Madam President, we are now going to resume

consideration of S. 2845. Senator Lieberman and I, along with the two

leaders, encourage Members to come forward with their amendments. The

leaders are determined that we will finish this bill very early next

week. In order to do so, we need the cooperation of all Senators who

have filed amendments, and we encourage them to bring them forward.

Madam President, I commend the Senator from Arkansas for

the diligence with which he approached the hearings throughout the

August recess and the writing of this important legislation. I very

much appreciate the comments of the Senator from Arkansas. He is always

generous to me, as well as to the ranking member. We would be remiss if

we did not thank him for his contributions to this bill. He was

terrific about redoing his schedule throughout the August recess to

participate in our numerous hearings. He was instrumental in drafting

provisions of the bill including the requirement for the GAO report. I

recognize his hard work and leadership and thank him for his kind

comments.

Madam President, I thank our distinguished colleague

from Florida, Senator Graham, for introducing this amendment that

clarifies the role of the national intelligence centers that the NID is

empowered to create under our bill.

Senator Graham, as former chair of the Intelligence Committee, and

having just published a book on intelligence, provides this body with a

very important perspective in this debate. His amendment strengthens

the role of the national intelligence centers by placing them on par

with the National Counterterrorism Center. This amendment provides much

needed flexibility to the national intelligence director in

establishing the centers. It allows the director to establish criteria

for the centers to focus on vital areas of expertise.

The amendment also directs the national intelligence director to

provide an annual report to Congress on the responsibilities of each of

the centers that are created. This is an important aspect of this

amendment. We can no longer afford to maintain the same percentage of

Russian linguists today, for example, as we had during the Cold War. We

have new wars, new challenges, new threats, and they demand new

capabilities and responses as the 9/11 Commission Report indicated.

This amendment is well within the intent of the 9/11 Commission

Report and recommendations as is evident by the letter that the Senator

has from the chairman and vice chairman of the committee. I endorse the

amendment on my side. I am happy to accept it. I thank the Senator for

working closely with us.

Mr. President, I join Senator Lieberman in commending

Senator McCain for offering this amendment. It would make several

changes to the Presidential transition process, changes that are

consistent with the recommendations of the 9/11 Commission.

The Governmental Affairs Subcommittee, chaired by Senator Voinovich,

held a hearing on this issue at which two of the Commissioners, Fred

Fielding and Jamie Gorelick, discussed how the current transition

process does not serve our country well in the handing over, the

transitioning of important national security decisions from one

administration to another. One reason is that it is such a slow process

to get the new administration's team in place.

I believe this amendment would greatly improve the process. I know of

no opposition to it. I urge adoption of the amendment.

Mr. President, once again, I thank the Senator from

Arizona for bringing up another series of recommendations made by the

9/11 Commission.

This is a very broad amendment. There is much in it which I support,

and I agree with the Senator that there is a significant problem with

fraudulent documents, including driver's licenses. Nevertheless,

several groups, including the National Governors Association, the

National Council of State Legislatures, and the American Civil

Liberties Union, have expressed concerns regarding the degree to which

some of the provisions in this amendment would infringe on the powers

traditionally exercised by the States to set standards in the area of

driver's licenses, for example. Therefore, I would like to suggest to

the Senator that we continue working on these issues to see if we can

resolve some of these concerns and that we set this amendment aside for

the time being to allow for that.

Mr. President, I thank the Senator from Illinois for his

terrific contributions to this bill. He was the individual who brought

to the committee's attention the woefully deficient information systems

that have hindered the war against terrorism.

I remember how shocked I was at our first hearing, when the Senator

from Illinois described the FBI being unable to transmit pictures of

the 9/11 terrorists to its field offices. He also told us the FBI did

not have the capacity to transmit fingerprints to the Border Patrol.

Those underscored, in a way that few have been able to do, the lack of

an adequate, integrated communications network within the Federal

Government.

We worked very closely with the Senator from Illinois on this section

of the bill. It incorporates his thoughts, his language, and it is his

leadership that is behind those important provisions. So I salute him

for being out in front on this issue and helping us come up with

provisions that I think are going to make a real difference.

I salute and thank the Senator from Illinois.

Mr. President, I know the Presiding Officer has a great

interest in the issue that we are about to briefly discuss. The

amendment of Senator Voinovich would require the Office of Government

Ethics to report to Congress on recommendations for streamlining the

financial disclosure forms for the executive branch. In addition, the

amendment would require each executive branch agency to examine the

number of positions requiring Senate confirmation. It would ask the

Office of Government Ethics to conduct a comprehensive review of the

Government's conflict of interest laws, and it would require the Office

of Personnel Management to provide Presidential candidates with a list

of all appointed positions within 15 days of their party's nomination.

This amendment is based on legislation that was favorably reported by

the committee during the last Congress.

The 9/11 Commission recommended that the Senate should not require

confirmation of appointees within the national security team below

level 3 of the executive schedule. The Voinovich amendment lays the

groundwork for this recommendation by requiring the executive branch to

identify which positions could be eliminated from the confirmation

process.

Review of that information by all Senate committees will help those

of us in the Senate make a more informed and thoughtful decision on

reducing specific positions that now require confirmation.

The financial disclosure requirements have been in effect for almost

25 years. Unfortunately, in some cases, they have deterred very good

people from serving in the Federal Government. I hope this will lead to

more effective, more efficient, and simpler requirements so it no

longer will deter potential nominees from serving, or force them to go

through great expense in order to comply with overly burdensome laws

and regulations.

Again, this proposal is very consistent with the recommendations made

by the 9/11 Commission and I urge acceptance of the amendment.

Mr. President, first of all, I thank the Senator from

North Dakota for the thought he has given to this issue. I know he has

a great interest in management structures, in making sure we have the

most efficient structure possible to serve the taxpayers. So I very

much appreciate the spirit with which he has raised these questions.

I want to make three concluding points to emphasize some of the

points already made by my colleague from Connecticut.

First, it was evident as we studied this issue and read the 9/11

Commission Report that the current system does not foster the kind of

communication and cooperation we desperately need. It is a series of

stovepipes with no one having the ability to make the final decisions,

to resolve conflicts, to move resources and people where they are most

needed. You cannot go to the President of the United States on

everything.

I have seen that firsthand in the staffing of the Terrorist Threat

Integration Center where the Director feels he needs more resources,

other decisions have been made by various agency heads, and there is no

one to step in and set the priorities, move the people, and direct the

resources. I think our bill really changes that.

Like Senator Lieberman, I was struck by Director Tenet's 12/98 memo

in which he does this call to be at war and that all resources should

be marshaled, and virtually nothing happened. That will change under

our structure. There will be accountability under our structure because

people will know who is in charge and whose call it is, and that is the

national intelligence director. Our organization

enhances accountability, cooperation, coordination, communication, and,

most of all, results.

Second, the 9/11 Commission considered doing the kind of structure

you have raised questions about. Essentially, that would be creating a

department of intelligence. You would take all of these units out of

the other agencies and do a brand new department. And it felt--and I

agree--that would be too disruptive, particularly at a time when we are

at war; that it would be expensive, it would be complicated, it would

take a long time to put into effect.

We have seen that with the Department of Homeland Security. That has

been a massive undertaking. I am very proud of the leadership of

Secretary Ridge and Admiral Loy, but it has not been without its

growing pains. We just could not afford that kind of disruption right

now.

Third would be the reaction of DOD if we took all of those entities

out and put them in a new department. There was testimony of a former

head of the Defense Intelligence Agency at a hearing on the House side

in August. He said if you pulled those agencies, like the National

Security Agency, the DIA, the NGA, the NRO--those that serve DOD and

other consumers--if you pulled them out, you would see DOD re-creating

within the Department new entities to replace those if you severed that

link and transferred them. To quote William Odom, ``You're just going

to end up with a big mess'' if you do that. That is why we came up with

this structure.

William Odom, who is a former head of DIA. So we felt

the case was very persuasive for the kind of organizational structure

we came up with. That was recommended by the 9/11 Commission.

Having said that, I am sure it is not perfect. I am sure we are going

to learn from it. That is why we have reports required back to Congress

after a year's time and by the General Accounting Office Accountability

Office in 2 year's time, because we want to make sure we get this

right.

I think we have struck the right balance in the organizational

structure we propose.

Mr. President, I have enormous respect for the Senator

from Alaska. He is an extraordinary Senator, with many years of

experience. I do want to assure the Senator from Alaska that, contrary

to the implication in his statement, the committee did not adopt the

recommendation of the 9/11 Commission to declassify the aggregate

budget totals of all the agencies that make up the national

intelligence program. We did not adopt that recommendation of the 9/11

Commission because, based on our hearings and the testimony of our

witnesses, we concluded that that goes too far and might well reveal

information that would be helpful to those who would do us harm.

The only declassification in the Collins-Lieberman bill is the top

line aggregate amount for the entire national intelligence program. It

does not declassify the specific appropriations amount distributed to

agencies such as the National Security Agency, or the Defense

Intelligence Agency, or the CIA, even though the 9/11 Commission

recommended declassification at that level.

Declassification, the top line, only that aggregate figure which has

been estimated in the newspapers many, many times, I believe, will

improve congressional and public oversight of the intelligence budget.

It will help us with better decision making on resource distribution,

and it will make the structure and the management of the intelligence

community more transparent.

We asked our witnesses, including the Acting Director of the CIA,

John McLaughlin, his views. And he, like most of our other expert

witnesses, told us that as long as the specifics of the intelligence

budget remain classified, there was no harm to national security to

declassify just that top line aggregate amount.

I think we struck the right balance in this regard. What we did is we

included a study asking the national intelligence director to report

back to us--to the Congress--on whether further declassification was

appropriate. But the only step we took was that top line aggregate

amount. If you don't declassify that in order to have a separate

appropriation, then you end up, I fear, with the status quo--the money

going through DOD accounts once again. That greatly weakens the budget

authority of the national intelligence director.

Again, I have enormous respect for the Senator from Alaska. I wanted

to make clear what our bill does and what it doesn't do, because I

think we have reached the right decision.

Mr. President, I direct the attention of the Senator

from Alaska to line 16 on page 115, which clearly says that:

It does not say that we are requiring disclosure of the

appropriations for the elements that make up the national intelligence

program.

Mr. President, I say respectfully to the Senator from

Alaska that that refers to the study on whether there should be further

declassification. It does not refer to the disclosure. The disclosure

is only--and it is very clearly stated--of the aggregate amount of the

appropriations for the national intelligence program.

Mr. President, I will quote Acting CIA Director John

McLaughlin from our September 8 hearing on this very issue. He said:

That was typical of our witnesses.

I also note that the top line has been made public on occasion in the

past. It was made public in 1997 and 1998 by the DCI.

At this point there are numerous Senators who are asking what the

plan is for today and who are trying to catch planes. I ask for the

regular order with respect to Lautenberg amendment No. 3802, and I ask

unanimous consent that there be 2 minutes on each side prior to a

motion to table the amendment. I further ask for the yeas and nays.

Mr. President, the amendment offered by the Senator from

South Carolina eviscerates the underlying bill. I want to be very clear

about that. His amendment takes a radically different approach to

intelligence reform. The Hollings amendment creates a national

intelligence coordinator and transfers to this individual the

responsibility and authority that the Director of Central Intelligence

now has as head of the intelligence community. The DCI would remain as

head of the CIA and principal adviser to the President.

This approach is completely contrary to the recommendations of the 9/

11 Commission. It is completely contrary to the report of the

congressional joint inquiry. It is completely contrary to numerous

government and private sector reports over the past five decades.

The Hollings amendment gives the national intelligence coordinator

the responsibility to manage the intelligence community but does not

give that individual any additional authority to allow him to

accomplish that task. The Hollings amendment also provides that except

as otherwise provided by law, the national intelligence coordinator

shall not be accountable to Congress regarding the performance of the

responsibility of the coordinator. It is difficult to imagine why we

would establish such a position with a list of legally defined

responsibilities and authorities currently in the National Security Act

of 1947, very important responsibilities and authorities which affected

the security and the liberty of the American people, and then

specifically provide that this individual is not accountable to

Congress.

I am strongly opposed to this amendment. It guts the entire Collins-

Lieberman bill. I urge my colleagues to defeat it.

Mr. President, I commend Senator Rockefeller and Senator

Hutchison for their amendment to improve the quality of intelligence

analysis by creating a red team. Both of them talked to me very early

on about the need for this improvement in our bill. Senator Roberts and

Senator Mikulski have also been very interested in this issue. I am

very pleased they have been able to come together. They have produced

an excellent amendment that will improve the quality of intelligence

analysis.

I also urge adoption of the amendment.

Mr. President, let me begin by saying that I very much

appreciate the distinguished Senator from Virginia, the chairman of the

Senate Armed Services Committee, working with Senator Lieberman and me

to modify his amendment so that it is consistent with the goals of our

legislation.

The JICC was suggested by the White House when we drafted our bill. I

view it as an important component of the Collins-Lieberman bill because

it provides a forum for the national intelligence director to solicit

the views of and to receive advice from key Cabinet members on a wide

variety of issues.

It is important for the members of the JICC--the Secretaries of

State, Defense, Homeland Security, and the Attorney General, and other

Departments, Treasury as well--to see the council as a way to

communicate their views freely to the NID to help the NID reach the

right decisions and to be a forum for a wide variety of issues.

It is also important for the NID to remain firmly in control as

chairman of the council, and I believe the modification makes clear

that it is the NID who is the chairman and who will regularly convene

this council.

Senator Warner's amendment, as modified, meets both those goals. It

strengthens the bill. I can speak on behalf of the ranking member of

the committee in urging its adoption. I thank the Senator again for

working with us.

Mr. President, I would be happy to consult further with

the Senator about his concern in this area. I note that the 9/11

Commission and numerous other commissions have determined that the CIA

Director has too many roles right now; that he has three roles. He is

the principal adviser to the President for intelligence, he is the head

of the CIA, and he is the manager of the intelligence community. There

is widespread consensus that is too much for the CIA Director to have,

so our legislation alters those roles.

The CIA Director would run the CIA. The national intelligence

director would not run the day-to-day operations of the CIA, but the

national intelligence director would become the principal adviser to

the President on intelligence. The national intelligence director would

also be the manager of the national intelligence programs. So we have

defined those roles in that manner, but we have not altered the fact

that the CIA Director would still be a Presidential appointee, he would

still be confirmed by the Senate, and he would still have lots of

access, in my view, just as Cabinet members are always going to be able

to get their views to the President.

I think the structure the Senator has improved, the joint

intelligence community council, strengthens that flow of communication,

but that structure is there. I do not believe that is going to be a

problem.

I also point out to the Senator that the Senator made an excellent

point earlier when he was talking about the need for competitive

analysis for a variety of viewpoints to be presented to the President

and that we did not see that work as well as it should have in recent

cases.

We have put in extensive language in our bill due to amendments

authored by Senator Levin, as well as the work Senator Lieberman and I

and others have done, that makes very clear, for example, that when a

National Intelligence Estimate is produced, that it has to highlight

dissenting views. That does not happen now sufficiently. Often those

dissenting views are hidden away in a footnote when they really should

be up front for us to be aware that there are dissenting views and who

has those dissenting views.

Another example: We require these estimates to have a confidence

level attached to the prevailing view so we will know how much support

that prevailing view has.

So throughout our bill there are requirements to make sure that

dissenting views are heard. Indeed, the Rockefeller-Hutchinson

amendment we just adopted also strengthens that by having the office of

alternative analysis. So I think there are numerous safeguards to make

sure that all voices are heard; that competitive analysis is

strengthened; that dissenting views are highlighted.

I am certainly open to working with the distinguished

Senator to address his concerns. I believe it would work similarly to

how the views of the head of the NSA, the NRO, the NGA, and DIA get to

the President now through the Secretary of Defense.

Under our bill, the CIA Director clearly reports to the NID, much as

the head of the NSA reports to the Secretary of Defense. Nothing

prevents the CIA Director or the NSA Director from going to the

President, but we have changed the structure.

We are making the NID the principal adviser to the President for

intelligence, but I cannot conceive of a situation where the NID would

not be relying very heavily on the CIA Director for the advice that he

is giving to the President. It would be foolhardy for him not to.

I say to the distinguished Senator that I think the

analogy is very similar. The Secretary of Defense is not required to

present the views of the NSA to the President. I think this works in a

more collaborative way than we are giving the system credit for.

We have to be careful, while we put in all of these safeguards--and I

support the chairman's amendment--that we do not create a situation

where it is unclear who is the principal adviser to the President. And

that, under our bill, is the national intelligence director.