

this crisis, we must also increase our domestic production of oil and gas resources.

In 2004, Congress provided the financial incentives to move forward with the Alaska natural gas pipeline. This pipeline, constructed to move 35 trillion cubic feet of gas known to be in the Prudhoe Bay area, when completed, will deliver about 4 billion cubic feet of natural gas per day to the American market.

I now have serious concerns about the process for this pipeline being constructed. Federal officials told me that it would take 44 months once the Federal Energy Regulatory Commission receives an application to proceed with it. Congress can shorten this timeframe by declaring a state of emergency, and we have to realize that it is a national emergency with regard to our future gas supply. Congress cannot intervene, however, until the State of Alaska has taken action on this gas pipeline. The pipeline is to move gas from State lands, lands which the State of Alaska is the owner of, and the Alaska Natural Gas Pipeline Act of 2004 stipulated that if an application was not received by the Federal Government by 2006 for the construction of this pipeline, the Department of Energy could study the feasibility of a pipeline to be built and owned by the Federal Government. This study is now underway.

While Federal ownership is not the preferred course of action, given our Nation's current energy crisis and the emergency we face, this Nation must ensure that this project moves forward as quickly as possible.

Earlier this week, the Wall Street Journal published an interview with Lord John Browne, the chief executive officer of the British Petroleum Company. Lord Browne told the paper: "The growth for us in Alaska is gas." He was talking about, of course, the BP Company.

He said: "Oil will continue, but gas will flip over and replace oil as the economic driver." He is talking about the enormous potential of gas in the Alaska economy. And he added that: "Once our pipeline is approved, we can look forward to 50 years"—we can look forward to 50 years—"of increased gas supplies."

Now, our State and the Federal Government have to act quickly so that we can begin to lay the foundation for this next 50 years of increased domestically produced natural gas.

Alaska's energy resources are needed now. Our State's potential is staggering. Trillions—I am told 32,000 trillion—of cubic feet of gas hydrates lie beneath the permafrost under the North Slope lands of Alaska. We have half the Nation's coastline. It holds some of the world's greatest prospects for ocean and tidal energy. Two-thirds of the Continental Shelf of the United States is off our State. In addition to that, we hope someday we will join the producers of ethanol. Ethanol can be

made from wood chips. Our State forests contain millions of acres—millions of acres—of trees that are available for harvest, including particularly the Birch trees which I am told is a good source of material for this type of fuel to make ethanol.

Alaskans are pioneers, but we are also realists. It will take decades before our Nation can fully commercialize alternative energy sources. Solving our country's energy crisis will require conservation. It will require development of alternative fuels, but it also requires domestic production of our domestic oil and gas resources. Those who advocate only one or two of these approaches are misleading the American public. There is an urgent need for us to develop our domestic resources now, and there is an urgent need for us to develop alternative fuels and to conserve. We must do all of that, Mr. President.

Federal action is required and State action is required immediately if we are to develop this gas pipeline. This gas pipeline project must go forward, and authorization of the development of our resources in our Coastal Plain and the ANWR proposal is absolutely necessary. I urge the Senate to join the House in authorizing the development which was authorized by the Congress in 1980. For over 25 years we have had a majority in the Senate which approves the development and exploration and development of oil and gas resources of the Arctic plain. It is only a filibuster that has stopped us. America needs these resources to meet the increased demand for our energy and to provide for relief from our continued increased dependence upon foreign sources for energy. I urge the Senate to join our colleagues in the House and authorize development of our Coastal Plain. I also urge my own State of Alaska to move quickly to approve the application for the natural gas pipeline so it can move forward also.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATION OF GENERAL MICHAEL HAYDEN

Mr. REED. Mr. President, a short time ago the Senate approved the nomination of GEN Michael Hayden to be the Director of the Central Intelligence Agency. I think it was an appropriate confirmation by this body, but I do think it is also appropriate to comment on the nomination of General Hayden.

Twenty months ago, I came to the Senate floor to oppose the nomination of Porter Goss for the same position, as Director of the Central Intelligence Agency. At that time, I stated that the Director of Central Intelligence is a unique position. It should stand above politics. The citizens of the United States have the right to assume that the Director of Central Intelligence is

providing objective information and analysis to allow the President to make the best possible decisions.

I didn't believe that a partisan choice was the proper choice then, and it seems in fact that was the case. Mr. Goss is an example of where this administration believed that its political agenda was more important than the security of our country. The CIA was in turmoil then, and it is in turmoil now. The Agency's assessments were distrusted then and are still subject to skepticism now. Many more experienced operatives have resigned. Mr. Goss, a political operative chosen by President Bush to lead the Central Intelligence Agency through a difficult period while engaged in a war, failed in this mission. So the administration is trying again.

This time, the President has chosen an intelligence veteran. General Hayden has served our Nation for the past 37 years as a distinguished intelligence officer in the U.S. Air Force. He has most recently held positions as Director of the National Security Agency and the Principal Deputy Director of National Intelligence. General Hayden is well versed in intelligence matters, he is well known in the community, and I do not believe he is a partisan political operative. There is evidence that General Hayden has been and can be independent and objective. General Hayden is a better choice, a much better choice, than Mr. Goss. However, I still have some concerns.

First, there has been much discussion about General Hayden's position in the military and his ability to be independent from the Defense Department in his assessments and in his operations. While the law has always allowed a military officer to serve in this position, I believe there is a valid reason for concern. The fiscal year 2007 national Defense authorization bill addresses this issue. It states that flag and general officers assigned to certain positions in the Office of the Director of National Intelligence and the CIA shall not be subject to the supervision or control of the Secretary of Defense or exercise any supervision or control of military or civilian personnel in the Department of Defense, except as authorized by law. I believe this is an important provision and only one reason the Defense authorization bill should be considered as soon as possible, to get this position on the books of law.

However, I also believe we have to go a step further. I think if a military officer is chosen as the Director of National Intelligence or Director of Central Intelligence, that position should be a terminal assignment. That position should be recognized by the officer and by other members in the Department of Defense and the administration as the final assignment of that particular officer. I believe it best for our national security if an officer who takes one of these top intelligence positions is free from considerations about his future military career—what

assignments he might be given, who he might be angering in the Department of Defense, who he might be pleasing within the Department of Defense, either consciously or subconsciously.

As I said earlier, intelligence should be above politics, and it also should be above the politics within the Pentagon of assignments and of budgets and of other considerations. A law stating that the position as Director of Central Intelligence or National Intelligence is a final military assignment would help clarify this position in detail. It is an issue I will raise again during the consideration of the Defense authorization bill.

General Hayden has agreed, in consultation with Senator WARNER and also in consultation with his family, that it is his intent to make this his final military assignment. I have no doubt that he will do that, but I believe it is important to formalize this provision in the law. That is why I will bring this to the attention of our colleagues when the Defense authorization bill comes to the floor.

There is another issue, of course, that is of concern. That issue is the administration's terrorist surveillance program. General Hayden headed the National Security Agency when the program was proposed and implemented. From what we know today, that program conducted electronic surveillance of international telephone calls and collected millions of domestic phone records. Let me be clear. A vote in support of General Hayden should not be construed as an endorsement of this administration's surveillance program. Nor should concerns about the administration's programs be viewed as an unwillingness to adopt aggressive intelligence activities against those who truly threaten this country. I believe we still do not know enough of the facts about these programs. From what I do know, however, I have grave concerns.

A thorough investigation must be conducted and must be conducted in a timely manner, but General Hayden was not the creator of the program, nor was he the one to provide the legal authority for the program. He stated he needed authority to implement such a surveillance program and the administration provided him with the authority he felt was sufficient. On this issue, at this time I will give General Hayden the benefit of the doubt.

I did support the nomination of General Hayden. I am certain he knows he is taking a very difficult job at a very difficult moment.

Many other honorable men and women have joined this administration. They have come to this administration with years of experience and expertise, and they have found themselves in very difficult dilemmas, where their experience and their expertise was challenged by this administration. Their objectivity, their sense of duty—not to a particular President but to the country overall—has been seri-

ously challenged. In certain cases, the only remedy for these individuals is to resign rather than continue to support policies that they feel in their hearts and in their minds are not serving the best interests of this country. General Hayden might come to such a decision point, and I hope, given his skill, his experience, and his dedication to duty, that he would take the harder right than the easier wrong.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

CONGRESSIONAL NOTIFICATION UNDER THE NATIONAL SECURITY ACT

Mr. SPECTER. Mr. President, I voted against General Hayden for the position of Director of Central Intelligence as a protest vote against the administration's policy of not informing the Congress, with special emphasis on the Judiciary Committee, in a way which enables the Congress and the Judiciary Committee to do our constitutional job on oversight. I have no quarrel with General Hayden. He is a man with an outstanding record. I have no objection to his retaining his military status. He has testified in a way, before the Intelligence Committee, which was candid. I would be especially pleased to support a fellow Pennsylvanian. But in light of what the administration has done on the NSA program, which he has headed for many years, I feel constrained to vote "no" as a protest.

The administration has not complied with the National Security Act of 1947, which requires notification of all members of the Intelligence Committee. That was only done in the few days prior to the confirmation hearings on General Hayden. In fact, the administration for years notified only the so-called Gang of 8, the majority and minority leaders of the House and Senate, and the chairmen, vice chairman, and ranking members of the Intelligence Committees. Just because that had been the practice, it is not justification for violating the express language of the National Security Act of 1947, which requires notification of all members of the Intelligence Committees.

During the 104th Congress, I chaired the Intelligence Committee, and for that period of time I was a member of the so-called Gang of 8. Candidly, I don't think the administration told the Gang of 8 very much about what went on.

Be that as it may, admittedly the administration did not tell anybody but the Gang of 8 about their electronic surveillance program until it was disclosed by the New York Times on December 16 and the Judiciary Committee brought in the Attorney General and had pressed on in a series of hearings; then, belatedly, a subcommittee was formed in the Intelligence Committee and seven additional members were informed. Then,

at first, the House resisted to having only part of their Intelligence Committee informed, but, finally, 11 Members of the House were informed. Then, in the wake of the Hayden nomination, the administration finally complied with the Act by informing all of the members of the Intelligence Committee—I think, plainly, so that they could get General Hayden confirmed.

When the Judiciary Committee called in Attorney General Gonzales on February 6, which was the first day we could do it after the mid-December disclosures and the hearings which we had scheduled on Justice Alito, it was an embarrassing performance. The Attorney General refused to say anything of substance about what the program was. We were ready to retire into a closed session, had that been productive, but it was a situation where the Judiciary Committee was stonewalled, plain and simple.

The Attorney General then wrote us a letter on February 28 seeking to clarify and explain what he had testified to before—and only more questions were raised. We have still not resolved the issue as to whether we will recall the Attorney General before the Judiciary Committee, but there is a question as to its value and whether we can get anything from a repeat performance from Attorney General Gonzales. As I say, that remains an open question.

In the interim, I have proposed legislation which would turn over the administration's surveillance program to the Foreign Intelligence Surveillance Court. That court has a record of expertise. That court has a record for not leaking and we could have it make the determination as to the constitutionality of the program.

We had a hearing where we brought in four ex-judges of the Foreign Intelligence Surveillance Court who know its operations in great detail. They made some suggestions which were incorporated into my proposed legislation, thereby improving it. They answered the questions about the possibility of an advisory opinion and the issue of the case in controversy requirement.

I have since conferred with Senator FEINSTEIN and Congresswoman JANE HARMAN, ranking member on Intelligence in the House, about working on legislation. Both of those individuals have been privy to briefings by the administration on the program. There was a suggestion that, with additional resources and with some structural changes—for example, expanding the 3-day period to 7 days—the FISA Court would be in a position to pass, on an individual basis, the program. Whether that is so or not, I don't know, but that is a possibility.

When the disclosures were made about the telephone companies providing substantial information to the administration and the NSA, the Judiciary Committee scheduled a hearing. We had it set for June 6. Yesterday, in an executive session, the issue was considered about subpoenas, since two of