

Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUE conferees on the part of the Senate.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to and adopts the motion to reconsider the vote whereby the conference report on H.R. 4516 was defeated.

The question is on agreeing to the conference report upon reconsideration.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—58

Akaka	Hagel	Moynihan
Bennett	Hatch	Murkowski
Bond	Hollings	Murray
Boxer	Hutchinson	Nickles
Breaux	Inhofe	Reed
Campbell	Inouye	Reid
Chafee, L.	Jeffords	Robb
Cochran	Kerrey	Rockefeller
Craig	Kerry	Roth
Crapo	Kohl	Sarbanes
Daschle	Kyl	Shelby
Dodd	Landrieu	Smith (OR)
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Durbin	Levin	Thomas
Enzi	Lott	Thompson
Fitzgerald	Lugar	Thurmond
Gorton	Mack	Torricelli
Grassley	McConnell	
Gregg	Mikulski	

NAYS—37

Abraham	Collins	Miller
Allard	Conrad	Roberts
Ashcroft	DeWine	Santorum
Baucus	Edwards	Schumer
Bayh	Feingold	Sessions
Biden	Frist	Smith (NH)
Bingaman	Graham	Snowe
Brownback	Gramm	Voinovich
Bryan	Harkin	Warner
Bunning	Hutchison	Wellstone
Burns	Johnson	Wyden
Byrd	Lincoln	
Cleland	McCain	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The conference report was agreed to. Mr. STEVENS. That vote is not subject to reconsideration?

The PRESIDING OFFICER. The vote is subject to reconsideration because the first result was changed.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4392, the intelligence authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4392, to authorize appropriations for fiscal year 2001 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, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agreed to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. SHELBY. Mr. President, the Senate has before it the conference report to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The conference report reflects the legislation, S. 2507, that was approved unanimously by the Select Committee on Intelligence on April 27, 2000, and amended and approved by the Senate on Monday, October 2.

I thank Senator BRYAN, the vice chairman of the committee for his assistance in expediting this conference report. This is Senator BRYAN's first year as vice chairman. It has been a pleasure to work cooperatively with him on a wide range of issues, and I regret that this also will be his last year on the committee and in the Senate.

The committee has been increasingly troubled by the NSA's growing inability to meet technological challenges and to provide America's leaders with vital signals intelligence, SIGINT. Success in NSA's mission is critical to our national security. Therefore, the conference report reflects the start of our investment in resources and support aimed at restoring the NSA's capabilities.

I am proud to report that the conference report addresses the growing problem of leaks of classified information. The conferees endorsed the Senate provision that will close a gap in U.S. law to ensure the prosecution of all unauthorized disclosure of classified

information. Successive directors of Central Intelligence have decried the growing problem of leaks of classified information and the damage it causes to our national security. DCI Tenet has publically stated that the U.S. Government "leaks like a sieve."

Arguments that section 304 will stifle the freedom of the press simply don't pass muster. This provision has nothing to do with restraining publication. It simply criminalizes knowing and willful disclosure of properly classified information by those charged with protecting it. The Senate Intelligence Committee unanimously approved this provision and worked closely with the Attorney General and the intelligence community to incorporate changes requested by the Department of Justice. The Departments of Justice and State and the CIA all support the provision as approved by the conference committee.

Another provision of the bill is designed to ensure that the State Department corrects the serious, systemic security weaknesses that have repeatedly placed at risk sensitive classified intelligence information collected at considerable risk and expense. This provision would require that the Director of Central Intelligence certify that the retention and storage of Sensitive Compartmented Information (SCI) by any element of the State is in full compliance with all applicable DCI directives relating to the handling, retention, or storage of such information.

The bill requires the Director of Central Intelligence, in consultation with the Secretary of Defense, to create an analytic capability for intelligence relating to prisoners of war and missing persons. The analytic capability will extend to activities with respect to prisoners of war and missing persons after December 31, 1990.

Also, the bill strengthens the IG's requirements to be fully engaged in investigating and responding to possible wrongdoing by senior CIA officials. In the wake of the investigation of former Director of Central Intelligence John Deutch this provision will ensure that the CIA policies its senior officials.

The conference report also contains the Counterintelligence Reform Act of 2000. S. 2089 was introduced by Senators SPECTER, TORRICELLI, THURMOND, BIDEN, GRASSLEY, FEINGOLD, HELMS, SCHUMER, SESSIONS, and LEAHY in April in the wake of Congressional and other investigations into PRC espionage against the Department of Energy's nuclear weapons laboratories and other U.S. government facilities, and the U.S. government's response. Those investigations focused attention on the application of the Foreign Intelligence Surveillance Act of 1978, and highlighted coordination, information-sharing, and other problems within and among the Department of Energy, FBI, and Department of Justice. The amendment will correct some of the problems in coordinating and sharing information between federal agencies, and will

clarify procedures and the statutory roles of various agencies in the investigation and prosecution of espionage and other cases affecting national security.

I thank all Senators for their cooperation in this conference report, particularly the members of the committee. I also thank the staff of the Select Committee on Intelligence for their hard work in developing this legislation.

SECTION 304

Mr. LEVIN. Mr. President, I would like to ask a question of the Vice Chairman of the Intelligence Committee, Senator BRYAN, for purposes of clarification with respect to one definition in the Intelligence Authorization bill. And that's the definition of "classified information" in Section 304 of the bill which amends Section 798A of Title 18. Section 304 establishes as a crime the willful disclosure of classified information to an unauthorized person. In paragraph (c)(2) it defines "classified information" as "information that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order. . . ."

Mr. President, I would like to ask the Vice Chairman's assurance that this bill is not intended to alter in any way the existing definitions of classified information contained in other statutes relevant to the protection of classified information and whistleblower rights. Is that correct?

Mr. BRYAN. The Senator is correct, and I thank him for bringing this to the attention of the Senate.

Mr. WARNER. Mr. President, I ask unanimous consent the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

UNANIMOUS CONSENT
AGREEMENT—H.R. 4461

Mr. WARNER. I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, and it be considered under the following agreement, equally divided in the usual form.

I further ask consent that the debate continue beginning at 9:30 a.m. on Tuesday and proceed throughout the day.

I ask consent that the vote occur on adoption of the Agriculture conference report at 11:30 a.m. on Wednesday and that paragraph 4 of rule XII be waived and the time between 9:30 a.m. and 11:30 a.m. on Wednesday be equally divided in the usual form, and, finally, 45 minutes of the minority time be under the control of Senator HARKIN.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT
AGREEMENT—H.J. RES. 111

Mr. WARNER. I ask consent that immediately following the vote on passage of the Defense authorization conference report, the Senate proceed to the consideration of H.J. Res. 111, the continuing resolution, the resolution be read the third time, and the Senate then proceed immediately to a vote on passage of the resolution with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FLOYD D. SPENCE NATIONAL
DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2001—CON-
FERENCE REPORT

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year and for the Armed Forces, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceeding of the RECORD of October 6, 2000.)

Mr. WARNER. Mr. President, it is my privilege as chairman, together with my distinguished friend and ranking member, Mr. LEVIN, the Senator from Michigan, to at long last bring to the Senate the annual conference report from the authorizing committee in the Senate and the authorizing committee in the House.

To refresh the recollection of Senators, I will read the time agreement: 2 hours under the control of the chairman of the Armed Services Committee, Mr. WARNER; 2½ hours under the control of the ranking member, Mr. LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE. Following the debate just outlined, Senator ROBERT KERRY will be recognized to make a point of order. The motion to waive the Budget Act will be limited to 2 hours equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We hope to yield back some time because I know many of our colleagues are anxious to make commitments, but this is a very important piece of legislation. I am certain the Senators who are going to participate, whom I have identified, will do so in a manner that fits the importance of this annual piece of legislation.

This is the 39th consecutive authorization bill passed by the Congress, assuming it passes this Chamber. It passed the House by a vote of 382-31. That will give some clear indication of the importance of the legislation and the strong support that it merits and has merited in the House of Representatives.

Mr. President, the Senate, as I have been with my colleagues here for the past hour or so for the voting, reflects a very somber note on this sad day for America—indeed, for all those who, throughout the world, stand guard for freedom. We have suffered a tragic loss to the U.S. Navy. This is in parallel with frightful losses taking place elsewhere throughout the Middle East. It brings to mind that this is a most dangerous world that faces us every day. Men and women in the Armed Forces of the United States go forth from our shores, serving in countries all over the world. They, of course, now are on a high alert because of the tragic terrorist act inflicted upon one of our destroyers, the U.S.S. *Cole*.

First in mind are thoughts for our sailors who have lost their lives, and most particularly their families and the families who, at this hour, are still waiting definitive news with regard to the crew of that ship. The casualties number four dead, approximately 12 missing, and some 35 to 36 suffering wounds. Still the facts are coming in.

This clearly shows the danger; it shows the risks the men and women of the Armed Forces are taking—not only in the Middle East region. This, of course, happened in a port in Yemen. The ship was on a routine refueling, a matter of hours, as it worked its way up towards the Persian Gulf to take up its duty station in enforcing the United Nations Security Council sanctions against Iraq. Because of the smuggling that is taking place in violation of those sanctions, those are dangerous tasks and they are being performed every day by men and women of the U.S. Armed Forces, Great Britain, and other nations. Air missions are being flown over Iraq every day, and often those missions are encountering ground fire and other military activity directed against them. We must be a grateful nation for the risks that are constantly assumed by the men and women of the U.S. Armed Forces and their families.

The Senate will have an opportunity to get further facts in the course of the day.

I will now direct my attention to this particular bill, and I see the distinguished President pro tempore, the former chairman of the Senate Armed Services Committee. It is my privilege to succeed him. As an honor to my distinguished former chairman, I ask he lead off the debate on this bill today.

Mr. THURMOND. Thank you very much. I appreciate your fine work as chairman.