This is a debate we had many years on the floor of the

Senate. It has been a debate we have talked about so many times, and

there has been a consistency in the voting in the Senate to recognize

the wisdom not to release the budgets.

As yet, with all due respect to our managers and others, I have not

heard an absolutely convincing argument to turn back at least several

decades that this has been an issue of debate on this floor. What is it

in the public interest or, most importantly, our national security

interests that requires us at this time to reverse positions that have

been taken by this Chamber, together with the other body, over the

period of several decades that I have been privileged to serve here?

My concern is that this world today is so rapidly changing, and with

the advancement of electronics and so many devices to determine what we

in an open society are doing, why put the roadmap on the table for all

to begin to search?

It has been my experience that if you put out half a loaf, it will be

followed by a request to get the other half of the loaf. Were this

provision to prevail, we would be back here in a very short time, some

colleagues with the best of intentions, saying: Why don't you put it

all out? Why should we have any of it secret? That, coupled with the

fact I have in my lifetime never seen a period where there is greater

uncertainty about the security of this country--because of the

progression of weapons of mass destruction, because of the progression

of terrorism, and the proliferation of individuals who are willing to

give up their lives to do harm in this country and other parts of the

world--I just do not think at this point in time, without following, I

think, the sage advice of our distinguished President pro tempore, we

need to reverse what this Chamber has considered and decided upon year

after year that I have been here.

So I urge colleagues to support the amendment of the senior Senator

from Alaska. I intend to strongly do so.

Let me explain the modification. The original text

required that the national intelligence director, in his capacity as

chairman of the to-be-created joint intelligence community council that

was part of the President's message, originally I had it that he would

have monthly meetings of the council or meetings upon the request of

the members of the council. But I think it more appropriate that that

be modified, which has now been done, such that the amendment will

read: Strike that paragraph and in its place put the national

intelligence director shall convene regular meetings of the joint

intelligence community council. And then I will address the balance of

the amendment.

It has been my concern, and I think from a fair reading of the 9/11

Commission report, that we have to keep the views of those individuals

primarily responsible for the collection, dissemination, and analysis

of intelligence, those individuals who are on, incidentally, the

council, who are your principal Cabinet officers--and that is the

Secretaries of State, Defense, Homeland Security, Energy, Treasury, and

the Attorney General--those individuals from time to time could develop

positions regarding an intelligence issue which are at variance with

the national intelligence director.

That collection of Cabinet officers is a vast array of individuals

who will be working on issues of intelligence, collaborating with other

agencies. From time to time, I am of the opinion that one or more of

the members of the council might well have opinions that are at

variance with the national intelligence director, and that when the

national intelligence director goes to brief the President, there

should be an obligation in law--I feel that strongly

about it--that those opinions at variance with the national

intelligence director must be given to the President and such others

who may be in attendance at the time the national intelligence director

presents his or, as the case may be, her viewpoint.

The strength of our intelligence system has to be predicated on

competition of thinking. I have always liked the word that the 9/11

Commission seized upon, ``imagination.'' It seems to me that type of

competition and imagination is likely to develop better if we have the

certainty that the viewpoints the President receives from the national

intelligence director are not held by one or more of the members of

that council, but that the President will receive the benefit of the

other viewpoints. I think that system has to be made and put into law.

It is so vitally important because, for example, as a member of the

Intelligence Committee, when we examined, in extensive hearings

conducted by Chairman Roberts and Vice Chairman Rockefeller, the issue

of weapons of mass destruction--and the conclusion that is being

reached is that there was a substantial variance between the

intelligence opinions and what is evolving as the actual, factual

situation--it appears that the caveats were not given the proper

emphasis by people, from the President on down, as they reviewed the

work of the various intelligence-collecting agencies.

For example, the CIA had its position. From time to time, the

Department of Energy had opinions at variance with the CIA. At times,

there were opinions of the DIA, the Defense Intelligence Agency, which

were at variance with the opinions of other departments and agencies. I

think it is essential. Those caveats, in the case of weapons of mass

destruction--I will use the phrase that they were not given the

emphasis that was needed. That is a whole chapter. It is all laid out

in a very extensive report developed by the Intelligence Committee,

which is now public record.

This amendment, hopefully, will go a long way to ensure that diverse

opinions will be given to our President. That is the thrust of it. It

is patterned after the Goldwater-Nichols Act--a piece of legislation on

which I was privileged to have a very active role, enacted by the

Congress in the late 1980s--which organized some elements of the

Department of Defense and, most specifically, the joint staff.

Mr. President, the act said that when the Chairman of the Joint Staff

meets with the President of the United States, if there were members of

the Joint Chiefs--i.e., Chief of Staff of the Army, Chief of Naval

Operations, Chief of Staff of the Air Force, Commandant of the Marine

Corps--who held opinions at variance with the Chairman, the Chairman

was obligated under law to share those opinions with the President and

such others as the Chairman of the Joint Chiefs of Staff was

addressing. That has been a very effective piece of legislation.

This amendment is patterned almost verbatim after, and consistent

with, the Goldwater-Nichols Act. Frequently, the 9/11 Commission, quite

properly, paid a great deal of respect to that piece of legislation.

In concluding my remarks--and I have worked on this, but I have not

found a solution yet--this Senator is concerned about the future of the

Central Intelligence Agency as an organization and the role of the head

of that agency--now our former distinguished former colleague, Porter

Goss. Therein resides an enormous wealth of professional people in all

the nations of the world, in one way or another, who have come up

through the ranks, training and taking risks, often commensurate with

the risks the men and women of the Armed Forces take, often with long

separations from their families in some of the more difficult posts in

the world. All of that infrastructure is going to remain under the

Director of the CIA, who will now report no longer directly to the

President but to the concept of the new national intelligence director.

That has been decided.

I may eventually come up with the solution. I am trying to figure out

how, if the Director of the CIA has a view that is held strongly, and

it is at variance with the viewpoint of the national intelligence

director, how that view can be properly emphasized and given to the

President and such other persons as the NID will be addressing.

Yes. My last section, recommendations to Congress, says:

So in this particular law is specific authority for those Cabinet

officers and others to come directly to the Congress. I am glad my

colleague brought that up.

It happened on mine when I was in the Department of

Defense.

Mr. President, I think it does, and that is why I have

put in this paragraph, which is very explicit. This paragraph relates

to the members of the Joint Intelligence Community Council, which I

enumerated before as the several Cabinet officers--Secretaries of

State, Defense, Homeland Security, Energy, and the Attorney General.

Mr. President, I thank my distinguished friend and

colleague, the manager. Might I solicit her views on the concern I

have--and I have not figured out how to do it. The views of the

Secretaries of State and Defense are very important because they have

their own internal intelligence functions and they are subjected to

this, particularly those two Cabinet officers, on a daily basis.

The Director of the CIA will report to the national intelligence

director. The national intelligence director--I do not know quite what

the infrastructure will be. It is conceived, as the Senator from Maine

said earlier today and several times, that she is not creating a whole

new department. But the CIA Director will remain in charge of what I

say is the most magnificent reservoir of professionals to be found

anywhere in the world. I cannot give, because of classification, the

numbers, but it is in the tens of thousands of these individuals all

over the world. The CIA Director has instantaneous contact with them

and personal association as he travels--or she, as the case may be--

worldwide. It is a network of these intelligence people who have

knowledge that comes back up to the Director. He is hands on. The NID

will not have that hands-on experience, cannot possibly because he has

so much to manage.

One of the reasons for this legislation is to split off the functions

of the former head of the CIA, the Director of the whole Central

Intelligence, and to give those responsibilities, as it relates to the

national collection of the intelligence program, portions of it to the

NID to operate now, leaving the Director of the CIA to manage primarily

that agency.

Supposing the Director of the CIA has a strongly held opinion and

viewpoint which is at variance with the national intelligence director,

but when the national intelligence director goes in to brief the

President and the Security Council, in all likelihood the Director of

the CIA will be at Langley. I am not certain how that varying opinion

is given to the President and the other structure at the White House

and the other Cabinet officers who may be present--for instance, at the

meetings of the council, how that opinion can be expressed. I have not

thought of it. Maybe the chairman and I can work on this in the few

days remaining on this bill. But I am concerned about it.

Mr. President, all along I have expressed complete

concurrence in what the Senator has done in this bill to the extent the

Senator and I have looked at various sections. I may have reservations

about others and tomorrow I hope to engage with the Senator on a number

of amendments.

As to the basic charter that the Senator outlined in her opening

remarks, I am not going to at this time in any way indicate an

objection. I just wanted to focus on this one individual, the CIA

Director, who, as the Senator knows, under previous Presidents, and

certainly President Bush, was in his office one way or another almost

every day of the week working with him.

The CIA Director had this--I understand all of these responsibilities

may be too much for one individual and I am not arguing about shifting

that at the moment, but I am talking about this magnificent collection

of individuals--and he is the boss--who take all of these risks

together, collect and analyze and develop opinions and it comes up to

him and he may form a view which is totally opposite to the NID, and

the NID goes into the President. I have guaranteed here that the

Cabinet officers have the right to have their views presented

simultaneously, one view after another, to the President, but I am not

satisfied yet that the views of the CIA Director, which could well be

different than the analysis and conclusion of the NID, would be given

to the President with the weight and sufficiency I think they merit.

I see the Senator's point. The Senator put out a very

clear example of the NRO, the NSA, the old mapping agency, they report

to the SECDEF--we have just given the SECDEF the right to have his

views presented simultaneously if they are at variance with the NID at

the time he meets with the President. That is not present in the

Central Intelligence Agency. If those views vary, there is no

obligation under the law to see that they are presented simultaneously.

The Senator says she cannot envision how they would not be. Well, it

depends on the human factor, that these two individuals would get along

and have a mutual respect. I can remember in my first term on the

Intelligence Committee, there was a very colorful Director of the CIA,

Mr. Casey. He was an extraordinary man. I remember he used to come in

and testify before the committee. All the members would lean up like

this because they could not understand him, to be honest. He spoke in a

rather unusual way. I think he did that

to get through his testimony pretty quickly and get out of that hearing

room. I am trying to put a note of humor into some serious things, but

let us hope the Senator is right that as this law goes forward those

individuals entrusted, the NID and CIA Director, can have a mutual

respect and a mutual professional bond that will enable the views of

the CIA Director to be given to the President if they are at variance

with the NID. That is left up to the human quotient. This amendment, if

adopted, puts it in law, not for the CIA Director but for the other

members.

In no way do I wish to in any way diminish the

significance of the NID that is now being created presumably by law in

the future. I think we have had a healthy discussion. I appreciate the

distinguished manager accepting this amendment, and I will continue to

work on the Director of the CIA issue which I continue to be concerned

about. Maybe as a consequence of this colloquy, those who might be

following it could come up with an idea. I hope they would communicate

it to me or to the distinguished chairman.

If there is no further debate, I ask that the amendment be agreed to.

I ask unanimous consent that the following Senators be added as

cosponsors to the amendment: Senators Stevens, Inouye, Talent, Allard,

Dole, Chambliss, Cornyn, Ensign, and Inhofe.