

Members ample time in the future to examine this legislation prior to its consideration on the floor.

Mr. Speaker, the bill itself is not controversial and was, in fact, reported by a unanimous vote. The funding levels in the bill are approximately 1 percent above the administration request for the activities of the intelligence community, but the committee bill focuses on the future needs of our intelligence capabilities and the priorities associated with those needs in a rapidly changing but increasingly dangerous world.

Mr. Speaker, I commend my colleague from Florida (Mr. GOSS) for his work on this important matter.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I have one concern with the bill. However, I will support the bill and I want to commend the efforts of the authors of the bill.

I have been concerned about a massive trade deficit in America, and I am concerned about espionage as far as it relates to our patents, our technology, our industry, and our trade secrets. And with that, I would like to see that we can buoy up this bill in that particular regard.

I would like the Members of Congress to realize that there is a projected \$250 billion trade deficit this year. Japan and China are taking \$5 billion apiece, \$10 billion a month out of our economy, or a quarter of a trillion dollars a year.

I am pleased that the committee will work with me on this issue, and I want to thank our distinguished leader from Texas for yielding me this time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I urge favorable consideration of this resolution to support this fair bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MAKING IN ORDER TRAFICANT AMENDMENT TO H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the Traficant amendment to H.R. 1555 at the desk be made in order to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the amendment is as follows:

At the end of title III (page 10, after line 2), insert the following new section:

#### SEC. 304. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Con-

gress a report describing the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development. The study shall include an analysis of the effects of such espionage on the trade deficit of the United States and on the employment rate in the United States.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore (Mrs. WILSON). Pursuant to House Resolution 167 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1555.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky (Mr. ROGERS) to assume the chair temporarily.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. ROGERS, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to bring to the attention of the House H.R. 1555, the Intelligence Authorization Act for fiscal year 2000, backed by the unanimous bipartisan recommendation of the Permanent Select Committee on Intelligence.

I would say that our committee worked diligently to conduct rigorous oversight of the programs and the activities that fall within our jurisdiction and, indeed, they are extensive responsibilities. We held numerous full committee hearings and briefings, backed up by literally hundreds of staff briefings about specific programs and items in this budget.

As Members know, we are required by law to provide an annual authorization for any intelligence or intelligence-related activity. That is because of the seriousness with which we take our oversight responsibility, making sure we understand what is going on in the intelligence community.

Because of the sensitivity of the material we deal with within this bill, and

its direct implications for our national security, many of the specifics of our work and the recommendations we have made must remain secret. However, as I announced upon the filing of this bill, the entirety of our work is available to any Member wishing to review it in the committee's secure facility upstairs. Because of this arrangement and the reality of Members' schedules, all of us on the committee recognize the special responsibility that we have assumed and the trust our colleagues place in us.

I am pleased to report that we have had Members upstairs pursuing the opportunity to understand all the details, sensitive as they are, in this bill.

We know that we have the added burden of assuring our colleagues and the public that the programs and projects in this bill are worthwhile, legitimate, well-designed, properly managed, and critical to our national security. Our colleagues and our constituents trust us to conduct our oversight carefully, thoroughly and with a critical eye. I believe we have done our job, and I hope we have done it well.

Mr. Chairman, this is a solid bill. It recommends funding for the Nation's intelligence community at a rate slightly less than 1 percent higher than what the President requested. This is a very modest increase and is, frankly, the bare minimum needed to continue our effort of rebuilding our capabilities started in the 105th, and ensuring that we are best positioned to meet the diverse challenges that the century holds for American interests, as varied as they are.

We have, for the last few years, been on a course toward that goal and we are making progress, but we have had to reverse a very serious inherited trend of decline and atrophy in the core programs of some of our intelligence capabilities; of signals intelligence, of human intelligence, of imagery intelligence, of analysis and covert action.

□ 1115

These are areas where we need help. These are disciplines that require long-term investment and consistent commitment. We cannot simply turn them on and off like a light switch. We have for too long taken shortcuts and underfunded and undervalued our intelligence capabilities, and our entire defense posture, as a matter of fact.

We see this in stark terms in the world today, currently in Kosovo, but also in Iraq, North Korea, Iran, China, India, Pakistan, perhaps a number of places in the African continent, just to mention a string of other hot spots that have not yet flared up but could at any moment. I know Members can fill in their own blanks.

I know that some believe and state that we have no more use for intelligence, that investment in eyes, ears and brains has become unnecessary because the world is at peace. I adamantly reject that point of view. Intelligence is arguably the best investment

we have to protect ourselves. Because good information, timely and on point, is a force multiplier and a force protector that can help us avoid crises altogether.

Recently Americans have heard about so-called intelligence failures. Specifically, just last weekend, we saw what happens when information is wrong, when a missile is directed at the wrong target. Rather than simply blaming our intelligence entities for a bad call, we on the committee have to look further and ask, how did this actually happen?

In part, this is unfortunately a predictable outcome of stretching our finite resources too thin. We have had to juggle and divert our limited assets to address the multitude of far-flung foreign policy initiatives and transnational threats that are the reality of the world today. And as a result, we have asked our intelligence community to do with less in more places, for more time, and under more complicated circumstances.

It is a formula for mistake. And this is a formula that we have been trying to rewrite these past 3 years and again in this bill today, and that is why it is so important that we have Members' support.

Mr. Chairman, we have emphasized several important themes this year. In general terms, they include recapitalizing signals intelligence. And no one should be in any way surprised by this need to spend money given the rapid advance of technology, correcting the imbalance between collection on the one hand and processing the information on the other. This has been a serious problem which we have reversed, but we have a long way to go to get more analysis involved; innovating paradigms for imagery, to include commercial resources, a great opportunity for the intelligence communities; and building a stronger and more extensive clandestine human intelligence capability worldwide and putting new tools into our covert action toolbox so that the choices our President has range more robustly and are not limited to doing nothing or bombing.

Although it is true that we may be at less risk in today's world of a direct all-out nuclear confrontation, we nevertheless face enormously complex challenges from rogue interests who continue to seek nuclear capabilities, not to mention the very real threat of chemical or biological agents that are continuing to proliferate around the world, the "cheap nukes" as they are called.

We also are increasingly threatened by terrorists, who do not play by the same "Marquess of Queensbury" rules that Americans are used to and by a whole new generation of narcotraffickers, whose deadly wares threaten the health and safety of our kids. And, tragically, that is a war that we are not doing well enough on.

The only certainty in this uncertain world, as far as I am concerned, is that

the threats are out there and they are getting more dangerous and more widespread, and that is why most agree that we need to rebuild our intelligence capability.

I do not want to think of intelligence as the 9-1-1 of our defenses. To me we should strive to prevent bad things from happening in the first place so we do not have to call 9-1-1 at all. That is what good intelligence should be about. And we have had some successes stopping bad things from happening to good people. Regrettably, those are the ones we do not read about in the paper.

Finally, Mr. Chairman, the headlines these past weeks have been replete with stories about an issue of grave concern and one that we have addressed in our bill. I am speaking about our counterintelligence capabilities, our defense, as it were, of our Nation's secrets, specifically with respect to aggressive efforts by the Chinese and others to target our crown jewels, the secrets of our nuclear program housed in our national labs.

We have addressed that in this bill. We authorized the significant funding increase to enhance DOE's counterintelligence, CI programs those would be, specifically cyber security, and to enhance the Department of Energy's ability to conduct comprehensive intelligence analysis of foreign nuclear weapons programs and proliferation, which need to be done.

We have taken strong steps to better challenge our analysts and to improve the counterintelligence abilities at FBI, DOD, Department of Defense so we can better meet the threat of nations like China who, not surprisingly, seek to steal our secrets.

In sum, Mr. Chairman, I urge my colleagues to support this bill; and I thank all members of our committee, especially my ranking member, the gentleman from California (Mr. DIXON) for their diligent, applied work, unquestioned commitment, and great wisdom to help us in our quest to improve our national security.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by commending the gentleman from Florida (Mr. GOSS) on the efforts he has made to ensure that the Permanent Select Committee on Intelligence operates in a bipartisan manner. While the unanimous vote reporting this legislation is an indication of the success of his efforts, those of us who serve on the committee know that on a daily basis, on matters large and small, the gentleman from Florida (Mr. GOSS) ensures that the views of the Democrats are solicited and considered.

The bill as reported, in the aggregate, is less than one percent more than requested by the administration. Although the committee recommends slightly more for certain programs, like those managed by the National Security Agency, and slightly less for

others, like those managed by the National Reconnaissance Office, the fact remains that the total authorized for intelligence in this bill is not significantly different than that sought by the President.

This result reflects budgetary realities, but it also reflects a judgment about what the intelligence agencies can effectively and efficiently spend next year. Investments in the kind of intelligent capabilities the Nation will need in the years to come requires a steady commitment over time of resources. This legislation, as has been the case in the past, should be seen as an installment in that effort, not as its end.

H.R. 1555 provides a substantial amount of money for intelligence and intelligence-related activities. How much, even in the aggregate, is classified. I believe that no harm to the national security would be caused by making the aggregate budget request, the aggregate authorization, or the aggregate appropriations public.

The arguments for retaining the classification of these amounts, which focus on the utility of the aggregate information to the average American are irrelevant to security considerations, and the arguments which deal with the utility of the information to foreign governments are, in my judgment, not persuasive. I have in the past supported amendments to make certain budget information public, and I will do so again when presented with an opportunity.

I believe the Director of Central Intelligence was right in October of 1997 and March of 1998 when he disclosed the appropriated amounts for intelligence. I hope he will reconsider his current position with respect to additional annual disclosures.

Regrettably, publicity about intelligence activities normally centers on problems rather than successes. Problems, however, need to be acknowledged and corrected.

I want to mention my concerns in two areas, although these concerns do not affect my support for this bill. Both concerns involve the People's Republic of China. The counterintelligence shortcomings at the Department of Energy's national laboratories have over the past 20 years or so provided valuable information to the PRC and may, more recently, have allowed the PRC access to extremely sensitive information about our nuclear weapons.

The bill contains significant increases in funding for counterintelligence activities at the Department of Energy requested by the President, including additional amounts sought by the President for computer security. The bill also contains additional, more modest amounts for analytic activities related to the PRC. There may be more that needs to be done to make sure that the national labs are secure, either initiatives recommended by the Cox Committee or other proposals.

I believe that we have ample time before we go to conference on this bill to consider these matters in a deliberative way and endorse those which make sense and which will not produce unintended consequences of greater harm than the problems they seek to correct. I do not believe we know enough today about what more should be done beyond those steps already taken or proposed by the President and Secretary Richardson.

The accidental bombing of the PRC embassy in Belgrade at this point defies understanding. To be of use to policymakers and military commanders intelligence needs to be reliable. The intelligence which confused a military target with the embassy most certainly failed to meet that essential standard. Explanations which, in some cases, seem more like excuses have been offered, but it is clear that a serious mistake was made. We need to be sure we know why and take corrective action expeditiously.

The responsibility for congressional oversight of intelligence extends beyond the drafting of the authorization bill. It must vigorously review the manner in which the activities authorized each year are managed. We need to be able to assure the public that a degree of care commensurate with the importance of, and risks associated with, these activities is constantly present. Determining the cause of problems once they are identified is essential to the provision of that type of assurance. I look forward to working with our chairman, as I have in the past, to provide this kind of oversight.

In closing, I want to mention a matter concerning the committee's access to information. I am disturbed by the fact that the intelligence agencies that are funded by the national foreign intelligence program budget pursue a large number of programs and activities requiring special access which are not systematically reported to the Select Committee on Intelligence or the Committee on Appropriations. I do not mean to suggest that the intelligence community refuses to brief the committee on individual programs or activities. Rather, I mean that there appear to be many special access programs, and the executive branch does not rigorously ensure that each of them is routinely reported to Congress.

The Committee on Armed Services faced a similar situation in the Defense Department's handling of special access programs, and years ago required in law that the Department provide Congress with a written report on every program that the Secretary of Defense decided was important and sensitive enough to warrant special handling.

My impression is that this reporting system works very well and that we may need similar legislation for the intelligence community. I intend to examine this matter in more detail in the coming months and may even decide to pursue it further in the conference committee.

Mr. Chairman, H.R. 1555 will, in my judgment, enhance the ability of the intelligence community to respond to the national security challenges we face now and which we will face in the future. I urge its adoption by the House.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the ranking member for his fine statement and particularly my full support and agreement on the last point he made with the special access programs.

Mr. Chairman, let me note that there is a mistake in the printed committee report concerning the CBO estimate. That is not an intelligence failure. This is a printing mistake.

The CBO letter provided to the Select Committee on Intelligence states that the unclassified portion of the bill "would not affect direct spending or receipts, thus pay-as-you-go procedures would not apply." In the process of printing the committee report, the GPO omitted the final "not," making it appear as if pay-as-you-go procedures would apply.

I would like the RECORD to reflect accurately the CBO estimate and, therefore, will submit at the appropriate time the CBO letter for inclusion in the RECORD.

Likewise, Mr. Chairman, in our review of the materials in preparation for floor action today, we also noted the inadvertent inclusion of language in the committee report that does not accurately reflect the committee's position in one instance. The offending language is found at page 15 of the published committee report and concerns the Joint Airborne's SIGINT program.

This language also indicates a cut to the program office of \$1.6 million. This, too, is not an accurate accounting of the committee's intent on this program.

Mr. Chairman, I yield to my distinguished ranking member for any comment he may wish to make on this point.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from Texas (Mr. FROST) noted in the adoption of the rule, I felt that we should have had more time before we got to the floor, and the gentleman from Florida (Mr. GOSS) worked hard to at least allow us a few more days. Regardless of that, the errors that the gentleman from Florida (Mr. GOSS) talked about did occur, and it is appropriate to correct them. Specifically, with respect to the Joint Airborne SIGINT Program, the committee's intention is not accurately reflected in page 15 of the report as printed.

Mr. Chairman, I insert the following correspondence for the RECORD:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

Washington, DC, May 4, 1999.

Mr. DAN L. CRIPPEN  
Director, Congressional Budget Office,  
Washington, DC

DEAR MR. CRIPPEN: In compliance with the Rules of the House of Representatives, I am writing to request a cost estimate of H.R. 1555, the "Intelligence Authorization Act for Fiscal Year 2000," pursuant to sections 308 and 403 of the Congressional Budget Act of 1974. I have attached a copy of the bill as approved by the House Permanent Select Committee on Intelligence on April 28, 1999.

As I hope to bring this legislation to the House floor in the very near term, I would very much appreciate an expedited response to this request by the CBO's staff. Should you have any questions related to this request, please contact Patrick B. Murray, the Committee's Chief Counsel, at 225-4121. Thank you in advance for your assistance with this request.

Sincerely,

PORTER J. GOSS,  
Chairman.

Attachment.

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, May 5, 1999.

Hon. PORTER J. GOSS,  
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dawn Sauter, who can be reached at 226-2840.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1555—Intelligence Authorization Act for Fiscal Year 2000

Summary: H.R. 1555 would authorize appropriations for fiscal year 2000 for intelligence activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CLARDS). The bill would also authorize such sums as may be necessary to fund an emergency supplemental appropriation for fiscal year 1999.

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting H.R. 1555 would result in additional spending of \$194 million over the 2000-2004 period, assuming appropriation of the authorized amounts. CBO has no basis for determining the cost of an emergency supplemental appropriation for fiscal year 1999. The unclassified portion of the bill would not affect direct spending or receipts; thus, pay-as-you-go procedures would not apply.

The Unfunded Mandates Reform Act (UMRA) excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not contain intergovernmental or private-sector mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of the unclassified portions of H.R. 1555 is shown in the following table. CBO cannot obtain the necessary information to estimate the costs for the entire bill because parts are

classified at a level above clearances held by CBO employees. For purposes of this esti-

mate, CBO assumes that H.R. 1555 will be enacted by October 1, 1999, and that the author-

ized amounts will be appropriated for fiscal year 2000.

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003	2004
Spending subject to appropriation						
Spending Under Current Law for Intelligence Community Management						
Budget Authority <sup>1</sup> .....	102	0	0	0	0	0
Estimated Outlays .....	104	39	9	2	0	0
Proposed Changes						
Authorization level .....	0	194	0	0	0	0
Estimated Outlays .....	0	120	58	12	4	0
Spending Under H.R. 1555 for Intelligence Community Management						
Authorization level .....	102	194	0	0	0	0
Estimated Outlays .....	104	159	67	14	4	0

<sup>1</sup> The 1999 level is the amount appropriated for that year.

Outlays are estimated according to historical spending patterns. The costs of this legislation fall within budget function 050 (national defense).

The bill would authorize appropriations of \$194 million for the Intelligence Community Management Account, which funds the coordination of programs, budget oversight, and management of the intelligence agencies. In addition, the bill would authorize \$209 million for CIARDS to cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

Section 501 of the bill would allow the Director of the National Imagery and Mapping Agency (NIMA), in coordination with the Director of the Central Intelligence Agency (CIA), to exempt certain documents from provisions of the Freedom of Information Act (FOIA). The bill would allow exemptions for files concerning the activities of NIMA that, prior to its creation in 1996, were performed by the National Photographic Interpretation Center (NPIC) within the CIA and that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems. H.R. 1555 would also require a decennial review under rules and procedures similar to those governing operational files of the CIA.

CBO believes this section could result in discretionary savings from reduced administrative and legal costs the NIMA might otherwise incur to respond to FOIA requests. These potential savings could be partially offset by any future legal costs arising from the limited judicial review that H.R. 1555 would permit. (Judicial review would allow legal challenges of NIMA's decisions to exempt certain files.) H.R. 1555 would also require NIMA to review the exempt status of operational files every 10 years, but CBO believes that the resulting cost would be small, considering the classification reviews that occur under current law. CBO cannot estimate the budgetary impact of section 501 because we have no information about the number of files that this section would affect or the unit cost for NIMA to review them.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not contain intergovernmental or private-sector mandates as defined by UMRA.

Estimate prepared by: Federal Costs: Dawn Sauter. Impact on State, Local, and Tribal Governments: Teri Gullo. Impact on the Private Sector: Eric Labs.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT) a valued member of the committee.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

Mr. Chairman, the chairman, the gentleman from Florida (Mr. GOSS), and the ranking minority member, the gentleman from California (Mr. DIXON), are to be commended for the outstanding work that they have done to lead our committee to make the appropriate investments in the intelligence community in these difficult and demanding times.

□ 1130

I am now serving in the second term of my service on the Permanent Select Committee on Intelligence. Let me clear up a mystery that many might point to as we deliberate. I have never seen a committee act in a more responsible manner without regard to partisanship, and I am proud to serve under the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON). They have the best interest of our Nation at heart. We work in a truly bipartisan fashion. That does us all proud.

Let me focus in particular on one portion of our bill which will fund a substantial increase in the language training that our intelligence community will need as it rebuilds its presence around the world and rebuilds the analytic capability to cover more than just the hot spots of the day.

The need for more language skill within the intelligence community, as my colleagues on the committee are aware, is a subject of special concern to me. It is critically important that we have our people, our best talent, our most dedicated officers scattered around the world working on our behalf. It is also important that they be fluent in the language in the country in which they find themselves. I think that there is room for improvement in that area.

But we have made a step this year. I intend to help ensure that it is one of a number of steps along the path to the fluency our intelligence assets need to operate as we approach the next cen-

tury and as we find ourselves with a desperate need for a presence all over the globe.

As a member of the Permanent Select Committee on Intelligence, I have closely followed the issues that have made unusual demands upon the intelligence community and the problems that have produced headlines that we sometimes would rather not see. Much has been said about these problems. That is to be expected, and I think it certainly is in order. But let me add a thought.

Central to every intelligence operation is a balance between risk and benefit. Within the committee, we are aware of the often unbelievable benefit our government derives from the operations of our clandestine service. We are aware as well of risk and, on occasion, the damage that comes from some of our operations. Given the full picture of the benefits and of the risks, we come to understand that we will inevitably hear a news report and see in the headlines the acronym CIA and sort of wince at what we read or the report on the radio. We will also appreciate as we hear this news sometimes on occasion, not news we want to hear, that intelligence officers are overseas scattered around the world putting oftentimes their very lives at risk to get the President and our policymakers the intelligence they must have to make responsible public policy.

I encourage Members to put the unfortunate headline about the bombing—and, boy, it was unfortunate—of the Chinese embassy in Belgrade in that context. I know as well as my colleagues that a mistake was made that was avoidable. I also know and encourage my colleagues to consider that hundreds of intelligence officers are overseas hard at work as we discuss that. We will never read about them, we will never know much about them, but they are doing something critically important for all of us each and every day. We should recognize that.

This bill is an attempt to give them the resources they need as this dedicated talent is scattered around the world working around the clock often under very adverse conditions to assure a safe and secure America.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the Washington Times headline said,

Greenspan's Warning Sends Stocks Reeling. Chairman Greenspan said that our economic expansion could end badly because of a ballooning trade deficit. He further said, somewhere in the future, unless reversed, our growing international imbalances are apt to create significant problems for America.

Now, I know that the trade matter is under the jurisdiction of another committee. But we all realize that there have been nations buying and spying their way into our trade secrets, our patents, our technology with a powerful impact and influence on our productivity and competitiveness. I want to thank the committee for allowing an amendment to be made in order by me that would require a report describing the effects of espionage against America conducted by other nations relative to our trade secrets, our patents, our technology development and basic competitiveness. It shall also include an analysis of the effects of such espionage on our trade deficit and on the employment rate in the United States.

This bill handles the intelligence community's needs quite well, but I think that we take a passive role when we do not look at spying and buying into our economic viability. It is not just the military aspects that produce a great national security threat. I believe a great national security threat is also present through our economic activity.

With that, I want to thank them for allowing the amendment to be made in order.

Mr. GOSS. Mr. Chairman, I am happy to yield 4 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), a more than highly valued member of the committee, chairman of one of our subcommittees, a member who has led the task force on drug efforts that have been ongoing these years, a man whose contributions through the Committee on the Judiciary and his value from that position on the committee is extraordinary.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the Intelligence Authorization Act for Fiscal Year 2000. As chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I am very pleased to report that this bill continues four key investments we must make in order for our government to be more effective against narcotics traffickers, terrorists, proliferators and rogue states.

The first investment we must make is in human intelligence. Mr. Chairman, the unintentional bombing of the Chinese embassy in Belgrade underscores what our combat pilots and our diplomats have been telling us all along. On-the-ground, human intelligence is as essential to the targeting of our bombs as it is to the drafting of our demarches. To wage an effective war or to maintain an effective peace, we must deploy intelligence officers overseas to penetrate the war rooms and the boardrooms of our adversaries.

This bill, Mr. Chairman, helps us get there. It will indeed help put more eyes and ears out into the problem areas of the world to get us the intelligence that we need to win wars, to keep the peace and to protect our national interests.

The second investment we must make is in the all-source analyst. Intelligence is the enabler of policy. The all-source analyst must provide our policymakers and our military with finished intelligence and assessments on matters from Kosovo to the Congo, from Pyongyang to Papua New Guinea.

In that light, Mr. Chairman, I am particularly pleased to report that the authorization bill continues the rebuilding of our analyst cadre. In the bill we provide for better training of our analysts, for more competitive analysis and for broader and longer term assessments than are done at present. Finally, as in past years, we provide more support for the efforts of our analysts to integrate overt with covert information and to determine what information must, in fact, be collected clandestinely.

The third investment is in counterintelligence. This bill provides more funding for the counterintelligence programs of the FBI and the Department of Defense.

We are all aware of the serious espionage case involving the Department of Energy. For some time the committee has urged the Department of Energy to improve its counterintelligence program. In this bill we provide for better monitoring of foreign visitors to the labs, for better support of FBI investigative activities, for better cyber security and personnel security, and for better analysis of foreign intelligence threats. Those threats are real, they are growing, and they will be present with us for a long time to come. We really need to improve counterintelligence with whatever support resources we can.

This bill takes steps in that direction. We will need to take more in future years.

Finally, Mr. Chairman, this bill invests in a major way in a matter of deep and long-standing personal interest to me, the war on international crime and on narcotics trafficking. In drafting this bill, we have worked closely with the House Committee on Armed Services in order to rebuild our intelligence community's capabilities against the world's most dangerous criminal organizations, from the United Wa State Army in Burma to the Colombia drug cartels to the Tijuana cartel in Mexico.

It strikes me that if we are going to make the efforts we did in legislation the President signed into law last year in the Western Hemisphere Drug Elimination Act come to life and be real, we need to properly support that legislation in our budget and in our funding programs both in intelligence and in terms of programs for Customs, for DEA and for the Coast Guard. We need

more planes to survey the region. We need the kind of radar we do not have now. We need to have chase planes. We need to have more vessels and ships. We need to have alternative crop programs. We need to interdict drugs as well as, of course, get at the education side of this.

Intelligence is a very important part of that. If we do not have the right intelligence apparatus in place in Central and Latin America in particular, we will never be able to do what the bill calls for and that is to reduce the flow of drugs into this country by 80 percent over a 3-year period of time. I believe that can be done, I believe the intelligence component of that is in this bill, and it is very important.

In sum, this bill supports our eyes and ears overseas, assists our analysts back home and revitalizes our counterintelligence and counter-narcotics efforts throughout the intelligence community. The bill is one part of a coordinated effort against the evils of international crime.

I thank the gentleman for yielding me this time and congratulate him on a bill well done.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank our ranking member for yielding me this time and commend both the gentleman from California (Mr. DIXON) and the gentleman from Florida (Mr. GOSS) for their leadership on our committee and in conducting the proceedings, in the gentleman from Florida's case as our chairman, in a very fair and non-partisan way.

I as one from the left of the spectrum came to the committee to subject the budget to the very harshest scrutiny, to declassify as many documents as was possible in our national interest, and also to hopefully see more diversity among the people who work in the community. I think that is important because we should have the community tap the talents of all the people in our society. I think it will lead to better intelligence because we will have resources far beyond those that we have now.

Today, I wanted to address a couple of issues which are current in my remarks about the bill, and because we may be called into the appropriations supplemental conference at any moment, I am going to talk about some of the amendments in my remarks here today. But on two issues, Chinese espionage and the mistaken bombing of the Chinese embassy in Belgrade, I wanted to make a couple of observations.

In terms of the alleged espionage at our labs, I think this is a very, very serious problem. I believe it is unfortunate that the safeguards were not in place to protect our critical advantage, our competitive advantage in terms of national security and the weapons that are at our disposal. I think that what is happening in Kosovo is a demonstration that war should be obsolete as an

option. But that not being the case, we have to protect the investment we are making in our national defense and we have to, as our chairman has said, have a force multiplier in the intelligence that we have to prevent conflict and to equip our President with the best possible information.

But in dealing with the espionage issue, I hope that we will be careful not to impugn the good reputations of the many Asian Americans who are so excellent in the field of mathematics and science and who have provided great service to our country, our Asian American community. We must be very, very careful about how we deal with that issue in those terms.

We must also not impede the free flow of scientific information. I am not talking about our secrets. I am talking about that kind of information that should flow freely among scientists and it should flow internationally. I think every person and every country in the world benefits from that.

We also must not demoralize all of the scientists at the labs. We must recognize the service they have all provided to our country and not investigate any one of them because of their national origin, that we must have real cause, and it be directed toward programs that they are working on rather than, as I say, national origin.

In terms of the air strike, there are accidents that happen in war. This was not an accident. This was a stupid mistake. I think that the Chinese government—and I have never been one to pull a punch in my criticism of the Chinese government as everyone here knows—deserves the apology which it has received from the President of the United States. I think the Chinese government deserves an inquiry into how this happened to allay any suspicions that they may have that it was anything but a mistake or an accident.

I also think that our country should make reparations to the families of those who died and those who were injured in that tragedy.

□ 1145

I do not think that we should, as some in China and the China Business News have suggested, hatch some economic favors for the Chinese to make up for the bombing of the embassy, and I do think that the Chinese, in respect for all the catering to the Chinese that President Clinton has done, owed him the courtesy and the respect of showing his apology to the Chinese people far earlier so as not to inflame the sentiments of the Chinese people against the United States.

It is interesting to me to see these young people driven up in buses, corralled by the Chinese military to the front of our embassy where they threw pieces of sidewalk over a number of days at our embassy with our ambassador inside. I did not see anybody being taken away by the police except to be escorted to safety where young people 10 years ago, almost to the day,

when they demonstrated peacefully in Tiananmen Square were rolled over by tanks.

So I would hope that in addition to our apology, our reparations and our inquiry that the Chinese would also look into the perpetrators of that demonstration, that violent demonstration, against the American embassy in China.

Since I do not have very much time, I am going to go on to the amendments since I might have to go to committee and I will not be here to speak on them. I think that most of the amendments offered by our colleagues should be accepted by the committee, specifically that of the gentleman from Georgia (Mr. BARR), and the gentleman from New York (Mr. ENGEL) relating to the Kosovo Liberation Army. I hope the committee will be able to accept the amendment of the gentleman from New York (Mr. HINCHEY), which I think is very well founded, about the investigation of the assassination of President Allende. I understand the gentleman from Kansas (Mr. RYUN) may or may not offer his, but I hope we can work out the amendment of the gentleman from Vermont (Mr. SANDERS), the gentleman from California (Mr. STARK) and the gentleman from Oregon (Mr. DEFazio), which I think is a valuable addition to the bill. I hope that the committee will accept the recommendation of the gentleman from New York (Mr. SWEENEY), and I certainly support the recommendation of the gentlewoman from California (Ms. WATERS), and I hope that that will be worked out.

With that I again commend the gentleman from Florida (Mr. GOSS) for the way he conducts our meetings and the proud leadership of our ranking member, the gentleman from California (Mr. DIXON).

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a new member of our committee, who has already established her credentials in helping us with the matters in Los Alamos, which happens to be in her district.

Mrs. WILSON. Mr. Chairman, I want to thank the chairman of the Permanent Select Committee on Intelligence, and the ranking member and the staff for their hard work on this authorization bill. I would like to take a few moments to talk about Chinese espionage directed at the Department of Energy and at our national laboratories, including Los Alamos and Sandia, which are in my home State of New Mexico.

Since the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) completed their extensive review of this issue last fall, we have been reviewing the evidence, and listening to experts and thinking about what we should do. Some facts are clear.

First, the Chinese have obtained classified information on our nuclear weapons program that has endangered American national security.

Second, while public attention has focused on a few individuals and principally Los Alamos National Lab, this was not a single instance of a lucky break by the Chinese. It is just one piece in a mosaic of Chinese espionage activity.

Likewise, the failure to protect these secrets was not just a failure of an individual, but of institutions, lousy communication between agencies, lost files, weak procedures, inadequate resources and just plain poor judgment show up again and again in the history of this incident.

Now it is up to Congress to begin to correct these failures, and let us be clear from the beginning. There are not going to be any simple solutions.

There are several elements of this authorization bill that begin to address these deficiencies.

The bill includes additional funds to subject the China-Taiwan Issues Group at the CIA to rigorous external competitive analysis, to challenge thinking more aggressively, and to report to the Congress biannually on this effort.

Second, the committee is recommending a substantial funding increase to the Department of Energy for analysis of foreign nuclear weapons programs. Special emphasis will be on the Chinese and Russian programs as well as proliferation.

The bill authorizes substantial increase in funding for the DOE Office of Counterintelligence, including new counterintelligence computer information security programs, and we increase funding for the FBI for counterintelligence and investigative training.

Finally, the committee has added substantial funding for language training to correct a serious shortage of linguists in the intelligence community.

These efforts are only the beginning of what must be done to improve our national counterintelligence activity. I believe that we need further comprehensive legislation to remedy this problem and have been working in a bipartisan way with my colleagues to begin the drafting of that legislation. There are at least a dozen recommendations that we have developed thus far, and I will include those recommendations at the appropriate point for the RECORD.

Mr. Chairman, we will be dealing with the consequences of this situation for a long time. The bill before us is the beginning of that process. I look forward to working with my colleagues to that end.

1. We must create a special set of security requirements for DOE and DOE contractor employees who have access to nuclear information. Those who have physical access to sensitive area must all be investigated, cleared and readily identifiable. As difficult as it is to believe, there are people with rather superficial background checks that have physical access to sensitive facilities who are not allowed to have access to the information in them.

2. The FBI, no contractors, should handle all Q clearances background checks.

3. Sensitive employees, as a condition of clearance must agree to take polygraphs, which would then trigger further investigation if the polygraph indicates deception.

4. The government must be allowed to monitor e-mail and telephone traffic into and out of the national laboratories an nuclear weapons plants.

5. The FBI must be allowed to search and monitor computers and telephones within national laboratories, something we don't allow now, as incredible as that sounds.

6. Compel the FBI to inform the DOE office of counter-intelligence and the Assistant Secretary for Defense Programs within fifteen days of the initiation of an espionage investigation of any DOE or DOE contractor employee. In one of the Los Alamos cases, no notification was made for four years.

7. Require the DOE official responsible for Q clearances to be informed of all issues that might impact the issuance of a clearance, even when such issues fail to rise to the level of an indictment.

8. Improve timely communication of all such matters to the leadership of Congress and the appropriated committees of jurisdiction.

9. Set clear conditions and procedures for unclassified and classified visits to our national laboratories by foreign visitors from sensitive countries.

10. Require that DOE develop and maintain a comprehensive counterintelligence plan which must be reviewed and certified as adequate annually by the FBI to the President and the relevant committees of the Congress.

11. Establish vulnerability assessment group with responsibility for assessing and evaluating the vulnerability of DOE and the labs to espionage, including conducting classified operational tests of lab security. The group will report annually to the relevant Congressional Committees.

12. Establish in law a special assistant for counter intelligence reporting to the Secretary of Energy with responsibility for management and oversight of the DOE counter-intelligence program. This individual must have professional experience in intelligence and counter-intelligence matters. The bill that is before us today is the beginning of that process.

Mr. Chairman, we will be dealing with the consequences of this situation for some time. It is my hope that we can develop a bipartisan consensus bill in the House that will provide real protection of America's secrets.

We have a serious problem and we need to address it. But, at the same time, we must be careful. The national laboratories are tremendous national assets which employ some of the most brilliant scientific talent in America. In our eagerness to solve a problem, we must make sure that we do not damage that which we are trying to protect.

I look forward to working with my colleagues to that end.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER), a very valuable member of our committee.

Mr. ROEMER. Mr. Chairman, I want to, first of all, thank my good friend, the ranking member, the gentleman from California (Mr. DIXON) and applaud him forever his hard work on the committee and also our chairman, the gentleman from Florida (Mr. GOSS) for the way that the majority and the minority parties work together.

With that preface, Mr. Chairman, I voted for this bill, to send it to the floor, but I do have a host of hesitations, caveats, concerns and reservations. I will vote for this bill today, but I hope these reservations and hesitations and caveats are addressed between now and the conference report. I will also vote for this bill because I think it is important for our intelligence community and our intelligence assets to cooperate with our military at a time that we find ourselves at war not only in Kosovo but at war in Iraq, and that cooperation is vital.

But my concerns are fivefold, Mr. Chairman:

One, the Chinese embassy bombing. I disagree strongly with Senator SHELBY, who has stated that this is a funding priority concern and we are not spending enough money. This is an individual mistake, this is a system mistake, this is a CIA mistake, and not updating the maps I think is a failure of the CIA to provide some basic information in this instance, and I am hopeful that the gentleman from Florida (Mr. GOSS) as our chairman will have not only a hearing on this but an open hearing followed by possibly a closed hearing.

Secondly, I am concerned about the string of failures in our missile launches and our access to space. The gentleman from Delaware (Mr. CASTLE) and the gentleman from Georgia (Mr. BISHOP) have shown their concern on this issue, and that is something that we are following up on.

Thirdly, I am concerned about the security of the national laboratories, and I hope that this is not a partisan political and wedge issue that the parties will get into. This again, Mr. Chairman, is a failure of institutions, it is a failure of administrations, and it is a failure of systems.

Fourthly, Mr. Chairman, I am concerned about something that the chairman is very, very concerned about and trying to address, and that is the ongoing need for hiring more linguists and analysts, and it is something he is very devoted to and something we need to continue to work on.

And lastly, and our ranking member said this better than I did or I could, we have concerns about the SAPs, or the special access programs, are not being systematically reported to the Permanent Select Committee on Intelligence. We do need to address this between now and the conference, and this is something that I think is important to a host of different members on the committee on both sides. We need more oversight of the SAPs, we need more reporting of the SAPs, we may even need a person in charge of this process.

So those are the five concerns I have, Mr. Chairman, and I hope that we will address those in the ensuing months with the Senate Intelligence Committee in conference and again applaud the chairman and the ranking member for their working relationship.

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members to avoid personal references to Members of the United States Senate.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Let me assure the gentleman from Indiana (Mr. ROEMER) that all five of the points he made are very much on my schedule.

Mr. Chairman, I yield 4½ minutes to the gentleman from Delaware (Mr. CASTLE), another subcommittee chairman of our subcommittee system on the Permanent Select Committee on Intelligence who has served us very well and recently addressed one of the points about missiles which we may hear more about.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Florida for yielding this time to me, and, Mr. Chairman, I do rise in very strong support for this bill, and I really do commend the gentleman from Florida (Mr. GOSS), our chairman of the committee, and the gentleman from California (Mr. DIXON), our ranking member, for their efforts and the other members of this committee. They are a pleasure to work with as well as the staff which works so well together in a truly bipartisan sense, and I think that today together we have brought to the floor a good bipartisan bill that continues to work toward rebuilding our intelligence capabilities, and, Mr. Chairman, these capabilities have been seriously and dangerously hollowed out. We have been saying this for 4 years now, and unfortunately there are now stark reminders of the risks we have taken.

Mr. Chairman, our chairman has discussed the intelligence issues that contributed to the errors that related to the bombing of the Chinese embassy in Belgrade. Therefore I do not want to dwell on this except to say that I also view this issue as a result of past policies and emphasize collection at the expense of processing and analysis and emphasize tactical intelligence at the expense of strategic intelligence, and I emphasize at the expense because there is an issue of imbalance here. We cannot do one and not the other. If we collect data but do not have the wherewithal to analyze it expertly, the value of the collection is diminished regardless of how much users say it is needed.

Tactical intelligence gives a pilot the information that tells him or her when life-threatening missiles may be in the area of operations, but strategic intelligence gives us the data to know the types of missiles in the area in the first place and gives the data that distinguishes an embassy from a storage facility.

Put simply, we cannot do one without the other and be successful in protecting our security and reducing the chance of mistakes.

But there are other issues that are just as important in this debate that point to the fragility of our intelligence community.



As the chairman of the Subcommittee on Technical and Tactical Intelligence, I face some of the most perplexing and costly problems in front of the committee. I would like to mention two such problems. First is the issue that I mentioned briefly before relating to that imbalance between collection on the one side and processing and analysis on the other. This is an area of great concern to the committee and one that we specifically highlight in this bill.

Put simply: We have new imagery collection systems coming down the pike, and the administration has done virtually nothing by way of preparing for the processing and analysis of the images taken. There is supposedly a plan that is under development, but there is no budget for it. Yet experts have privately indicated that the cost over the next 5 or so years could be in the billions.

Without this investment in processing and analysis the collected imagery will be almost useless. Without this investment mistakes will continue to be made. There will be more misidentified buildings, especially as we learn from one foreign policy crisis to the next around the globe. In this bill we have not only sent a warning shot to the administration but have also begun an investment, although modest, to try and fix this imbalance between collection and analysis.

A second area of concern is the recapitalization of our signals intelligence capabilities. Again put simply, I am afraid that we run the risk of going deaf to the worldwide explosion of communications technologies. Obviously, Mr. Chairman, I cannot go into the details in this area, but suffice it to say that there is a very serious issue here, and again we address that issue in this bill.

One last area of concern to me is our ability to launch satellites into space. The gentleman from Indiana (Mr. ROEMER) mentioned this moments ago. As many of us my colleagues know from reading recent press reports, we are having a crisis of confidence in our launch systems based on a series of failures within the past year. This is an issue that we are looking into now, and we have had a series of discussions with various experts on this particular subject already that will probably go to the hearing stage next.

□ 1200

This is an issue that we must continue to look into, but it points to the fact that intelligence resources cannot be taken for granted. Without the proper care and investment in the infrastructure, we place our resources at risk.

Mr. Chairman, the concerns that I have addressed are not the only ones we need to address. There are many more, some large, some small. It is clear, however, that a long-term commitment to investment in intelligence is needed. The administration is not doing it, so we have to.

The adds proposed in this bill are fairly modest, especially compared to the need, but it is a start. It invests in the recapitalization of our signals intelligence capabilities, it begins the process of investment for processing and analysis, and it provides the guidance and support that the Director of Central Intelligence needs but seems only to be getting from Congress.

The bill addresses the most urgent needs that get us going in the process of rebuilding our capabilities. It is a good bill. It works to both balance and invest in our national security future. It is a must, and I ask the Members of the House to give it our full support.

Mr. DIXON. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank our distinguished ranking member, the gentleman from California (Mr. DIXON), for affording me a little bit of time to clarify my position on the Sweeney amendment, which I said earlier that I had hoped the committee could accommodate.

It was more in the spirit of what the amendment says about the willful identification of U.S. intelligence agents also including such protections to cover former agents. I think there should be a stern penalty for those who would be involved in the willful identification. I do not think that, as the Sweeney amendment says, there should be minimum mandatory penalties but that should be left up to the judges.

These people put themselves in harm's way. They deserve our protection, but the minimum mandatory sentence is not what it should be.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BISHOP), the ranking member of the Subcommittee on Technical and Tactical Intelligence of the Permanent Select Committee on Intelligence.

Mr. BISHOP. Mr. Chairman, I thank the gentleman from California (Mr. DIXON) for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

I would note, first of all, that this legislation was approved unanimously in the committee, a reflection of the efforts of the gentleman from Florida (Mr. GOSS), the chairman, and ranking Democrat member, the gentleman from California (Mr. DIXON), to produce a bipartisan bill.

This year I became the ranking member of the Subcommittee on Technical and Tactical Intelligence, and in plain language this subcommittee is responsible for oversight of the ways in which intelligence is collected using machines like satellites and airplanes, rather than human beings.

The subcommittee is also responsible for intelligence systems and activities that support our military forces tactically. These systems are critically important for virtually all of the intelligence community's missions, from combatting terrorism and narcotics

trafficking to supporting our troops in combat in the Balkans and the Persian Gulf.

This bill is very consistent with the request submitted by the President. In several areas, the committee recommends modest increases in the amount requested by the President.

In general, I am very supportive of these decisions. For example, this bill adds funds to help the National Security Agency reshape itself to keep pace with the incredible growth in the size and complexity of the global telecommunications network.

The committee is concerned that NSA needs some organizational and management reforms as well as some engineering expertise from industry to sustain its remarkable record in defense of the Nation.

The committee also recommends additional funding in selected areas of the National Imagery and Mapping Agency, or NIMA. NIMA faces a very large shortfall in its capacity to exploit the volume of imagery that we will be able to collect in the near future for intelligence needs and for mapping. The committee has recommended increased funds for NIMA to begin this expansion and to increase its productivity.

The committee has also recommended funds for additional procurement of pictures and products from the commercial sector.

On the debit side, the committee recommends a relatively modest reduction in the budget for the National Reconnaissance Office, or NRO, which builds, launches and operates the Nation's intelligence satellites. Included in the committee's recommended actions is a proposal to defer a decision until conference with the Senate on whether to continue production of an NRO satellite or to initiate a new design.

I believe that this proposal was a reasonable compromise, and I appreciate the chairman's willingness to accommodate the concerns of Democrats on it.

The committee bill also contains recommendations for increases in several important tactical intelligence missions and systems, including the RC-135 signals intelligence aircraft, the Predator and Global Hawk unmanned aerial vehicles, and tactical antisubmarine warfare programs.

Since the committee marked up this bill, there have been three successive satellite launch failures to go along with another three suffered just since last August. The Subcommittee on Technical and Tactical Intelligence held its first briefing yesterday on this very disturbing string of failures, and the gentleman from Delaware (Mr. CASTLE), the chairman of the subcommittee, along with the gentleman from Indiana (Mr. ROEMER) have pledged to continue the subcommittee's examination of this potentially serious problem over the coming months.



Mr. Chairman, this bill would provide the funds that are needed to sustain our efforts to combat terrorism, narcotics trafficking and weapons proliferation and to support our military forces. It is a responsible and prudent measure, and I am pleased to support this bill, and I urge my colleagues across the aisle, on both sides of the aisle, to support it as well.

Mr. UNDERWOOD. Mr. Chairman, there has a flurry of news articles, exposés and anti-China speeches in recent weeks over the Los Alamos Labs Espionage Case. But it didn't start with that. For months politicians have been making fantastic accusations of Chinese smuggling AK-47s into the port of Los Angeles, PLA owned businesses acquiring warehouses in Long Beach, California, Chinese bases at either entrance of the Panama Canal, Chinese campaign donations to the Democratic party and Chinese theft of dual-use technologies. These are only some of the more outrageous of stories.

This takes us to our current crisis, recently stoked by the accidental and unfortunate bombing of the Chinese embassy in Belgrade by NATO forces. No doubt the collective sum of our concerns with Chinese, both true and imagined, have led to the souring of U.S.-China relations. The Chinese, in all likelihood do indeed spy against the United States. Just, as I would suspect, many other nations both friendly and adversarial. We should not be so alarmed, so offended. This is the reality that nation-states must accept and must employ for their own security. Accusations of Chinese espionage notwithstanding, security weaknesses in our weapons labs are a serious concern. However, these problems can and will be corrected. And they must be corrected responsibly. Legislation aimed at destroying the free exchange of scientific knowledge through our foreign visitors program would do more harm to our national security than good. We can stem the illegal flow of classified information in other, non-draconian ways. Indeed we are capable of such feats.

For the past couple of months now, committees and subcommittees have held hearings on the Los Alamos case and the allegations of Chinese espionage. As we discuss today's Intelligence Reauthorization legislation, we have to ensure that the current rash of stories and the current state of our relationship with China has no impact upon the lives and the employment or economic opportunities of individual Asian Americans around the country. We in Congress have a special responsibility to make sure that our sentiments about these matters of espionage, these matters of our relationship with China or any Asian or Pacific country in clearly separate from any reflection upon the ethnic communities in our country. As we deal with the Cox Report, as we deal with the Department of Energy revelations, let us remember that there is a very real danger of stereotyping and stigmatizing all members of our Asian American communities.

Let us also remember the contributions Asian Pacific Americans have made to our nation. May is Asian Pacific American Heritage Month, and I encourage my colleagues to participate in the month-long activities held in honor of the Asian Pacific Americans in our districts and in our nation. Especially at this time when allegations of espionage and relations with countries like China are scrutinized

and questioned, as Members of Congress, we must take measures and assure our Asian Pacific American communities that their professional advancement and employment in federal agencies will not be impeded and obstructed, that their diligence and dedication will not be erased and forgotten in the face of mere speculation.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the rule for H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000. The distinguished gentleman from Florida [Mr. GOSS] Chairman and the distinguished gentleman from California [Mr. DIXON] Ranking member of the House Intelligence Committee are to be commended for their leadership and fine work on this bill.

Intelligence, Mr. Chairman, is an enabler of policy. On occasion, where its sources and methods take us where diplomacy cannot go, intelligence is the sole enabler of policy.

Let me give you an example. Some time ago, in what used to be called the Third World, a large rebel force invaded and occupied almost a third of a country with whom we enjoyed good relations. From way back here, in Washington, it looked as if a rogue state had precipitated that invasion. Some back here, in fact, were so convinced that the invasion was the doing of that rogue state that they decried the lack of proof as an "intelligence failure" on the part of CIA. Only later, after looking at the Agency's reporting, did Washington realize that the facts in the field did not fit the preconception here at home: The invasion was fundamentally indigenous in cause and in makeup. This affected our actions against the rogue state and shaped our policy toward the friendly nation.

The better the intelligence, the better the policy. Our ambassadors around the world, especially those in unstable or underdeveloped countries, understand that and urge our help in obtaining or retaining an intelligence presence in their countries. In those countries, particularly, intelligence can reach beyond the bounds of diplomacy and provide the ambassador and the Department of State with the understanding they must have to make sound policy. Secretary Albright recently visited the CIA at the Bush Center for Intelligence to give the rank-and-file there this same message.

As an alumnus of the Intelligence Committee and the Vice Chairman and subcommittee chairman in the International Relations Committee, this Member well knows how important intelligence can be to the formation of policy. H.R. 1555 will help put more intelligence officers out in the field to collect the intelligence that policymakers must have. The bill will help hone the skills of the analysts who interpret and assess that intelligence for our policymakers. In short, H.R. 1555 will continue the process of rebuilding the capability of our intelligence community to support the policymaking process. This bill, and the hours of care and guidance from the Chairman and Ranking Member that produced it in its present form, deserve your support.

Finally, after hearing much in recent days about what went wrong over Belgrade last week, this Member would like to end his remarks with a recent quote from President Bush during the dedication of the Bush Center for Intelligence at Langley:

"Some people think, 'what do we need intelligence for?' My answer to that is we have

plenty of enemies. Plenty of enemies abound. Unpredictable leaders willing to export instability or to commit crimes against humanity. Proliferation of weapons of mass destruction, terrorism, narco-trafficking, people killing each other, fundamentalists killing each other in the name of God. These and more. Many more. As your analysts know, as our collectors know—these are our enemies. To combat them, we need more intelligence, not less.

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"And when it comes to the mission of CIA and the Intelligence Community, Director George Tenet has it exactly right. Give the President and the policymakers the best possible intelligence product and stay out of the policymaking or policy implementation except as specifically decreed in the law."

President Bush then closed with this:

"It has been said that 'patriotism is not a frenzied burst of emotion, but rather the quiet and steady dedication of a lifetime.' To me, this sums up CIA—Duty, Honor, Country. This timeless creative service motivates those who serve at Langley and in intelligence across the world.

"It is an honor to stand here and be counted among you."

Mr. Chairman, this Member agrees with those words and urges support for the rule for H.R. 1555.

Mr. DIXON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to the committee amendment is in order unless printed in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate.

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device in the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2000".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

*Sec. 1. Short title; table of contents.*

**TITLE I—INTELLIGENCE ACTIVITIES**

*Sec. 101. Authorization of appropriations.*

Sec. 102. Classified schedule of authorizations.  
 Sec. 103. Personnel ceiling adjustments.  
 Sec. 104. Community Management Account.  
 Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 1999.

## TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

### TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Sense of Congress on intelligence community contracting.

### TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of CIA central services program.

### TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Protection of operational files of the National Imagery and Mapping Agency.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

#### TITLE I—INTELLIGENCE ACTIVITIES

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1555 of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

##### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not,

for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

##### SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$193,572,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2001.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 348 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2000, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization in subsection (a), the amount of \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

##### SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) AUTHORIZATION.—Amounts authorized to be appropriated for fiscal year 1999 under section 101 of the Intelligence Authorization Act for Fiscal Year 1999 (Public Law 105-272) for the conduct of the intelligence activities of elements of the United States Government listed in such section are hereby increased, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased by an emergency supplemental appropriation in a supplemental appropriations Act for fiscal year 1999 that is enacted after May 1, 1999, for such amounts as are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) RATIFICATION.—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of those amounts deemed to have been specifically authorized by Congress in the Act referred to in subsection (a) is hereby ratified and confirmed.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of \$209,100,000.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

#### TITLE III—GENERAL PROVISIONS

##### SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

##### SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

##### SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of title III (page 10, after line 2), insert the following new section:

**SEC. 304. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.**

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report describing the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development. The study shall include an analysis of the effects of such espionage on the trade deficit of the United States and on the employment rate in the United States.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, our intelligence community, even though they have made mistakes, is basically not patted on the back and rewarded for thousands of good things they accomplish; and I want to commend the chairman, who is a former intelligence agent and has done a great job educating many of us who have our concerns about the intelligence community, and the gentleman from California (Mr. DIXON) on the bill.

While I feel we do a great job looking at the national security aspects through military activities, we can buoy up and should buoy up our efforts to look at buying and spying of foreign interests into our competitive industrial trade scenario. With that, the Traficant amendment calls for a report from the CIA to describe the effects to Congress of buying and spying against the United States by other nations relative to our trade secrets, our patents, our technology development and our industrial competitiveness.

It also states that the study shall include an analysis of the effects of such buying and spying on our trade deficit, which is approaching one quarter trillion dollars this next year, \$250 billion, with China and Japan now taking \$5 billion a month each out of our economy. Unbelievable. I want to know how much of it is buying and spying.

With that, the report shall also give us an analysis of not only the negative balance of payments in the trade deficit but on the impact on employment and competitiveness of our Nation.

With that, I would hope that I would have the support of the committee. If I do not, I ask that the chairman overrule them on my behalf.

In all seriousness, I believe it is necessary. It buoys up a part of this bill that makes us look at the domestic industrial side, and I would seek and ask for the support of our chairman and ranking member.

Mr. GOSS. Mr. Chairman, I rise in support of the amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Chairman, on this side, we will accept the amendment. I think it is a good amendment.

I want to just point out one mistake that the gentleman from Ohio (Mr. TRAFICANT) made, that inadvertently he made, in that there is a lot of confusion in the terminology as it relates to the intelligence community. He used the term "agent." I understand the gentleman from Florida (Mr. GOSS) was an employee of the CIA, and his title was a "case officer."

There is confusion about "agent," "asset," and "case officers." In the future, this reference may be made, and I know the gentleman from Ohio (Mr. TRAFICANT) did not understand that. It just goes to show how easily, even those of us who are involved in Congress, can make a mistake.

Mr. GOSS. Mr. Chairman, I thank the gentleman from California (Mr. DIXON), the distinguished ranking member, for making that point. It actually is a very important one. It may be subtle to some, but it is extremely important, and I appreciate it.

Mr. Chairman, I am very much prepared to accept the amendment of the distinguished gentleman from Ohio (Mr. TRAFICANT). I think it is a good amendment. I think it adds substance to an area that we have already signalled an interest in, and it gets specific in some areas that, in fact, we have had some select committees working on as representative of this institution.

So I think the gentleman is on target. I am very much supportive of the amendment and happy to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer amendment number 10, which is printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. Sweeney:

At the end of title III (page 10, after line 2), insert the following new section:

**SEC. 304. PROTECTION OF IDENTITY OF RETIRED COVERT AGENTS.**

(a) IN GENERAL.—Section 606(4)(A) of the National Security Act of 1947 (50 U.S.C. 426(4)(A)) is amended—

(1) by striking "an officer or employee" and inserting "a present or retired officer or employee"; and

(2) by striking "a member" and inserting "a present or retired member".

(b) IMPOSITION OF MINIMUM PRISON SENTENCES FOR VIOLATIONS.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by inserting "not less than five and" after "or imprisoned";

(2) in subsection (b), by inserting "not less than 30 months and" after "or imprisoned"; and

(3) in subsection (c), by inserting "not less than 18 months and" after "or imprisoned".

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

Mr. SWEENEY. Mr. Chairman, before addressing my amendment, allow me to first express my strong support for the intelligence authorization bill and commend the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON), the ranking member, for their great work on this important bill.

Mr. Chairman, our intelligence community is truly our first line of defense; and we must do everything in our power to ensure that our counterintelligence operations are as strong as our potential enemies. The amendment I am offering today is intended to complement this fine bill on an important national security issue, the protection of our intelligence agents.

Mr. Chairman, my amendment simply increases the criminal penalty for individuals who expose covert agents and expands the Intelligence Identities Protection Act to protect the identities of former agents as well.

First and foremost, my amendment establishes a minimum mandatory penalty for the willful identification of a United States intelligence agent. The existing criminal penalties against such an offense are woefully inadequate. While several lesser criminal offenses require mandatory minimums, few are as consequential to the interests of our national security as the protection of those who serve our country in this capacity.

Secondly, the amendment extends the scope of these protections to former covert agents as only current agents are now covered by the law. By increasing the criminal penalties for disclosing identities for existing agents and by including former agents, my amendment accomplishes several important national security objectives and appropriately emphasizes the high priority with which we make national security. It protects agents and former agents from possible harm as a result of the disclosure of their true identities and past locations and activities. It also protects the entire intelligence network that often remains in place after an individual agent leaves his or her assignment.

□ 1215

By protecting retired agents, the amendment protects those active operatives who may have assumed the former agents' positions.

Through the Freedom of Information Act people obtain information relevant to U.S. intelligence operations. Currently no statutory protection exists to prohibit identification of retired intelligence agents. This initiative strengthens the penalties against disclosing the information that identifies covert agents. Penalties in my amendment are proportional, yet tougher to those which exist under current law.

The majority of our current and former intelligence agents serve or

have served the United States at considerable risk, Mr. Chairman, and there is absolutely no justification for exposing them to danger.

Identifying current or former agents warrants serious criminal liability, and my amendment does just that. Ensure the safety of our intelligence community and provide adequate penalties to those who jeopardize America's national security by voting yes on the Sweeney amendment to H.R. 1555.

AMENDMENT OFFERED BY MR. GOSS TO  
AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amend-  
ment No. 10 offered by Mr. SWEENEY:

Strike subsection (b) of section 304, as proposed to be added by the amendment and insert the following:

(b) IMPOSITION OF MINIMUM PRISON SENTENCES FOR VIOLATIONS.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by striking "shall be fined not more than \$50,000 or imprisoned not more than ten years, or both." and inserting "shall be imprisoned not less than five years and not more than ten years and fined not more than \$50,000.";

(2) in subsection (b), by striking "shall be fined not more than \$25,000 or imprisoned not more than five years, or both." and inserting "shall be imprisoned not less than 30 months and not more than five years and fined not more than \$25,000.";

(3) in subsection (c), by striking "shall be fined not more than \$15,000 or imprisoned not more than three years, or both." and inserting "shall be imprisoned not less than 18 months and not more than three years and fined not more than \$15,000.".

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, the perfecting amendment to the Sweeney amendment that I have offered I am told makes a technical correction. The amendment filed contained a drafting error, and as a result, would not impose a true mandatory minimum sentencing requirement, which was the intent. Whether we agree or not, the intent was to make it mandatory.

The amendment clarifies the intent of the amendment to toughen the sentencing standards and impose mandatory minimums. I understand, in plain English, it is both a penalty and mandatory time.

I would ask the gentleman from New York, is my understanding correct?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from New York.

Mr. SWEENEY. That is correct, Mr. Chairman, that was my intent.

Mr. GOSS. Reclaiming my time, then, Mr. Chairman, and going to what that would leave us with on the

Sweeney amendment if the secondary amendment is considered and approved is that we would have an amendment which would in fact deal with the Agent Identities Protection Act and put some more teeth into it.

I would point out that Mr. Solomon, our colleague from New York, former chairman of the Committee on Rules, offered a similar amendment in 1981 which I am told passed the House by some 300 votes and then disappeared in conference, as sometimes happens.

As Members will recall, the Intelligence Identities Protection Act penalizes the unauthorized disclosure of identities of covert employees and assets of the United States. This is willful disclosure, we are talking about here. We are not talking about an accident or a slip of the tongue or leaving a document someplace by a mistake. Those are bad things. We are talking about setting out to deliberately expose classified information that can result in harm to an individual, serious harm.

Mr. Chairman, I understand originally that the act was offered in 1979 by Chairman Boland in response to the disclosure of identities of CIA officers and assets by Philip Agee, Louis Wolf, and others. The Act is sharply focused upon present and former cleared employees and upon those who publish deliberate and repeated disclosures of the type found in the Covert Action Information Bulletin.

The Act has been an useful tool for prosecutors and the intelligence community, although it has not been applied aggressively, as some prefer, including me. The U.S. government has charged some current and former employees, and as an apparent consequence of that, the disclosures have been abated. But it has been a pretty weak tool. It has not been able to be used as it was originally intended.

I honestly believe that the amendment of the gentleman from New York (Mr. SWEENEY) does add extra strength, and does it in a reasonable way. We are not throwing out all the rules of judicial protection or anything like that. What we are basically doing is putting people on notice that for willful disclosure of agent identities, there is a penalty. It is a serious penalty, because it is a serious crime.

Having said that, I will urge acceptance of the Sweeney amendment, as perfected by our secondary amendment.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate the gentleman from New York (Mr. SWEENEY) on his amendment. I will not object to it, but I do have some concerns with it.

As I understand the amendment and the perfecting amendment, basically it does two things. It covers retired agents, but the concern I have is the decision to make penalties, whether they be incarceration or money fines, mandatory without hearings. Gen-

erally speaking, I am opposed to mandatory sentences. I have great faith in the Federal judiciary.

I do not think that we should move this fast without some hearings on this to find out if this type of activity should be in the class of mandatory sentences. I would tell the gentleman from New York, I will not object to it, but I would like to reserve to discuss this further at the conference.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I appreciate the gentleman's remarks. The gentleman is correct in saying that what the bill essentially does is extend the protection to retired agents.

Also, in establishing mandatory minimums, my intent was to raise the level of Section 601 to the highest levels and the highest priorities, which I believe our national security interests dictate.

I will point out that what the mandatory minimum sentences that I have prescribed in my amendment do is cut in half the mandatory maximums, so I think proportionately, it is very reasonable.

Let me also just say that in relationship to Federal mandatory minimums, there are hundreds, literally hundreds, as I am sure the gentleman knows, of Federal crimes, including food stamp fraud, including bribery of meat inspectors, that have mandatory minimum sentences.

I think in order for this Congress to send a very strong message about the protection of agents and former agents, the inclusion of the mandatory minimum is an essential part.

Mr. DIXON. Reclaiming my time, Mr. Chairman, I may ultimately agree with the gentleman from New York. I just think it is worth more than 5 minutes of time on the floor, and I will reserve to address this issue in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. SWEENEY.)

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HINCHEY:  
**SEC. 304. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN CHILE.**

(a) IN GENERAL.—By not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall

submit to the appropriate congressional committees a report describing all activities of officers, covert agents, and employees of all elements in the intelligence community with respect to the following events in the Republic of Chile:

(1) The assassination of President Salvador Allende in September 1973.

(2) The accession of General Augusto Pinochet to the Presidency of the Republic of Chile.

(3) Violations of human rights committed by officers or agents of former President Pinochet.

(b) DOCUMENTATION.—(1) The report submitted under subsection (a) shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

(2) Any provision of law prohibiting the dissemination of classified information shall not apply to documents referred to in paragraph (1).

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives, and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

Mr. HINCHEY. Mr. Chairman, because of recent activities by a certain member of the Spanish judiciary, the attention of the world has once again been directed at the events which took place in Chile beginning in September of 1973 with the assassination of the duly-elected president of that country, Salvador Allende, and the subsequent ascension to power of General Augusto Pinochet to become the President of the Republic of Chile.

In the course of those events, it has been alleged in responsible venues over and over again in the intervening now more than 25 years that very inappropriate actions were taken by members of the Chilean military, assisted by others, including members of the military of the United States.

I have an amendment which requires that no later than 120 days after the date of the enactment of this act, the director of the Central Intelligence Agency shall submit to the appropriate congressional committees which are mentioned in the amendment a report describing all activities of officers, covert agents, and employees of all elements of the intelligence community with respect to the following events in the Republic of Chile:

One, the assassinations of President Salvador Allende in September of 1973;

Two, the ascension of General Augusto Pinochet to the presidency of the Republic of Chile; and

Three, the violations of human rights committed by officers or agents of former President Pinochet.

The report submitted under this subsection shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

Mr. Chairman, I think that after the passage of all of this time, it is appropriate that the United States Congress and the people of the United States and the people of the world understand

with much greater clarity than they have been able to up to this moment the specific events which took place in Chile which led to the assassination of the duly-elected president and the ascension of power by a military junta.

It is important for us to understand these events because it is important for us to take action to ensure that these kinds of illegal activities do not occur in the future.

So therefore, I offer this amendment with all respect in the hopes that the Members of the House and the chairman particularly, the chairman of the Permanent Select Committee on Intelligence, will see fit to look upon it favorably.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the intent of the amendment very much, but I must say, I have some misgivings about the effect and the cost, and I want to take a minute to explain that.

First, with regard to the purpose, let me say that our committee is trying, I think through its mark on the budget and through its oversight, to help our intelligence community focus on the challenges we have got today and coming in the next century. They are incredible challenges of a sort that we are really not organized to deal with, as we are seeing, unfortunately.

We are in the process of getting that done, but we understand the Warsaw Pact is gone, and in its place we have the Osama Bin Ladens, the Milosevics, the Tijuana cartels, that type of problem.

This amendment would, I think, have us take a break from the reality we are faced with today and go back and start sifting through some history of things that happened at a different time, really under a different agency that was operating under different rules and certainly under different oversight.

That can be beneficial if it is going to yield us some lessons, but I think we ought to understand that if we are going to do this, it is going to take energy, effort, and dollars, and we want to make sure where we are prioritizing those relative to the lessons from history and whatever else we might glean from this effort.

I am a little confused with regard to the extensive ongoing effort by the administration to respond to a request by the Spanish government under its mutual legal assistance treaty with the U.S. for documents, roughly in this same period. I presume these searches are related, but I do not know whether there is any formal coordination and how this amendment would fit into it.

Going to the cost factor, legislation directing special searches, as I have said, is disruptive to the normal course of business, and the normal course of business in the intelligence communities these days, it is exceptionally challenging.

I would also point out that when we have these special searches, that they sometimes delay requests of our own

constituents under the Freedom of Information Act. I do not say that to say that we should not have special requests. I think we only need to point out that that sometimes happens.

We have had considerable conversation with the head of the community, the intelligence community, about how we go about dealing with the classification and declassification process. That is ongoing. There is very definite bona fide concern about how much dollars and time and personnel we direct to that effort relative to other things that the intelligence community is being asked to provide for today's decision-makers, to get us through the day. Of course, we have to figure out, where does the money come from.

These are not new thoughts. I am only putting these on the record and getting them out of there because I do not want the gentleman to think that we are just knee-jerk reacting negatively. There are negative consequences to this amendment, in part.

□ 1230

The amendment would provide no new information to the public as far as I know, the people who are interested in the abuses of the Pinochet years. I think instead we are going to get lots of boxes going into a closed committee review, and I am not sure where that is going to lead us.

So I am concerned about, if the purpose is to get at the truth and the history and where we are doing it, I would like to do that in a reasonable way. I share the desire of the gentleman from New York (Mr. HINCHEY) to do that.

If the way we can do it passes muster with the community, and the costs are reasonable, and the expectations are reasonable given the personnel that we have, then I would possibly be in a position to accept this amendment with those understandings.

So I ask to the gentleman from New York (Mr. HINCHEY) to accept a second-degree amendment which would strike paragraph (2) of the section 304(b) in its entirety. If so, and the House agrees to the amendment amending the gentleman's amendment in that way, I would accept his amendment.

The reason I say that is the amendment I would propose would cure the constitutional problem that I see in the provision which would have overridden all the laws authorizing the DCI and the President to protect sources of national security information from disclosure and compromise. We just accepted an amendment from the gentleman from New York (Mr. SWEENEY) to strengthen that. So I do not want to now turn right around and undercut it.

So with the offending provision omitted, any threat of the veto would be removed, we would be consistent, and I think I could see my way to supporting what the gentleman is trying to get done.

Mr. Chairman, I yield to the gentleman from New York (Mr. HINCHEY) for response on my proposal amendment.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me. As I understand it, the gentleman is offering an amendment to my amendment which would strike paragraph (2) of section 304(b) as proposed to be added by the amendment; is that correct?

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, the gentleman from New York (Mr. HINCHEY) is correct.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and I am happy to accept his amendment to my amendment.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amendment No. 4 offered by Mr. HINCHEY:

Strike paragraph (2) of section 304(b), as proposed to be added by the amendment.

Mr. GOSS. Mr. Chairman, that is the amendment we have had the discussion on. I have nothing further.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Hinchey amendment and commend the distinguished gentleman from Florida (Mr. GOSS), the chairman of our committee, for his accommodation of the Hinchey amendment.

But I want this amendment to survive the conference because I think the gentleman from New York (Mr. HINCHEY) has provided some great leadership to us today in presenting this amendment. That is why I am very grateful to the gentleman from Florida (Chairman GOSS) for his amendment to accommodate the gentleman from New York (Mr. HINCHEY).

Our distinguished chairman laid out some important considerations in his observation of this amendment, and they are important. There are other equities to be balanced, and I am glad that my colleagues have come to an agreement on the amendment. But, again, I want it to survive the conference. I want to commend the gentleman from New York (Mr. HINCHEY).

Our President was in Guatemala a few months ago, or was it weeks? So much happens so fast around here. I was very proud of the statement that he made. Latin America had been in turmoil for a couple of generations, as we all know, some of it, sad to say, and in Guatemala in particular, with the involvement of the Central Intelligence Agency and other American entities there.

The President, I think very courageously, recognized what happened there and, in doing so, I think began to open the door to a better future for the intelligence community.

In Central America and in Latin America the expression "nunca mas" is so famous, because in Argentina, in Chile, and Central America, people are revisiting their sad recent past. An important bridge to the future has been truth commissions which have identified, not to find revenge, but to seek some level of justice and some level of openness and admission about what happened to clear a way for the future.

If we, the United States and specifically the Central Intelligence Agency, had a role in the death of President Allende, just as if any Chilean had a role in it, putting it behind us requires facing the truth about it.

So I think that, as far as Chile is concerned, this is a very important amendment, but I think it also will build credibility for us if we are not in a state of denial about the CIA's involvement but of acceptance of what the reality was. We will find out what that is as a result of the amendment of the gentleman from New York (Mr. HINCHEY).

I also, though, want to say that, unless we are forthcoming on our role, it is very hard to see why Latin Americans will be forthcoming about what their role is. I think that we can lead by example in this way.

I also would like to take the occasion to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership and activity in trying to persuade our government in making the documents available for the Pinochet case to the Spanish government. I hope that this will be a message to repressive dictators everywhere that a day of reckoning comes, and that they just cannot commit these atrocities and then say, well, let us put it all behind us.

As I say again, this is not about revenge, it is about truth. It is about justice. It is about opening the way for a better future and building credibility for what we do.

I agree with the gentleman from Florida (Chairman GOSS). We should not jeopardize the safety of our sources and methods. I think that his amendment is a constructive one. These people risk their lives just the way our young people do in the military. We are proud of the military. We are proud of the people who put themselves in harm's way to gather intelligence for us.

So while we are not condoning any activities that were not legal, we cannot proceed with reasonable intelligence gathering if those who are called upon to do so are in jeopardy because of unintentional identification.

This is especially true at a time when we want more women, we want more minorities, we want more diversity, we want more language skills, we want more cultural understanding into the Central Intelligence Agency. We want them to have the same level of protection that others have had in the past.

Building that diversity with an openness and an admission of what our past

has been I think will build more support for what we need to have, which is the best possible intelligence to avoid conflict and to supply whoever the President of the United States is with the information he needs to lead.

With that, again I commend the gentleman from New York (Mr. HINCHEY) and the gentleman from Florida (Mr. GOSS), our chairman, and the gentleman from California (Mr. DIXON), our ranking member, for their leadership on this issue.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from New York (Mr. HINCHEY) is absolutely correct. The minority has no problem with this amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to applaud the gentleman from New York (Mr. HINCHEY) on his amendment. It is no great secret that over the years, there have been many aspects of American foreign policy which have been wrong. It is no secret that the United States over the years has been involved in the overthrow of a number of democratic governments.

In the case of Chile in 1973, there was a democratic government elected by the people. The President of that government was Salvador Allende. His policies antagonized corporate interests in the United States. A great deal of pressure was brought to bear in seeing him overthrown.

I think it is a very positive step as we develop ideas for the future, as we try to develop a democratic foreign policy that we in fact know what we did in the past.

So I think the amendment of the gentleman from New York (Mr. HINCHEY) is a very important one. I think we should let the truth come out, and I strongly support his efforts.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of Mr. HINCHEY's amendment to require a report to Congress on information held by the United States pertaining to human rights violations in Chile carried out by Gen. Augusto Pinochet and his forces.

The 1973 military coup in Chile was a tragic interruption of Chile's proud democratic history. Thousands of innocent people were killed. Many more were tortured and imprisoned. American citizens are among the dead.

The military coup in Chile also represents a tragic chapter in American history.

It is now widely understood that the United States supported the violent overthrow of a democratically elected government. But the full details of U.S. support for the coup are still not known.

We need to know the full details.

In addition, the full details of U.S. information concerning the actions of the coup's leader, Gen. Augusto Pinochet, are not fully known.

It is widely understood that Gen. Pinochet directed the coup and the mass killings and torture that occurred during his nearly two decade long reign. But the American people



deserve to know and would be better off knowing the full details of Gen. Pinochet's actions.

Only the United States at this point has the ability to fully inform its citizens of this ruthless dictator's actions.

Along with my colleagues, I have been demanding that the United States supply information about Gen. Pinochet's murderous actions to a court in Spain that has brought charges against Gen. Pinochet for violations of international law, including torture, murder and kidnapping.

The United States is believed to house records that would corroborate the charges against Gen. Pinochet.

Those records should be reviewed, declassified and turned over to the court in Spain. Some information has been turned over and after much delay the United States has established a task force to oversee this request. It is a slow process and many believe that some in the Administration would prefer that the information never see the light of day.

Without objection, I would like to submit into the RECORD a series of letters between myself, my colleague, JOHN CONYERS, and other members, including Mr. HINCHEY, and the Administration.

These letters explain the nature of the information we seek and the importance of providing the information to the Spanish court.

The actions in the 1970s of the U.S. intelligence community and the then Secretary of State, Henry Kissinger, toward Chile and other dictators in the southern cone are a disgrace that should never be forgotten by American citizens who wish to think honorably about their country and their government.

A journalist, Lucy Kosimar, recently uncovered a memo that describes how Secretary of State Kissinger coddled Pinochet after the coup.

In a recent article, Kosimar wrote:

The memo describes how Secretary of State Kissinger stroked and bolstered Pinochet, how—with hundreds of political prisoners still being jailed and tortured—Kissinger told Pinochet that the Ford Administration would not hold those human rights violations against him. At a time when Pinochet was the target of international censure for state-sponsored torture, disappearances, and murders, Kissinger assured him that he was a victim of communist propaganda and urged him not to pay too much attention to American critics.

This is what Kissinger reportedly told Pinochet in a private meeting in 1976, according to Lucy Kosimar:

In the United States, as you know," Kissinger told Pinochet, "we are sympathetic with what you are trying to do here. I think that the previous government was headed toward communism. We wish your government well.

A little while later, Kissinger added: "My evaluation is that you are a victim of all left wing groups around the world, and that your greatest sin was that you overthrew a government which was going Communist.

Kissinger decided that the international fight against communism justified the rape and torture of Chilean women, justified their mutilation. Justified their execution.

More than 20 years later new information about the U.S. role in the coup and U.S. knowledge about human rights violations by Pinochet are still coming to light. Clearly there is more information that is housed in the intel-

ligence communities' warehouses and that information should be made public.

In 1976, an American citizen, Ronnie Moffitt, was blown up on the streets of Washington with her Chilean colleague, Orlando Letelier. Pinochet is widely suspected of having personally ordered their deaths.

This act of terrorism should never be forgotten, in the hopes that it will never be repeated. Pinochet is living in London right now, awaiting the fate of an extradition hearing for trial in Spain.

Whatever information the United States can provide on the deaths of Ronnie Moffitt and Orlando Letelier in Washington should be made available so the truth can be known once and for all and justice can be rendered in this ugly, ugly chapter of American and Chilean history.

#### CONGRESSIONAL LETTERS TO THE CLINTON ADMINISTRATION ON THE CASE AGAINST GEN. AUGUSTO PINOCHET

(1) November 23, 1998 Letter from Rep. George Miller to Attorney General Janet Reno.

(2) October 21, 1998 Letter from 36 Members of Congress to President Clinton.

(3) March 17, 1998 Letter from Reps. George Miller and John Conyers to President Clinton, and the President's June 3 response.

(4) April 15, 1997 Letter from Reps. Miller and Conyers to Attorney General Reno and Mr. John Shattuck, Department of State, and the Justice Department's May 23, 1997 response.

NOVEMBER 23, 1998.

Hon. JANET RENO,  
U.S. Attorney General,  
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL: I am writing to follow up on our telephone conversation on the afternoon of Friday, November 13 concerning the United States response to the arrest of Gen. Augusto Pinochet. I sincerely appreciate your taking the time to speak with me about this issue.

As you may recall, I raised three issues with you during our conversation. First, I expressed my belief that the United States still has not turned over to the judges in Spain all materials in its possession that are relevant to the case against Gen. Pinochet. Second, I expressed my belief that the United States should make available to Spain Michael Townley for questioning, but that it had not yet done so. And finally, I asked if you would grant a request for a meeting that I understood was made by the widow and widower of the Letelier-Moffitt assassinations, and their attorney.

With regard to the meeting request for Isabel Letelier, Michael Moffitt and their attorney, Sam Buffone, you informed me that you were seriously considering such a meeting. I sincerely appreciate your efforts in that regard.

With regard to Michael Townley, you told me that you were looking into the status of the request to make him available. I wish to again urge that he be made available to the Spanish judges for the purposes of questioning him about Gen. Pinochet's association to criminal and terrorist activities. As you probably know, Michael Townley was formerly in the Witness Protection Program and his whereabouts are known to the F.B.I. I would also urge you to make available Fernandez Larios, a known terrorist who plead guilty to criminal charges in the United States and can provide important information about Gen. Pinochet. I would hope that the F.B.I. and the Department of Justice have kept track of Mr. Larios at least to the extent that he can be located for purposes of serving a subpoena. It is my under-

standing that Judge Garzon is prepared to come to the United States at any reasonable time upon notice that Mr. Larios and/or Mr. Townley are available.

And finally, with regard to the materials requested by Spain, you asked me to provide you with information about any materials that may not yet already have been provided to the judges. I am providing to you in this letter details of materials that I believe are of interest to Spain and relevant to their investigation of Gen. Pinochet but that have not yet been made available.

As you know, and as we discussed on the phone, the Spanish judges conducting the Pinochet investigation have made requests of the United States Government, through the Spanish Ministry of Justice, for the production of testimony and documents pursuant to the Mutual Legal Assistance in Criminal Matters Treaty between the Spanish and U.S. Governments. It is my understanding that a new request has just been made.

While you and your staff are already familiar with the treaty, I thought it would be important to raise a number of points here to help clarify the responsibilities of the United States in this area. There are several important provisions in the MLAT that bear on the Spanish request for cooperation. First, under Article I, Section 3, assistance is to be provided without regard to whether the act giving rise to the request for assistance is a crime in the requested country. Accordingly, so long as the Spanish court has confirmed its jurisdiction to investigate the claims against Pinochet, it is irrelevant whether or not they would be valid claims under U.S. law. The only requirement under the MLAT for dual criminality is in cases of claims for forfeiture or restitution. Under Article IV, a request for documents requires only a generalized description of what is sought for production. Under Section 3 of Article IV, additional specificity should be provided to the extent necessary and where possible. These provisions require specificity regarding individuals to be questioned, but do not contain any additional requirement of specification as to the description of evidence or documents. Article V, Section 6, requires that the requested country respond to reasonable inquiries concerning the progress towards full compliance with the request.

Confidentiality is governed in part by Article VII which would permit the U.S. to require that any information or evidence furnished under the Treaty be kept confidential or used only under specific terms and conditions by the Spanish court. Classification is further covered by Article IX which provides for the production of records of government agencies. Under Subsection 1, all publicly available documents must be provided. Subsection 2 permits the requested state to provide copies of any documents in its possession which are not publicly available to the same extent and under the same condition as copies would be made available in Spain to judicial authorities or in the United States "to its own law enforcement and judicial authorities." The requested state is, however, permitted to deny a request pursuant to these provisions entirely or in part. Accordingly, while the Treaty does not deal directly with classified information, the U.S. is granted broad discretion to produce or withhold classification and should do so to the same extent that it would provide such information to domestic law enforcement or judicial authorities. Article XII requires that the U.S. use its best efforts to ascertain the location or identity of persons or items specified in a request.

As I said on the phone, there are serious questions raised as to whether the U.S. has complied with both the spirit and letter of the Mutual Legal Assistance Treaty. Despite



the long pendency of several letters of request, it is my understanding that the U.S. has not discharged its obligations under Article XII to use its best efforts to ascertain the location of either persons or documents. The U.S. has failed to produce key individuals for testimony and has not conducted a complete search of documents in the possession of government agencies, including the Central Intelligence Agency, Department of Defense, and the FBI. Further, it is my understanding the U.S. has refused to produce classified documents when the letter and spirit of Article IX should permit, if not require, production to the same extent that documents were provided to the U.S. Attorneys Office during the initial Letelier-Moffitt investigation.

The Justice Department, as the convening authority, should also reassess the extent and vigor of its effort to locate and produce documents. There are certain classes of identifiable records that should be searched for and if available, immediately produced:

1. *Defense Intelligence Agency Reports*, such as "Directorate of National Intelligence (DINA) Expands Operations and Facilities," April 15, 1975 along with referenced "IRs" and all other cables and reports from the U.S. Defense Attache's office in Santiago during the mid-1970's that relate to the Chilean Secret police, the chain of command, human rights abuses, and international terrorism.

2. *Defense Intelligence Agency Biographic Data*, the yearly commentary and career summaries on military commanders done by the DIA—in this case on General Pinochet and Col. Gen. Manuel Contreras between 1974-78.

3. *State and NSC Documents* identified in "Disarray in Chile Policy," July 1, 1975. This document states that "a number of officers in the Embassy at Santiago have written a dissent" cable arguing that all U.S. assistance to Chile be cut off "until the human rights situation improved." This cable was discussed at a "pre-IG (Interagency Group) meeting—presumably in June 1975. It was supported by the Policy Planning Office of the Bureau of Inter-American Affairs.

A specific paper trail can be ascertained, including but not limited to:

- a. the "Dissent" cable from the U.S. Embassy officers;

- b. minutes/notes/briefing papers for/of the "pre-IG meeting;"

- c. all position papers relating to this discussion prepared by the Policy Planning Office at the Bureau of Inter-American Affairs.

4. *Bureau of Intelligence and Research*, Department of State, reports, summaries, and briefing papers on the Chilean military, DINA, and human rights violations, 1973-80.

5. *The Chile Files of the Office of the Assistant Secretary of State for Human Rights*, Patricia Derian, 1977-80. These files, kept by Ms. Derian's Deputy Marc Schneider, likely contain a wealth of information on Chile's human rights atrocities, and also on the Letelier case and the issue of U.S. extradition of Chilean officials, and sanctions against Pinochet's government for lack of cooperation in the case.

In addition to the above records and document groups identified by the Spanish court, U.S. cooperation under MLAT should include reviews of other relevant files. These include:

1. A critical document on General Pinochet's role in the Letelier bombing, read by Justice Department prosecutor Eugene Proper during the federal investigation into the crime.

2. CIA Reports between 1973 and 1979 by the Agency's Office of African and Latin American Affairs (A/LA) on Chile's military, chain of command, DINA, Operation Condor, General Pinochet and human rights violations,

assassination of General Carlos Prats in September 1975, and Orlando Letelier in September 1976.

3. CIA Directorate of Operations cables and reports on Operation Condor—including Chile's attempt to establish an Operation Condor office in Miami in 1974; the assassination of Carlos Prats, and Orlando Letelier, and other human rights abuses.

4. A review by the Gerald Ford Presidential Library staff (Karen Holzhausen) of the still classified Kissinger-Scowcroft files relating to Chile, terrorism and human rights violations.

5. A review by the Jimmy Carter Presidential Library staff for the still classified Bzrezinski files on Chile, human rights violations, and sanctions against Chile for the Letelier assassination; and the files of National Security Council advisor on Latin America, Robert Pastor, for similar documentation.

6. A search by the CIA-FBI Center for Counter terrorism for files, including those of the predecessor to that agency, on Chilean involvement in international terrorism.

7. A re-review of heavily censored NSC and State Department documents released during legal discovery in the Letelier-Moffitt civil suit.

A thorough review and collection of relevant U.S. documents is critical to the Spanish judges' investigation. But I hope you would agree that it is also critical for the United States to gather this material to help our own government decide whether it too should take legal action against Gen. Pinochet.

As I expressed to you on the phone, I have a long history of involvement with Chile, beginning with my participation in a congressional investigation in Chile in 1976, prior to the assassination of Orlando Letelier and Ronnie Moffitt. In fact, Mr. Letelier had helped to facilitate the congressional trip to Chile. Chile has a long and proud history of democracy. Gen. Pinochet's military coup was an aberration in Chile's history. His rule was marked by extreme violence, total disregard for human and civil rights, and by international act of terrorism, including the assassination on U.S. soil of an American citizen and a Chilean exile.

Given this Administration's stated commitment to promoting human rights and democracy and to curbing global terrorism, I consider the legal fate of Gen. Pinochet to be a matter of utmost concern for the United States Government.

Again, I sincerely appreciate your time and attention to this matter and I will appreciate being appraised of the status of these requests.

Sincerely,

GEORGE MILLER, M.C.

OCTOBER 21, 1998.

Hon. WILLIAM JEFFERSON CLINTON,  
*President,*

*The White House, Washington, DC.*

DEAR MR. PRESIDENT: The October 17 arrest of General Augusto Pinochet in London is a good example of how the goals you outlined in your anti-terrorism speech at the United Nations can be put into practice. Indeed, when the rule of law is applied to combat international lawlessness, humanity's agenda gains.

We are writing to urge you to reinforce your eloquent words at the recent United Nations General Assembly session by joining with the British government in fully cooperating with the precedent-setting case against Chilean General Augusto Pinochet in Spain. Specifically, we call upon you to ensure that the U.S. government provides Spanish Judge Baltasar Garzon material related to Pinochet's role in international terrorism—material and testimony that the U.S. government has thus far withheld.

You will recall that on June 3, in response to a congressional request, you wrote to assure us that the United States would "continue to respond as fully as we can to the request for assistance from the Government of Spain" for information on the case against General Pinochet and other Chilean military officials accused of international terrorism and crimes against humanity.

It is our understanding that the United States has materials and other critical information that will help link Pinochet directly to acts of international terrorism. These materials and information were obtained during the U.S. investigation of the assassination of Orlando Letelier, a Chilean exile, and Ronni Karpen Moffitt, his American colleague. They were brutally murdered in Washington, D.C., in 1976 when a bomb exploded under their car while driving around Sheridan Circle on their way to work. The assassination was determined to be the work of the Chilean secret police. It was also alleged, but unproven at the time, that Pinochet was directly involved in the killings.

Unfortunately, we have been informed that the U.S. Justice Department has given only public documents to the Spanish judge, and has not ordered any classified material to be delivered. In addition, the Assistant United States Attorney assigned to obtain testimony from key witnesses in the case against Pinochet and other former military leaders has not elicited key testimony from people convicted in the Letelier-Moffitt killings.

We have also learned that the Spanish judge is planning to submit an expanded Rogatory Commission requesting in detail the documents and witness testimony the U.S. government should provide.

We urge you to direct the Justice Department and other relevant agencies to act with haste in delivering the appropriate solicited material. Your involvement now will send a clear signal that you plan to take all steps necessary to stop international terrorism and bring to justice those responsible for heinous crimes against humanity, including the killing of an American citizen on American soil.

We note that the Spanish judge's petitions are based on the European Convention on Terrorism that requires signatories to cooperate with each other's judicial processes in cases of terrorism. Certainly, the United States has a stake in becoming part of this process. In addition, the Justice Department previously determined that Spain properly requested documents from the United States based on the Mutual Legal Assistance Treaty, signed by Spain and the United States.

We appreciate your commitment to stop international terrorism. We strongly believe, however, that without concrete actions to back up your commitment, international terrorism will continue unabated. The case against Pinochet and his allies presents a significant opportunity to work with the world community to punish those responsible for international crimes in Chile, the United States, and elsewhere. We strongly urge you to support Britain and Spain by releasing critical information to the Spanish judge as quickly as possible. We understand that some of the materials in question are of a classified nature. We believe steps can be taken to comply with Spain's request without compromising U.S. security interests and that these steps must be taken immediately. The world is watching closely as you consider this request. Absent our firm response, terrorists will continue to believe they can act with impunity.

Sincerely,

George Miller; John Conyers; Nancy Pelosi; John Olver; Maurice D. Hinchey; Alcee L. Hastings; Cynthia A.

McKinney; Howard L. Berman; Bob Filner; Anna G. Eshoo; Henry A. Waxman; Jim McDermott; George E. Brown, Jr.; Neil Abercrombie; Barbara Lee; Sam Gajdenson; Bernard Sanders; Lane Evans; John F. Tierney; Martin Olav Sabo; Rosa L. DeLauro; Lynn C. Woolsey; Carolyn B. Maloney; Barney Frank; Lloyd Doggett; Frank Pallone; Charles B. Rangel; David E. Bonior; Nita M. Lowey; Danny K. Davis; James P. McGovern; Pete Stark; Jesse L. Jackson, Jr.; Lucille Roybal-Allard; Marcy Kaptur; Elijah E. Cummings.

MARCH 17, 1998, (REVISED MARCH 19, 1998).

Hon. WILLIAM JEFFERSON, CLINTON,  
President of the United States,  
Washington, DC.

DEAR MR. PRESIDENT, Late last year, Justice Department officials assured us that they would cooperate with a Spanish judge investigating charges against General Augusto Pinochet, former President and Commander in Chief of Chile, for terrorism, genocide and crimes against humanity. Despite the assurances of cooperation under the MLTA, it is our understanding that the Justice Department effectively stonewalled the judge when he visited the United States in January, seeking to interview witnesses and retrieve documents pursuant to his investigation.

Instead of producing the witnesses and documents, as called for under the MLTA, and despite the desire of the former prosecutors (Eugene Propper and Larry Barcella) to communicate substantive information which they had but which was still classified, we have been informed that the *Administration prevented Propper and Barcella from reviewing their notes and file material before testifying*, did not try to make confessed murders Michael Townley and Fernando Larios available, and handed over virtually no documents. Their reasoning, according to people who had talked to officials at the State Department and National Security Council, was that they were processing materials which were difficult to find and were not likely to lead to useable evidence. They would formally comply but only when the component agencies processed the materials. In private, we are told, they note that by not turning over the documents promptly and ultimately by not offering much that is useful "the U.S. had nothing to lose."

They assess the possible damage to your impending visit to Chile next month from not cooperating to be very low. Apparently, U.S. Embassy sources believe that the anti-Pinochet opposition does not have enough strength to mount effective demonstrations to interfere with your visit. They also assume that the Chilean press will not ask you tough questions about the U.S. refusal to hand over documents and produce witnesses. Apparently at the Justice Department and the State Department, the belief is that the United States can "get away with" not cooperating and receive minimum public relations damage.

The motives for not cooperating with the Spanish judge included fears that an indictment of Pinochet could put the Chilean government in a precarious position on—and we find this particularly difficult to believe at this time—that the Chilean military might initiate a military coup.

We also find incomprehensible U.S. non-cooperation in a case that involves international terrorism, specifically the most horrendous act of extraterritorial violence Washington, D.C. has witnessed in the last fifty years—the car-bombing of Orlando Letelier and Ronni Karpen Moffitt on September 21, 1976. As you know, the U.S. government indicted the head of Chile's Intel-

ligence and Secret Police agency, who recently asserted in Chile what U.S. officials always believed: Pinochet gave the order to kill Letelier in Washington.

It seems to us that the Administration will force Members of Congress to consider changing the terms of the NAFTA debate. The assumption for admitting Chile to NAFTA membership is that she is a functioning democracy. By allowing the Chileans to put Pinochet beyond the reach of any investigation, even U.S. compliance with a Spanish request, the Administration is jeopardizing the integrity of other treaty obligations under the anti-terrorism treaties. The Administration and Congress should be alarmed at the willingness of the Chilean government to ignore the growing evidence about Pinochet's involvement in the Letelier assassination.

We will propose to our colleagues that before we debate the merits of the new NAFTA and fast track agreements vis a vis Chile, we should air the U.S. government's passivity when it comes to investigating terrorism on our own soil and crimes against humanity elsewhere.

The U.S. should either work actively to deliver the most complete set of declassified documents and witnesses to Spanish judge Garcia Castellon, or face a more profound debate on NAFTA, one that goes to the democratic nature of our partners and the critical responsibilities that must accompany any trade agreement.

We respectfully request that you look seriously and expeditiously into this troubling matter.

Sincerely,

GEORGE MILLER, M.C.  
JOHN CONYERS, M.C.

THE WHITE HOUSE,  
Washington, DC, June 3, 1998.

DEAR GEORGE: Thank you for your letter regarding our cooperation with a Spanish judge investigating allegations that General Augusto Pinochet and other former Chilean officials are responsible for human rights abuses against Spanish citizens as well as others.

As you know, the Spanish judge's request was made under a mutual legal assistance treaty (MLAT) we have with Spain. The Department of Justice coordinates the execution of such requests with the appropriate U.S. Government agencies. Contrary to the information you may have received, the Spanish authorities have indicated to the Justice Department that they are very pleased with the extent of our cooperation in responding to their request. The Department has facilitated for Spanish authorities the depositions of several individuals in the United States and has itself deposed several other witnesses in whom the Spanish indicated interest. While certain limits were placed on the testimony that could be offered by two of these witnesses, this was due to the fact that some of the information known by these witnesses remains classified.

In addition, the Justice Department has requested that the relevant agencies conduct a search for documents responding to the Spanish court's request. It has already transmitted four boxes of materials relating to the prosecutions of those responsible for the bombing of Orlando Letelier and Ronni Moffitt as well as numerous additional documents from the Department of State. Other agencies are continuing to conduct their searches for relevant documents and will respond in the near future.

Our cooperation on this case is consistent with the extensive efforts the United States Government has undertaken to bring to justice those responsible for the Letelier-Moffitt murders. As you know, the United

States Government has successfully prosecuted several individuals responsible for these killings and indicted several others. Two of these individuals are now serving time in a Chilean prison for this crime. I believe that the efforts the United States Government has taken on this case show our resolve to deal quickly and decisively with acts of terrorism on our soil.

Finally, I want to assure you that we will continue to respond as fully as we can to the request for assistance from the Government of Spain.

Thank you again for writing to me about this important matter.

Sincerely,

BILL CLINTON.

Mr. CONYERS. Mr. Chairman, I rise in support of the Hinchey amendment.

General Augusto Pinochet rose to power in a bloody coup d'etat in 1973 that overthrew the democratically elected government of Salvador Allende. This ushered in seventeen years of military dictatorship accompanied by the death of thousands of activists, journalists and ordinary citizens.

According to the Church Committee Report of December 1975, "The CIA attempted, directly, to foment a military coup in Chile." Before Allende was inaugurated, it passed weapons to coup plotters. When that failed, it undertook a massive effort to undermine the government. Senator Church found that "Eight million dollars was spent in the three years between the 1970 election and the military coup in 1973. Money was furnished to media organizations, to opposition political parties and, in limited amounts, to private sector organizations."

Much of this is history in the sense that the repression in Chile has stopped, and that country has made a remarkable transition to democracy over the last decade. However, many are still forced to live with the pain of General Pinochet's legacy and there is still far too much information still being withheld from the public record about the American role in Chile during those dark years.

The arrest of Pinochet in England last year was a tremendous step forward for international law, reconciliation and human rights. Much of the power to keep justice moving forward lies in the hands of the CIA, the Department of Justice and other agencies of the U.S. government who have been asked by the Spanish Judge prosecuting Pinochet, Garcia Castellon, to provide information about Pinochet's reign of terror.

Even before the arrest of Pinochet, the Department of Justice assured Congressman GEORGE MILLER and I that they were cooperating fully with Judge Castellon's inquiry. I am inserting into the RECORD an article from the New York Times of June 27, 1997 which makes this point clear.

I am neither satisfied with the Department of Justice's response thus far nor with the CIA's outright refusal to cooperate with the inquiry. This is simply inconsistent with the American commitment to the promotion of human rights.

This is especially remarkable since along with the Chileans and Europeans who were murdered by Pinochet's hand were several Americans. Ronni Moffitt, a fellow at the Institute for Policy Studies, and the former Chilean ambassador, Orlando Letelier were killed in one of the worst domestic terrorism incidents ever in Washington, DC. The attack was carried out by DINA, the Chilean intelligence agency whose director has stated that

Pinochet personally ordered the bombing. Even Elliot Abrams, Ronald Reagan's Assistant Secretary of State for Latin American Affairs, has suggested in the conservative journal *Commentary* that if Pinochet is responsible for the Letelier-Moffitt bombing he should be extradited to the United States for trial. Section 304, Paragraph (a)(3) of the Hinchey Amendment and will help shed much needed light on who is responsible for this and other brutal murders.

The American people will never know the truth unless their government expresses greater enthusiasm for prosecuting the Pinochet case both in London and in Washington. The Hinchey Amendment is a critical step in that direction and I urge my colleagues to support it.

[From the New York Times, June 27, 1999]  
U.S. WILL GIVE SPANISH JUDGE DOCUMENTS  
FOR PINOCHET INQUIRY

MADRID, June 26.—The United States has agreed to provide Government documents to a Spanish judge investigating terrorism and human-rights violations in Chile during the right-wing dictatorship of Gen. Augusto Pinochet from 1973 to 1990.

It is the first investigation of crimes against humanity in the death or disappearance of people during the Pinochet era. The judge, who functions as a prosecutor under Spanish law, is seeking evidence of genocide against Spanish citizens and descendants of Spaniards.

But the case is even broader, and could delve into abuses against at least 3,000 people of various nationalities, including Charles Horman, an American whose disappearance in Chile was depicted in the film "Missing," said Juan E. Garces, a Madrid lawyer representing relatives of the victims.

The Madrid judge, Manuel Garcia Castellon, began the criminal investigation last year, and in February requested all pertinent documents from United States Government agencies. Washington will cooperate "to the extent permitted by law," said a letter signed by Assistant Attorney General Andrew Fois on May 23.

The letter, addressed to Representative John Conyers, Democrat of Michigan, was also sent to the national security adviser, Sandy Berger, the State Department and ranking members of the House International Relations Committee.

Spain stands a good chance of getting useful American documents about General Pinochet's Government because the request came under a 1990 legal assistance treaty that allows a wider sweep in searching for information, said Richard J. Wilson, a law professor at American University in Washington.

The Judge has not yet charged anyone, but might seek the extradition to Spain of General Pinochet, who is still commander of the Chilean Army, Mr. Garces said.

Mr. Garces was an assistant to President Salvador Allende Gossens of Chile, a Socialist, who died in September 1973 when General Pinochet led a coup that overthrew the elected Marxist Government.

In a separate action, another Madrid judge is investigating human rights abuses against 320 Spaniards under military rule in Argentina from 1976 to 1983. The judge, Baltasar Garzon, has also requested United States Government documents for his inquiry.

The Chilean Government last month termed Spain's investigation a "political trial" of Chile's transition to democracy that began with elections in 1990. On Wednesday, it said the American cooperation with the Spanish judge was "positive" but "would not lead anywhere."

The Madrid court and the American Embassy said today that they had not received official confirmation of Washington's agreement to provide documents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BARR OF  
GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARR of Georgia:

At the end of title III (page 10, after line 2), insert the following new section:

**SEC. 304. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.**

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) INCLUSION OF LEGAL MEMORANDA AND OPINIONS.—The report under subsection (a) shall include a copy of all legal memoranda, opinions, and other related documents in unclassified, and if necessary, classified form with respect to the conduct of signals intelligence activities, including electronic surveillance by elements of the intelligence community, utilized by the Office of the General Counsel of the National Security Agency, by the Office of General Counsel of the Central Intelligence Agency, or by the Office of Intelligence Policy Review of the Department of Justice, in preparation of the report.

(d) DEFINITION.—As used in this section:

(1) The term "intelligence community" has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term "United States persons" has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

Mr. BARR of Georgia. Mr. Chairman, I had the honor of serving this great land back in the 1970s, including those years in which the government of our country, in an effort to institutionalize proper oversight of our intelligence agencies, enacted public laws that established the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

In the intervening generation, these committees, including under the current leadership of the gentleman from Florida (Chairman GOSS), have provided very, very essential oversight of the intelligence activities of our government.

Hopefully in so doing, we have avoided any excesses that have given rise to some of the incidents in the past that have troubled our intelligence gathering capabilities and hurt the credibility of these great institutions such as the CIA.

However, Mr. Chairman, the oversight with which the gentleman from Florida (Mr. GOSS) and many others have worked so diligently to both implement and then preserve over the last 24 years is under attack right now, and the survivability of that oversight mechanism is threatened.

I speak particularly, Mr. Chairman, of efforts by the intelligence community to deny proper information for the House Permanent Select Committee on Intelligence to conduct oversight, meaningful oversight responsibilities.

For example, in recent communications between the chairman and the NSA, the general counsel of the NSA interposed what, by any stretch of the imagination, is a bogus claim of attorney/client privilege in an effort to deny the chairman and the committee members proper information with which to carry out their oversight responsibilities.

In particular, the gentleman from Florida (Chairman GOSS) was seeking very important information that goes to the standards whereby the intelligence community and the agencies comprising the intelligence community gather intelligence and gather information on American citizens.

One such project in particular that has recently come to light, Mr. Chairman, is a project known as Project Echelon, which has been in place for several years and which, by accounts that we have recently seen in the media, engages in the interception of literally millions of communications involving United States citizens over satellite transmissions, involving e-mail transmissions, Internet access, as

well as mobile phone communications and telephone communications.

This information apparently is shared, at least in part, and coordinated, at least in part, with intelligence agencies of four other countries: the UK, Canada, New Zealand, and Australia.

As part of our effort here in the Congress, both on the Select Committee on Intelligence, which the gentleman from Florida (Mr. GOSS) chairs, as well as others of us, while not serving on that committee, are concerned about the privacy rights for American citizens and whether or not there are constitutional safeguards being circumvented by the manner in which the intelligence agencies are intercepting and/or receiving international communications back from foreign nations that would otherwise be prohibited by the prohibitions and the limitations on the collection of domestic intelligence.

We have been trying to get information with regard to Project Echelon and others. The amendment that I propose today simply would require the intelligence community, and that is specifically the Department of Justice, the National Security Agency, and the CIA to provide to the Congress within 60 days of the enactment this Intelligence Authorization Act a report setting forth the legal basis and procedures whereby the intelligence community and the agencies comprising intelligence community gather intelligence.

This will enable the intelligence community and the Committee on the Judiciary of both Houses to properly evaluate whether or not these procedures are being implemented properly according to proper legal and constitutional standards.

It would be very interesting to see, Mr. Chairman, if the administration or the Senate opposes this very straightforward amendment, which simply requires a report on the legal basis for such interceptions to be furnished within 60 days to the Select Committee on Intelligence of both Houses and to the Committee on the Judiciary of both Houses.

I ask Members on both sides of the aisle to support this very straightforward amendment, which not only will help guarantee the privacy rights for American citizens, but will protect the oversight responsibilities of the Congress which are now under assault by these bogus claims that the intelligence communities are making. I ask for the adoption of the amendment.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to say I very much appreciate the remarks of the distinguished gentleman from Georgia (Mr. BARR). He has characterized an ongoing vigilance of oversight matters that we carry on every day. I am certainly prepared to accept his amendment. I think it is useful and indeed helpful to some problems we are having directly now.

□ 1245

I also think that it is helpful in the area of the very delicate balancing act that we have to do on HPSCI, and I hope we do it well. I think we do it well.

It is, on the one hand, absolutely accepting no compromise on the rights of American citizens and, on the other hand, not tying the hands of our law enforcement people who are trying to catch people who are trying to work mischief against the United States of America. And it is not always as clear as it might be which it is at the beginning of a process involving individuals.

So this is a very difficult judgment area for us. Nobody would want us, particularly in light of the news coming out of the weapons labs today, to release or relax our efforts to catch people who are trying to steal our secrets or penetrate our appropriately applied security arrangements. On the other hand, it is intolerable to think of the United States Government, of big brother, or anybody else invading the privacy of an American citizen without cause.

I believe that the amendment offered by the gentleman from Georgia (Mr. BARR) will help in that debate, and I am prepared to accept it. I know that it is offered in that spirit, and I know that it will also be helpful to me in my current problems, making sure the intelligence community understands that penetrating oversight is here to stay. I think most of them are getting the message.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

The minority will accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

#### **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

##### **SEC. 401. TWO-YEAR EXTENSION OF CIA CENTRAL SERVICES PROGRAM.**

Section 21(h)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(h)(1)) is amended by striking out "March 31, 2000." and inserting "March 31, 2002."

The CHAIRMAN. Are there amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

#### **TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

##### **SEC. 501. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.**

(a) IN GENERAL.—Subchapter I of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

##### **"§ 446. Protection of operational files**

"(a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National

Imagery and Mapping Agency, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Imagery and Mapping Agency from the provisions of section 552 of title 5 (Freedom of Information Act), which require publication, disclosure, search, or review in connection therewith.

"(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means files of the National Imagery and Mapping Agency (hereinafter in this section referred to as 'NIMA') concerning the activities of NIMA that before the establishment of NIMA were performed by the National Photographic Interpretation Center of the Central Intelligence Agency (NPIC), that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems.

"(B) Files which are the sole repository of disseminated intelligence are not operational files.

"(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

"(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5, or section 552a of title 5 (Privacy Act of 1974);

"(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5; or

"(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(i) The Permanent Select Committee on Intelligence of the House of Representatives.

"(ii) The Select Committee on Intelligence of the Senate.

"(iii) The Intelligence Oversight Board.

"(iv) The Department of Justice.

"(v) The Office of General Counsel of NIMA.

"(vi) The Office of the Director of NIMA.

"(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

"(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review publication, or disclosure.

"(C) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

"(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of enactment of this section, and which specifically cites and repeals or modifies its provisions.

"(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, alleges that NIMA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5.

"(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

"(i) In any case in which information specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NIMA, such information shall be examined ex parte, in camera by the court.

"(ii) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

"(iii) When a complainant alleges that requested records are improperly withheld because

of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

"(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NIMA shall meet its burden under section 552(a)(4)(B) of title 5, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

"(II) The court may not order NIMA to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes NIMA's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

"(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

"(vi) If the court finds under this paragraph that NIMA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NIMA to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, and such order shall be the exclusive remedy for failure to comply with this subsection.

"(vii) If at any time following the filing of a complaint pursuant to this paragraph NIMA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

"(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence prior to submission to the court.

"(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every ten years, the Director of the National Imagery and Mapping Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from the category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

"(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

"(3) A complainant that alleges that NIMA has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

"(A) Whether NIMA has conducted the review required by paragraph (1) before the expiration of the ten-year period beginning on the date of the enactment of this section or before the expiration of the ten-year period beginning on the date of the most recent review.

"(B) Whether NIMA, in fact, considered the criteria set forth in paragraph (2) in conducting the required review."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by adding at the end the following new item:

"446. Protection of operational files."

The CHAIRMAN. Are there amendments to title V?

Are there additional amendments to the bill?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 8 printed in the May 12, 1999, CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SANDERS:

At the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 2000 to carry out this Act not more than the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1999.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by Section 201.

SEC. 602. REPORT ON EFFICACY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a detailed, comprehensive report in unclassified form on the matters described in subsection (b).

(b) MATTERS STUDIED.—Matters studied for the report under subsection (a) shall include the following:

(1) The bombing in March 1991 by the Armed Forces of the United States during the Persian Gulf War of a weapons and nerve gas storage bunker in Khamsiyah, Iraq, and errors committed by the Central Intelligence Agency with respect to the location and contents of such bunker and the failure to disclose the proper location and contents to the Secretary of Defense.

(2) Errors with respect to maps of the Aviano, Italy, area prepared by the Central Intelligence Agency and used by aviators in the Armed Forces of the United States which may have resulted on February 3, 1996, in the accidental severing of a cable car device by a United States military aircraft on a training mission, which resulted in the deaths of twenty civilians.

(3) Errors with respect to maps prepared by the Central Intelligence Agency of the Belgrade, Yugoslavia, area which resulted on May 7, 1999, in the accidental bombing of the Embassy of the People's Republic of China by forces under the command of North Atlantic Treaty Organization and the deaths of three civilians.

(c) RECOMMENDATIONS.—The report under subsection (a) shall contain recommendations for such legislation and administrative actions as the Director determines appropriate to avoid similar errors by the Central Intelligence Agency.

Mr. SANDERS. Mr. Chairman, this amendment is basically about two issues. Number one, the issue is about priorities in how we spend our national wealth; and, secondly, the issue is about accountability and what we do when an agency is not performing up to the level that we want it to perform.

Mr. Chairman, it is no secret that in our great country we are spending large sums of money where we should not be spending it and we are not spending money where we should be spending it.

Today, in the United States, 43 million Americans have no health insurance, but we do not have the money to help those people. Today, in the United States, millions of senior citizens cannot afford their prescription drugs and they suffer and they die because the United States Government does not do what other countries around the world do and help seniors with their prescription drugs. Today, in the United States, at VA hospitals all over this country, veterans who have put their lives on the line defending this country are not getting the quality of care they need because the United States Congress is not adequately funding the Veterans Administration.

I believe that within that context and the fact that we are underfunding many other important social needs we should not be increasing funding for the intelligence agencies. And what this to the amendment basically says is that we should level fund the intelligence agencies. That is the first reason.

The second part of this to the amendment is equally important, and here we are talking about accountability and responsibility on the part of our intelligence agencies. I know, and my colleagues know, that almost by definition much of what the intelligence agencies do is quiet. I expect they do a lot of good work which we do not hear about, and I applaud them for what they do which is positive.

But it is no secret that in area after area there have been major deficiencies and very, very poorly performed operations, and it is important that we talk about that and that we demand accountability.

Let me just give my colleagues a few of the examples that I think need to be talked about and that we need from the Director of the CIA an understanding of how these things occurred and an understanding that they will never occur again.

Everybody in the Congress and everybody in the United States was shocked when we heard recently about the bombing of the Chinese embassy in Belgrade. And many of us at first thought, well, it was a mistake; the pilot aimed for another building, and he hit the Chinese embassy, and those things happen. It is terrible, but it was a mistake.

But then we learned that the pilot hit what he was supposed to hit, and that was altogether shocking.

We found that the information, which was available virtually on the worldwide web, which was probably available in the Yugoslavian telephone directory, that the Chinese embassy was located at that location was apparently not available to the CIA, and

their action has caused a major international crisis. We want to know how that mistake could have taken place.

Furthermore, as someone who is involved with the issue of the Gulf War illness, I, and I know all of our Members, are concerned about the explosion that took place in Kamisiyah, which is where the United States blew up an Iraqi arms depot which contained chemical weapons.

Let me quote from the April 12, 1997, New York Times. "The report issued this week by the CIA shows that the agency actually had detailed information, including geographical coordinates, during the war to suggest that chemical weapons are at Kamisiyah, information that was not passed on to the soldiers who later blew up the depot and may have been exposed to nerve gas."

In other words, our soldiers were exposed to nerve gas because the CIA did not communicate the information that it had.

Thirdly, we are all familiar with the terrible accident that took place in Italy regarding an American plane that went into lines that keep the gondolas moving in a ski area. I will quote from News Day. This is February 1, 1999. "Although the gondola had been traversing the ski area for 30 years, there was no hint of it on the Prowler's crew map. While the horizontal hazard to aviation was clearly marked on Italian Air Force charts, the Pentagon agency somehow missed it."

So our intelligence agencies were not providing our pilots with an up-to-date map, and so they had a terrible accident which could have been avoided.

Mr. Chairman, these are just three examples. The fact of the matter is, there are many more.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Mr. Chairman, it seems to me that in light of these instances, and many more which I have not gone into, there is no reason why this body should not pass this conservative, simple amendment.

We are calling for, as part of this to the amendment, a study of these three specific events; and we are also requesting recommendations from the intelligence community as to how these catastrophes could be avoided in the future.

So that is what this to the amendment does. It says level fund; and, second of all, we want some accountability on the part of the intelligence agency.

AMENDMENT OFFERED BY MR. DIXON TO  
AMENDMENT NO. 8 OFFERED BY MR. SANDERS

Mr. DIXON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON to amendment No. 8 offered by Mr. SANDERS:

On page 1, line 13 of the amendment, delete "1999" and insert in lieu thereof "1998".

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Chairman, first of all, I want to make clear what the situation is here. I admire what the gentleman from Vermont (Mr. SANDERS) is trying to do as it relates to the reports. I have no problems with that. In fact, many of us have talked today about the mistake that has been made with the bombing of the embassy. There is no apparent legitimate excuse for that. The committee is going to get to the bottom of it.

As it relates to the other two instances, I think that he is right, that we should find out exactly what happened.

However, through an inadvertent, and I stress inadvertent, error, the amendment before us, as introduced, says that the authorization will be frozen at the 1999 level. In an effort to have a full debate on this, I am offering an amendment that substitutes 1998, with the consent of the author. That is because the 1999 figure is not the appropriate figure. It would be the 1998 figure, because the 2000 authorization that we are now talking about is, in fact, lower than the 1999.

So in an effort to accommodate this debate on these issues that are very important, I am offering this perfecting amendment, but I want to make it very clear that I am opposed to the authorization reduction part of the Sanders amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank my good friend, and I am happy to accept his amendment for the reasons that he gave, but I think the situation here tells us about another problem, and that is year after year the Members of the Congress are forced to debate the intelligence appropriation without having that concrete information out on the table.

I know that year after year Members come up and say, gee, The New York Times has the information, the Congressional Quarterly has the information, but the American people do not have it from the Congress.

So I thank the gentleman for his amendment to my amendment, and I am prepared to accept it, but I do raise that question again, that the day should come when we are public and open about how much money there is in the intelligence budget.

Mr. DIXON. Reclaiming my time just for a minute, Mr. Chairman, in my opening statement I indicated that I disagreed with the Director of Central

Intelligence in his reversal of a public position he took two years ago, and that is to make the aggregate number of the appropriations public. I have indicated that I support that idea, that it should be public, and hope that he would reconsider.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

With regard to the situation we have on the floor, I am very happy to accommodate the ranking member on his secondary to the amendment. I think that is the right way to perfect the intent of what the gentleman from Vermont is trying to get done. We wish to cooperate in that because we think it is an important issue; and I think this is the right way, in a parliamentary way, to go about it.

The concern I have about some of the points that the gentleman has raised, in defense of his amendment, is one of puzzlement, a little bit. We have invited Members to come upstairs and take a look, and it is there. The numbers are there, and the staff is there, and the staff will assist Members.

I wish to assure the gentleman that the staff will assist him, in whatever his effort is. The staff will assist Members. They may or may not agree with a Member; it does not matter. If a Member has a legitimate thing they wish to accomplish as a Member of Congress to bring to the other Members, that is why our staff is there. We offer that invitation, and I want to again extend that invitation to the gentleman for next year.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Vermont.

Mr. SANDERS. First of all, Mr. Chairman, I want to thank the gentleman very much for accepting the amendment of the gentleman from California (Mr. DIXON) to my amendment. I appreciate that.

The reason that I personally, and I think a number of other Members, do not walk into that room, frankly, is that we do not want to be encumbered upon if we make a statement and somebody says, "My goodness, you are revealing a national secret." I do know the room is there, and I am sure that the gentleman's staff will be very helpful. I have not gone in there for precisely that reason, so that nobody can say that I am revealing something which, in fact, I have never seen.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I understand. We do not want anybody to be intimidated, and we can generally make pretty clear what is classified and what is not. But, in any event, we can certainly help Members craft an amendment.

With regard to the three areas the gentleman mentioned, obviously, I think if the gentleman read the newspapers yesterday, he saw that I spoke on behalf of the committee in saying that we intend to pursue further the events of the unpleasant matter of the Chinese embassy.



I can tell the gentleman that there have been reports, I think they have now been made fully public, I think staff tells me on Kamisiyah and certainly on Aviano. And I would point out that that is not necessarily a CIA problem, although it is an intelligence community problem. Actually, I believe the maps were produced by NIMA, as was the case in Belgrade.

Now, that is a distinction that does not matter. It is the intelligence community. But, again, in an abundance of trying to be helpful with the vernacular and the terminology of the intelligence community, every time somebody says CIA, it does not necessarily mean CIA. It is just sort of a handy way to say something we do not know about and, apparently, it has to do with intelligence.

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The intelligence community is very varied. It has many different functions. It has a lot of accountability and a lot of responsibility. And I will tell my colleagues that the reason that I will oppose the amendment, the underlying amendment for the cut, I believe to just take an across-the-board cut, which is I believe what the intention of the gentleman is and what has now been made in order once the perfecting amendment of the gentleman from California (Mr. DIXON) is in place, really undoes all the work that the committee does to go through the many agency budgets and go line by line, which we have to do, because we are probably the only committee that operates on the basis of having to go forward to the floor and our colleagues and say, look, we have looked at this stuff, we know we cannot talk about it publicly, we have looked at it and we think we have got it at about the right level and we are prepared to defend what is in there.

If we take an across-the-board cut, it seriously disrupts that process and it hurts things that will have consequences that go well beyond a small proportionate cut. It is very hard to explain if we have an across-the-board cut like this, whatever the level is, what the consequences will be.

I would prefer to let the committee work its will and try very hard to let every member of the committee identify what they think is unnecessary and debate it upstairs. That is the process we go through. We have many briefings, many hearings, much testimony. And then when we are all through and we unanimously, in a bipartisan way, pass this out, we have the material upstairs, and anybody who wants to come upstairs and second guess us is welcome. That is always the way we have done it.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I am not arguing with the proposition that my colleague has just put forward. But

what he is not dealing with is the issue of priorities of a Nation as a whole.

What I am raising the question is whether we need more money for the intelligence agencies or more money for prescription drugs for our senior citizens or college education for our middle-class families.

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, to answer the gentleman, we are within our budget allocation, within our caps. We are playing by the rules. We are doing this the way we should be doing it.

There has been a great debate about reinvesting to rebuild our intelligence capability in the country. I do not think it has been just fired by some of the headline events we have seen. I would say that those are tragedies. Things have happened that we do not want to happen, bad surprises where people have been killed, embassies blowing up, nuclear testing in India, which we did not catch. It turns out probably we could not have done anything about it. Nevertheless, we should have been on top of it, the things we have been reading about lately, the penetration of the laboratories.

It seems to me that the way to deal with that is to look at it forthrightly and say, there are problems here and we need to fix them. Now, we do not fix all problems by throwing money at them. But we do need to have some resources. We need to go out and get the personnel. We need to spot, identify, train, build, education, get the right languages.

We are expected in the intelligence community to be the eyes and the ears around the world for anything we can read about anytime, anywhere. That is, basically, what the intelligence community does this day and that is a huge order. And doing that, we are not going to get there by cutting money. We have to do a reasonable amount of investing.

Mr. Chairman, I insert the following for printing in the RECORD:

#### DECLARATION OF GEORGE J. TENET

##### INTRODUCTION

I, George J. Tenet, hereby declare:

1. I am the Director of Central Intelligence (DCI). I was appointed DCI on 11 July 1997. As DCI, I serve as head of the United States intelligence community, act as the principal adviser to the President for intelligence matters related to the national security, and serve as head of the Central Intelligence Agency (CIA).

2. Through the exercise of my official duties, I am generally familiar with plaintiff's civil action. I make the following statements based upon my personal knowledge upon information made available to me in my official capacity, and upon the advice and counsel of the CIA's Office of General Counsel.

3. I understand that plaintiff has submitted Freedom of Information Act (FOIA) requests for "a copy of documents that indicate the amount of the total budget request for intelligence and intelligence-related activities for fiscal year 1999" and "a copy of documents

that indicate the total budget appropriation for intelligence and intelligence-related activities for fiscal year 1999, updated to reflect the recent additional appropriation of 'emergency supplemental' funding for intelligence." I also understand that plaintiff alleges that the CIA has improperly withheld such documents. I shall refer to the requested information as the "budget request" and "the total appropriation," respectively.

4. As head of the intelligence community, my responsibilities include developing and presenting to the President an annual budget request for the National Foreign Intelligence Program (NFIP), and participating in the development by the Secretary of Defense of the annual budget requests for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). The budgets for the NFIP, JMIP, and TIARA jointly comprise the budget of the United States for intelligence and intelligence-related activities.

5. The CIA has withheld the budget request and the total appropriation on the basis of FOIA Exemption (b)(1) because they are currently and properly classified under Executive Order 12958, and on the basis of FOIA Exemption (b)(3) because they are exempted from disclosure by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. The purpose of this declaration, and the accompanying classified declaration, is to describe my bases for determining that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

6. I previously executed declarations in this case that were filed with the CIA's motion for summary judgment on 11 December 1998. Those two declarations described my bases for withholding the budget request only. Since the CIA filed its motion for summary judgment, plaintiff has filed an amended complaint seeking release of the total appropriation also. For the Court's convenience, the justifications contained in my earlier declarations are repeated and supplemented in this declaration and the accompanying classified declaration and describe my bases for withholding both the budget request and the total appropriation for fiscal year 1999.

##### PRIOR RELEASES

7. In October 1997, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1997 was \$26.6 billion. At the time of this disclosure, I issued a public statement that included the following two points:

"First, disclosure of future aggregate figures will be considered only after determining whether such disclosure could cause harm to the national security by showing trends over time.

"Second, we will continue to protect from disclosure any and all subsidiary information concerning the intelligence budget: whether the information concerns particular intelligence agencies or particular intelligence programs. In other words, the Administration intends to draw the line at the top-line, aggregate figure. Beyond this figure, there will be not other disclosures of currently classified budget information because such disclosures could harm national security."

8. In March 1998, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1998 was \$26.7 billion. I did so only after evaluating whether the 1998 appropriation, when compared with the 1997 appropriation, could cause damage to the national security by showing trends over time, or otherwise tend to reveal intelligence methods. Because the 1998 appropriation represented approximately a \$0.1 billion increase—or less



than a 0.4 percent change—over the 1997 appropriation, and because published reports did not contain information that, if coupled with the appropriation, would be likely to allow the correlation of specific spending figures with particular intelligence programs, I concluded that release of the 1998 appropriation could not reasonably be expected to cause damage to the national security, and so I released the 1998 appropriation.

9. Since the enactment of the intelligence appropriation for fiscal year 1998, the budget process has produced: (1) the fiscal year 1998 supplemental appropriation; (2) the Administration's budget request for fiscal year 1999 (a subject of this litigation); (3) the fiscal year 1999 regular appropriation (a subject of this litigation); and (4) the fiscal year 1999 emergency supplemental appropriation (a subject of this litigation). Information about each of these figures—some of it accurate, some not—has been reported in the media. In evaluating whether to release the Administration's budget request or total appropriation for fiscal year 1999, I cannot review these possible releases in isolation. Instead, I have to consider whether release of the requested information could add to the mosaic of other public and clandestine information acquired by our adversaries about the intelligence budget in a way that could reasonably be expected to damage the national security. If release of the requested information adds a piece to the intelligence jigsaw puzzle—even if it does not complete the picture—such that the picture is more identifiable, then damage to the national security could reasonably be expected. After conducting such a review, I have determined that release of the Administration's intelligence budget request or total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security, or otherwise tend to reveal intelligence methods. In the paragraphs that follow, I will provide a description of some of the information that I reviewed and how I reached this conclusion. I am unable to describe all of the information I reviewed without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

10. At the creation of the modern national security establishment in 1947, national policymakers had to address a paradox of intelligence appropriations: the more they publicly disclosed about the amount of appropriations, the less they could publicly debate about the object of such appropriations without causing damage to the national security. They struck the balance in favor of withholding the amount of appropriations. For over fifty years, the Congress has acted in executive session when approving intelligence appropriations to prevent the identification of trends in intelligence spending and any correlation between specific spending figures with particular intelligence programs. Now is an especially critical and turbulent period for the intelligence budget, and the continued secrecy of the fiscal year 1999 budget request and total appropriation is necessary for the protection of vulnerable intelligence capabilities.

#### CLASSIFIED INFORMATION

##### FOIA exemption (b)(1)

11. The authority to classify information is derived from a succession of Executive orders, the most recent of which is Executive Order 12958, "Classified National Security Information." Section 1.1(c) of the Order defines "classified information" as "information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure." The CIA has withheld the budget request and the total appropriation as classi-

fied information under the criteria established in Executive Order 12958.

#### Classification authority

12. Information may be originally classified under the Order only if it: (1) is owned by, produced by or for, or is under the control of the United States Government; (2) falls within one or more of the categories of information set forth in section 1.5 of the Order; and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe.<sup>1</sup> The classification of the budget request and the total appropriation meet these requirements.

13. The Administration's budget request and the total appropriation are information clearly owned, produced by and under the control of the United States Government. Additionally, the budget request and the total appropriation fall within the category of information listed at section 1.5(c) of the Order: "intelligence activities (including special activities), intelligence sources or methods, or cryptology."

14. Finally, I have made the determination required under the Order to classify the budget request and the total appropriation. By Presidential Order of 13 October 1995, "National Security Information", 3 C.F.R. 513 (1996), reprinted in 50 U.S.C. §435 note (Supp. I 1995), and pursuant to section 1.4(a)(2) of Executive Order 12958, the President designated me as an official authorized to exercise original Top Secret classification authority. I have determined that the unauthorized disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. Consequently, I have classified the budget request and the total appropriation at the Confidential level. In the paragraphs below, I will identify and describe the foreseeable damage to national security that reasonably could be expected to result from disclosure of the budget request or the total appropriation.

#### Damage to national security

15. Disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security in several ways. First, disclosure of the budget request reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weaknesses. The difference between the appropriation for one year and the Administration's budget request for the next provides a measure of the Administration's unique, critical assessment of its own intelligence programs. A requested budget decrease reflects a decision that existing intelligence programs are more than adequate to meet the national security needs of the United States. A requested budget increase reflects a decision that existing intelligence programs are insufficient to meet our national security needs. A budget request with no change in spending reflects a decision that existing programs are just adequate to meet our needs.

16. Similar insights can be gained by analyzing the difference between the total appropriation by Congress for one year and the total appropriation for the next year. The

difference between the appropriation for one year and the appropriation for the next year provides a measure of the Congress' assessment of the nation's intelligence programs. Not only does an increased, decreased, or unchanged appropriation reflects a congressional determination that existing intelligence programs are less than adequate, more than adequate, or just adequate, respectively, to meet the national security needs of the United States, but an actual figure indicates the degree of change.

17. Disclosure of the budget request or the total appropriation would provide foreign governments with the United States' own overall assessment of its intelligence weaknesses and priorities and assist them in redirecting their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Because I have determined it to be in our national security interest to deny foreign governments information that would assist them in assessing the strength of United States intelligence capabilities, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

18. Second, disclosure of the budget request or the total appropriation reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs. Foreign governments are keenly interested in the United States' intelligence collection priorities. Nowhere are those priorities better reflected than in the level of spending on particular intelligence activities. That is why foreign intelligence services, to varying degrees, devote resources to learning the amount and objects of intelligence spending by other foreign governments. The CIA's own intelligence analysts conduct just such analyses of intelligence spending by foreign governments.

19. However, no intelligence service, U.S. or foreign, ever has complete information. They are always revising their intelligence estimates based on new information. Moreover, the United States does not have complete information about how much foreign intelligence services know about U.S. intelligence programs and funding. Foreign governments collect information about U.S. intelligence activities from their human intelligence sources; that is, "spies." While the United States will never know exactly how much our adversaries know about U.S. intelligence activities, we do know that all foreign intelligence services know at least as much about U.S. intelligence programs and funding as has been disclosed by the Congress or reported by the media. Therefore, congressional statements and media reporting of the fiscal year 1999 budget cycle provide the minimum knowledge that can be attributed to all foreign governments, and serve as a baseline for predictive judgments of the possible damage to national security that could reasonably be expected to result from release of the budget request or the total appropriation.

20. Budget figures provide useful benchmarks that, when combined with other public and clandestinely-acquired information, assist experienced intelligence analysts in reaching accurate estimates of the nature and extent of all sorts of foreign intelligence activities, including covert operations, scientific and technical research and development, and analytic capabilities. I expect foreign intelligence services to do no less if

<sup>1</sup>The severity of the damage to the national security affects the level of classification assigned to the information: information reasonably expected to cause exceptionally grave damage is classified TOP SECRET; information reasonably expected to cause serious damage is classified SECRET; and information reasonably expected to cause damage is classified CONFIDENTIAL.

armed with the same information. While other sources may publish information about the amounts and objects of intelligence spending that damages the national security, I cannot add to that damage by officially releasing information, such as the budget request or the total appropriation, that would tend to confirm or deny these public accounts. Such intelligence would permit foreign governments to learn about United States' intelligence collection priorities and redirect their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

21. In addition, release of both the budget request and the total appropriation would permit one to calculate the exact difference between the Administration's request and Congress' appropriation. It is during the congressional debate over the Administration's budget request that many disclosures of specific intelligence programs are reported in the media. Release of the budget request and total appropriation together would assist our adversaries in correlating the added or subtracted intelligence programs with the exact amount of spending devoted to them.

22. And third, disclosure of the budget request or the total appropriation reasonably could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States. No government has unlimited intelligence resources. Resources devoted to targeting the nature and extent of the United States' intelligence spending are resources that cannot be devoted to other efforts targeted against the United States. Disclosure of the budget request or the total appropriation would free those foreign resources for other intelligence collection activities directed against the United States, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security.

23. In summary, I have determined that disclosure of the budget request or the total appropriations reasonably could be expected to provide foreign intelligence services with a valuable benchmark for identifying and frustrating United States' intelligence programs. For all of the above reasons, singularly and collectively, I have determined that disclosure of the budget request or the total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security. Therefore, I have determined that the budget request and the total appropriation are currently and properly classified Confidential.

#### INTELLIGENCE METHODS

##### FOIA exemption (b)(3)

24. Section 103(c)(6) of the National Security Act of 1947, as amended, provides that the DCI, as head of the intelligence community, "shall protect intelligence sources and methods from unauthorized disclosure." Disclosure of the budget request or the total appropriation would jeopardize intelligence methods because disclosure would tend to reveal how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies.

25. There is no single, separate appropriation for the CIA. The appropriations for the CIA and other agencies in the intelligence

community are hidden in the various annual appropriations acts. The specific locations of the intelligence appropriations in those acts are not publicly identified, both to protect the classified nature of the intelligence programs themselves and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies.

26. Because there are a finite number of places where intelligence funds may be hidden in the federal budget, a skilled budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations. Release of the budget request or the total appropriation would provide a benchmark to test and refine such a hypothesis. Repeated disclosures of either the budget request or total appropriation could provide more data with which to test and refine the hypothesis. Exhibit 1 is an example of such a hypothesis. Confirmation of the hypothetical budget could disclose the actual locations in the appropriations acts where the intelligence funds are hidden, which is the intelligence method used to transfer funds to and between intelligence agencies.

27. Sections 5(a) and 8(b) of the CIA Act of 1949 constitute the legal authorization for the secret transfer and spending of intelligence funds. Together, these two sections implement Congress' intent that intelligence appropriations and expenditures, respectively, be shielded from public view. Simply stated, the means of providing money to the CIA is itself an intelligence method. Disclosure of the budget request or the total appropriation could assist in finding the locations of secret intelligence appropriations, and thus defeat these congressionally-approved secret funding mechanisms. Therefore I have determined that disclosure of the budget request or the total appropriation would tend to reveal intelligence methods that are protected from disclosure. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

#### CONCLUSION

28. In fulfillment of my statutory responsibility as head of the United States intelligence community, as the principal adviser to the President for intelligence matters related to the national security, and as head of the CIA, to protect classified information and intelligence methods from unauthorized disclosure, I have determined for the reasons set forth above and in my classified declaration that the Administration's intelligence budget request and the total appropriation for fiscal year 1999 must be withheld because their disclosure reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of April, 1999.

GEORGE J. TENET,

*Director of Central Intelligence.*

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, I rise in support of the Sanders amendment.

Mr. Chairman, I think the last speaker was correct when he said we need to revamp the CIA. I think what the Sanders amendment says is that revamping should not involve additional money.

The CIA budget is estimated to be somewhere around \$30 billion. We are only spending about \$23 billion on elementary and secondary education. It is important that it be revamped. And I am not sure that the intelligence community that exists now is capable of revamping it. We need an independent commission of some kind to revamp the CIA. It needs to be improved. It needs to have accountability. The long history of blunders in the last 10 years are such that it is obviously a defunct, incompetent, decaying agency. Something needs to happen.

I am not sure the President is in charge, either. The President's first choice for CIA Director was not accepted by the intelligence community. The intelligence community protects this incompetence.

Our history with respect to Haiti was that the CIA was determined to get the duly-elected President of Haiti, Jean Bertrand-Aristide. They did everything they could to smear him. All kinds of false things were generated out of the CIA. When they were later proven to be untrue, nobody later apologized, nobody was held accountable.

In one of the major diplomatic moves made by the envoy to Haiti, where we had a delegation going in with Canadian police and a number of other things to start a process of peace in Haiti, there was a big demonstration on the docks in Haiti which turned all that around and threatened the U.S. Embassy personnel with gunshots; and it turned out that that demonstration was financed by the CIA. Emmanuel Constanx, the head of the organization that staged the violent demonstration was on the payroll of the CIA.

We cannot fully get the story of all the things Emmanuel Constanx had going with the CIA because they refuse to give us the records. They will not let the nation of Haiti try Emmanuel Constanx for the crimes that he has committed.

Then there is the Aldrich Ames affair, where the man in charge of the Russian spy operation managing our assets was on the payroll of the Soviet Union. He was on the payroll of the Soviet Union, and he exposed those assets. At least 10 of the people who were working for this nation were executed as a result of Aldrich Ames, the guy who was in charge at the CIA, having sold them out for quite a number of millions of dollars.

And now we have the blunder at the Chinese Embassy in Yugoslavia. It is not funny at all. It is not humorous at all to me. I heard some Members in the elevator say, "Do you want to establish a special map fund for the CIA?" I do not think this is funny at all. These people have life-and-death power over large numbers of people, and to talk about a mapping error which could have been corrected by a tourist map, a mapping area that was reinforced by somebody on the ground. They said they had assets on the ground. Was the asset on the ground drunk? What kind of operation is this?

And when are we, as American people first of all, going to get to see what the budget is? But more important than that, an independent commission to revamp it? And before that happens, there should not be a single additional penny spent. Throwing money at the CIA is certainly not going to solve the problem. And money is not the problem. They have far more than they need right now.

My colleagues will recall several years ago that the CIA accountants lost \$4 billion in their budget. They could not find out where \$4 billion had gone. They just could not. We know it was not spent. They lost it and kept applying for, of course, new funds every year. And we never got a full explanation as to what happened to lose \$4 billion in the budget of the CIA.

So we very much need to have a better accounting of this life-and-death powerful agency. The incompetence is deadly. The incompetence of the CIA is deadly. The incompetence of the CIA is such that it destroys the foreign policies of the United States.

My constituents were all in favor of supporting the President on the actions taken against Slobodan Milosevic. But now, the war has been conducted in such a sloppy manner. And with the Chinese Embassy bombing, there seems to be a turnaround in public opinion in my area because they do not want to be a part of anything that is as sloppy as this, a life-and-death operation, that tells us that they bombed an embassy that has been existing for several years because the maps were not correct.

The CIA should be revamped, and we should start with all new people in the intelligence community. If intelligence community means members of the committee, then maybe members of the committee ought to take a hard look at themselves and say, we need some fresher voices. If the committees in the House and the Senate are going to be advocates for the CIA, we need an objective committee that will be an oversight committee to really look at the CIA and revamp the CIA. But, certainly, do not spend an additional dime on the CIA until that happens.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, not only the United States, but I truly believe this is a very, very dangerous world. I believe, from my experience, that it is even more so than during the Cold War.

Sandy Berger, with the CIA, told me that their assets around the world are spread very, very thin. I think one of our biggest threats is terrorist threats, not only in the United States but abroad. And he said their assets are not adequate to do that. Whether it is gaining information to protect our embassies, whether it is terrorist movements, whether it is just gathering intelligence on China or Russia, or whatever, those assets are spread very thin.

Sandy Berger also told us that, with Kosovo, with those assets so thin, that

they are having to draw those intelligence assets to Kosovo, which leaves us very, very vulnerable. And, in his words he said, an attack from Osama bin Laden was imminent. To me, that means fairly quick.

It grieves me that we are in the situation that we are in right now in Kosovo. But the last thing we need to do is cut our intelligence. It means life and death, not only for the people here in the United States.

Let me give my colleagues a good example. In Vietnam, we had intelligence in a place just south of Hanoi that said there were no surface-to-air missiles there. We lost four airplanes because of faulty intelligence.

And when my colleague talked about the maps, I agree with him. But I went and looked at the map that they are using. Do my colleagues know what is in the map where the Chinese Embassy was? A vacant lot. And we cannot lie to the American people. We cannot spin things to make ourselves look good, either. That is wrong.

I would ask my colleagues to go over and look at the maps that they were using where the Chinese Embassy was. It was a vacant lot. So this is the kind of information we need, not to destroy. We have a military force and we have a foreign policy and we have the protection of the United States, the national security of this country. They are all tied together.

The intelligence we get enables us to direct our foreign policy, our foreign policy, using the vehicle of the military and enables us to stay safe and it enables our military to stay safe. And I feel from the bottom of my heart, with my experience, that to cut the intelligence budget is cutting the lifeline of the American people in our military. That is why I would oppose the amendment of the gentleman.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my colleague for yielding.

Let me ask my colleague a question: Does he believe that it is a question of funding that our intelligence people did not know where the Chinese Embassy was? Is this a question of putting billions of dollars more into the CIA? Or is this gross mismanagement of the process?

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I think probably both.

I would say to the gentleman from Vermont, when we have people that are spread so thin, it is like many of us in our offices where they give us more to do and we cannot keep up with all that we have got to do, there are things that slip through the crack. When we have limited assets and we are trying to do things in an ad hoc way which, in my opinion, and I agree with the gentleman, it has not been planned well, and when we are doing these ad hoc and we are making these decisions and

we have got people picking these targets to do that and the oversight was disastrous.

So, yes, it is because of a lack of personnel, which was also caused by a lack of budget to hire people. That would be my answer to the gentleman. And I feel strongly. I am not being partisan with this. I believe it with all my heart.

And please, look at what our military is going through right now, I mean we are running them into the ground, and the assets of the intelligence agency, both the service intelligence, the CIA, and the FBI. Although, I believe that in many cases it is defunct in certain areas. But please do not cut those assets, because it is a lifeline for us here in the United States and our military, as well.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is what the public knows about the total aggregate budget of our intelligence agencies. We are told somehow this figure needs to be kept secret.

What solace would U.S. enemies or potential enemies abroad take from knowing that we lavish more money on our intelligence agencies than the entire gross national product of their countries and many of our other enemies combined around the world? None. They would probably be scared to death to think of the amount of money we are spending. It is kept secret for a reason. It is kept secret because of the extraordinary waste and incompetence.

We had some discussion just now about the lack of human intelligence. They are right. They are lavishing so many billions on geegaws and satellites and things that bring down so much data that is never, ever to be analyzed because there are not humans there to analyze it. They do not have people. They do not have agents.

They are wasting tens of millions, hundreds of millions, billions of dollars annually on these things instead of investing in agents and intelligence.

□ 1315

A much smaller, more effective post-cold war, post-gadgetry type intelligence service could serve our Nation well.

The failings have been well documented, but I want to go into this most extraordinary recent failing for a moment. These are maps which I obtained through the Congressional Research Service, whose budget for an annual basis is equivalent to about one day's spending of our intelligence services. They were able to provide the maps. They provided two maps, in fact, where the Chinese embassy used to be and where the Chinese embassy is now. It is about four miles apart.

The gentleman before me really puzzled me because he said we targeted an empty lot. We have already admitted we targeted a building and blew it up. We did not target an empty lot. And it

just happened to be the Chinese embassy. Maybe they did not have access to the same database as CRS even though CRS has a budget a tiny fraction of theirs, but they certainly did have a map.

They could have accessed the Yugoslav web site. Maybe they thought it was disinformation, but they have a web site for tourists, and on the web site they have the new address of the Chinese embassy which my staff pulled down from the World Wide Web. Certainly, they have 486 computers and modems at these intelligence agencies. Or maybe we do not allow them to have those because we have wasted so much money on these extraordinary spy systems flying around up there in space that provide very little benefit to us.

The funny thing to me is, my colleagues on the other side of the aisle, as soon as we have an extraordinary failing of our intelligence agencies, say this proves the case for more money. Many of the same people stand up in the floor of this House and say the education system of the United States is failing our children. Do they say that needs more money? I think it needs more money for smaller class size. No, they say it needs to be reformed, dismantled, reorganized, vouchered, everything but more money for education. But when it comes to the failings of our intelligence services, the only answer, the answer every time is more money, more money, more money, more billions.

Why? Why not apply that same critical viewpoint, that same scrutiny to these agencies? Why not reveal the budget to the light of day? There is nothing in the Constitution that provides for hiding this budget. It is not a national security issue. It is a national waste and incompetence issue that is being kept from the American people. It is being kept from Members of Congress.

Yes, I could go upstairs and read all that stuff. That is great. But the minute I came to the floor of the House I could not talk about it. I would be crippled to talk about the waste. If I actually had facts about the waste, I could not use them. If I had the actual aggregate number, I could not use it.

So we have to come here and have this absurd debate every year because we are covering up an incompetent number of bureaucracies and disasters, and we have a bunch of people who are on a little committee who go into a room and exert some light degree of scrutiny and are even stonewalled at times by the agencies.

It is time for a major overhaul of these intelligence services because of the major failings, from the most recent failings here at the Chinese embassy back to being unable to predict the collapse of the Soviet Union, the invasion of Kuwait, the explosion of nuclear weapons by India, failing after failing after failing. There is no other part of the government where Congress would take it, lay down and say, "Here is more money. Waste it."

Mr. STARK. Mr. Chairman, I rise in support of the Sanders-Stark-DeFazio amendment to freeze the Intelligence Budget at the 1998 level of spending.

Without openness regarding the level of intelligence spending, there is no accountability. Without full accountability, I am not prepared to increase funds for intelligence.

On Saturday, May 8, the U.S. bombed the Beijing embassy in Belgrade. The blame is being placed on the Central Intelligence Agency (CIA) for using an outdated map. Now, China is breaking off diplomatic ties with the U.S. on human rights and arms control.

Many of my colleagues will attribute this fatal error—killing three Chinese journalists and wounding twenty other people—to shortfalls in intelligence spending on maps. However, in truth, this mistake was made by human error and the bombing should not be used as an excuse to spend more.

There is no reason for the Intelligence Budget to be classified information. How can we justify a multi-billion blank check every year without disclosure of that amount to the American taxpayer?

If this Congress is serious about saving Social Security and Medicare, we should not throw money into an unaccountable hole. Since almost all of the intelligence spending is hidden within the defense budget, we are misled about the real amount of intelligence spending through false line items in the defense budget. We must have budget integrity.

The media, without compromising national security, routinely estimates the intelligence budget. When the government keeps this open secret clandestinely hidden, the American public grows increasingly cynical about their government.

The Cold War is over. The specter of Communism no longer lurks on the horizon. While we face new challenges in this new age, the Intelligence community must share in the burden of fiscal accountability and discipline. I support the Sanders-Stark-DeFazio Amendment to freeze the Intelligence Authorization spending at the Fiscal Year 1998 level.

Reports show that the U.S. spends more than twice the combined Intelligence budgets of our supposed hostile nations—North Korea, Iraq, Iran, Syria, Libya and Cuba. It is also more than the Intelligence budgets of the United Kingdom, Australia, Germany and Canada combined.

Where has all of this secrecy gotten us?

We bombed a Chinese Embassy in Belgrade, killing three and wounding others.

We flew into a gondola in Italy, killing 20 unsuspecting civilians.

And we destroyed a weapons and nerve facility in Iraq causing Gulf War illness in our military personnel serving in the Persian Gulf.

The American taxpayer deserves to know what mistakes the CIA made and how they will be corrected. The Sanders-Stark-DeFazio Amendment calls for a CIA report on the accidents that have occurred over the past decade.

I cannot, in good conscience, allow any type of spending increase when mistakes in U.S. Intelligence occur far too often and endanger innocent lives.

For these tragedies, I urge my colleagues to support the Sanders-Stark-DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gen-

tleman from California (Mr. DIXON) to the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 167, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended, will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 13 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. WATERS:  
At the end, add the following new title:

**TITLE VI—PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY**

**SEC. 601. PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY.**

(a) PURPOSES.—It is the purpose of this section—

(1) to prohibit the Central Intelligence Agency and other intelligence agencies and their employees and agents from participating in drug trafficking activities, including the manufacture, purchase, sale, transport, or distribution of illegal drugs; conspiracy to traffic in illegal drugs; and arrangements to transport illegal drugs; and

(2) to require the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug trafficking activities to the appropriate authorities.

(b) PROHIBITION ON DRUG TRAFFICKING.—No element of the intelligence community, or any employee of such an element, may knowingly encourage or participate in drug trafficking activities.

(c) MANDATE TO REPORT.—Any employee of an element of the intelligence community having knowledge of facts or circumstances that reasonably indicate that any employee of such element is involved with any drug trafficking activities, or other violations of United States drug laws, shall report such knowledge or facts to the appropriate official.

(d) DEFINITIONS.—As used in this section:

(1) DRUG TRAFFICKING ACTIVITIES.—

(A) IN GENERAL.—The term "drug trafficking activities" means the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer illegal drugs (as those terms are applied under section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)).

(B) INCLUSIONS.—Such term includes arrangements to allow the use of federally owned or leased vehicles, or other means of transportation, for the transport of illegal drugs.

(2) ILLEGAL DRUGS.—The term "illegal drugs" means controlled substances (as that term is defined section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) included in schedule I or II under part B of title II of such Act.

(3) **EMPLOYEE.**—The term "employee" means an individual employed by an element of the intelligence community, and includes the following individuals:

(A) Employees under a contract with such an element.

(B) Covert agents, as that term is defined in paragraph (4) of section 606 of the National Security Act of 1947 (50 U.S.C. 426).

(C) An individual acting on behalf, or with the approval, of an element of the intelligence community.

(4) **INTELLIGENCE COMMUNITY.**—The term "intelligence community" has the meaning given that term under paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(5) **APPROPRIATE OFFICIAL.**—The term "appropriate official" means the Attorney General, the Inspector General of the element of the intelligence community (if any), or the head of such element.

Ms. WATERS. Mr. Chairman, I rise in favor of my amendment to H.R. 1555, the Intelligence Authorization Bill for Fiscal Year 2000.

My amendment prohibits the employees of the Central Intelligence Agency, the CIA, and other intelligence agencies, from participating in drug trafficking activities. My amendment clearly defines drug trafficking activities to include the manufacture, the purchase, the sale, the transport or distribution of illegal drugs and conspiracy to traffic in illegal drugs. My amendment also requires CIA employees and covert agents to report known or suspected drug trafficking activities to the appropriate authorities.

Most Americans would assume that the CIA would never traffic in illegal drugs and would take all necessary actions to prosecute known drug traffickers. History, however, has proven that this is not the case. For 13 years, the CIA and the Department of Justice followed a memorandum of understanding that explicitly exempted the CIA from requirements to report drug trafficking by CIA assets, agents and contractors to Federal law enforcement agencies. This allowed some of the biggest drug lords in the world to operate without fear that their activities would be reported to the Drug Enforcement Agency or other law enforcement authorities. This remarkable and secret agreement was in force from February of 1982 until August of 1995.

I have been investigating the allegations of drug trafficking by the Nicaraguan Contras during the 1980s. My investigation has led me to the conclusion that the United States intelligence agencies knew full well about drug trafficking by the Contras in south central Los Angeles and throughout the United States and chose to continue to support the Contras without taking any action to stop the drug trafficking.

Last year, the CIA Inspector General released a report of investigation on drug trafficking by the Contras which confirms allegations of CIA knowledge of and support for drug trafficking in the United States by the Contras. The report provides extensive details of the evidence available to the CIA regarding

drug trafficking by Contra rebels and their supporters.

Even more remarkable is the fact that there is evidence that the CIA was actually participating in drug trafficking activities. In the late 1980s, the CIA began to develop intelligence on Colombian drug cartels. To infiltrate the cartels, the CIA arranged an undercover drug smuggling operation with the Venezuelan National Guard. More than 1.5 tons of cocaine were smuggled from Colombia to Venezuela and then stored in a CIA-financed Counter-narcotics Intelligence Center in Venezuela. The Center's commander and the CIA's agent in Venezuela was General Ramon Guillen, who was also the head of the anti-drug unit of the Venezuelan National Guard.

Now we know that, in certain circumstances, the Drug Enforcement Agency arranges controlled shipments of illegal drugs in which the drugs are allowed to enter the United States, then tracked to their destination and seized. However, the CIA was more interested in keeping the drug lords happy than confiscating the drugs and prosecuting the traffickers.

The CIA asked the DEA for permission to let the dope walk, that is, allow the drugs to be sold on our Nation's streets. The DEA refused them, turned them down flat. But the CIA ushered this shipment of drugs into the United States, and it got lost on the streets of New York and south central Los Angeles and in our neighborhoods and our communities. The CIA let the drugs walk into our communities.

On November 19, 1990, part of that shipment, 800 pounds of cocaine, was seized by the U.S. Customs Service at the Miami International Airport. Customs traced the cocaine right back to the Venezuelan National Guard and General Guillen and the CIA. General Guillen's top civilian aide, Adolfo Romero Gomez, was convicted of conspiracy to possess and distribute cocaine in September of 1997.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, on December 10, 1997, he was sentenced to almost 20 years in prison. Federal prosecutors have also charged General Guillen with a broad conspiracy to smuggle up to 22 tons of cocaine through Venezuela to the United States and Europe while he was head of the anti-drug unit of the Venezuelan National Guard between 1988 and 1992. Since Venezuela does not extradite its citizens, General Guillen is still at large.

We may never know precisely how much cocaine entered the United States through the CIA's pipeline or how much eventually reached our Nation's streets. No one at the CIA was ever charged.

The CIA should not be allowed to bring cocaine or other illegal drugs

into our country. Intelligence agencies should be working to stop the harmful trafficking in illegal drugs that is destroying our communities. They should not be assisting the drug traffickers.

I urge my colleagues to support this very reasonable amendment to stop the drugs that are used in covert operations from seeing their way into our cities and our towns. I ask for an "aye" vote on my amendment.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

As I understand the gentlewoman's amendment, it would prohibit the engagement in any illegal drug activity by employees, agents or other sources of the CIA. Is that essentially correct?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentlewoman from California.

Ms. WATERS. That is correct, Mr. Chairman.

Mr. GOSS. Mr. Chairman, I obviously support wholeheartedly the spirit of that. I think that, in fact, it is already a fact, that it is against the law for employees, agents or sources of the CIA to break the law, as it should be.

The only problem I have with the gentlewoman's amendment is one I think we can resolve very easily, and that is the definition of what an employee is, whether or not it perhaps is so broad that in some unanticipated or unintended way it actually could limit the intelligence community's efforts to wage war on those involved in illegal narcotic trafficking and illegal drug activity. I know that the gentlewoman would not want that.

With that one simple reservation, I would be simply in a position to accept the amendment, certainly in the spirit it is offered, and join the gentlewoman in saying very obviously we would not tolerate in any way any incidents, and we will seek out, as the gentlewoman has suggested, any reports we have about wrongdoing in the areas of illegal drug activity by not just the CIA but anybody in the intelligence community over which we have oversight authority.

Having said that, I would also point out that actually some progress has been made by the committee since last year we had this conversation, and we do have some reporting, and we will soon have some more on some of these matters of interest to the gentlewoman.

I will accept the amendment subject to those remarks.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and in particular section 2 which says it requires the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug traffickers' activities to the appropriate authorities. Clearly, in the past and based on the CIA Inspector General's public report on this matter there has been a mixed record as it relates to the reporting of suspected drug

activities. I think that this amendment perhaps would go a long way toward clearing up that ambiguity, although the CIA has taken effective steps to correct past problems in this area.

I agree with the chairman of the committee as it relates to the definition of "employees," and we accept the amendment on the minority side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Ms. WATERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 3 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman referring to amendment No. 3?

Mr. ENGEL. Yes.

The CHAIRMAN. Title III was closed. The gentleman will need to proceed with unanimous consent to designate the amendment.

Mr. ENGEL. Mr. Chairman, I ask unanimous consent that we proceed with the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GOSS. Mr. Chairman, reserving the right to object, and I will not object, I wish to explain why I will not object.

I respect the gentleman from New York. He has worked hard and means well to bring forward a meaningful amendment. It is an amendment in fact which I think I am prepared to accept if I understand it properly.

□ 1330

Mr. Chairman, given the technicalities of this particular rule for this particular subject for this particular permanent select committee, I think that there is a little extra work involved for our members, and we try and bend over backwards to accommodate our members, and it is in that spirit that I am not going to object.

Equally, I am very mindful that this year the gentleman from California (Mr. DIXON) specifically asked if we could have as much time as possible so every member would be able to be fully lined up, and as a courtesy to my ranking member, I am prepared not to object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. ENGEL) may offer amendment No. 3.

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ENGEL:

At the end of title III (page 10, after line 2), insert the following new section:

#### SEC. 304. REPORT ON KOSOVO LIBERATION ARMY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on the organized resistance in Kosovo known as Kosovo Liberation Army. The report shall include the following:

(1) A summary of the history of the Kosovo Liberation Army.

(2) As of the date of the enactment of this Act—

(A) the number of individuals currently participating in or supporting combat operations of the Kosovo Liberation Army (fielded forces), and the number of individuals in training for such service (recruits);

(B) the types and quantity of each type, of weapon employed by the Kosovo Liberation Army, the training afforded to such fielded forces in the use of such weapons, and the sufficiency of such training to conduct effective military operations; and

(C) minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

(3) An estimate of the percentage of funding (if any) of the Kosovo Liberation Army that is attributable to profits from the sale of illicit narcotics.

(4) a description of the involvement (if any) of the Kosovo Liberation Army in terrorist activities.

(5) A description of the number of killings of noncombatant civilians (if any) carried out by the Kosovo Liberation Army since its formation.

(6) A description of the leadership of the Kosovo Liberation Army, including an analysis of—

(A) the political philosophy and program of the leadership; and

(B) the sentiment of the leadership toward the United States.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term "appropriate congressional committees" means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

Mr. ENGEL. Mr. Chairman, first of all I want to thank the chairman of the committee, my classmate, the gentleman from Florida (Mr. GOSS); we came to Congress the same year together; and the ranking member, the gentleman from California (Mr. DIXON) for their kindness, and I rise to offer this amendment which is very, very simple.

I was at a speech that the President gave this morning on the current hostilities in Yugoslavia, and the President said that he feels very strongly that we must stay the course and must put an end to the ethnic cleansing and the atrocities being committed. I concur wholeheartedly. I think it is very important that we do that.

Mr. Chairman, I have a bill which I am sponsoring along with my colleague, the gentleman from South Carolina (Mr. SANFORD) which provides money to arm and train the KLA, the Kosovo Liberation Army. It is identical to the McConnell-Lieberman bill which is in the Senate, and I believe very strongly about it because I think that in order for the bombing to be success-

ful we need to have a counterbalance on the ground, and the Kosovo Liberation Army is right now the only counterbalance to the Serb atrocities on the ground, and I think that in Bosnia, when we had the bombing, we had the Croatian Army on the ground to help, and I think it would be helpful for us to arm and trade and aid the Kosovo Liberation Army.

There have been a series of reports in papers talking about the Kosovo Liberation Army, and they have unidentified sources, I think, of dubious veracity saying all kinds of negative things about the Kosovo Liberation Army. In my discussions with people, with the intelligence community and others, there seems to be no substantiation whatsoever about negatives being put forward trying to, I believe, smear the Kosovo Liberation Army.

So I think it would be very helpful, and what my amendment does is it says that not later than 30 days after the date of the enactment of this act the director of the CIA shall submit to Congress, to the appropriate congressional committees, both in classified and unclassified form, everything it knows on the organized resistance in Kosovo known as the Kosovo Liberation Army. The report shall include a summary of the history of the KLA, the number of individuals currently participating in or supporting combat operations of the KLA, the types and quantity of each type of weapons that they have, minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

Talking about the smears, and I believe they are smears and there is no substantiation to them, but I want to know that somehow or other there are members participating in terrorist activities or illicit narcotics. Again, there seems to be no scintilla of evidence, but I think it is important that we know a description of their leadership, their political philosophy, and the sentiment of their leadership towards the United States and other things that are relative. I think that that would go a long way in helping this Congress to understand what the KLA is, and who they are and whether or not it will help us to decide whether or not to help them.

Again, Mr. Chairman, I think that they are a force on the ground in opposition to the Serb atrocities of ethnic cleansing, and I believe we should aid them, and that is simply what my amendment does.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from New York (Mr. ENGEL) for his efforts in this area. Obviously this is a pathway the oversight committee has already started down, and I believe the amendment is supportive to interests that we all have. The purpose of the intelligence community is to provide the best possible factual information we can get on

a timely basis for our decision makers. We have to make some very tough decisions involving this part of the world these days, and I cannot see anything but good coming out of having the right information at the right time.

Mr. Chairman, I believe this amendment takes us that way, and I wish I knew more about all of the things that the gentleman is speaking about, I think we all wish that, but I think that trying to get that information is exactly the right thing for us to be doing.

Mr. Chairman, I will be supporting the gentleman's amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, we have no problem with the amendment on the minority side. Be glad to accept it also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS,  
AS AMENDED

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 343, not voting 22, as follows:

[Roll No. 129]

AYES—68

Abercrombie	Hilliard	Owens
Allen	Holt	Pastor
Baldacci	Hooley	Paul
Baldwin	Jackson (IL)	Payne
Blumenauer	Jackson-Lee	Peterson (MN)
Bonior	(TX)	Ramstad
Brown (OH)	Jones (OH)	Rivers
Capuano	Kanjorski	Rohrabacher
Chenoweth	Kucinich	Sanders
Clay	Lee	Schakowsky
Conyers	Luther	Serrano
Cummings	Markey	Stabenow
Danner	McCarthy (MO)	Stark
Davis (IL)	McCarthy (NY)	Stearns
DeFazio	McGovern	Stupak
Delahunt	McKinney	Tierney
DeLauro	Meehan	Towns
Duncan	Meeks (NY)	Udall (NM)
Evans	Minge	Velazquez
Farr	Mink	Vento
Filner	Nadler	Waters
Frank (MA)	Oberstar	Woolsey
Gejdenson	Olver	Wu

NOES—343

Ackerman	Barrett (WI)	Bilirakis
Aderholt	Bartlett	Bishop
Andrews	Barton	Blagojevich
Archer	Bass	Bliley
Armey	Bateman	Blunt
Bachus	Bentsen	Boehlert
Baird	Bereuter	Boehner
Baker	Berkley	Bonilla
Ballenger	Berman	Bono
Barcia	Berry	Borski
Barr	Biggart	Boswell
Barrett (NE)	Bilbray	Boucher

Boyd	Hefley	Pascrell
Brady (PA)	Herger	Pease
Brady (TX)	Hill (IN)	Pelosi
Brown (FL)	Hill (MT)	Peterson (PA)
Bryant	Hilleary	Petri
Burr	Hinchee	Phelps
Burton	Hinojosa	Pickering
Buyer	Hobson	Pickett
Callahan	Hoeffel	Pitts
Calvert	Hoekstra	Pombo
Camp	Holden	Pomeroy
Campbell	Horn	Porter
Canady	Hostettler	Portman
Cannon	Houghton	Price (NC)
Capps	Hoyer	Pryce (OH)
Carson	Hulshof	Quinn
Castle	Hunter	Radanovich
Chabot	Hutchinson	Regula
Chambliss	Hyde	Reyes
Clayton	Inslee	Reynolds
Clement	Isakson	Riley
Clyburn	Istook	Rodriguez
Coble	Jenkins	Roemer
Coburn	John	Rogan
Collins	Johnson (CT)	Rogers
Combest	Johnson, E. B.	Ros-Lehtinen
Condit	Johnson, Sam	Rothman
Cook	Jones (NC)	Roukema
Cooksey	Kaptur	Roybal-Allard
Costello	Kasich	Royce
Cox	Kelly	Rush
Cramer	Kennedy	Ryan (WI)
Crane	Kildee	Ryun (KS)
Crowley	Kilpatrick	Sabo
Cubin	Kind (WI)	Salmon
Cunningham	King (NY)	Sanchez
Davis (FL)	Kingston	Sandlin
Davis (VA)	Klink	Sanford
Deal	Knollenberg	Sawyer
DeGette	Kolbe	Saxton
DeLay	Kuykendall	Scarborough
DeMint	LaFalce	Schaffer
Deutsch	LaHood	Scott
Diaz-Balart	Lampson	Sensenbrenner
Dickey	Lantos	Sessions
Dicks	Largent	Shadegg
Dingell	Larson	Shaw
Dixon	Latham	Shays
Dooley	LaTourette	Sherman
Doolittle	Lazio	Sherwood
Doyle	Leach	Shimkus
Dreier	Lewis (CA)	Shows
Dunn	Lewis (KY)	Shuster
Edwards	Linder	Simpson
Ehlers	Lipinski	Sisisky
Ehrlich	LoBiondo	Skeen
Emerson	Lofgren	Skelton
Engel	Lowe	Smith (MI)
English	Lucas (KY)	Smith (NJ)
Eshoo	Lucas (OK)	Smith (TX)
Etheridge	Maloney (CT)	Smith (WA)
Everett	Maloney (NY)	Snyder
Ewing	Manzullo	Souder
Fattah	Martinez	Spence
Fletcher	Mascara	Spratt
Foley	McCollum	Stenholm
Forbes	McCrery	Strickland
Ford	McHugh	Stump
Fossella	McInnis	Sununu
Fowler	McIntosh	Sweeney
Franks (NJ)	McIntyre	Talent
Frelinghuysen	McKeon	Tancred
Frost	McNulty	Tauscher
Gallegly	Meek (FL)	Tauzin
Ganske	Menendez	Taylor (MS)
Gekas	Metcalf	Taylor (NC)
Gibbons	Mica	Terry
Gilchrest	Millender-	Thomas
Gillmor	McDonald	Thompson (CA)
Gilman	Miller (FL)	Thompson (MS)
Gonzalez	Miller, Gary	Thornberry
Goode	Moakley	Thune
Goodlatte	Mollohan	Tiahrt
Goodling	Moore	Toomey
Gordon	Moran (KS)	Trafigant
Goss	Murtha	Turner
Graham	Myrick	Udall (CO)
Granger	Napolitano	Upton
Green (TX)	Nethercutt	Visclosky
Green (WI)	Ney	Walden
Gutierrez	Northup	Walsh
Gutknecht	Norwood	Wamp
Hall (OH)	Nussle	Watkins
Hall (TX)	Obey	Watt (NC)
Hansen	Ortiz	Watts (OK)
Hastings (FL)	Ose	Waxman
Hastings (WA)	Oxley	Weiner
Hayes	Packard	Weldon (FL)
Hayworth	Pallone	Weldon (PA)

Weller	Wicker	Wynn
Wexler	Wilson	Young (AK)
Weygand	Wise	Young (FL)
Whitfield	Wolf	

#### NOT VOTING—22

Becerra	Klecza	Neal
Brown (CA)	Levin	Rahall
Cardin	Lewis (GA)	Rangel
Coyne	Matsui	Slaughter
Doggett	McDermott	Tanner
Gephardt	Miller, George	Thurman
Greenwood	Moran (VA)	
Jefferson	Morella	

□ 1357

Messrs. GANSKE, BAIRD and WATT of North Carolina, Ms. PRYCE of Ohio, Mrs. KELLY, and Mrs. MEEK of Florida changed their vote from "aye" to "no."

Mr. ROHRBACHER and Ms. STABENOW changed their vote from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARDIN. Mr. Speaker, I was unavoidably detained and could not be here to vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) to the Intelligence Authorization Appropriation. If I had been present, I would have voted no.

Mr. McDERMOTT. Mr. Chairman, I missed the vote today (rollcall No. 129) on the Sanders amendment to freeze all Intelligence spending at the FY 1999 level because I was in a meeting with the President. If I had been here, I would have voted against it.

The CHAIRMAN. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1400

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 167, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.



The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1555, just passed, that the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1555, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. UPTON. Mr. Speaker, under section 7(c), rule XXII, I offer a motion to instruct conferees on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The CLERK read as follows:

Mr. UPTON moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 1141 be instructed to insist that no provision—

(1) not in H.R. 1141, when passed by the House,

(2) not in H.R. 1664 when passed by the House or directly related to H.R. 1664,

(3) not in the Senate amendment to H.R. 1141, as passed by the Senate,

be agreed to by the managers on the part of the House.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) and the gentleman from Florida (Mr. DEUTSCH) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Over the last couple of weeks this House has passed two supplemental ap-

propriations bills. I voted for each of the two bills. I thought that they were very important and truly emergency spending resolutions that we needed to agree on and pass.

Mr. Speaker, we passed both these resolutions here in the House, and clearly they were urgent, and clearly they were necessary. Many of us in the last week or two, when we supported particularly the second resolution, helping our readiness, helping our troops all over the world, decided that that was the wisest course to take. When we passed those two bills, we did not include the traditional pork barrel projects that are sometimes, more often than not, added onto these bills.

But sadly, the other body took a different course. Yesterday when I introduced this resolution, we indicated that we should not exceed the scope of the bills passed in the House and Senate. This is a step in the right direction.

Frankly, I would like to do a lot more. I would like to get all of the pork, all of these pork barrel projects that are not emergency, out of the bill. But lo and behold when I get home at night, as I did last night, and I turn on C-Span, it is really a big bazaar. It is Members of Congress in the House or the Senate, it does not matter which party, trading projects back and forth, back and forth.

Mr. Speaker, I can remember the staffer in the Reagan administration looking at some of these appropriation conference bills. The House would pass a bill at this level, the Senate would be a little higher, and we would end up with a bill that was higher than both of them. The same thing is happening again.

This has got to stop. This is taking money away from social security. This clearly has an impact on the surplus or the deficit, the long-term debt. It is wrong.

This is an emergency. We need only to deal with the emergency items, whether they be the tornado, the awful tornado that struck in Oklahoma, whether they be Hurricane Mitch, whether it be our readiness. All of those things I can understand, and I think the taxpayers across the country can understand.

But when they start seeing a bridge here, an armory here, some special environmental rider here or there, lots of things added to this bill, none of which were ever intended, particularly by the leaders of this House when we passed those bills, both in March and April, we have to draw the line.

What this resolution does, Mr. Speaker, is say, they have got to go. This is our instructions to our conferees that have now been working for some 3 weeks, that it is time to put their feet to the fire and say no to these special interests, no to these special projects, bring a bill back for the House and Senate to agree to that does not include all of these pork barrel items.

Mr. Speaker, we have a number of speakers that want to speak on this issue this afternoon, so I reserve the balance of my time.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the effort of the gentleman from Michigan (Mr. UPTON) in this area. This House is the people's House, and we are here to do the people's business. For any of the people of America who were watching C-Span last night and watching the conference report, I do not think they were watching the people's business. I think it was an unfortunate public example of what we know goes on privately many, many times.

There is a statute which talks about emergencies. We are literally dealing with the most serious things this Congress can talk about and deal with, literally, a military operation going on in Kosovo, American men and women whose lives are in harm's way today, and then by I guess it is just the arrogance of power, just absolute arrogance is the only way I can describe some of my colleagues, particularly in the Senate, in the other body, that want to put in just absolutely awful, obscure, terrible, self-centered special interest riders onto legislation dealing with a true crisis.

Think about how outrageous what is going on in this building today is. In the 7 years that I have been here, this is the worst example. We have seen special interests, we have seen pork barrel stuff, but what hypocrisy, what tragic, absolutely beyond-the-pale arrogance, when men and women of our armed forces are in harm's way, to play these games.

This is not a game. There are some of my colleagues who might believe that it is a game, but it is not a game. Yet, that is exactly what is going on. Shame on those Members, and hopefully more people are watching on C-Span and more people are seeing what they are going to do, and guarantee that those people who are involved in this shameful activity never return to this Congress or to the United States Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, let me first associate myself with the comments of the gentleman from Michigan when he opened this legislation, and with the gentleman from Florida. I am as concerned as they are, and perhaps even more so. I think the process that we have adopted with respect to these so-called emergency spending bills is itself a disaster. Frankly, I think we need to do something about it in a hurry.

First of all, we do not, in the Congress of the United States, unlike virtually every State in the country now, have any kind of an emergency spending process by which we set aside