

Join hands and voices to help the moms, the dads, the husbands, the wives, the sons, the daughters, the brothers and the sisters to get through these difficult days. Offer more than words; offer hope indeed.

Walk with them together during these times, open your homes and open your hearts. Our Nation is at war with an enemy across the world.

Let us not be a nation at war with each other within. We have a common goal: Offer comfort and hope and encouragement to those who fight for our freedom, and those who are left behind to pray for their success and safe return home.

America, the greatness of our Nation is not that we can survive conflict and division. The greatness of America is that we can build upon our differences and multiply our blessings.

For the sake of the families of those who sacrifice, for the sake of the soldiers who are in harm's way, let us build a better America for their return.

These are momentous days in the history of this country. They remind me of this remarkable statement by one of our early patriots, Patrick Henry, during our war of independence. He wrote:

These are the times that try men's souls. The summer soldier and the sunshine patriot will in this crisis shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheaply, we esteem too lightly; 'tis dearness only that gives everything its value. Heaven knows how to put a proper price on its goods; and it would be strange indeed if so celestial an article as Freedom should not be highly rated.

You can talk about equality or you can make it happen.

You can sympathize with the poor or you can help create a job for them.

Yes, these are challenging times; we are witnessing the birth of a new century and a new moment of hope for mankind. Yes, these are dangerous, trying times, but it is a great time to be alive.

Allow me to share some of my favorite quotes from Abraham Lincoln to guide our thoughts about this momentous time.

In the second inaugural, Lincoln said:

The dogmas of the quite past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

You don't undertake change for the sake of change. But when the circumstances have changed, it is folly to stick with the old game plan.

The fall of the Soviet Union changed the world forever.

September 11 changed the world forever.

The problem with some at the United Nations and even some in our own Con-

gress is that they are "enthralled" with the old way of doing things. To them you don't deal with evil, you just contain it. But that dogma led to the deaths of millions in Rwanda and Cambodia because we were too timid to act.

For decades we allowed terror networks to grow and infiltrate even free societies. Because we thought there was nothing we could do about so pervasive an evil, we just hoped for the best.

Now we have historic opportunity to strike a decisive blow against tyranny and terrorism in one place and give birth to a new century of hope for freedom and security. We must accept the moral responsibility our power gives us.

Lincoln also said:

Let us have faith that right makes might, and in that faith let us do our duty as we understand it.

Our Nation, more than any other, was born on eternal values—That God had endowed all people with inalienable rights to life, liberty and the pursuit of happiness. But as much as we would like to believe it, the power of those ideals do not sweep the globe and enforce themselves. Somebody has to do it.

Right now the United States, Britain and a couple of dozen other nations are doing the dirty work of liberty. The lesson of history is: somebody has to do it.

Lincoln was right; it takes faith to do it. Certain things can't be proven to people who are devoted to another path.

We have a duty to do, and to most of us it is clear. Just because everybody doesn't see it doesn't mean it isn't exactly the right thing to do.

Finally, a word about our great President. Here is a message for "43" from "16". Lincoln said:

If I were to read, much less answer all the attacks made on me, this shop might as well be closed for business. I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what's said against me won't amount to anything. If the end brings me out wrong, then angels swearing I was right would make no difference.

I am profoundly grateful that we have a President who does not run his life by what the polls say. That is the opposite of leadership.

I believe in a free media. I believe in the power of public opinion. But I see red when I see newspaper and Internet polls one week into the war in Iraq, asking about whether we are bogged down or if the President is using the right strategy.

So much of the 24-7 commenting and opinionating out there is precisely the substance that covers the floors of Minnesota feedlots.

In a long ago war it was said:

They also serve who only stand and wait.

The same is not true for those who just sit and wait.

Public opinion is, as it should be, strongly with this President; strongly

with our fighting men and women; strongly that we are doing the right thing in the name of freedom, in the name of liberty; to be an end to terror, to be an end to oppression, to be an end to rape, to be an end to torture, and to open up new worlds of possibilities. But I do ardently wish people would shut off the TV and shut off the computer and get out there and build the best possible great Nation for our troops to come home to. Shut it all off, say a prayer for our troops, say a prayer for our leaders, and go to work building a great America.

Finally, one more word from Lincoln and I am done:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and all Nations.

May God bless our fighting men and women on the front line. May God bless and support and hold and comfort the families of those who have given the ultimate sacrifice. May God bless the United States of America.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand it is appropriate to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

DANIEL PATRICK MOYNIHAN

Mr. DOMENICI. Mr. President, I came to the floor to say a few words about Senator Patrick Moynihan. Obviously, I didn't know him for all of his very successful and rather stupendous life, but I knew him rather well for that portion spent in the Senate. Even as to that portion, it was not my privilege to spend a great deal of time on the same committees with the Senator. But it was obvious to me he was a very big man, not big only in stature—he was very tall—but clearly he spoke eloquently and could grasp the situation with a demeanor and in a manner that was not very common and ordinary here.

From my standpoint, we struck up a friendship principally based upon his asking me a lot of questions about the budget and about my work as chairman or ranking member on the Senate floor.

Today it was my privilege to attend, with my wife Nancy, his funeral mass and some of the other ceremonial

events that bid him goodbye. My wife Nancy and I got to share with his marvelous wife Elizabeth; everybody calls her Liz. We had had on one occasion as couples an opportunity to travel with Senator Moynihan and his wife and others on a very lengthy trip that included China and other parts of the world, Japan. It was rather marvelous to have him regale us with stories and tales and history as we would be traveling from one country to another. When he was around on those kinds of events, you didn't have to have books to read. You would just get a seat close to him and ask questions, and he would tell you something significant, different, important, something you clearly never would read and never had heard.

We all miss him. There is no doubt about it.

One day I recall the close of a budget session, a long debate on the budget. Final passage came up. It had been a very arduous and difficult one, much like the last one we just experienced, but more so. I had counted votes and thought I would win. I thought I would get 51 votes, which is what I needed. I noted that during the time of the debate and in particular the closing, Senator Moynihan had listened a little more than I had expected. No reason for him to do that. Senators were in and out.

I had also noticed during the course of events that he would stop by and talk with me and say something to me about what was going on.

The vote occurred, and I was not paying attention to the vote. I knew I would get the votes necessary. But when the votes were counted, I had one more than expected. So I asked, who was that; what happened? Somebody on the other side of the aisle, without saying much and perhaps without talking to his own leadership, had voted for the resolution. Sure enough, it was Patrick Moynihan. I didn't have a chance then to say anything to him, but later on, I purposely found him and thanked him, and I asked him what was that all about.

He said: Well, to tell you the truth, that Budget Act is too confusing and confounds everybody. You worked too hard to try to get it done, and you made an awful lot of sense. I just decided that regardless of the philosophy, that was enough for me to vote for the budget resolution, in the sense that I was just voting for you.

Things like that don't happen very often. I am sure everybody has stories similar to that and more so. Today, as we attended the funeral mass, there were literally hundreds of people from all walks of life—kind of befitting what he had done and the life he had lived. On one side I noticed the Secretary of Defense had kind of eased his way into the church and was kneeling on one side there in an inconspicuous way—many ambassadors, a lot of Senators, a very large entourage of Senators. Perhaps as many as 10 former Senators

from our day who now live somewhere else doing other things had found their way into Washington to be there.

I choose today for these very few moments to say thank you to him for his great service in the Senate, to his family, and particularly to his wife, who obviously sacrificed greatly while he was being a Senator. She, too, has a profession of her own and was somewhat restrained and had to live more of a life in Washington, tied sort of to his career, than she had at other times in her life. But from what I have gathered, they were both great citizens and very pleased and proud to be part of this Senate.

I thank him and bid him adieu.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I join my colleagues today in mourning the passing of a giant of the 20th century—our former colleague, Senator Daniel Patrick Moynihan. The list of his contributions to this Nation is long and impressive: from White House aide, to Ambassador to India and the United Nations, to Senator from the State of New York for 24 years. Pat Moynihan left an indelible mark on our Nation and the world.

Senator Moynihan has been described as the best thinker among politicians since Woodrow Wilson and the best politician among thinkers since Thomas Jefferson. Few Senators in the 241-year history of this institution have had the intellectual impact on public policy as did Patrick Moynihan. From tax policy to environmental protection, he was an always constructive and frequently dominant advocate. He frequently converted a Senate committee hearing or floor debate into what was his first passion, a college classroom. Those of us who were fortunate to be his students are forever in his debt.

Adele and I offer our condolences to Elizabeth and their family, and we will recognize in our prayers the loss that the Nation and each of us individually have suffered.

Mr. President, I add that I consider it a terrible irony that on the eve of Senator Moynihan's death, March 26, the White House announced the signing of amended Executive Order 12,958. This Executive order delays the release of millions of long-classified Government documents and grants to Government bureaucrats new authority to reclassify information. The vast majority of these documents are more than 25 years old and were to have been automatically declassified on April 17 of this year.

I consider this ironic because Senator Moynihan was a champion of open gov-

ernment. Among his many writings, including 18 books, was "The Torment of Secrecy: The Background and Consequences of American Security Policy." Senator Moynihan concluded that book 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. It is time to dismantle government secrecy, this most pervasive of cold war era regulations. It is time to begin building the supports for the era of openness, which is already upon us.

Mr. President, we in the Senate and those in the White House should heed Pat Moynihan's wise words. As a former chairman of the Senate Select Committee on Intelligence, I can tell you that this administration is being excessively cautious in keeping information from the American people. Certainly, when we are at war and facing increased threats from international terrorist networks, we need to keep secret that information that could pose a threat to our security if it were to fall into the wrong hands. But that hardly seems to be the case with most of the information that is covered by this overly broad Executive order.

Again, I emphasize that the overwhelming bulk of this material is more than 25 years old. Ultimately, excessive secrecy will undermine the public's confidence in our Government and its essential institutions. Excessive secrecy denies to the American people their full capability to participate, evaluate, and act as they determine to be in the national interest.

By restricting access to crucial and often conflicting information, excessive secrecy creates the environment for what is known as incestuous amplification. This is a military term and is defined by Jane's Defense Weekly. Incestuous amplification is "a condition in warfare where one only listens to those who are already in lockstep agreement, reinforcing set beliefs and creating a situation ripe for miscalculation."

Excessive secrecy undermines the classification value of information which is genuinely critical to our national security. Last year, I had the honor to cochair a joint House-Senate inquiry into the events of September 11, 2001. Our purpose was to help the American people understand what our Government knew about potential threats from al-Qaida prior to the attacks on the World Trade Center and the Pentagon, and how our intelligence and law enforcement agencies responded. But even more important, our responsibility was to develop an action plan of recommendations to mitigate a repeat of this tragedy.

Our staff reviewed more than 500,000 pages of documents. We conducted 22 hearings, 13 of them closed, 9 open to the public. We filed our final report—the classified version—on December 20, 2002.

The joint inquiry has requested declassification of our final report, as well as key documents related to the Government's knowledge of al-Qaida and potential terrorist threats. For 100 days, congressional staffers have been working with the Central Intelligence Agency, the Federal Bureau of Investigation, and other relevant agencies to get the final report of the joint inquiry declassified. We have not yet been successful. I am hopeful that we can present most of this material to the public at the earliest date. We have already released, in declassified form, our findings and our recommendations.

I ask unanimous consent to have printed in the RECORD a copy of those recommendations at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM of Florida. Mr. President, I want to read one of the recommendations from the joint inquiry committee. It is recommendation No. 15:

The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for Federal agencies outside the Intelligence Community, for State and local authorities, which are critical to the fight against terrorism, and to the American public.

In addition, the President and heads of Federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented, and vigorously enforced.

Congress should also review the statutes, policies, and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure.

Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.

The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information.

The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

The public has the right to know what its Government has done and is doing to protect Americans and United States interests. Potential embarrassment is not a good enough reason to keep past or current Government materials secret.

One of the most fitting tributes we could pay to Pat Moynihan would be a heightened recognition of the damage that excessive secrecy exacts on our Government's credibility, and to re-

commit ourselves to a Government which trusts its people to know the truth.

Mr. President, I ask unanimous consent to print in the RECORD an editorial from the New York Times of March 28, 2003.

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

SECURITY: THE BUSH BYWORD

Add one more item to the list of things the Bush administration has been quietly doing on the home front while the nation is preoccupied with Iraq. This week President Bush signed an executive order that makes it easier for government agencies, including the White House, to keep documents classified and out of public view.

The order does a number of things at once. It delays by three years the release of declassified government documents dating from 1978 or earlier. It treats all material sent to American officials from foreign governments—no matter how routine—as subject to classification. It expands the ability of the Central Intelligence Agency to shield documents from declassification. And for the first time, it gives the vice President the power to classify information. Offering that power to Vice President Dick Cheney, who has shown indifference to the public's right to know what is going on inside the executive branch, seems a particularly worrying development.

All of this amends an order by President Bill Clinton that actually eased the process of declassification. The administration says the three-year delay in declassifying documents dating to the Carter administration and earlier is necessary because of a huge backlog of documents that must be reviewed before decisions are made on whether to declassify them.

Taken individually, each of these actions might raise eyebrows for anyone who values open government. Taken together, they are reminders that this White House is obsessed with secrecy. President Clinton's policy was that "when in doubt," a document was not automatically classified. That ensured that government papers would not easily be kept under wraps without a compelling reason. And while President Bush keeps in place many of the mechanisms for automatic declassification, he has raised a bar that can only hurt the ability of historians, researchers and all Americans to arrive at informed judgments about the actions of the presidents and their administrations.

EXHIBIT 1

RECOMMENDATIONS

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

1. Congress should amend the National Security Act of 1947 to create and sufficiently staff a statutory Director of National Intel-

ligence who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole. These responsibilities should include:

Establishment and enforcement of consistent priorities for the collection, analysis, and dissemination of intelligence throughout the Intelligence Community;

Setting of policy and the ability to move personnel between elements of the Intelligence Community;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community budgets;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community personnel and resource allocations;

Review, approval, modification, and primary management and oversight of the execution of Intelligence Community research and development efforts;

Review, approval, and coordination of relationships between the Intelligence Community agencies and foreign intelligence and law enforcement services; and

Exercise of statutory authority to insure that Intelligence Community agencies and components fully comply with Community-wide policy, management, spending, and administrative guidance and priorities.

The Director of National Intelligence should be a Cabinet level position, appointed by the President and subject to Senate confirmation. Congress and the President should also work to insure that the Director of National Intelligence effectively exercises these authorities.

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

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

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

As part of that effort, the Director of National Intelligence shall develop the Intelligence Community component of the strategy, identifying specific programs and budgets and including plans to address the

threats posed by Osama Bin Laden and al Qaeda, Hezbollah, Hamas, and other significant terrorist groups. Consistent with applicable law, the strategy should effectively employ and integrate all capabilities available to the Intelligence Community against those threats and should encompass specific efforts to:

Develop human sources to penetrate terrorist organization and networks both overseas and within the United States;

Fully utilize existing and future technologies to better exploit terrorist communications; to improve and expand the use of data mining and other cutting edge analytical tools; and to develop a multi-level security capability to facilitate the timely and complete sharing of relevant intelligence information both within the Intelligence Community and with our appropriate federal, state, and local authorities;

Enhance the depth and quality of domestic intelligence collection and analysis by, for example, modernizing current intelligence reporting formats through the use of existing information technology to emphasize the existence and the significance of links between new and previously acquired information;

Maximize the effective use of covert action in counterterrorist efforts;

Develop programs to deal with financial support for international terrorism; and

Facilitate the ability of CIA paramilitary units and military special operations forces to conduct joint operations against terrorist targets.

4. The position of National Intelligence Officer for Terrorism should be created on the National Intelligence and a highly qualified individual appointed to prepare intelligence estimates on terrorism for the use of Congress and policymakers in the Executive Branch and to assist the Intelligence Community in developing a program for strategic analysis and assessments.

5. Congress and the Administration should ensure the full development within the Department of Homeland Security of an effective all-source terrorism information fusion center that will dramatically improve the focus and quality of counterterrorism analysis and facilitate the timely dissemination of relevant intelligence information, both within and beyond the boundaries of the Intelligence Community. Congress and the Administration should ensure that this fusion center has all the authority and the resources needed to:

Have full and timely access to all counterterrorism-related intelligence information, including "raw" supporting data as needed;

Have the ability to participate fully in the existing requirements process for tasking the Intelligence Community to gather information on foreign individuals, entities and threats;

Integrate such information in order to identify and assess the nature and scope of terrorist threats to the United States in light of actual and potential vulnerabilities;

Implement and fully utilize data mining and other advanced analytical tools, consistent with applicable law;

Retain a permanent staff of experienced and highly skilled analysts, supplemented on a regular basis by personnel on "joint tours" from the various Intelligence Community agencies;

Institute a reporting mechanism that enables analysts at all the intelligence and law enforcement agencies to post lead information for use by analysts at other agencies without waiting for dissemination of a formal report;

Maintain excellence and creativity in staff analytic skills through regular use of analysis and language training programs; and

Establish and sustain effective channels for the exchange of counterterrorism-related information with federal agencies outside the Intelligence Community as well as with state and local authorities.

6. Given the FBI's history of repeated shortcomings within its current responsibility for domestic intelligence, and in the face of grave and immediate threats to our homeland, the FBI should strengthen and improve its domestic capability as fully and expeditiously as possible by immediately instituting measures to:

Strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities;

Establish and sustain independent career tracks within the FBI that recognize and provide incentives for demonstrated skills and performance of counterterrorism agents and analysts;

Significantly improve strategic analytical capabilities by assuring the qualification, training, and independence of analysts, coupled with sufficient access to necessary information and resources;

Establish a strong reports officer cadre at FBI Headquarters and field offices to facilitate timely dissemination of intelligence from agents and to analysts within the FBI and other agencies within the Intelligence Community;

Implement training for agents in the effective use of analysts and analysis in their work;

Expand and sustain the recruitment of agents and analysts with the linguistic skills needed in counterterrorism efforts;

Increase substantially efforts to penetrate terrorist organizations operating in the United States through all available means of collection;

Improve the national security law training of FBI personnel;

Implement mechanisms to maximize the exchange of counterterrorism-related information between the FBI and other federal, state and local agencies; and

Finally solve the FBI's persistent and incapacitating information technology problems.

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

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

Congress should require that the new Director of National Intelligence, the Attorney General, and the Secretary of the Department of Homeland Security report to the President and the Congress on a date certain concerning:

The FBI's progress since September 11, 2001 in implementing the reforms required to conduct an effective domestic intelligence program, including the measures recommended above;

The experience of other democratic nations in organizing the conduct of domestic intelligence;

The specific manner in which a new domestic intelligence service could be established in the United States, recognizing the need to enhance national security while fully protecting civil liberties; and

Their recommendations on how to best fulfill the nation's need for an effective domestic intelligence capability, including necessary legislation.

8. The Attorney General and the Director of the FBI should take action necessary to ensure that:

The Office of Intelligence Policy and Review and other Department of Justice components provide in-depth training to the FBI and other members of the Intelligence Community regarding the use of the Foreign Intelligence Surveillance Act (FISA) to address terrorist threats to the United States;

The FBI disseminates results of searches and surveillances authorized under FISA to appropriate personnel with the FBI and the Intelligence Community on a timely basis so they may be used for analysis and operations that address terrorist threats to the United States.

The FBI develops and implements a plan to use authorities provided by FISA to assess the threat of international terrorist groups within the United States fully, including the extent to which such groups are funded or otherwise supported by foreign governments.

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

10. The Director of the National Security Agency should present to the Director of National Intelligence and the Secretary of Defense by June 30, 2003, and report to the House and Senate Intelligence Committees, a detailed plan that:

Describes solutions for the technological challenges for signals intelligence;

Requires a review, on a quarterly basis, of the goals, products to be delivered, Funding levels and schedules for every technology development program;

Ensures strict accounting for program expenditures;

Within their jurisdiction as established by current law, makes NSA a full collaborating partner with the Central Intelligence Agency and the Federal Bureau of Investigation in the war on terrorism, including fully integrating the collection and analytic capabilities of NSA, CIA, and the FBI; and

Makes recommendations for legislation needed to facilitate their goals.

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

11. Recognizing that the Intelligence Community's employees remain its greatest resource, the Director of National Intelligence should require that measures be implemented to greatly enhance the recruitment and development of a workforce with the intelligence skills and expertise needed for success in counterterrorist efforts, including:

The agencies of the Intelligence Community should act promptly to expand and improve counterterrorism training programs within the Community, insuring coverage of

such critical areas as information sharing among law enforcement and intelligence personnel; language capabilities; the use of the Foreign Intelligence Surveillance Act; and watchlisting;

The Intelligence Community should build on the provisions of the Intelligence Authorization Act for Fiscal Year 2003 regarding the development of language capabilities, including the Act's requirement for a report on the feasibility of establishing a Civilian Linguist Reserve Corps, and implement expeditiously measures to identify and recruit linguists outside the Community whose abilities are relevant to the needs of counterterrorism;

The existing Intelligence Community Reserve Corps should be expanded to ensure the use of relevant personnel and expertise from outside the Community as special needs arise;

Congress should consider enacting legislation, modeled on the Goldwater-Nichols Act of 1986, to instill the concept of "jointness" through the Intelligence Community. By emphasizing such things as joint education, a joint career specialty, increased authority for regional commanders, and joint exercises, that Act greatly enhanced the joint warfighting capabilities of the individual military services. Legislation to instill similar concepts throughout the Intelligence Community could help improve management of Community resources and priorities and insure a far more effective "team" effort by all the intelligence agencies. The Director of National Intelligence should require more extensive use of "joint tours" for intelligence and appropriate law enforcement personnel to broaden their experience and help bridge existing organizational and cultural divides through service in other agencies. These joint tours should include not only service at Intelligence Community agencies, but also service in those agencies that are users or consumers of intelligence products. Serious incentives for joint service should be established throughout the Intelligence Community and personnel should be rewarded for joint service with career advancement credit at individual agencies. The Director of National Intelligence should also require Intelligence Community agencies to participate in joint exercises;

Congress should expand and improve existing educational grant programs focused on intelligence-related fields, similar to military scholarship programs and others that provide financial assistance in return for a committee to serve in the Intelligence Community; and

The Intelligence Community should enhance recruitment of a more ethnically and culturally diverse workforce and devised a strategy to capitalize upon the unique cultural and linguistic capabilities of first-generation Americans, a strategy designed to utilize their skills to the greatest practical effect while recognizing the potential counterintelligence challenges such hiring decisions might pose.

12. Steps should be taken to increase and ensure the greatest return on this nation's substantial investment in intelligence, including:

The President should submit budget recommendations, and Congress should enact budget authority, for sustained, long-term investment in counterterrorism capabilities that avoid dependence on repeated stop-gap supplemental appropriations;

In making such budget recommendations, the President should provide for the consideration of a separate classified Intelligence Community budget;

Long-term counterterrorism investment should be accompanied by sufficient flexibility, subject to congressional oversight, to enable the Intelligence Community to rap-

idly respond to altered or unanticipated needs;

The Director of National Intelligence should insure that Intelligence Community budgeting practices and procedures are revised to better identify the levels and nature of counterterrorism funding within the Community;

Counterterrorism funding should be allocated in accordance with the program requirements of the national counterterrorism strategy; and

Due consideration should be given to directing an outside agency or entity to conduct a thorough and rigorous cost-benefit analysis of the resources spent on intelligence.

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

14. Recognizing the importance of intelligence in this nation's struggle against terrorism, Congress should maintain vigorous, informed, and constructive oversight of the Intelligence Community. To best achieve that goal, the National Commission on Terrorist Attacks Upon the United States should study and make recommendations, concerning how Congress may improve its oversight of the Intelligence Community, including consideration of such areas as:

Changes in the budgetary process;

Changes in the rules regarding membership on the oversight committees;

Whether oversight responsibility should be vested in a joint House-Senate Committee or, as currently exists, in separate Committees in each house;

The extent to which classification decisions impair congressional oversight; and

How Congressional oversight can best contribute to the continuing need of the Intelligence Community to evolve and adapt to changes in the subject matter of intelligence and the needs of policy makers.

15. The President should review and consider amendments to the Executive Orders, policies and procedures that govern the national security classification of intelligence information, in an effort to expand access to relevant information for federal agencies outside the Intelligence Community, for state and local authorities, which are critical to the fight against terrorism, and for the American public. In addition, the President and the heads of federal agencies should ensure that the policies and procedures to protect against the unauthorized disclosure of classified intelligence information are well understood, fully implemented and vigorously enforced.

Congress should also review the statutes, policies and procedures that govern the national security classification of intelligence information and its protection from unauthorized disclosure. Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information. The Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, should review and report to the House and Senate Intelligence Committees

on proposals for a new and more realistic approach to the processes and structures that have governed the designation of sensitive and classified information. The report should include proposals to protect against the use of the classification process as a shield to protect agency self-interest.

16. Assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires. Given the absence of any substantial efforts within the Intelligence Community to impose accountability in relation to the events of September 11, 2001, the Director of Central Intelligence and the heads of Intelligence Community agencies should require that measures designed to ensure accountability are implemented throughout the Community.

To underscore the need for accountability:

The Director of Central Intelligence should report to the House and Senate Intelligence Committee no later than June 30, 2003 as to the steps taken to implement a system of accountability throughout the Intelligence Community, to include processes for identifying poor performance and affixing responsibility for it, and for recognizing and rewarding excellence in performance.

As part of the confirmation process for Intelligence Community officials, Congress should require from those officials an affirmative commitment to the implementation and use of strong accountability mechanisms throughout the Intelligence Community; and

The Inspectors General at the Central Intelligence Agency, the Department of Defense, the Department of Justice, and the Department of State should review the factual findings and the record of this Inquiry and conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regard to the identification, prevention, or disruption of terrorist attacks, including the events of September 11, 2001. These reviews should also address those individuals who performed in a stellar or exceptional manner, and the degree to which the quality of their performance was rewarded or otherwise impacted their careers. Based on those investigations and reviews, agency heads should take appropriate disciplinary and other action and the President and the House and Senate Intelligence Committees should be advised of such action.

17. The Administration should review and report to the House and Senate Intelligence Committees by June 30, 2003 regarding what progress has been made in reducing the inappropriate and obsolete barriers among intelligence and law enforcement agencies engaged in counterterrorism, what remains to be done to reduce those barriers, and what legislative actions may be advisable in that regard. In particular, this report should address what steps are being taken to insure that perceptions within the Intelligence Community about the scope and limits of current law and policy with respect to restrictions on collection and information sharing are, in fact, accurate and well-founded.

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

19. The Intelligence Community, and particularly the FBI and the CIA, should aggressively address the possibility that foreign

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

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

Mr. GRAHAM of Florida. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 101 is located in today's RECORD under "Submitted Resolutions.")

Mr. CONRAD. Mr. President, it was with great sorrow that I learned last week of the death of our former colleague, Senator Daniel Patrick Moynihan of New York.

Senator Moynihan, was an intellectual giant in the Senate and throughout his service to our Nation. The breadth of his interests—and his knowledge—was extraordinary. From questions about the architecture and urban development of Washington, D.C. to the problems created by single parent families to the workings of the International Labor Organization, Senator Moynihan had thought deeply and designed policy answers. I don't think there was a Senator who served with Pat Moynihan who didn't learn something from Senator Moynihan's vast stock of personal experience, understanding of history, and ability to draw parallels between seemingly unrelated topics to enlighten our understanding of both.

I will always have fond memories of the several occasions on which I joined Senator Moynihan in the Senators' private dining room and was treated to a lunchtime tutorial. I could ask a question on virtually any topic and get a dissertation in response. Our conversations ranged from art history to baseball, American history, our Middle East policy, the history of science and scientific advancement, and more. Seemingly there was no topic on which

Pat did not have unique insight, and I always came away from those lunches feeling like I had just emerged from an intellectually stimulating graduate seminar.

I had the particular pleasure of serving with Senator Moynihan on the Finance Committee for eight years. As Chairman and as ranking member of the Finance Committee, Senator Moynihan was a true leader. Starting in 1993, when I took Senator Bentsen's seat on the Committee and Senator Moynihan claimed his chairmanship, Chairman Moynihan successfully guided the 1993 economic plan through the committee and the Senate. That budget, which I was proud to help shape and support, laid the foundation for the record economic expansion of the 1990s.

After Republicans took control of the Senate in the 1994 election, Senator Moynihan was a fierce critic of their excessive tax cut proposals. We joined in opposing shortsighted proposals to have Medicare "wither on the vine," turn Medicaid into a block grant, and destroy welfare rather than reforming it. Senator Moynihan was, as always, an especially passionate defender of teaching hospitals, warning that the plan to slash spending for Medicare's graduate medical education would threaten medical research in this country—a fear that has proved well-founded as teaching hospitals have struggled to survive the much smaller changes enacted as part of the compromise Balanced Budget Act that emerged in 1997.

The Finance Committee—and the Senate—would not have been the same without him. Who else will be able to gently tutor witnesses on the relevance of the grain trade in upstate New York in the early nineteenth century to a current debate about health care policy? Who else will call for the Boskin and Secrecy Commissions of the future? And who else will educate his colleagues on the impact on our society of the demographic time bomb of the baby boom generation?

The Senate has lost a legend. The country has lost a brilliant and unconventional thinker who contributed greatly to our society on fronts ranging across transportation, welfare and poverty, racism and civil rights, and architecture and urban planning.

I will miss Pat Moynihan. I will miss his sly wit, his apt and splendidly diverse quotations, his sharp questioning and distrust of glib answers, and his fierce humanity. On behalf of myself and my wife Lucy, I want to express my deepest condolences to his wife Liz, their children and the rest of his family and friends. My heart goes out to them.

Mr. LIEBERMAN. Mr. President, I rise today to honor Senator Daniel Patrick Moynihan, an intellectual pioneer who I felt honored to serve with in the U.S. Senate. He rose from humble beginnings to Harvard, and to a life of service in four different Presidential administrations, as an ambassador to India and the U.N., and as New York's

Senator for four terms. Throughout his career in service, he paved his own path—one of integrity, independence, and principled leadership on the critical national questions of our age.

Whenever he spoke I listened closely, because I knew I would always learn something from him. He possessed tremendous intellect and foresight, showed unflinching courage in championing unsung causes, and commanded extraordinary respect on both sides of the aisle. He was a true renaissance man who put action behind his diverse interests: from protecting the sanctity of the American family, to preserving historic art and architecture, to restoring Pennsylvania Avenue as America's "main street," to saving Social Security for future generations.

I offer my condolences to his wife Elizabeth, who was truly his life partner. There will no doubt be a memorial built in his honor someday soon on the streets of New York; but Senator Moynihan's legacy is already living—in safer streets in our cities, a cleaner environment, and a stronger national community. To borrow a memorable Moynihan phrase, his life defined public service and public policy up for all who aspire to contribute to our country.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Montana.

HONORING OUR ARMED FORCES

Mr. BURNS. Madam President, as we stand here today, the conflict goes on in Iraq. I was just talking to a friend. He asked me when are we going to make a move and how is it going?

We have only been there a week and a half, but one would think from the television coverage that we are in the middle of the Hundred Years War.

There will be many stories that come out of conflicts such as this. I want to relate one.

SSG Charles Donovan, Jr., is a 27-year-old 8-year Marine Corps veteran, born and raised in Great Falls, MT. On the 17th of February he was deployed to Kuwait for military service with the First Marine Division. He is a communications expert and a towgunner. A towgunner is the one who fires ammunition from the tank.

He has been married to his wife Candice for almost 8 years. They met at Camp Pendleton, CA. They served in the Marine Corps together for 4 years. Since his deployment, Donovan has been able to contact his family frequently and recently received the news from his wife that they are expecting their first child. He was able to reply to his wife by e-mail.

It is needless to say anything more about the news and the elation that is experienced by this couple. No. 1, he was all right and getting along fine; and, second, the experience of learning of the good news of an expected first child is always great.

So my congratulations go out to Charles and Candice. And I have every