Mr. President, I support the Hollings-Stevens

amendment, numbered 3795. My amendment strikes and replaces the

underlying bill with language creating a national intelligence

coordinator, or NIC. Important work since September 11th of the 9/11

Commission, numerous Senate committees and others has convinced all of

us that we must enact intelligence reform. I am impressed by the

efforts of my friends Senators Collins and Lieberman, and others, who

have used their considerable skills to implement most of the

recommendations of the 9/11 Commission. But I worry that the Senate is

moving ahead with enormous restructuring, when we could address the

main problem more immediately. 9/11 was clearly an intelligence

failure, and we must act now to fix the most glaring problem--the lack

of an intelligence coordinator.

My amendment fixes this most obvious, most severe problem with our

intelligence structure by creating a national intelligence coordinator,

or NIC. It will be the NIC's responsibility to sift through the work of

all of our intelligence entities, both foreign, domestic and military

and keep the President abreast of the intelligence community's findings

in a coordinated, complete way. As it exists, the intelligence

community's communications with the President cannot help but be

haphazard. The President needs to have the huge volumes of intelligence

information coordinated by someone he trusts, so he can make informed

policy judgments. Thus, my amendment allows the President to select an

intelligence coordinator as a member of the National Security Council,

not subject to Senate approval. Just as President Bush has Karl Rove,

whom he trusts and who coordinates the political intelligence

throughout this Administration, the President needs a Karl Rove for

national security intelligence.

This NIC will need sufficient staff and resources. So my amendment

assigns to the NIC in his or her role as coordinator of intelligence

activities, the staff and resources currently assigned to the Director

of Central Intelligence, or DCI, that is now employed in the

performance of his role as coordinator of the intelligence community,

which he is not doing.

Many of the dozens of provisions in Collins-Lieberman would likely

improve our system of intelligence. The Senate should study each of

these provisions carefully, and enact the best of these provisions

after such consideration. My amendment fixes the main problem in the

meantime--the lack of a coordinator.

Collins-Lieberman creates a National Intelligence Director, or NID,

and gives that person considerable power over budgets and personnel.

The NID will control a new national counterterrorism center, and

generally manage the intelligence community. The bill is problematic

because the NID will wield unheard of influence over work of the

intelligence entities, before that work even gets done. This is

groupthink--personnel from 15 agencies work to get the Director the

answers they know he wants. Personnel will neglect intelligence that

takes them in directions they know the NID opposes. Reform should

encourage more creativity, not less; more diversity within the

intelligence community, not less. These agencies each do different

things well--we need to take advantage of differentiation, not squelch

it under the NID.

The national intelligence coordinator created by my amendment is

unlikely to lead to this problem of Groupthink. The NIC will not

control personnel and budget decisions. He will not have the power to

fire people in other agencies that he disagrees with, or promote only

people who share his worldview. He will not be able to manipulate

policy direction of intelligence agencies and centers we may create.

The NIC will coordinate, not meddle in the work itself. The 9/11

Commission decided that part of the reason the 9/11 plot was successful

is the lack of creativity in our intelligence community. Stopping

complicated terror plots before they happen requires flourishing

intelligence diversity, and Collins-Lieberman will undermine diversity

by concentrating intelligence output in one manager--the NID. We don't

need a Director of Intelligence. We need a coordinator. We need to

change the NID to NIC, the ``D'' to ``C''.

I would like to address concerns I have with the underlying bill

related to Defense. In deciding what to do with

the Department of Defense's control over most intelligence dollars,

Collins-Lieberman splits the baby. The bill transfers control over the

budgets and some personnel decisions of the National Security Agency,

the National Geospatial-Intelligence Agency, and the National

Reconnaissance Office, from the Secretary of Defense to the NID without

transferring control of the agencies themselves to the NID. The NID

will develop and present the President with an annual budget request

for these and other intelligence programs. It is unclear whether the

Secretary of Defense or the NID will control the actual payroll. Under

Collins-Lieberman, ``tactical'' military intelligence and the Defense

Intelligence Agency will remain under the DOD. But the bill does not

define ``tactical.'' Obviously, DOD will seek to define that term

broadly, and the NID will seek to define it narrowly. I understand

Senator Feinstein may offer an amendment that would define ``tactical''

and provide some clarity, but even if that amendment is enacted, the

battle will be waged over how to interpret the Feinstein definition of

``tactical.'' My friends Senators Specter, Roberts, Shelby, DeWine,

Bond, Wyden, Bayh and others already think the NID should have even

more control over agencies currently within the DOD than the Collins-

Lieberman bill would allow, but their amendment failed.

In short, there is confusion over what Collins-Lieberman transfers

from the DOD to the NID and what it does not transfer. There is

confusion over what ought to be placed underneath the NID, and what

stays with the DOD. There is confusion over how budget, personnel and

other types of authority can be bifurcated and trifurcated. This is a

time for clarity, not confusion. The NID will also receive the

appropriation for these and other intelligence programs, and in

Collins-Lieberman the NID can transfer funds from one office to another

as the Director sees fit. If the underlying bill is enacted as it is

currently written, I forecast open warfare between the Secretary of

Defense and the NID. Especially during a time of war, DOD will insist

on funding defense/military-related intelligence work its way. This

kind of turf war is bad for the country, and we should not enact

intelligence that we can see is likely to pit the Secretary of Defense

against the NID. If this painful transition needs to occur, we should

at least consider waiting until after combat operations in Iraq have

ended.

I am also concerned about some potential problems with the underlying

bill's blurring of domestic and foreign intelligence. While I support

the concept of fusing foreign and domestic intelligence, because that

is what modern investigating and technology requires, this is a very

sensitive and tricky area. Our Nation's history of domestic covert

governmental operations shows the need to be careful here. Collins-

Lieberman places the FBI's domestic counterterrorism activities and

those of the CIA and DOD under the NID. But it does not address

problems with locating domestic covert operations outside the FBI. The

NID would have the power to ask the CIA or DOD to engage in such covert

domestic operations. Our current governmental arrangements keep the CIA

from participating in domestic intelligence activities, yet none of

this would apply to the NID. Who is to say that the NID will not begin

using the CIA to conduct extensive covert domestic activities? This new

role for the CIA may actually be appropriate, but we have to be careful

to draw rules for CIA domestic conduct that respect our Bill of Rights

and other basic traditions. Using agencies other than the FBI for these

domestic tasks also removes the Attorney General from its supervisory

function. The Department of Justice is qualified to make difficult Bill

of Rights judgments, but these other agencies may not be. These other

agencies may not even be inclined to exercise restraint when they are

investigating Americans. We could ruin cases against suspected domestic

terrorists, because our intelligence operatives do not conduct their

investigations according to constitutional requirements, and the cases

get thrown out. And unless the stovepipes we hear so much about are

eradicated immediately under this bill, which seems unrealistic, we may

even have multiple agencies conducting duplicate investigations against

American citizens, trampling all over each other and the law.

Collins-Lieberman also enacts the largest ever surveillance

intelligence network, which can be data-mined by personnel in various

levels of government. Senator Stevens and others point out that we do

not even have the technology to meld all this intelligence in one

database. While coordinating information among agencies is laudable, it

is unclear that Collins-Lieberman addresses dangerous side effects of a

new network database. Collins-Lieberman directs the White House to

violate privacy protections, but of the three branches, the executive

branch has the least incentive to balance individual rights concerns.

Congress never held any hearings to address the civil liberties

problems with such a network, or with turning over to the White House

power to write privacy guidelines. Administration guidelines and a

civil liberties board, contained in the bill, are not as likely to

strike the correct balance over privacy issues as Congressional

oversight and public debate would. At the very least, we need committee

hearings to consider the consequences to our civil liberties of

enacting a national network database.

At this time I would like to say a few words about this underlying

bill's possible impact on a couple of our intelligence agencies.

Because of the bill's considerable scope, I will only raise a few of

the potential problems with the bill's agency reforms. The bill hampers

the FBI Director's ability to manage the FBI. The bill creates

conflicting reporting requirements for the FBI's Executive Assistant

Director for Intelligence, making her responsible to the FBI Director

and the NID. She will support not only the FBI's counterterrorism and

counterintelligence programs, under the NID, but also the FBI's

criminal and cyber missions, which are not under the NID. The bill

provides no clear way to separate FBI criminal investigations from its

intelligence work. I would not want to be the Executive Assistant

Director of Intelligence under this structure--with dueling bosses and

duplicative reporting requirements. Also, will the National Security

Council's role be weakened by the creation of a separate board chaired

by the NID? Will the NID be allowed to deny the Secretary of State and

other cabinet-level Secretaries personnel decision-making over their

own subordinates? I understand Collins-Lieberman will give the NID

authority over analysis. Where does this leave CIA analysts? The bill

does not address what the new role for CIA analysts will be. Have these

matters been worked out, or even discussed in a public forum? I have

focused on several agencies I am particularly acquainted with through

my experience on the Commerce, Justice, State Appropriations

Subcommittee. I am sure my colleagues are raising similar problems with

reforming the agencies under their Committees' jurisdictions, and I

encourage them to come forward and help us understand these important

issues.

Mr. President, I'd like to say a few words about policy too. This

administration is extremely reticent to spend money in Afghanistan, and

it was trying to funnel to Iraq funds Congress allocated for

Afghanistan long before the President started the Iraq war. Collins-

Lieberman empowers the NID to transfer funds and personnel directed by

Congress from one agency to another. For example, this body may

substantially increase U.S. assistance to Afghanistan--I understand

Senators McCain and Lieberman have advocated just such an increase. If

we add funds for Afghanistan onto this bill, the NID could scrap the

funds for Afghanistan and transfer them to fund a new operation in

Syria or Iran. The NID would have a responsibility to inform Congress

that he had moved this money, but these funds would be moved

nonetheless. It is Congress's duty to allocate such funds. Empowering

the NID to override Congress's funding priorities is bound to lead the

NID to undermine Congress's powers, and instead use shift funds

allocated by Congress to advance the administration's agenda.

As we consider this bill under great political pressure and with the

election looming, we have considerable analogous precedent to

reference. Recent hasty Congressional enactments of Homeland Security

legislation and the Patriot Act show the need for more

measured action. Collins-Lieberman is thrown together in a matter of

weeks. Surely most of us agree that at least some of its provisions are

problematic. Much of the conversation I have heard on the floor this

week sounds more like campaigning than legislating. The White House

identifies problems throughout Collins-Lieberman--will the House

version appeal more to the White House? A hastily thrown together

conference resolving differences in the House and Senate versions will

not be conducive to finding and fixing these inevitable problems. My

friend Senator Stevens says, ``Do no harm''. Whatever comes back from

conference will have a tremendous head of steam behind it. By acting

too fast on Collins-Lieberman, the Senate may get stuck with House

provisions in a conference report that are unpalatable. Once reform is

enacted, fixing missteps is extremely difficult. Experiences of

homeland security legislation, passed right before an election, and the

Patriot Act, prove that hasty restructuring results in confusion,

mistakes and paralysis.

I conclude by asking my colleagues to support my amendment. Let's act

now and enact my amendment, which fixes the main problem of the lack of

a coordinator, and then let's continue to act as we learn. Let's sift

through the litany of approaches being advanced by my colleagues in the

underlying bill, and the rival approaches being advocated by others

both within this body and outside it. My amendment starts us on the

right track to improving our intelligence structure, and it avoids the

potential to start us on the wrong track.

I appreciate the outstanding work Senator Collins and Senator

Lieberman have done and thank them for that. They met over the break in

August and worked around the clock to produce a product so we could get

something done before we leave in time for the elections in November.

However, in those pressures of time, they have come out with a

product that needs many more hearings, more deliberation, and more

consideration. In essence, they have a national intelligence director

who directs and manages. Immediately that raised the red flag for this

particular Senator.

When I say ``raised the red flag for this particular Senator,'' let

me tell of an experience. It was 50 years ago we had the Hoover

Commission Task Force investigating the intelligence activities of this

Nation. We had the McCarthy days, McCarthy charging there were

Communist spies and agents within the State Department, within the

Defense Department, within the executive branch, and everywhere

throughout the Government. President Eisenhower appointed the Doolittle

Commission and they came out with what was considered generally in the

Congress as a whitewash. The White House and Congress got together and

agreed efforts should be conducted to reorganize the executive branch,

thus, President Hoover's commission came to be.

A task force was headed by General Mark Clark. I served as one of

those members of the task force investigating the CIA, the FBI, the

Army, Navy, air intelligence, Secret Service, Q clearance, atomic

energy intelligence, and on down the list. We spent some 2 years. After

hearings and consideration of the generally speaking minute

intelligence information at that time--I say ``minute'' for the simple

reason that the intelligence information now correlated by the various

entities and departments and agencies is like drinking water out of a

fire hydrant. You have much, much greater volume. But even then we

found the need for a coordinator.

I can see Allen Dulles of the Central Intelligence Agency. Director

Dulles of the CIA said, I have my hands full trying to get the work

done properly of the CIA, much less as the head of intelligence

activities in the Government, namely the coordinator of all

intelligence, the centralizer of all intelligence. That is why it was

called the Central Intelligence Agency. He said, I have too much work

to do. What we need is one single intelligence coordinator to

coordinate all of it--my work, the FBI, Defense Department, military.

In those days all we had was foreign intelligence and military to

bother with. We did not have terrorism threats and counterterrorism

within the continental limits. Now we have heaped upon the

responsibilities of the intelligence community all kinds of duties that

need further deliberation and estimation because, as I say, the

director of the national intelligence, when they said ``direct,'' when

they said ``manage,'' I said heavens above, here is a flaw of September

11 intelligence. It was directed. It was managed. Everyone knows that

now after the hearings.

The Vice President had his own little cabal in that Department of

Defense. They had met with the head of the Defense Advisory Council,

Richard Perle, and Scooter Libby and that group. They had submitted to

the country of Israel in 1996--Benjamin Netanyahu was coming in as

Prime Minister, and they submitted at that time that Saddam ought to be

replaced with the Hashemite rule and they wanted to democratize Iraq

back in 1996.

When Netanyahu refused doing that, they came back and organized

themselves into the Project for the New American Century and they have

been pressing forward ever since.

So when you direct and when you manage intelligence, you have a

flawed product. We need coordination. You need to take the best of the

best from the CIA, from the FBI, from the National Security Agency,

from the National Reconnaissance Organization, and all these other

entities and coordinate into a product to give to the President.

Suppose you were President in the next 10 minutes and you heard about

a terrorist threat, not only foreign but domestic. What you would want

in line, you would want a Karl Rove on intelligence. Now, the President

has a Karl Rove on political intelligence. Karl Rove can tell you for

any section of the country what is going on in any particular State. He

has pollsters. He can give a consummate judgment or alternative to the

President to make a judgment. That is fine business. We have that

without legislation.

We need just that in security intelligence--not only foreign, not

only domestic, not only military, but all three--security intelligence

coordinator.

So when I say the national intelligence director directing and

managing, I am saying, here is a flaw of September 11. You know the

group-think policy of the President. If you are directing and managing

intelligence, what you do is go immediately and give that intelligence

to the folks making the Presidential policy and you develop a group-

think and a flawed product.

We do not want, necessarily, a director, certainly with all the

duties that this particular director is burdened with but, rather, we

want a coordinator. He should be or she should be in the National

Security Council, appointed by the President, without confirmation by

the Senate. You have to have your own person in there. And you have to

not have him or her running over to several committees in the Senate

and several committees in the House testifying about this management,

this direction, this decision, this or that policy. He will have his

hands full just with what the President wants.

Necessarily, we transfer those coordination responsibilities from the

CIA over to this national intelligence coordinator. This is a short,

two-page amendment by Senator Stevens, Senator Inouye, Senator Cochran,

and myself. This was worked out this afternoon. I was trying to listen

to the debate, and the more I listened, the more it impressed me that

we needed much more deliberate work and consideration, and not the

crunch of a national election to get all of us out of town and do

something. So we are trying to respond to that edict of ``don't just

stand there, do something.'' I am afraid we are going to enact the

``Alka Seltzer'' intelligence bill: I don't believe we passed the whole

thing.

Look what it does. It directs and manages, but what intelligence is

under the Department of Defense and what intelligence is under the

national intelligence director. I searched and I found conflicts

throughout the particular Collins-Lieberman measure, especially during

a time of war. I can tell you, you are going to find all kinds of

conflicts there. There are conflicts going on right now with the war in

Iraq and the Secretary of Defense saying he is not going to stand for

it. The national intelligence director has the defense intelligence

budget, but then the

secretary of intelligence has the defense intelligence function and

responsibility. And the Secretary of Defense does not have budget

control over what he has responsibility. And then there is the ``ying''

and the ``yang'' of defense intelligence versus tactical intelligence.

And I have listened to some, the distinguished Senator from California

and others, on what they consider tactical intelligence.

On civil liberties, there are real grave concerns there because there

is within the Federal Bureau of Investigation, that investigates crimes

and protects civil liberties, a culture, a paradigm, and a discipline.

The Justice Department has developed that over the years of different

FBI Directors. Now, with respect to the national intelligence director,

he can direct covert activity to be taken on by the FBI with none of

that discipline and none of those checks and balances.

You have heard the distinguished Senator from Alaska with respect to

the national intelligence director's transfer of funds, not only the

reporting of funds. I can tell you now that will never happen where you

can transfer funds because the Appropriations Committee has that

responsibility.

I can go down the different disclosure of funds and various other

things. What I want to emphasize is that I am not trying to disparage

any of the wonderful work being done by our Governmental Operations

Committee. They have a product out here now that we can develop and

work upon and iron out the differences. But it should not be under the

pressure that we are in and having passed ipso facto the Collins-

Lieberman bill. You would not satisfy the problem of 9/11, and that is

coordination.

You need the President's man or woman in that National Security

Council, auditing, gaining, and getting. And mind you me, don't worry

about getting it, now that you have a coordinator sitting there with

the President. For example, that Arizona flight school information that

did not get through the FBI to the coordinator, because they did not

have one, is excused. That Minnesota terrorist who did not want to land

the plane, all he wanted to do was fly it into a building; that came to

the CIA but did not get to the White House. Known terrorists came into

the country, passed the Immigration department, and the Naturalization

Service. That did not get to the Director.

But mind you me, if you have a coordinator, and the information of

that importance does not get through to that coordinator, the opposite

is going to be true. Rather than the old days when you held within your

particular department or agency your intelligence and your information,

and you did not tell the FBI, and the FBI did not tell the CIA, here

you are going to try to regurgitate and spit up and throw out and

report to that coordinator. Because if he does not get it at the White

House level, heads are going to roll.

So we have changed the culture and discipline by having one

coordinator. That is all you need. We can go home and know that the job

is done. The FBI is working. The CIA is working. The National Security

Agency now knows not to wait until tomorrow to translate their go

signal. As they went into the World Trade Towers, they were a day late

in translating documents.

We can go home and know that the President is equipped with a

coordinator. And immediately, if I am running the CIA or FBI, I am

going to start getting my information out rather than hiding it. That

is the real difficulty: The dots were there, but the dots were not

joined. With the Collins-Lieberman bill what you are instituting and

legislating into law is the flaw of 9/11. You have a director of

intelligence. You have a manager of intelligence. And that is how they

got into the World Trade towers and into the Pentagon. It was managed.

I can see the President on October 7, 2002, in Cincinnati. ``Facing

clear evidence of peril, we cannot wait until the smoking gun is a

mushroom cloud,'' he said. Seven days later I voted for the authority

to go to the war when the President asked--I did not sit on the

Intelligence Committee. When my Commander in Chief says: ``Facing clear

evidence of peril, we cannot wait until the smoking gun is a mushroom

cloud,'' I voted aye. Then I found out there weren't no smoking guns,

there were no mushroom clouds, there were no facilities, there were no

weapons, there were no terrorist threats. But that is another argument.

I am trying to get something done where we in good conscience can

protect our national security, protect us against domestic terrorism.

And we can fix this bill.

Now, let me add one little thing. I don't know whether Senator

Stevens, my dear colleague, or Senator Inouye or Senator Cochran wants

to talk. But I would agree, I don't need, unless I am questioned,

another 10 minutes. And I know they have amendments of their own. So I

would agree to a time limit on either side if the distinguished

managers of the bill are trying to get to a vote.

Mr. President, I will use just 1 minute for the

Hollings-Stevens-Inouye-Cochran amendment. It is my policy, and it is

not to be treated casually. It is to be treated seriously because what

we are going through is this exercise here. And if you had the Collins-

Lieberman bill up, I would vote to get it to the House and let them try

to hammer it out. They don't have the coordinator.

I was just about to say, the reason they didn't have that coordinator

is that the 9/11 Commission is even Stephen, Republican-Democrat. And

they wanted to have a unanimous report, and I agree with that. So they

didn't hammer and zero in or bull's-eye the real need and the real

fault of 9/11. They didn't join the dots. They didn't have a

coordinator. And if they were going to come out on that unanimously,

they would have found fault at the White House level. It is just as

simple as that.

I know another time in the history of this Government where we knew

full well that President Reagan knew about the Contras, at least I was

convinced so. But you couldn't report it. You couldn't say it. You

couldn't do it for the simple reason that these so-called commissions

that are now sanctified are really politically balanced, and they leave

out the necessary one. In this particular instance, we need a

coordinator. You can get all of the directors. You can get all of the

budgets. You can get all hammered out about the Defense Department.

Just leave it all alone or put it all through. And you haven't

satisfied and gotten a coordinator at the National Security Council.

We had that amendment early on last year, and the vote was 49 to 48.

We put him on. I had that amendment up. It was a partisan vote.

Now I have worked yesterday and today to explain it to colleagues on

the other side of the aisle, and it is bipartisan by the most

responsible of Senators other than myself. I hope we don't treat it

casually as something to be tabled and walk away and say: Let's have

another amendment. We don't want to vote on Friday. Let's get some

votes.

We are all thinking about procedure and not thinking about the

country. We are all thinking about the campaign and not the country.

I yield the floor and reserve the remainder of my time.

Well, two points quickly: I don't go back to 1947, but

I go back to 1953 and 1954 under the Hoover Commission. And I would

refer you to that report. They ask for a national intelligence

coordinator. Allen Dulles would say--he was directing Central

Intelligence--you can run the National Security Agency, you over at the

Department of Defense, and you can direct and manage military

intelligence and these different departments. But take those cold

turkey facts of intelligence and information and have them

coordinated--not superduper $40 billion. It sounds pretty on paper, but

I can tell you right now, that is what was wrong with 9/11. The

intelligence was directed, was managed.

Why do you think the head of the CIA hammered and slammed his fist on

the desk of the President and said, Slam dunk, Mr. President, we got

all the information you need on weapons of mass destruction, when he

didn't even have an agent in downtown Baghdad. We were about to invade

Iraq, and we had not an agent. That was the same director who was the

staff director before Gulf Storm and Senator Bill Cohen and I came back

to be briefed on Iraq and Baghdad, against Saddam. And George Tenet,

the staff director at that time, said: Gentlemen, we don't have an

agent in Baghdad. We don't have one in Iraq. We will have to call over

to the Defense Department. Here, 11 years later, we still don't have

somebody down there. Now we have operative agents and everything else

trying to manage elections and what have you. So the idea is to

coordinate impartial, objective intelligence facts, not manage

intelligence.

Secondly, the Congress stays out of it, Senator Collins, most

respectfully. The Congress stays out of the affairs of Condoleezza

Rice. She is the National Security Adviser. We don't call her up willy-

nilly before 15 different committees here on the Hill and say testify

here and there. You don't want that. If you are the President, you want

it coordinated subject to you. That is what you need. You don't call

Karl Rove up here and ask him about political intelligence; you have

him working around the clock. He has us Democrats on the run.

I want the same kind of job done in domestic intelligence, foreign

intelligence, and military intelligence. I want it coordinated for the

President so the buck doesn't stop here because the dots were not

joined. Now we are about to join the dots in this amendment. Of all

people, they say let's don't join them, let's just manage; and we have

$40 billion or $30 billion, whatever it is, and we are going to manage

indirectly and we are going to screw up the Defense Department, the

FBI, civil rights, and everything else, in the head-on rush we have

here this afternoon.

I yield back the remainder of my time.