligence has put forth not one, but two, frankly, quite devastating investigative reports about what surely rank among the greatest intelligence failures in the history of our country, to wit, the terrorist attacks of September 11, 2001, and the intelligence estimates prior to the war in Iraq, particularly those that related to weapons of mass destruction.

In December of 2002, after 2 years of painstaking work by a congressional joint inquiry—it was the House and Senate Intelligence Committees acting together as one, for a very long period of about a year and a half, where we worked side by side and we also issued a report and series of recommendations reflecting the suggestions about the 9/11 attacks. It is extraordinary when one reads that and one reads the 9/11 Commission Report, how much is familiar, as between the one and the other; more eloquently expressed by far in the 9/11 Commission Report but nevertheless in both reports.

In early July of this year, less than 3 months ago, we released a report on the collection and analysis and dissemination of prewar intelligence leading up to the war in Iraq, as I have indicated. That 511-page investigation, reported out of our committee by a unanimous vote of 17 to nothing, thoroughly detailed how the analytical judgments about Iraq's weapons of mass destruction programs were flawed, exaggerated, and misleading. And there were no doubters. There were no doubters. There were different points of view, but there were no doubters on those central premises.

It showed in plain terms that the intelligence community had failed to provide intelligence assessments prior to the war that were timely, objective, and in this Senator's opinion, independent of political considerations, as is legally required under the National Security Act which defines so much of what we do.

Then, a few weeks later, the independent national 9/11 Commission, led by Governor Tom Kean and Congressman Lee Hamilton, himself a former chairman of the House Intelligence Committee, published its findings and recommendations, and in so doing took our work a much needed, a very critical step down the road.

The 9/11 Commission not only very powerfully described the individual organizational and systematic failures prior to the attacks, but they also set forth a very specific agenda for reform in what I thought were clearly readable, logical, and understandable ways. They addressed our intelligence shortcomings and proposed restructuring the intelligence community so that it would be more effectively managed, better prepared to deal both offensively and defensively with the terrorist threat that faces our Nation.

By the end of July, mere days before this Senate was scheduled to adjourn for a lengthy recess that is called August, the case for reforming the intelligence community had been described in more convincing detail than ever before, and the question suddenly became no longer should the intelligence community be reformed, but when. Most Members of Congress understood this. The American people certainly understood this. Even the leaders of the Central Intelligence Agency and other intelligence agencies seemed to have concluded on their own that the intelligence communities, after 57 years of largely static existence, denigrating nothing that they have done following its Cold War birth, rooted in that tradition and in that culture, is in need of an overhaul. One does not simply say let us have an overhaul. One produces legislation to create it, and that is exactly what the Governmental Affairs Committee has so brilliantly done, which is not to say that this is all new, or even a reflection of only recent events.

I am aware of no fewer than 46 significant studies, reviews, and commissions on the organization of the U.S. intelligence community, dating back to 1949. Nearly half of those were completed in the past 10 years, each proposing ways to improve and restructure our intelligence operation.

The issue of reforming the intelligence community has been swirling about Capitol Hill for decades now. The concept of creating a position such as a national intelligence director, in fact, dates back to the Nixon administration. These past commissions' recommendations were never enacted, for a whole host of reasons, some of which we will not discuss at the present time, not the least of which was that there was really no momentum. There was no sort of galvanizing event or series of events and the will, therefore, in the Congress, joining with the administration, never came to be.

Today we have that commitment, largely and sadly because we are gripped by present and growing signs of terrorism around the world and at home, true terrorism in which violence is not merely a means but also an end unto itself. I am talking now beyond even the tragedy of the 9/11 event itself.

Madam President, 95 percent of the population growth in this next generation throughout the world will take place in precisely the 5 percent of the land on the Earth which is poorest. If that is not a precalculated formula for the unleashing of people who want to find a cause or reason for justifying themselves as young men and women—I talk about 14- and 15-year-olds. One looks at the average age of people in

Iraq, which is 19. 40 percent of them were born either during or after the Persian Gulf war. They have known nothing but violence.

So it is a part of our future. Senator COLLINS and Senator LIEBERMAN understand that, and they have created legislation to help us deal with that from the intelligence perspective. As Senator LIEBERMAN said, intelligence has taken on a new role because terrorists, jihadists, those who misinterpret good doctrine in the Koran, religious doctrine—they are not afraid in the same way of military might as they used to be. Still very much so, still very much in play, the attempts to find Osama bin Laden have shown us, in a peculiarly unpleasant way, that it is not just airplanes and bombs and laser bombs and smart bombs and the rest of it that can find the people we must find. It is, indeed, intelligence or the lack of intelligence which has made that impossible.

So we have now the best chance in at least a generation, thanks to Senator COLLINS and Senator LIEBERMAN and their committee, for getting at the heart of the problem in the intelligence community. It is past time to get the work done. The Senate bill we are considering is serious, comprehensive, and careful. On the other hand, I must say I am somewhat dismayed at reports of the efforts in the House—I must be frank; I mean to offend nobody—where I understand the bill which is under consideration may be much weaker, perhaps by design, and contains unnecessary and highly controversial items meant to slow debate. I pray that I am wrong on that. But we must have that in mind.

If reports are also true that the minority has been shut out of the process, with exactly the opposite of what happened in the Collins-Lieberman approach to crafting this bill, then the House leadership has a great deal of work to get things back on track.

I think the President will face a great test of his leadership. Will he step forward to encourage full and far-reaching intelligence reform, as he has partly done so far already, taking steps which some were not sure that he would be willing to take? Or will he look the other way, and let things happen as they will? We need him and his influence in this Chamber and in the House Chamber, and I am confident that will happen.

If the Senate and the House and the President squander this opportunity to allow the momentum behind the reform to lapse in the next year, we will have failed—and we will not fail. Other things will grab our attention even as exacting and devastating as this problem is. So we must not fail. We must not fail the American people. They expect reform, and we are not going to fail them.

As to the substance, briefly: The Governmental Affairs Committee's work embraces the key principles of the 9/11 Commission except in a few instances where they saw things otherwise, such as the 9/11 Commission suggested locating the new national intelligence director inside the Executive Office of the President. The Commission felt that was a good idea. The committee felt that was not such a good idea, so it is not happening. They dealt in the same way with the suggestions made by paramilitary activities ongoing by the CIA, with respect to changing those. And once again the Collins-Lieberman committee made those changes.

As my colleagues know, the lead recommendations of the 9/11 Commission are the creation of a national intelligence director and a national counter-terrorism center. Senators LIEBERMAN and COLLINS have both explained those very thoroughly here today. The Commission correctly saw in the intelligence community's current organizational arrangement a fragmented array of budget, personnel, and tasking authorities that inhibit the sharing of information and prevent coordination of efforts under a single accountable individual. This lack of consolidated authority undercuts the ability and the willing ability of the intelligence community to function as a true community, and more specifically prevents America from bringing the maximum force of intelligence, military, and law enforcement weapons to bear against al-Qaida and other terrorists both here and abroad.

I have had a chance to carefully review the bill. I don't enjoy reading bills, but I have read this bill of the Governmental Affairs Committee. And it is, so far as this Senator can say, and many others, faithful to the 9/11 Commission's most important recommendations, and creates many of its own.

The bill creates a national intelligence director, of course, and a national counter-terrorism center with unified authorities that will correct the inefficiencies and lack of accountability that exists.

That was the beginning. Some will say—it is important to say these things—that the national intelligence director established in this legislation is too strong because the position will manage the budget and operations of three national intelligence agencies currently under the Pentagon's control. Here we get onto somewhat sacred ground. I speak of the National Security Agency, the National Reconnaissance Office, the National Geospatial Intelligence Agency.

Others will criticize the bill by saying that the national intelligence director is too weak because the position does not have so-called ''day-to-day operational control'' over these three agencies I have just mentioned which also serve important combat functions inside the Pentagon. These critics are advocating in effect the creation of a new department of national intelligence. Senator LIEBERMAN indicated that was not what they wanted to do, and thankfully that is not what they have done. In my view, the bill that was reported out unanimously by the Governmental Affairs Committee strikes precisely the right balance between these two positions.

The budgetary, personnel, and management tasking authorities consolidated under the national intelligence director are substantial improvements over those now at the disposal of the current Director of Central Intelligence.

I remember asking George Tenet when he was Director of the CIA, on several occasions—I think he was not happy with the question, but he was forthright with his answer—if you could control, don't you want to control what goes on at NSA, or NRO, or the Geospatial folks—it wasn't called that then—and he said, I can only and will only seek to have authority over what in fact I have budgetary authority. I cannot exercise control beyond that.

The committee has reached that point to say that we have to have one person who has the budgetary control to do these things. The budgetary control of personnel, management, and tasking authorities consolidated in the national intelligence director is an enormous improvement over those now at the disposal of the current Director of Central Intelligence.

Moreover, the bill recognizes that the national intelligence director will have to rely on the expertise of the newly created deputies and the agency heads beneath them to manage the intelligence collected from domestic, foreign, and military forces. It acknowledges implicitly and explicitly the connection of the time and attention between military and intelligence. Chairman COLLINS addressed this very directly. It accommodates the military's legitimate need to control its own operations without giving short shrift to all of the nonmilitary consumers of intelligence, one of whom, incidentally, happens to be President of the United States.

To put it another way, this bill achieves the fundamental restructuring of the intelligence community while preserving an underlying management arrangement that can implement the new director's directives in a coordinated way which is altogether missing today. Fifteen pairs of oars pulling at the same time under the direction of one captain—that is the concept at the heart of this legislation.

I would also like to highlight a couple of additional items the committee made which I feel very good about. Both have been mentioned by Chairman COLLINS and Ranking Member LIEBERMAN.

The communitywide ombudsman to handle concern from the analysts—we heard a great deal about this—over the shaping or politicalization or potential, referring to the future, of intelligence, such as were voiced by analysts in the preparation of intelligence reports on Iraq in the fall of 2002.

Creating this ombudsman, which the bill does, is an important way to ensure that policy considerations do not compromise the independence and objectivity of the intelligence community's judgment.

Second, Senator LIEBERMAN referred to this—I believe we need an intelligence reserve corps. The intelligence community can get stretched very thin. It was, for example, during Kosovo. We saw that during that time. Currently, in Afghanistan and Iraq, we see it now. We simply stop doing other important intelligence work, which in fact must continue in other parts of the world because resources are moved from some important place which is evolving into the current situation. One can't afford to do that in intelligence. We need to support the war site foremost at all costs, but we need to have the backup to make sure we are looking at intelligence on a worldwide basis. The intelligence reserve corps will do that. We don't want to miss a nuclear test. I am sorry; we have in the past. The intelligence community has missed it. We don't want that to happen again.

Finally, I do think that our reform bill should establish a permanent analytical red team under the national intelligence director to test the key underlying—I use the word ''assumptions'' in analytical reports.

The legislation before us includes a review unit under the office of the new ombudsman which is helpful but, if I may be allowed to say so, I don't think goes quite far enough and simply will be a matter of discussion for the floor. I believe we need a red team unit to work inside the analytical process before it has produced a product. In other words, as intelligence reports are being formulated, not after the fact of their formulation into a product. I hope we can work on that concept as we debate the legislation.

In closing, I believe the bill before the Senate has taken an extremely complex and in certain respects arcane subject matter, the organization of the U.S. intelligence community, and proposed a sensible approach to long overdue reform. This bill will make considerable headway toward learning from the mistakes of the past and strengthening our national security.

I again thank Senator COLLINS, Senator LIEBERMAN, and their staff for working in the highest tradition of this body.

I also want to extend my appreciation to Majority Leader FRIST and Minority Leader DASCHLE for making the national intelligence reform the top priority of the Senate in the waning days of this Congress.

Two weeks from the third anniversary of the September 11 attacks, we stand on the threshold of passing landmark legislation that few would have thought possible even 3 weeks ago. The planets are aligned. Let's finish our work and pass this legislation.

I ask unanimous consent I be added as a cosponsor.

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

The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from West Virginia for his eloquent statement of support for this legislation. As vice chairman of the Senate Intelligence Committee, he brings extraordinary knowledge to this debate. We are very grateful for his contributions to the Collins-Lieberman bill.

As both Senator LIEBERMAN and I mentioned, Senator ROCKEFELLER responded to our request for input and advice. We incorporated into our legislation several of the suggestions he provided. We are very grateful to have his support. It means a great deal as we proceed with this debate.

Mr. LIEBERMAN. Madam President, let me join Senator COLLINS in thanking Senator ROCKEFELLER across the board—most immediately, to say how significant it is to Senator COLLINS and me that Senator ROCKEFELLER has joined as a cosponsor of this proposal. Senator COLLINS and I happen to not only be on the Governmental Affairs Committee, we are on the Armed Services Committee, so we know something about intelligence. Truthfully, we do not claim expertise, and the Senator has expertise.

As we have discussed, Senator FRIST and Senator DASCHLE were very wise in giving our committee jurisdiction because we are the committee on governmental reorganization without a particular interest. But to do our job well we depended on the members, the leaders of the other subject matter committees to counsel with us and to help turn out the best product we could. We sent letters to all the relevant committees, and the Senator responded magnificently. The Senator's imprint is all over this bill.

His statement today was eloquent and rose to the national responsibility. I appreciate it greatly.

The problem for Senator ROCKEFELLER is that Senator COLLINS and I are now not going to let him leave the Senate floor for the remainder of the debate—well, occasionally. The Senator's informed involvement in this legislation will help the Senate do the right thing, which is to pass this bill and hopefully get it enacted before we leave so we can get it going for our intelligence services.

I thank the Senator for all he has done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I begin by commending the leadership from both sides of the aisle for working together to allow critical debate to begin today on legislation to implement the 9/11 Commission recommendations. In my view, this debate is perhaps one of the most important that will be held during the 108th Congress.

I acknowledge the great leadership of the bill managers, Senators COLLINS and LIEBERMAN, for their bipartisan work in reporting the pending legislation, reform legislation to the Senate. It is my understanding the bill was reported out by unanimous vote through the Governmental Affairs Committee, which is a significant accomplishment. They have developed sound legislation following the numerous hearings they held during the last 2 months. I commend them for their dedication to this very important legislation. Also, I point out that Senator COLLINS and Senator LIEBERMAN, their staff, and members of the committee gave up a significant part of their August recess in order to hold a sufficient number of hearings in order to be able to frame this legislation.

We have come a long way since 2001 in enhancing this country's ability to prevent and respond to terrorist attacks, but, as the 9/11 Commission said in its final report, we are not yet safe. Increasing our safety against terrorist attack requires new strategies, new ways of thinking, and new ways of organizing our Government. That is what this legislative debate will be all about.

The 9/11 Commission's underlying goal was to determine where we went wrong and what we can learn from identified failures, weaknesses, and vulnerabilities in order to make necessary systematic corrections to better protect our Nation. I firmly believe the Commission accomplished its enormous assignment. It carried out a far-ranging and candid assessment in order to account for the failures of vision, threat assessment, and policy actions that preceded the attacks. I again thank Governor Kean and Congressman Hamilton for their commendable leadership of the Commission and the other Commissioners and their staff as well. They performed a tremendous service for our country while leaving politics at the door. Now it is the turn of the Congress to act on the Commission's report.

Earlier this month, I joined with Senator LIEBERMAN and others in introducing comprehensive legislation to implement all of the 9/11 Commission recommendations. The bill before the Senate, developed by the Governmental Affairs Committee, S. 2845, the National Intelligence Reform Act of 2004, addresses the Commission's recommendations regarding intelligence reform, information sharing, and civil liberties. It is Senator LIEBERMAN's and my intent to ensure the Commission's other recommendations—those not already addressed in the underlying bill—are fully debated; therefore, we will be offering amendments we hope will be adopted in order for the Senate to send to conference a comprehensive bill addressing the full range of the Commission's recommendations.

AMENDMENT NO. 3702

(Purpose: To add title VII of S. 2774, related to transportation security)

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3702.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCAIN. Madam President, this amendment is designed to address the transportation security-related recommendations of the 9/11 Commission. The amendment is almost identical to title VII of S. 2774, the 9/11 Commission Report Implementation Act of 2004, which Senator LIEBERMAN and I introduced earlier this month.

It is important that during this debate we acknowledge the progress that has already been made since September 11 in improving transportation security, especially for aviation. However, as the Commission points out, significant challenges remain. For example, the computer systems and protocols used to vet passengers before they board a plane are not substantially different than the systems that failed to prevent the terrorists from boarding the planes on September 11.

The Commerce Committee held a hearing on August 16, 2004, to examine these recommendations and heard testimony from the Commission and the Department of Homeland Security. This amendment reflects both the Commission's recommendations and that testimony.

The amendment implements the Commission's recommendations on transportation security in the following three ways: One, establishing a national strategy for transportation security; two, assigning responsibility for the no-fly list to the Transportation Security Administration; and three, enhancing passenger and cargo screening.

I will briefly discuss each of these recommendations.

The Commission found that TSA had no comprehensive strategic plan for the transportation sector or plans for the various transportation modes—air, sea, and ground—and, therefore, called for such a plan to be developed. This amendment would require the Department of Homeland Security to develop a strategy that includes identification and evaluation of homeland transportation assets susceptible to attack; analysis of methods and technologies associated with transportation security methods; the development of risk-based priorities and deadlines; a plan that assigns roles to the Federal Government, State government, local governments, and public utilities while encouraging public sector cooperation and participation; an outline of response and recovery responsibilities; prioritization of research and development objectives; and recommendations for a budget and appropriate levels of funding. The amendment also requires the strategy to be developed and transmitted to Congress no later than April 1, 2005, and subsequent submissions would be required not less frequently than April 1 of each even-numbered year.

We must indeed make sure our skies are safe. But we cannot focus only on the so-called last war. Recent events around the world have shown that other modes of transportation are vulnerable to terrorist attacks. We must ensure that we are aware of threats aimed at any and all modes of transportation as we determine how best to manage our resources to defend our homeland. This comprehensive plan, calling for specific criteria to be considered, will be a strong step in that direction.

Understandably, aviation was the subject of our immediate reaction to 9/11. I think it is clear events such as the Madrid rail bombing and other events throughout the world indicate that we must be equally attentive and equally committed to addressing those threats as well.

The 9/11 Commission also recommended that the process of screening passengers against the no-fly list be performed by TSA and should utilize the larger set of watch lists maintained by the Federal Government. It further suggested that air carriers should be required to supply the information needed to test and implement this new system. Based on the Commission's recommendations, this amendment directs the Secretary of Homeland Security to implement a procedure under which the TSA compares information about passengers aboard all passenger aircraft with a database containing known or suspected terrorists and associates, commonly known as a no-fly list. This procedure is currently performed by individual air carriers, meaning each air carrier has its own separate no-fly process.

By placing the burden squarely on the TSA, we will ensure there is a single database used to check the names of passengers against. I might add that I hope the TSA moves forward with its assessment on how best to develop a prescreening program that will assess the risk of passengers even if they do not appear on the no-fly list.

The Commission also concluded that further improvements are needed in passenger and cargo screening. For example, currently there is no widespread use of technology to screen the actual passengers for explosives at passenger checkpoints, but only for screening passengers' checked luggage and carry-on luggage. Based on the recommendation of the 9/11 Commission, this amendment directs the Secretary to take action in improving passenger screening checkpoints to detect explosives. Within 90 days after the implementation of this act, the amendment would call for the Secretary to transmit a report and schedule to the Senate and the House of Representatives on how to achieve the objectives previously mentioned in this section.

This amendment also directs the Secretary to take action to help improve the job performance of airport screening personnel, as well as to conduct a human factors study to better understand problems with performance. The Secretary is further directed to expedite the installation and use of baggage-screening equipment and to ensure that the TSA increases and improves its efforts to screen cargo.

The amendment also would direct the Secretary to initiate a pilot program for air carriers to deploy hardened cargo containers on passenger aircraft that also carry cargo. This requirement is modified from the one we introduced on September 7, which would have required a hardened container on every passenger aircraft. Upon further review, it is apparent there are certain technical and implementation issues that have to be addressed before the use of these containers can be universal. Therefore, I have modified this proposal to require TSA to initiate a pilot program to further explore the feasibility of this technology.

Madam President, this amendment is the next step in fulfilling the mandate of the 9/11 Commission recommendations and ensuring that we move forward in addressing the vulnerabilities in our transportation systems. These provisions should not be controversial, and I urge my colleagues to support this amendment.

I would also like to add there will be further amendments that will come before the body, particularly on rail as well as port security. I remind my colleagues that some of those may be very expensive and have a very high price tag associated with them. I hope, while supporting efforts to improve rail and port security, we would also be cognizant of the fact that we cannot do all things to all means of transportation at all times.

However, this is a great opportunity for all of us to improve all of our security, whether it be aviation, port, rail, bus, or other areas of vulnerability, and I urge my colleagues to bring forward those amendments as quickly as possible so we can dispose of them and, perhaps this week, bring forth a product all of us can support.

Madam President, I again express my appreciation to Senators COLLINS and LIEBERMAN for the incredible amount of work that they, their staffs, and other members of the committee have performed, which has resulted in an incredibly laudable product, supported by every member of the committee. I hope we will proceed in that same spirit as was exhibited in the Governmental Affairs Committee on both sides of the aisle so we can make sure we debate thoroughly and address the further challenges that we face, including addressing in one way or another all 41 recommendations of the 9/11 Commission.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the chairman of the Commerce Committee, the distinguished Senator from Arizona, for his contributions to this entire enterprise. I am very grateful to have his support for the underlying bill drafted by Senator LIEBERMAN and myself. And I very much appreciate his offering of the first amendment to strengthen the bill still further, by adding one of the recommendations made by the 9/11 Commission.

As the Senator indicated, the Governmental Affairs Committee largely confined its review to the major recommendations of the Commission that had to do with the reorganization of our intelligence community. That does not mean, however, that we slight in any way the many other recommendations made by the Commission. The amendment of the Senator from Arizona would implement the transportation security recommendations of the 9/11 Commission.

It is my understanding the Senator's amendment was drafted in consultation with officials from the Department of Homeland Security. I believe it will help make our Nation more secure. Specifically, the 9/11 Commission recommended establishing a national strategy for transportation security, assigning responsibility for the no-fly list to the Transportation Security Administration, and enhancing passenger and cargo screening.

The amendment offered by the Senator will require the Secretary of the Department of Homeland Security to develop and implement a national strategy for transportation security and to revise and update that strategy as necessary to improve or maintain its currency.

I particularly want to comment on the provisions of the McCain amendment that task the TSA with the responsibility of developing the no-fly list and comparing the names of air passengers against the Government database containing the consolidated terrorist watch list.

I think recent incidents in the news show why it is a good idea for the Transportation Security Administration to have that authority rather than vesting it in the airlines, as is now the case. I would indicate to my colleagues that the Department of Homeland Security agrees with Senator MCCAIN that it is the more appropriate entity to perform this matching of names against the Government's database.

Two incidents which come to mind are, first, one of our colleagues, the senior Senator from Massachusetts, finding that he had difficulty boarding flights because of confusion with the names listed on the terrorist database. I have a similar case of a retired physician in Camden, ME, whose name, unfortunately, including his middle initial, is very similar to a name that is on the terrorist watch list. As a result, this retired physician, who is no more a terrorist than you or I, Madam President, has an extremely difficult time every single time he flies. That shows me that we need to do a far better job of improving the quality of that watch list to make sure it is consolidated but also to make sure it is accurate and that people who have similar names are not needlessly subjected to an in-depth search or even denied boarding privileges altogether.

The second incident involves the singer formerly known as Cat Stevens, who was allowed to board an air flight from London to the United States recently because the airline was using a list that did not include all of the names on the terrorist watch list. So clearly we have a problem in that direction as well. There are too many watch lists. They need to be consolidated.

The quality of information on those lists needs to be improved to make sure innocent Americans are not needlessly targeted, and it should be a Government responsibility—that of the Transportation Security Administration—to maintain and check these databases against the lists of airline passengers. It is really not fair to ask the airlines to accept that responsibility, particularly when they may not have access to the entire database that the Government has compiled.

The McCain amendment appropriately vests in the Transportation Security Administration the responsibility for the no-fly list and for checking airline passengers against this list. I again emphasize that the Department of Homeland Security agrees that TSA should assume that responsibility and it should no longer be carried out by the airlines.

For these reasons, I urge adoption of the McCain amendment. I believe it strengthens the Collins-Lieberman bill by incorporating some worthwhile and commonsense recommendations made by the 9/11 Commission in the area of airline security.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the distinguished chairman, Senator COLLINS. I would like to have a rollcall vote on this, but that rollcall vote would be held at the discretion of the majority and the Democratic leaders. I ask for the yeas and nays, and I ask unanimous consent for the yeas and nays at a time agreed to by the majority and Democratic leaders.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank Senator MCCAIN for proposing this amendment as a part of the package that he and I introduced a while back as a full bill implementing all of the recommendations of the September 11 Commission. This is not in any sense a detraction from the bill Senator COLLINS and I have brought out. It is in addition to it and would make it stronger.

I wish to speak at length on the proposal, but I note the presence on the floor of Senator FEINSTEIN who I am proud to say is a cosponsor of the proposal that Senator COLLINS and I have put before the Senate. She has been a leader on intelligence matters, one of the first in this Chamber to offer a proposal for reform and reorganization of the intelligence assets of the American Government. Her ideas greatly informed the proposal that we put before the Senate today. I am grateful, as is Senator COLLINS, for Senator FEINSTEIN's support.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished ranking member.

Let me begin by thanking the chairman of the committee, the distinguished Senator from Maine, the ranking member, Senator LIEBERMAN, and the Governmental Affairs Committee for a very good bill. As a member of the Intelligence Committee, one who has been for the concept of a strong, independent director of national intelligence for 3 years now, I was surprised to see the strong quality of the product that came out, because this committee has actually entered into some of the nitty-gritty and tried to come up with solutions that would stand the test of time. I thank them for their work. It has been excellent work, and it puts a product before the Senate that we can all be proud to discuss. It contains no poison pills. It is a straight bill. It deals with the subject at hand in a very meaningful way.

As I mentioned, I have believed for sometime now that the way in which our intelligence community is structured is really fundamentally flawed. It is unsuited for the 21st century, when we are not talking about intelligence agencies of large powers but we are talking about asymmetric terror.

In the context of intelligence, we have seen three comprehensive investigations into recent failures of the intelligence community. Senator COLLINS, Senator LIEBERMAN, and Senator ROCKEFELLER have mentioned many of them. Certainly, there was the joint inquiry of the House and Senate Intelligence Committees into the attacks of September 11. There was the Senate Select Committee on Intelligence investigation, resulting in a 300-page report that we recently completed, which investigated and reported on the intelligence, the findings, and the recommendations—all related to weapons of mass destruction in Iraq. Then, of course, there was the 9/11 Commission, which investigated the attacks on 9/11, a very comprehensive report and review, which has, frankly, brought most of the decisionmakers, as well as the

country, into alignment with the concept that we do need a strong national director of intelligence.

In each of these cases there were explicit and implicit findings that touched on how our intelligence community could fail so badly. Issues of funding, of education, of risk taking, and, frankly, of plain incompetence surfaced. Even today, there is still denial that many of the findings of weapons of mass destruction were simply wrong, deeply flawed, or bad. This will need to be remedied.

In my view, these failings were symptoms of a failed structure; again, of a structure that was built for the last century's conflicts and unsuited to this new war of asymmetric terror.

I believe the most important steps needed to address these structural failings revolve around the office of the Director of Central Intelligence, known as the ''DCI.''

Up to this point, there has been a nominal head but a head of the Intelligence Community without the necessary authority. That post carries two handicaps. Those are built into its structure and, I believe, lead that structure to fail.

First, the individual serving as DCI has two basic, incompatible jobs: leader of the intelligence community, which includes 15 often fractious Agencies and Departments, and in that role is the principal intelligence adviser also to the President; and leader of the Central Intelligence Agency, which is, of course, only one of the 15 agencies which make up that big fractious community.

These two jobs are not compatible. They each take up far too much time. They each require a laser-like focus on its own unique mission. Worse yet, they can be in direct conflict, because the needs of the intelligence community in terms of mission, resources, and strategy may not be exactly what is wanted by the Central Intelligence Agency. The problem is that the Intelligence Community and the Central Intelligence Agency both need and deserve full-time leaders. That, of course, is the heart of the argument for this bill.

Secondly, even under the current structure, the DCI lacks basic tools needed to run any large institution in Washington. And what are they? Budget, personnel, and statutory authority.

Under current law, the DCI nominally is charged with administering the money and people who make up the intelligence community and for formulating a budget presented to us in the Congress.

Today, in reality, the DCI has little control of much of that budget, with more than 80 percent actually controlled by the Secretary of Defense. He is unable to move personnel, or shift strategic focus, in an effective way. One chilling example was revealed by the investigations into 9/11, where DCI Tenet issued an order declaring war on al-Qaida in 1999, only to find in 2001 that few outside the CIA even heard about it, much less listened to it.

The solution to the second problem is to ensure that the position of intelligence community director is provided with real budget authority, real personnel authority, and real authority to set strategy and policy, and this bill does that. I am very thankful for that.

The bill before us today builds on these earlier efforts and I strongly believe accomplishes the basic and necessary goals.

The bill creates a national intelligence director, separate from the CIA Director. The bill invests this director with meaningful budget authority, effective personnel authority, and the ability to set strategy for the entire intelligence community. And it ensures that the national intelligence director can set priorities for intelligence collection and analysis, and manage tasking across all 15 agencies to ensure that it gets done and done right.

One of the Senate Intelligence Committee's findings in our report was that the collection and analysis that went into the compilation of the national intelligence estimate was deeply flawed, and that there were differences of opinion between agencies, whether it was aluminum tubes, where the Energy Department's intelligence and the CIA's differed, or whether it was with the unmanned aerial vehicles, where the intelligence agencies of the Air Force and the CIA differed, or whether it had to do with biological mobile labs, where the Secretary of State went out before the United Nations with deeply flawed intelligence. But the analysis and collection of that intelligence had deep flaws, which made it bad intelligence.

This bill provides the national intelligence director also with a general counsel, inspector general, chief financial officer, human resources officer, and chief information officer, who together can ensure that effective organization and guidance can flow through the entire community. That is a good thing.

I will support the bill because I believe it accomplishes the task at hand: making necessary changes to our intelligence community structure.

That said, I believe there is some room for improvement. I want to take a few minutes to talk about that, and I want to offer to continue to work with my colleagues to improve this bill during this next week. Let me give you some of the things I am concerned about.

First, I am concerned that the bill leaves ambiguous the relationship between the new national intelligence director and the Federal Bureau of Investigation. Let me give you some specifics. The bill incorporates, with no change, current law, which defines the role of the FBI's intelligence activities into this new bill. However, the current law is confusing, it is internally inconsistent, and it is a source of many of the problems that beset the FBI as a part of the intelligence community. I believe we must clarify this to do three things: First, we have to make it absolutely clear that counterintelligence investigations that involve the ''plans, intentions and capabilities'' of foreign nations and organizations, including terrorist groups, are part of the National Intelligence Program and thus under the overall supervision of the National Intelligence Director. This bill does not yet do that. For instance, the investigation of suspicious individuals taking flight lessons prior to September 11, which resulted in the ill-fated Phoenix memo, should clearly be a part of the intelligence community's responsibilities.

Second, we should establish in law the FBI's Office of Intelligence. The office of intelligence is created on page 7, with a mention under the programs of the bill. But it is not further defined anywhere in the bill. I suggest that it be defined on page 127, line 20, of the bill, and that it be defined to make it crystal clear that within the FBI this office is the source of authority and guidance for the intelligence activities of the FBI.

Third, we should recognize in law that old, rigid divisions between law enforcement and intelligence make no sense. This can be accomplished by clarifying the definition section of the bill to remove the old ''carve out'' for ''counterintelligence and law enforcement'' activities within the FBI.

For example, an FBI investigation into the activities of individuals suspected of illegally providing funds to overseas terrorist groups is both a law enforcement investigation and an intelligence effort.

So I hope to offer an amendment, and would like to work with both Senators, the chairman and the ranking member, to clarify these definitions and remove the poorly worded ''carve out'' for ''counterintelligence'' investigations; to ensure that the Office of Intelligence is defined in law, with clear responsibility for foreign intelligence; and to ensure that the new ''National Intelligence Director'' plays a guiding role in the FBI's efforts to improve its ability to function as an intelligence agency.

Next, I am concerned that the bill leaves a similar ambiguity in the relationship between the authorities of the National Intelligence Director and the Secretary of Defense. This problem flows from the fact that the bill refers to ''tactical'' military intelligence, but does not define it. I believe we can remove a potential source of contention between the director of national intelligence and the Secretary of Defense by incorporating a set of definitions, so everyone knows exactly what is tactical intelligence and, thus, outside the scope of the National Intelligence Director's review. So we have that language and I would like to pass it by the chairman and ranking member before I offer it, which would includes a clarifying definition.

Finally, I must say—and this I have gone back and forth on—I remain troubled that under this bill the Director serves at the pleasure of the President. When I introduced my first bill in 2002, the Director served at the pleasure of the President. When I introduced the second one in 2003, the director served at the pleasure of the President. Then I began to think about policy and intelligence and recognized that the two should remain separate, and I recognized that it is necessary to give this new National Intelligence Director some separation from the President's policies, or the Congress's policies. The only way to do this is with a term. I know that the Senator from New Jersey, Senator LAUTENBERG, offered in committee a 5-year term. I believe he was not successful in pressing his case at that time. I have thought about a 10-year term.

I remember the Casey days. I do not think we want to go back to those days, but I also think we need to keep policy and intelligence separated. So I hope Senator LAUTENBERG will offer his amendment, and I will support it if he does.

Before I end, I want to say a few words about practical considerations related to the bill.

It is my understanding that the House of Representatives may pass out a bill containing extremely controversial provisions unrelated to intelligence reform. I am concerned that this is a thinly veiled effort to introduce ''poison pills'' into desperately needed legislation. One House Member even referred to having Democrats ''over a barrel'' in a description of this strategy. This is no strategy at all. I think if this were to happen, and I certainly hope it does not happen, Americans are going to see right through it.

The Senate, in this bill, has set the tone, and the tone is a well-considered, well-crafted bill which deals solely with the issue at hand. In my view, that is what should be passed by both parties and both bodies.

I am hopeful that our leadership—the majority and the minority leaders—will be able to make every effort to resist this. I think to get into PATRIOT Act items—this is under the jurisdiction of the Judiciary Committee. We have held several hearings. We will hold more oversight hearings. There are 156 sections of the PATRIOT Act; 16 of them sunset in December of next year. We will do our due diligence, and I say that as someone who has supported the PATRIOT Act, supported those 16 sections, and made some of the amendments.

It is extraordinarily important that we be able to work in a careful method of oversight responsibility. I think something coming from the House which pushes in this direction would not be welcome.

In conclusion, I, once again, compliment Senators COLLINS and LIEBERMAN and the Governmental Affairs Committee for a job well done. I think we can pass this bill, and I hope we continue—I was going to say an ''aroma of bipartisanship.'' I am not sure ''aroma'' is the right way to say this, but in the bipartisanship model both the chairman and the ranking member have set forward. If we do, I think we deliver for the people of this Nation a very fine work product.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the distinguished Senator from California for her longstanding expertise in this area. I know the Senator presented a bill to create a national intelligence director long before it was popular to do so. She has been a leader in intelligence reform. She has made several very constructive and helpful suggestions and recommendations to the committee. We very much appreciate her leadership, and we consider it a great coup to have her support for our legislation.

I thank her for her hard work and her leadership. We look forward to continuing to work with her.

Mrs. FEINSTEIN. Madam President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I join with Senator COLLINS in thanking Senator FEINSTEIN for her leadership over the long term on matters of national intelligence, but also for a very thoughtful statement today and to express, again, not just gratitude but our real pleasure that she has made a judgment that the proposal we have made to Congress deserves her support as a cosponsor. That means a lot to Senator COLLINS and me, and I know it will to all the members of our committee.

I also thank her for the suggestion she made in her statement about some areas of the bill she would like to work with us to strengthen. I know we would be delighted to do that.

Finally, it may have been inadvertent, but I like the idea of the sweet smell of bipartisanship that may overwhelm this bill. Aroma is a better term.

Mrs. FEINSTEIN. Madam President, I thank the Senator.

Mr. LIEBERMAN. Madam President, I know the Senator from Oregon is in the Chamber. If he has a moment or two, I would like to go forward with a statement I intended to make in response to the amendment Senator MCCAIN laid down, which is the pending amendment.

I rise to support that amendment, and I ask unanimous consent that I be added as a cosponsor.

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

AMENDMENT NO. 3702

Mr. LIEBERMAN. I thank the Chair.

Madam President, in the aftermath of September 11, we have obviously taken some very aggressive steps to improve airline security. Those were critical improvements and, in some sense, inevitable after airplanes were used to attack us on September 11. But there is a lot more to do, and not just in aviation. We have to confront threats facing all modes of transportation.

I continuously meet people who express to me worries about one or another mode of transportation they use—trains, buses, et cetera—because they are now in some sense reassured by the presence of security around air travel but miss it and are unsettled when they do not find similar measures in other modes of transportation. So we have to confront the threats from terrorists facing all modes of transportation. Otherwise, we are going to be fighting the last war while our enemies probe for other weaknesses that we have left undefended.

Before I go into a little more detail on this amendment, I want to say this is the first of a series of amendments that Senator MCCAIN, myself and others will offer on the Governmental Affairs Committee's National Intelligence Reform Act of 2004, the proposal Senator COLLINS and I put before the Senate. Obviously, the underlying bill contains several critical reforms and focuses on matters of intelligence, which our committee took to be the charge we were given by the bipartisan leadership of the Senate.

I am very proud of the way in which the Governmental Affairs Committee addressed the issues that fell within that mandate that Senator FRIST and Senator DASCHLE gave us. Obviously, there were other important recommendations of the 9/11 Commission that fell beyond the committee's purview. In fact, it made 41 recommendations to help detect and prevent terrorist attacks on the United States or on American citizens, wherever they might be.

Some of these were quite broad. Obviously, what the Committee focused on is the restructuring of the intelligence operations of the executive branch. As I indicated in an earlier statement today, those recommendations are the ones the Commission felt were most urgent because we are under the threat of attack, and we need to reorganize and focus our considerable intelligence resources. But there were other recommendations the 9/11 Commission made. For example, they urged diplomatic outreach and educational grants to the Muslim world because a realistic offer of hope and freedom to the hundreds of millions of people living in countries that are primarily Muslim can be a much greater force, a much more appealing force, than the radical extremist terrorists called to Jihad.

Other recommendations were to tighten and coordinate the screening and identification systems we use to admit people into the United States of America or when we give them access to transportation systems and other key facilities within our country.

Other recommendations deal with the distribution of homeland security grants or increasing security for all forms of transportation.

All of those, and others, went beyond the Governmental Affairs Committee's mandate.

Two or three weeks before the 9/11 Commission made its report, Senator MCCAIN and I met with Governor Kean and Congressman Hamilton, and we said to them—at that point we had no idea what the pace of the congressional reaction to the Commission report would be. We said: We are going to make you a promise. After you issue your report, our staffs and we will work hard to translate every recommendation of your report into legislative language, and introduce it so there could be a vehicle around which we could concentrate our support.

We did not know at that time the Governmental Affairs Committee would be asked to take on this role by Senator FRIST and Senator DASCHLE and that the congressional pace of reaction would quite appropriately be quick, leading us to set aside our normal August recess, have a number of hearings, and now have the bill before the Senate.

Still, there are parts of the Commission report that, as I say, are not explicitly within the purview of the Governmental Affairs Committee's work and that is what the amendments of Senator MCCAIN, others and I are intending to address; to complete the full package of reforms recommended by the 9/11 Commission after its own 20 months of hard work. Put all of this legislation together and there will be a package of reforms, both broad and deep, that will make America and Americans, wherever they are, safer and lead us to the victory in the war on terrorism that we all seek and know first must come with the use of force and any and all efforts we can make to capture and/or kill terrorists, but will take more than that as well.

The amendment Senator MCCAIN introduced today, the first of these amendments to go beyond intelligence reform in the Committee bill, deals with transportation security. It comes from our conclusion and the Commission's conclusion that we need to look at protecting our transportation systems the way a general looks at protecting supply lines. A well-coordinated attack on our transportation systems, or the key infrastructure that supports them, would be staggering to our homeland security and, of course, to the personal security of many Americans.

Imagine a major city being crippled because an attack had rendered mass transportation unusable, or imagine not even being able to resupply our troops in Iraq and Afghanistan because we cannot move the goods from warehouse to port.

As we look worldwide, we know terrorists often target transportation systems. We are not imagining these threats. As we know from the news, they have not only used airplanes for their inhumane, cruel purposes, to express the extent to which they hate anyone who is not like them, they have used buses, trains, and shipping vessels. With the exception of aviation, the fact is in the United States of America we are still dangerously behind in our efforts to secure our own vital transportation networks.

As the 9/11 Commission notes, ''over 90 percent of the Nation's $5.3 billion annual investment in the TSA goes to aviation.'' Important? Of course. Critically important after September 11, but its not enough to meet all of the threats in transportation that face us.

This amendment requires the Transportation Safety Administration to at least evaluate the threats, vulnerabilities, and risks faced by all modes of transportation, and then set priorities and deadlines—including budget and research and development priorities—for addressing those needs; investing in new technologies that can help us gain the security in all modes of transportation that we need. This kind of transportation security strategy has been talked about for many months but it just never seems to happen, and that is why this amendment requires the TSA to complete this critical work under the direction of the Secretary of Homeland Security by April 1, 2005.

The Transportation Research Board, the Government Accountability Office, and other independent experts have all called for this exact vital step. It will set the stage for critical new initiatives that must follow to better protect rail, transit, ports, and other key modes of American transportation.

There is still more to do in the area of aviation security. That is why this amendment calls on TSA to step up efforts to detect explosives on individuals trying to board planes. Currently, as most of us who travel know but probably do not think about, only checked bags are routinely screened for explosives. This amendment would require the Department of Homeland Security to implement plans to screen all passengers for explosives.

The amendment would also direct the TSA to begin comparing passenger lists against the Government's new consolidated terrorist watch list. This is not happening yet; not happening to the extent we want it and need it to happen. It makes such common sense that it is frustrating to the point of being infuriating that we are not yet doing it. That we are not using the capacity of information networks and computers to check passenger lists against terrorist watch lists so none of us is on a plane with someone who intends to use that plane for an attack or to bring the plane itself down.

This is the first of several amendments Senator MCCAIN and I will be offering. Again, I believe it is important we act on all of these as well as, of course, the underlying Governmental Affairs Committee intelligence reform proposal.

We find ourselves at one of those rare moments in time, certainly in congressional time, when both the moment to act and the momentum for action have come together in a truly bipartisan way in Congress, in the executive branch and, of course, most importantly of all, among the American people to whom we owe the greatest responsibility.

With that kind of general agreement nationally, passing a complete package of legislation responding to the strong compelling arguments in the bipartisan 9/11 Commission report is within our grasp, and adopting this amendment will be yet another step toward achieving that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent to set aside the pending MCCAIN amendment.

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

AMENDMENT NO. 3704

(Purpose: To establish an Independent National Security Classification Board in the executive branch)

Mr. WYDEN. I send an amendment to the desk on behalf of myself, Senator LOTT, Senator BOB GRAHAM, and Senator SNOWE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. LOTT, Mr. GRAHAM of Florida, and Ms. SNOWE, proposes an amendment numbered 3704.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. WYDEN. Without turning this into a bouquet-tossing contest, I will say how lucky I think we are to have Senator COLLINS and Senator LIEBERMAN, who have long practiced good government, handling this legislation. This is going to be a long and arduous task and to have this bipartisan duet at the helm is what is going to make this possible. I have enjoyed working with them on this and so many other issues in the past. We are going to get this done. The country is going to be safer and stronger for it, and I am very grateful for the work of the Senator from Maine and the Senator from Connecticut.

Governor Kean, the chairman of the 9/11 Commission, said three-quarters of the classified material he reviewed for the Commission should not have been classified in the first place. I think Governor Kean's comments reflect the state of where we are with respect to how Government documents are classified today, and it is for that reason that a bipartisan coalition has spent a considerable amount of time on the Intelligence Committee. Senator LOTT and Senator SNOWE and I serve there now.

Senator BOB GRAHAM, of course, chaired the committee, and the four of us, two Democrats, two Republicans, have teamed up so as to try to make sure that in this important reform legislation some common sense is brought to the way that information is classified for national security purposes.

The ability to make documents secret is one of the most powerful tools in our Government. It is a power wielded generously by those in 18 agencies that deal with intelligence. My concern is that the Senate could spend weeks debating flowcharts and organizational changes and moving the boxes around with respect to where people in the intelligence community sit, but if the underlying way in which information is classified is not reformed, it is going to be very hard to make information sharing throughout the intelligence community effective. Very little will have been accomplished if information continues to be classified for purposes of protecting somebody's political career rather than our national security or if classification decisions continue to deprive the American people of their ability to judge the effectiveness of their Government on national security matters.

The 9/11 Commission report says the need to restructure the intelligence community grows out of six problems. One of them, the Commission says at page 410, is that, in their words, ''The intelligence community is too complex and secret.''

The Commission states:

> Over the decades, the agencies and the rules surrounding the intelligence community have accumulated to a depth that practically defies public comprehension. . . . Even the most basic information about how much money is actually allocated to or within the intelligence community and most of its key components is shrouded from public view.

The bipartisan amendment Senator LOTT, Senator BOB GRAHAM, Senator SNOWE, and I offer today is premised on the belief that it is time to clear the fog of secrecy and that it is possible to do that so as to protect this country's national security. Our legislation establishes a three-person board with the President and the bipartisan leadership in the House and Senate each recommending one member, subject to Senate confirmation. Our board would have two tasks: first, to review and make recommendations on the standards and processes used to classify information for national security purposes, and, second, to serve as a standing body to act on congressional and certain executive branch requests to reexamine how a Government document has been classified.

As entities, from the traditional intelligence community to the Environmental Protection Agency, now have the power to classify documents, the board would look at national security classification across our Government. Its creation would give the Congress, for the first time, an independent body to which it can appeal a national security classification decision.

President Truman noted that the Nation's primary intelligence agency, the CIA, was created, ''for the benefit and convenience of the President.'' But the United States cannot preserve an open and democratic society when one branch of Government has a totally free hand to shut down access to information. The lack of an independent appeals process for Congress, in terms of the view of the four of us, two Democrats and two Republicans, tips the scale too far toward secrecy for any administration, and our bipartisan group of four Senators seeks to correct that imbalance.

The 1946 Atomic Energy Act established the principle that some information is born classified. There are certainly important sources and pieces of information that must never be compromised. But over the years, millions and millions of documents that weren't born classified have inherited or adopted or married into a classification. Keeping information secret for political purposes or horse trading intelligence data, especially during this critical time, a time of heightened security, is unacceptable.

Our Government must begin to be more accountable to its citizens. Having all appropriate information about national security is essential to Congress's congressionally prescribed oversight role. Access to information about their own security is the people's right. It is time to stop hiding the facts they deserve to know. Our bipartisan proposal does just that in a fashion that protects America's national security.

According to the late Senator Moynihan, who was an expert on secrecy in Government:

> . . . much of the structure of secrecy now in place in the U.S. Government took shape in just 11 weeks, in the spring of 1917, while the Espionage Act was debated and signed into law.

Eighty years later, Senator Moynihan would note that 6,610,154 secrets were created in just 1 year alone. In fact, only a small portion, or 1.4 percent, was created pursuant to statutory authority, the Atomic Energy Act. Senator Moynihan labeled the other 98.6 percent ''pure creatures of bureaucracy,'' created via Executive orders.

The Secrecy Report Card issued in August by a coalition of groups including the American Society of Newspaper Editors found the American Government spent $6.5 billion last year creating 14 million new classified documents. This is a 60-percent increase in secrets since 2001. These numbers do not even include CIA documents. The Secrecy Report Card also points out that agencies are becoming more creative in their classification systems.

In addition to the traditional ''Limited Official Use,'' ''Secret'' and ''Top Secret,'' some agencies now have something called ''Sensitive Security Information,'' ''Sensitive Homeland Security Information,'' ''Sensitive But Unclassified,'' or ''For Official Use Only.'' It has gotten to the point where Mr. William Leonard of the National Archives Information Security Office—the gentleman who oversees classification and declassification policies; he is known to some as the secrecy czar—believes that the system defies logic in many respects. He has called today's classification system ''a patchwork quilt'' that is a result of ''a hodgepodge of laws, regulations and directives.'' In reality, the Federal Government has so many varieties of classification that it can make Heinz look modest.

In Mr. Leonard's view, the classification system for national system has lost touch with the basics to the point that some agencies don't know how much information they classify or whether they are classifying more or less than they once did or whether they are classifying too much or too little.

The executive branch exerts almost total control over what should or should not be classified. The Congress has no ability to declassify material. So there is no self-correcting mechanism in the system. Even if Members of Congress wish to share information with constituents, it is so complicated for the Congress to release information to the public that no one has ever tried to use this convoluted process. The executive branch has a little-known group that can review classification issues, but it is seldom used and open only to executive branch employees and not to Members of Congress.

What all this means in practice is that with the thump of a stamp marked ''Secret'' some unelected person in the belly of a Federal building has prevented Americans from gaining access to information. That decision cannot be appealed, even by the Congress. There is no independent review of classification decisions by the executive branch. With no chance of unbiased review, classification decisions are ready and ripe for abuse. Agencies wishing to hide their flaws and politicians—and I emphasize this, Mr. President—of both political parties who wish to make political points can abuse the classification guidelines to their advantage. And four Senators, two Democrats and two Republicans, wish to change that.

I, for one, do not subscribe to the view that there is an inherent conflict between the executive branch's accountability to Congress and the American people on the one hand and the constitutional role of the President as Commander in Chief on the other. I believe that a balance can and must be struck between the public's need for sound, clear-eyed analysis and executive desire to protect the Nation's legitimate security interests.

I believe we can fight terrorism ferociously without limiting the rights of our citizens to information. That is what the sponsors of this legislation seek to do.

There should be no room in this equation I have described for the use of

classification to insulate officials and agencies from political pressure. As a member of the Senate Intelligence Committee, I have had lengthy discussions with my colleagues on a bipartisan basis about how to strike such a balance. It is the view of Senator LOTT, Senator GRAHAM, Senator SNOWE, and I that in proposing this amendment we have an opportunity to make the broad overhaul of the national security classification system and to do it in a way that will strengthen the overall reform effort that the Senate is working on.

Finally, the independent board would review and make recommendations on overhauling the standards and process used in the classification system for national security information. The board then submits proposed new standards and processes to both Congress and the executive branch for comment and review. It would then implement the new standards and processes once there has been full opportunity by the executive branch to comment. The board would then begin on an ongoing basis to implement a system, continue to review and make recommendations on current and new national security classifications subject to executive branch veto that must be accompanied by a public, written explanation.

The balance in this legislation ensures that the public and the Congress have access to an independent board for national security matters while ensuring that the Commander in Chief maintain the constitutional prerogative that the Commander in Chief must have with respect to military and foreign policy matters.

For far too long, the executive branch has adhered to the motto, ''When in doubt classify.'' Withholding information to protect political careers and entrenched bureaucracies is a disservice to the American people. It is a perversion of a policy intended to save lives, a perversion that weakens our democracy, and one that could even endanger our people. It is time to throw open the curtains and let the sun shine on American democracy and on the governmental processes we utilize today.

That is what this amendment does.

I see both the chairman and ranking member in the Chamber. Both of them have had an opportunity to see this amendment. I know both of them have a lot on their plates as we try to deal with this important legislation.

I think I can speak for Senator LOTT, Senator BOB GRAHAM, and Senator SNOWE in saying we are anxious to work with the two of them. I know staff has some ideas, some of which strike me as very good, for ways in which we can improve this legislation. I wrap up only by way of saying that I think, with the excellent work they have already done as relates to the organizational structure and the flowcharts and all of the things that we are going to be debating over the next, I hope, few weeks rather than months—but I only say that to maximize the changes which will be made organizationally—we need to find a new way to strike a balance between protecting the country's national security and the people's right to know. I think that balance is out of whack today.

If you look, for example, even at the exceptional work done by Senator ROBERTS and Senator ROCKEFELLER with our committee's report on the Iraq situation with respect to intelligence, had Senator ROBERTS and Senator ROCKEFELLER not dug in as aggressively as they have, my sense is that well over 50 percent of that report would have been classified. In fact, the most important sections would literally receive black ink. We have to do better. I think we can do it on a bipartisan basis. I think doing it will ensure that the important work Senator COLLINS and Senator LIEBERMAN are steering the Senate to will be better. I am anxious to work with both of them and staff. They have both been very gracious as always. I know my cosponsors join me in saying that as we look at various ways to refine this, we are anxious to continue to work in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I appreciate the commitment of the Senator from Oregon to work with us on this issue. I certainly understand his frustration at a tendency to overclassify information that it is not warranted to be classified, that is not necessary to protect intelligence sources and methods.

I note a couple of points. One is that the Collins-Lieberman bill vests in the national intelligence director the authority to establish requirements and procedures for the classification of intelligence information.

Another portion of our bill requires the national intelligence director to establish intelligence-reporting guidelines that maximize the dissemination of information, while protecting intelligence sources and methods.

In addition, the administration has expressed grave reservations about the amendment as it is now drafted.

What I would like to suggest and what the Senator from Oregon has graciously offered to do is have our staff on both sides of the aisle sit down with the Senator, see if we can address some of the administration's concerns, see if we can look at language that is already in the bill, and understand how that interacts with the Senator's proposal.

I thank him for his commitment to this area. He has identified a very real problem. I hope, perhaps, we can come up with an approach that will address his concerns.

Mr. LIEBERMAN. Mr. President, I also thank my friend and colleague from Oregon for a very thoughtful statement and a very thought-provoking amendment that he has offered. I know it comes out of his service and the service of the other bipartisan cosponsors on the Intelligence Committee and some experiences they have had, shall we say, which have not been satisfying, in which they have believed they and the public have been deprived of information in a timely way that did not allow them to make informed judgments.

I want to say a few things after thanking Senator WYDEN. One is there are members of our committee who both shared the experience of membership on the Intelligence Committee and brought it to bear on the deliberations of our committee in presenting the Collins-Lieberman proposal which is now before the Senate. That all goes to the priority on sharing of information and the independence and objectivity of intelligence, and on the responsibility of the intelligence community to Congress to provide timely and objective information. And the proposal that the committee brought out is full of provisions aimed at doing just that.

Senator COLLINS has just indicated the central provision for which the national intelligence director is responsible is reviewing and establishing standards for classification of intelligence.

Remember, in the original 9/11 Commission proposal, the national intelligence director was in the Executive Office of the President. We decided—and the Commission ultimately agreed with us—that was a bad idea; that we wanted to establish a standard of independence, openness, and objectivity. We took the position out. The national intelligence director will now be an independent agent setting these standards for classification.

We have broadly adopted a transformational approach to information in which we quite explicitly say we want to go from the Cold-War-era notion that there was a need only to have information if you really needed to know, and that the priority here is on a need to share unless there is a reason not to share. That goes in some cases not to the public but to the other intelligence agencies of our Government and to State and local law enforcement intelligence agencies.

Senator LEVIN, a member of our committee, greatly strengthened building on our requirement in the underlying bill that the national intelligence director must provide national intelligence to Congress and the President that is ''timely, objective, independent of political consideration and based on all sources available to the intelligence community.'' Senator LEVIN extended that to cover the director of the national terrorism center, the other national intelligence centers, the CIA Director, the National Intelligence Council, and restated the mandate to require national intelligence be timely, objective, independent of political considerations, and not shaped to serve policy considerations.

We are asking that the national intelligence director have responsibilities to ensure that the appropriate officials of the U.S. Government, including, of course, Members of Congress, have access to a variety of intelligence assessments and analytical views; likewise, that the national intelligence centers have similar access.

In response to the specific recommendation of your colleague, the ranking Democrat on the Intelligence Committee, Senator ROCKEFELLER, we created the office of ombudsman within the national intelligence authority to serve as an independent counselor, an independent reviewer of analytical product, to address any problems of bias or lack of objectivity or politicization in the intelligence community. The same is true of national intelligence estimates, that they be provided in a way that distinguishes between analytical judgments underlying intelligence.

We have a very strong provision about congressional oversight. The committee included provisions to strengthen the ability of congressional oversight to ensure independent and timely intelligence analysis; that the director of the counterterrorism center, for instance, may testify and submit comments to Congress without clearance from anyone else in the executive branch. The heads of the counterterrorism centers must provide intelligence assessments and certain other information to appropriate Members of Congress. Employees are explicitly authorized to report directly to Congress any evidence showing false statements to Congress and to an intelligence estimate.

There is a real congruence of purpose here in opening up, to the extent allowed by our national security needs, the intelligence that is in the possession of our Government.

I understand this amendment pushes this a step or two forward in focusing beyond what our proposal does in authorizing the national intelligence director to deal with classification standards to create this board. This is the first time I have seen the amendment. I appreciate the work that has been done on it and the purpose behind it, and with Senator COLLINS, I offer to sit and reason together with our respective colleagues, leaders in this field, who are the proponents of the amendment, and see if we can come to some agreement that is progressive but does not take the bill in a direction that might make it hard to adopt everything else we want to adopt.

That is the practical last word I want to offer.

Mr. WYDEN. Mr. President, if I could take perhaps an additional 2 minutes to make a quick comment.

Mr. LIEBERMAN. I yield the floor.

Mr. WYDEN. And then one of our cosponsors, the former chairman of the Intelligence Committee, wants to speak on behalf of the bill, as well.

Mr. President, I ask unanimous consent Senator CORNYN of Texas be added as a cosponsor to the amendment.

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

Mr. WYDEN. Mr. President, very briefly, first I express my thanks to Senator COLLINS and Senator LIEBERMAN for their help. They always go out of their way to help me and I am very appreciative of it.

My only substantive point, because we are going to work very closely, touches on the matter that our distinguished Chair made with respect to the executive branch having concerns about this issue. Every executive branch, whether it be controlled by Democrats or Republicans, will be concerned about this issue. What troubles the four of us is, whether a Democrat is President or a Republican is President, is that there are employees who can take a big old stamp, mark something ''secret,'' and then there is no independent review at all. That has been abused, in our view, on a bipartisan basis. It has been abused by administrations when they were run by Democrats. It has been abused when there have been administrations run by Republicans.

What the four Senators seek to do—now five, with the gracious help of the distinguished Senator from Texas—we seek to strike a balance between the President and the Congress.

What I say to the distinguished chairman of the committee, who makes a good point as to the executive branch, as the four of us talked about this issue—Senator LOTT, Senator SNOWE, Senator GRAHAM, and myself—we felt we would give the President, the executive branch, the first word and the last word on an issue with respect to classification. It is possible under our bipartisan proposal for a President to have the last word with respect to whether a document is classified. What we do, consistent with that principle, is allow for a broad swath of congressional involvement in between the President having the first word and the last word.

I only say to the distinguished chair of the committee, I will work very closely with you and Senator LIEBERMAN. My guess is we can never make the executive branch completely happy on this issue, whether it is controlled by a Democrat or controlled by a Republican. It is in the public interest now to strike a better balance with respect to how Government documents are classified with respect to the Congress and the President. We do that by giving the President the first word and the last word. But without any opportunity for congressional appeal, what we will have is what Senator Moynihan started talking about years ago, which is that in every executive branch, whether controlled by Democrats or Republicans, people in these agencies in the belly of some building somewhere will keep stamping stuff secret because there is no independent review. It is just in the political interests of those people to do it.

I look forward to working with my colleagues. They have been very kind.

I see the former chairman of the Intelligence Committee. My involvement in this issue really stems from the superb work Senator GRAHAM has done. I hope everyone buys his book in hardback. It is a wonderful piece of scholarship with respect to intelligence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I thank my good friend Senator WYDEN for his thoughtful work on this amendment, for his always generous personal relationship, and for his commercial reference to the book ''Intelligence Matters.'' I will be using some of the material from that book in my comments this afternoon as I rise to speak in favor of the amendment which addresses our Government's dangerous tendency toward excessive secrets.

From the very beginning of our Nation, the American people have been concerned with the Government's attempts, almost an irresistible attempt by any government, to hide or to fail to disclose issues that properly should be available to the public.

President John F. Kennedy said in his first year as President:

> The very word ''secrecy'' is repugnant in a free and open society; and we are as a people inherently and historically opposed to secret societies, to secret oaths and to secret proceedings . . .
>
> We decided long ago that the dangers of excessive and unwarranted concealment of pertinent facts far outweighed the dangers which are cited to justify it.

In a free, open, democratic society, we must always begin with the belief that the people should have access to all of the information which the Government holds on their behalf. The only exceptions to this rule should be those made for necessary personal or corporate privacy reasons, such as tax returns, and for legitimate reasons of national security.

Now, of course, there are occasions when the national security of the United States is best served by the withholding of certain information, such as when we conceal the sources and methods of gathering extremely sensitive information to protect the sources themselves. However, our current system of classifying information is being abused to an extent that borders on the absurd. But there is nothing comical about this development.

In my judgment, the two key issues we are going to have to face if we are going to overcome the many fundamental problems which are facing our intelligence community are, first, the inadequacy of our human intelligence to be able to confront the threats that we now face, and, second, this issue of secrecy.

Now, I know that much of our analysis and focus will be on the specific problems identified by various groups which have looked into the events leading up to 9/11, including the Joint

House/Senate Inquiry. However, there are some other issues which are embraced in 9/11 but which go well beyond 9/11. One of those which has been a recurring failure of America's intelligence is the failure to see the big issue. Why was it that our intelligence did not see the fact that although it had stated there were precisely 550 sites where weapons of mass destruction were being either produced or stored in Iraq, once we got to Iraq, the number was actually zero? Can you imagine that we have an address book of 550 sites that were supposed to be the dangerous locations, and as soon as we occupied the country we started knocking on 550 doors and did not find any of it? Think of the damage that failure has meant to the United States as a fundamental rationale for going to war in the first place and to our international reputation.

A second example of the failure to see the big issue is the one Senator Moynihan used as a centerpiece of his book ''Secrecy,'' and that was the fact that our intelligence community failed to predict the collapse of the Soviet Union. As Senator Moynihan pointed out, indicators that the Soviet Union was on the brink of economic collapse were available years in advance of the end of the Cold War. Yet our intelligence community, and specifically the CIA, greatly misperceived the strength of the Soviet economy and, therefore, did not realize that collapse was imminent.

Unfortunately, the CIA and other intelligence agencies insisted on classifying nonsensitive information about the state of the Soviet economy. If this information had been disclosed to the public and to experts outside the Government, we could have seen the CIA was working with flawed data. That flawed data would have been subject to challenge. And perhaps before the collapse of the Berlin Wall we would have concluded that the Soviet Union was not internally stable in order to maintain its position in the military, space, and scientific competition with the United States. Had we done so, this undoubtedly would have allowed us to develop smarter, more effective strategies regarding the Soviets and their allies.

To give one example of that, during the period when it was widely known by many that the Soviet Union was on the verge of collapse, but where we were being told by our intelligence agencies, with information not available to the general public, that in fact the Soviet Union remained a competitive force, we were providing the resistance fighters in Afghanistan with some of the most sophisticated military materials, particularly items such as the Stinger missile, to use in the war against the Soviet Union.

If we had known how close the Soviet Union was to collapse and had thought about the consequences of having hundreds if not thousands of pieces of some of the most lethal military equipment in the world in the hands of those who were resisting the Soviets in Afghanistan, we might have rethought whether that was a wise policy or whether we were pursuing a short-term victory at the expense of arming a part of the world which was going to be our long-term adversary.

Those are the consequences of failure to see the big picture. I believe one of the principal reasons we repeatedly failed to see the big picture is exactly the secrecy which we have imposed upon material, therefore denying the opportunity for a wide range of Americans to see the information, challenge the information, and, if it is unable to sustain that challenge, force the information to be corrected.

One of the more recent failures that was disclosed by both the House/Senate Intelligence Committees Joint Inquiry and the recent 9/11 Commission related to some of the evidence that there was a connection between the Kingdom of Saudi Arabia and at least some if not all of the terrorists inside the United States. This, in my opinion, was one of the most significant findings of the inquiry. Its significance is that if a foreign government is providing support to terrorists embedded inside the United States, it contributes substantially to the ability of those embedded operatives to maintain their anonymity while they are planning, practicing, and executing very complex terrorist plots.

That is what happened prior to 9/11. It was our conclusion that in fact these terrorists were not here alone, that they were receiving that type of support. We raised the question, if it was happening before 9/11, what is our level of confidence that it is not happening after 9/11?

Details of our findings that led us to this chilling possibility were included in the Joint Inquiry's final report.

Let me read from a section of that final report which was made available to the public. But I note the brackets around these paragraphs. Those brackets indicate that while this information was made available to the public, it was only done so after it was sanitized, rewritten by the agencies which had scrutinized this report, particularly the CIA and the FBI. But here is what they would allow to be made available to the American people:

[Through its investigation, the Joint Inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States. The Joint Inquiry's review confirmed that the intelligence community also has information, much of which has not yet been independently verified, concerning these potential sources of support. In their testimony, neither CIA nor FBI officials were able to address definitively the extent of such support for the hijackers globally or within the United States or the extent to which such support, if it exists, is knowing or inadvertent in nature. Only recently, and at least in part due to the Joint Inquiry's focus on this issue, did the FBI and CIA strengthen their efforts to address these issues. In the view of the Joint Inquiry, this gap in U.S. intelligence coverage is unacceptable, given the magnitude and immediacy of the potential risk to U.S. national security. The intelligence community needs to address this area of concern as aggressively and as quickly as possible.]

What happened was that even with that sanitized version of the introduction to that section, then the intelligence community proceeded to censor the rest of the section, page after page. Twenty-seven pages were completely blank so that the American people were never given the opportunity to know what we knew about the role of foreign governments—specifically, the Kingdom of Saudi Arabia—in support of the terrorists. Does it make America safer that this type of information is withheld? What an absurdity.

Of course, this puts Americans at greater risk. Why was this done? Why was this withheld from the American people? I believe it was withheld not for national security reasons. And I might say I am joined in that assessment by my colleague, Senator DICK SHELBY, who reviewed this information, as I had, and concluded that 95 percent of the information which had been censored was not of a national security nature.

Obviously, it was embarrassing, embarrassing to the CIA, to the FBI that such an infrastructure of support could have been allowed to exist and grow in the United States and then be used by people who killed 3,000 Americans.

I believe this information is just one example of the tendency toward excessive secrecy, including the most recent example of that, which is the refusal to declassify any portion of the recently released national intelligence estimate regarding the scenario of future events in Iraq.

This report, which represents the consensus view of all our intelligence agencies, outlines several possible scenarios for the future of Iraq and combines the best information and analysis available within the executive branch. While a few of the sources of information probably should continue to be concealed, the national intelligence estimate itself should not be. As the Congress and the American public debate the best way to proceed in Iraq, we should have access to the best thinking available on that subject.

The administration thus far has characterized the national intelligence estimate on Iraq as being guesses. The administration should act immediately to declassify the national intelligence estimate so that the American people can determine whether it is a mature and professional assessment of the range of choices we have in Iraq.

Our Joint Inquiry recommended that the President and the intelligence agency review the Executive orders, the policies and procedures that govern classification, the withholding from the American people of information. The purpose of this review would be 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.''

If I could comment a moment on that access to State and local officials, there were at least five incidents within a matter of weeks of 9/11 in which one or more of the terrorists was under the control of a State and local law enforcement officer, generally because they had committed a traffic offense. Yet the State and local law enforcement officers did not have access, because of excessive secrecy, to the information that these very people who were under their direct command were also listed on a terrorist watch list as being people who, had they been outside the United States, would not have been allowed to enter. But now they are in the United States, and the people who are the most likely to encounter them, State and local law enforcement, are denied the information upon which they can protect the safety and security of the American people. It is an outrage.

Two-thirds of these terrorists spent most of their time in the United States in my State of Florida. I am not proud of that, but it happens to be a statement of fact. I have talked with local and State law enforcement leadership in my State and I asked: If the same thing that occurred in the summer of 2001 were to occur in the fall of 2004, what would the result have been? Do you know what the answer is? Exactly the same, that our State and local law enforcement would continue to be denied access to the information that would allow them to be of optimal effectiveness in providing us, the American people, optimal security.

Returning to the recommendations of the 9/11 Joint Inquiry, the Joint Inquiry called on the Director of Central Intelligence, the Attorney General, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State to review and report to the House and Senate proposals to protect against the use of the classification process as a shield to protect agency self-interest.

What has happened in the now almost 2 years since this report was filed? The answer is, nothing has happened. There has been no effort by any of those agencies to present to the Congress their ideas of how we can protect ourselves against agency self-interest.

The recommendation also called upon Congress to undertake a similar review of classification procedures and consider in particular ''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.''

Again, sad to say, almost 2 years since the report was filed, no executive agencies have taken any action to review and report on their classification procedures. This means that we in the Congress, as the representatives of the people who are being denied this information, must now step forward and force action.

The amendment offered this afternoon by my colleague from Oregon would create an independent national security classification board within the executive branch to review current classification policies and procedures. The board would then propose more coherent, rational standards to Congress and the President and help to ensure that new standards are implemented.

Once the new standards are in place, the board will have access to all documents classified for national security reasons and will have the authority to review decisions made by employees of the executive branch. The board will be able to recommend that the President reverse or alter classifications with which it disagrees. The President will have the authority to ignore the board's recommendation, but the President will be required to notify Congress and the American public that he or she has done so.

Early in our country's history, Patrick Henry argued:

> The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.

Much more recently, Senator Moynihan concluded his book on the evils of government secrecy with these words:

> A case can be made . . . that secrecy is for losers, for people who don't know how important information really is. The Soviet Union realized this too late. Openness is now a singular, and singularly American, advantage. We put it in peril by poking along in the mode of an age now past.

We would do well to heed both the words of Patrick Henry and Senator Patrick Moynihan. We would do well, by such heeding of these words, to avoid the peril of excessive secrecy and its consequences, including the consequence of designating the United States of America as losers. We now have the opportunity to avoid that fate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from Florida, for a very informed statement.

To restate what we said to Senator WYDEN, I appreciate the experience that led our colleagues from both parties to offer this amendment. I know I speak for Senator COLLINS in saying, first, we want to look at the amendment in more detail; second, we want to work to see if we can come up with some way to accommodate your concerns that is agreeable to all involved.

I ask unanimous consent that this amendment be set aside to allow us time to do the work we are about to do.

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

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, it is my understanding that the senior Senator from Maine, Senator SNOWE, is on her way to the floor to speak to the amendment temporarily laid aside.

Before the Senator from Florida leaves the floor, I want to thank him for all the work he has done in this area. The Senator recently spent about an hour with me, sharing some of his experiences as chairman of the Senate Intelligence Committee. He has a great deal of knowledge and expertise, and I very much appreciated his taking the time to give me the benefit of his thoughts on intelligence reform. I am also the proud owner of his book, which is on my bedside table right now and is very appropriate reading as we do this debate. I thank him for his contributions. Like Senator LIEBERMAN, I look forward to working with him, Senator WYDEN, Senator SNOWE, Senator LOTT, on the amendment they have proposed.

Mr. LIEBERMAN. Mr. President, I want to tell Senator GRAHAM that Senator COLLINS indicated to me she does have your book on her bedside table and she finds it compelling. She does not use it to induce sleep. I want to reassure him of that. I find it compelling as well. I join her in thanking the Senator.

You two were way out front in recommending quite a while ago some of the reforms that are contained in our committee's proposal. I hope the Senator knows his work cleared a path and informed the work that the committee did. I thank him for that.

AMENDMENT NO. 3705

Ms. COLLINS. Mr. President, I send an amendment to the desk on behalf of myself, Senator CARPER, and Senator LIEBERMAN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Maine [Ms. COLLINS] for herself, Mr. CARPER, and Mr. LIEBERMAN, proposes an amendment numbered 3705.

Ms. COLLINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Ms. COLLINS. Mr. President, I will not debate this amendment tonight. I wanted to alert our colleagues that this amendment represents the work of the Governmental Affairs Committee to reform and improve and strengthen the formula for the allocation of Homeland Security grant moneys. Our committee has held several hearings over the last 2 years on this issue. This legislation reflects the result of those hearings. It also parallels the recommendations of the 9/11 Commission,

that the formula needs to be revised so that it is more of a threat-based formula.

We worked very hard to come up with a compromise on the committee. We maintained the minimum that each State would get to ensure that every State can respond to its preparedness needs. But we also rewrote the formula in recognition of the fact that some areas of our country, some States, are indeed high-threat areas.

This legislation represents a careful balance that reflects the membership of our committee, which includes both large-State Senators, such as Senator LEVIN of Michigan, and small-State Senators, such as Senator CARPER of Delaware. Senator LEVIN, in particular, I recognize for his very hard work on revising the formula. As I said—and I see members of the leadership on the floor—we will not debate this at length tonight. I did want to send the amendment to the desk.

Mr. LIEBERMAN. Mr. President, I am prepared to join with Senator COLLINS and Senator CARPER in introducing this amendment, and Senator CARPER played a very active role on the committee, along with Senators COLLINS, LEVIN, and other members in devising this very balanced approach to this controversial question of the Homeland Security grant formula. It does reflect the reality of the current terrorist threat, that there are some places that are a higher probability because they contain more potential targets, or because they are just big, prominent cities. But the fact is, when you are dealing with an enemy—and we have seen this around the world—that will strike at the most vulnerable, undefended targets, not caring about consequences to human life, whoever it is—children in schools, buses, trains, families, et cetera—in some sense, every American is endangered and every community is endangered. Therefore, every State deserves some proportion of these Homeland Security grants.

That balance has been struck very well, I think, in this amendment, which is the bill our committee reported out earlier. So I look forward to debating this and hopefully passing it with strong support in the coming days.

I want to say two more things before I yield the floor. First, we now have, I believe, three amendments that have been filed this afternoon. This is good news. There will be a lot of amendments on this bill, and I am sure we will be on the bill for a considerable number of days. One of our colleagues said we might be on this for weeks or months. I prefer to speak in terms of days or hours, as Senator REID prefers. But it is good we have these three amendments offered and hopefully we will go to a vote on one or maybe two of them tomorrow and begin to move forward on this proposal. That is good news.

Secondly, I am delighted to ask unanimous consent to add Senator DURBIN of Illinois as a cosponsor to the underlying bill.

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

Mr. LIEBERMAN. Mr. President, Senator DURBIN is a member of the Governmental Affairs Committee. He made some very significant contributions to this bill, which we will discuss in more detail during the debate on information technology systems of our Government when it comes to dealing with national security intelligence and the board that the bill creates to guarantee while we are improving the security of our people in an age of terrorism that their liberty continues to be protected as well.

I am grateful Senator DURBIN has joined us as a cosponsor. I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, we are not in a quorum call, are we?

The PRESIDING OFFICER. We are not.

ORDERS FOR TUESDAY, SEPTEMBER 28, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Tuesday, September 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of S. 2845, the intelligence reform bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow, following morning business, the Senate will resume consideration of the intelligence reform bill. I would like to say to Chairman COLLINS and Ranking Member LIEBERMAN, I think they had a good debate today and have gotten a good start, and we will continue the amending process tomorrow. The chairman and ranking member will be here to work through any amendments, and we hope to have them begin to be offered tomorrow. We encourage all Senators to contact the bill managers as early as possible and see if we can move forward on this very important legislation which the majority leader and the Democratic leader wish us to finish before we go home for the elections.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SNOWE or any other remarks of the chairman of the committee.

Mr. REID. I ask that be amended to the chairman and ranking member.

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

Mr. MCCONNELL. I yield the floor.

MORNING BUSINESS

CUMBERLAND VALLEY NATIONAL BANK

Mr. MCCONNELL. Mr. President, I rise today to recognize the Cumberland Valley National Bank on its one hundredth anniversary as a premiere financial institution in the heart of southeastern Kentucky.

On October 1, 1904, the East Bernstadt Banking Company, as it was known then, opened its doors with capital stock of $15,000. Within 8 years their capital stock had jumped to $25,000 and they underwent their first name change, to the First National Bank. This was just the beginning of several expansions and name changes.

In spite of the closing of major coal mining operations in East Bernstadt, the First National Bank remained quite successful and moved from East Bernstadt to the Catching Building in London, becoming, ironically, the Second National Bank of London. In the years that followed, their capital stock continued to rise. By 1951, the bank reached a milestone with $100,000 in capital stock. In 1959, the Second National Bank opened its first branch location, the North London Branch and added a third location in 1974. Because it was able to establish itself as one of the premiere banking institutions in Laurel County, the bank decided to change its name again, this time to its current name the Cumberland Valley National Bank.

Today, the Cumberland Valley National Bank has twenty locations to serve the people of Laurel County. While the bank has changed its name several times over the last 100 years, it has never changed the impeccable service it provides its customers. This is due in large part to the hundreds of former and current employees who have strived to make this bank a cornerstone of Laurel County.

Today I ask my colleagues to join me in honoring the Cumberland Valley National Bank, the largest locally owned bank in southeastern Kentucky, for its one hundred years of business. I wish them another one hundred years of success.

SECURITY FOR JUSTICES—S. 2742

Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of S. 2742, which is a short but important piece of legislation that Senator HATCH