Mr. President, I direct the attention of the Senate to

page 115. This is title II. It pertains to the amounts to be disclosed.

It deals with amounts authorized and appropriated in each fiscal year.

My amendment follows the recommendation of the administration and, I

might add, the intelligence community to think twice before we do this.

It may be that we will want to do this after the NID comes into being

and we all have a better knowledge of how these funds are going to be

handled.

This amendment would require a further study of the disclosure of

funds that are provided for intelligence programs. The basic need for

this amendment rests on the testimony of the Acting Director of Central

Intelligence John McLaughlin before the Governmental Affairs Committee.

He said:

In the administration's statement of policy, the administration is

also concerned that the committee bill mandates disclosure of sensitive

information about the intelligence budget. The

legislation should not compel disclosure, including to the Nation's

enemies in war, of the amounts requested by the President and the

amounts provided for the conduct of the Nation's intelligence

activities.

I understand that the committee intends to comply with the

recommendations of the 9/11 Commission with regard to this. But I think

it is time we slow down a little bit and respond at least in part to

some of the comments of those people who have spent their lifetimes now

in our intelligence service.

I can tell you that I have not spent my whole lifetime there, but I

have spent some 30 years now in terms of watching over the Defense

Appropriations Committee and being part of it at least. In terms of

being chairman and ranking member, it has been now 23 years. This

concerns me greatly because one of the problems of the appropriators is

to find ways to have an honest budget but to put the money where the

enemies of this country, those who want to do us harm, do not know what

our emphasis is way out into the future.

I remember when we started transitioning to electronic intelligence

and how we traveled from place to place to look at these new satellites

and the things they were going to do and got briefings on capacities.

Those were developed over a series of years, and they got more

complicated as they went along. But the money that was involved was

substantial.

To have a disclosure of ``we are engaging in an entirely new effort

in intelligence'' would be highly unwise.

I quote from the second page of the administration statement:

I am deeply concerned about some of the problems of how we find a way

to maintain the secrets of this country with regard to what we are

doing in terms of human intelligence. We are building up human

intelligence at the same time as we are changing the utilization of the

electronic concept of intelligence. And while I believe the time may

come when we can find a way to disclose certain portions of the budget,

I have a real resistance to this proposal that says:

Then it directs the study of disclosure of additional information. We

are certainly not opposed to the study. It is the mandate beginning in

2005. We are going to start, for the fiscal year 2006, disclosing these

amounts at a time when there is great change in the intelligence

community. The whole structure of the intelligence community will be

changed by this bill. To start disclosing where money is going is to

tell the enemies of this country where our emphasis for the future is.

It is the future I am concerned about in terms of disclosure.

In the future we set up reserve accounts, and I will be talking about

some of those soon. But if we set up reserve accounts, the reserves are

classified as reserves because that is where they get the money for

innovation and new developments. We don't have to disclose it. We don't

have to tell them: Yes, we are going to build new satellites or we are

going to build other devices that can listen to transmissions in the

air and on the land and under sea.

We have a lot of secrets in this country. They are all related to

intelligence. Let me repeat that. Every one of our secrets is related

to intelligence. They are highly classified. Many of them are known

only to the President and a close circle. Part of that circle includes

Members of Congress who deal with the very high-level, classified

programs of the intelligence services.

I urge that the Senate listen to us and listen to the administration

and to those who have been involved in these activities. Again, I call

to the attention of the Senate that when we returned and found there

were a whole series of people who had not been heard on their

viewpoints--they wanted to express their concerns--we held a hearing

and listened to the intelligence people, who had great, distinguished

records in the past. We listened to Secretary Kissinger and a whole

series of people who wore our uniform and have been the top officers of

our military. To a person, they do not believe we should move this fast

on this disclosure item.

Let us have the study. We are entirely in favor of the study. But to

mandate the disclosure in the bill we will prepare in 2005, I think, is

much too early, in view of the changes taking place in the area of

intelligence. This is where we are going to start to see if there is

any reaction to those who have had experience in the area, to the

President, and to those who have reviewed the whole thing. Is the

Senate going to listen to these people with some experience and say,

OK, let's study it, but not make the judgment first and then study it?

This disclosure in the next fiscal year is wrong, until we know what

the policies of the NID are and what are going to be the policies of

Congress and how we are going to handle this appropriation. It appears

to me that the result of this bill will be to fractionalize the

intelligence appropriation, anyway. Part of it is going to go to the

Department of Defense; part will be split up into several agencies

within the NID.

I think we ought to know first what we are doing before we decide

what we are going to disclose so we can maintain the secrecy that is

required in order to prepare for the future. This is not something to

correct mistakes of the past; this is something to prevent making

mistakes in the future.

I am looking at the bill. The bill says the President

shall disclose to the public for each fiscal year after fiscal year

2005 the aggregate amount of funds authorized and appropriated for the

national intelligence program. Then I go back to the page 6 for the

definition of national intelligence programs. It says:

That involves five different bills in the appropriations process. We

currently put in any one of those five bills a portion of the

clandestine activities we are financing with these moneys. So what you

are going to tell us is, we no longer can use any portion of those

because we are going to disclose the whole amount in every one of those

bills.

Listen to me. You have not lived with how we have financed the

intelligence community. The money is not disclosed. It is put in parts

of the budget and you don't know where it is. It rests with Senator

Inouye and me, to be honest about it, and we make sure that is what it

is. Maybe four people in the House and Senate know where this is. You

are telling us to disclose it, without regard to where we put that

money--disclose the money that is in each account and it goes into five

separate bills. I say that is wrong. Wait until the NID comes into

office and have him tell us how we can disclose what should be

disclosed to the public. The public should not ask us to disclose this

very classified, secret information to protect the future of the

country through clandestine activities and acquisitions.

I ask the question, does the Senator understand what her bill does?

It will disclose the aggregate amount of funds--disclose them all,

including the very, very top secret items, which probably three or four

people in the White House, a few people in the CIA, or the DIA, and

maybe eight people in the Congress would know.

The problem is not that, from my point of view. My

problem is we are going through a transition and saying for the very

first year we are going to be asked to disclose the full amounts

appropriated to the whole intelligence community.

My amendment strikes all of section 201, in effect. I urge, at the

very least, that we strike that provision that requires disclosure in

2005. Let's have the study. I hope the NID will be able to make studies

and get back to us sometime next year. But why put on us the

requirement that we must collate and take all the moneys going to the

intelligence community in 2006 when we are going to be working on that

and, at the same time, he is making his adjustments in the whole

community?

My effort is to protect the clandestine amounts, protect the amounts

that are necessary for security. Why can we not at least agree to make

it just the study? We all agree on the study. Maybe the Commission is

right, and the Senator from Connecticut is wrong and I am wrong. Why

don't we have the study and find out what the NID people think is right

and then let us act on 2006?

We have been there before.

Mr. President, I heard the last part of the comments of

the Senator from Connecticut. I suggest we put this aside and see if we

can come to some conclusion.

The Senator makes a good suggestion of putting a time limit on the

study and getting us to the point where we might be able to follow this

suggestion by the fiscal year 2006 bill. That bill will, in all

probability, move through the Congress, I would say, by the May, June,

and July timeframe. With the 180 days, I am afraid the Senator may be

referring to the start of the fiscal year. That bill goes through the

House and Senate. These are the first bills--Defense and Homeland

Security, and Intelligence. Obviously; It is going to be in the first

three without any question.

So the 180 days is going to be June, and this bill will be moving

through the House before that time.

We probably could catch it before they finish in terms of if there is

a recommendation we need, but I would urge my colleagues to consider

repealing the requirement for disclosure and say that we urge the NID

to give us the earliest possible date for that disclosure, when it

could be done in the national interest.

We are putting a lot of control and power in this person. Let's have

him tell us when and if it should happen rather than direct it now.

Make the study and leave it up to him to recommend to us, at least to

what extent we should disclose, commencing in fiscal year 2006.

Unfortunately, that is not a part of the report. That is

a comment after the recommendation. It sort of demonstrates the extent

of the knowledge they had about what they were dealing with in the

recommendations, because that is not true. We do not disclose the

amount we appropriate for defense intelligence. We disclose the amount

in the budget that we support defense intelligence agencies with pay,

facilities, and offices, but the amounts of their programs are not

disclosed.

What I am saying to the Senator is, as we approach this, I think

there is a growing desire to know how much money we are spending. The

Senator may be right. Maybe people want us to spend more. I have wanted

to spend more for a long time.

The problem is people ought to know what they are

talking about before they change the system. In these budgets are both

moneys for acquisition and for salaries, and somewhere in there is some

money that everybody knows, in the intelligence community, where it is

and what it is for.

In the Defense authorization bill there is a classified portion of

that budget.

I am not even sure, other than the chairman and ranking

member, if the Senator knows what is in there. I am saying so

apologetically, but the system that requires secrecy in this country on

some things is kept secret. This disclosure prematurely might trigger

someone saying ``watch that'' in answering the question, and that would

be bad because if they answer the question about what they knew was in

there, that would disclose what they did not know was in there.

Mr. President, I am a cosponsor of this amendment. As I

listen to the Senator from Virginia, I wonder, I don't see anything in

this bill that allows the separate agencies to communicate with the

Congress, as they have in the past, such as the CIA and the NRO. They

have all come directly to us. Would your amendment preserve the right

of the people who would disagree with the NID to communicate with the

Congress, as well as the Executive?

The Senator from Virginia and I both served for a while

in the executive branch. We know Cabinet officers often put down in the

law about who can contact Congress on what. I don't know if it happened

on your watch. It happened on mine.

Some people don't believe this language is necessary.

Would the Senator agree if there is going to be the right to

communicate, to go up the line toward the President or to the Congress,

it has to be in the law? People's rights have to be protected to

contact us?

Mr. President, if the Senator will yield once more, I

sort of feel we have to put some meat on the bones of this commission a

little bit as we go along to allow the Secretaries of the whole

community to participate in the process--budget, management, and

oversight. Will not the amendment of the Senator from Virginia

strengthen oversight by giving the people involved in oversight the

chance to hear the dissenting opinions as well as the opinion of the

NID?