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Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

The PRESIDING OFFICER. The guest Chaplain, Elder Francis Cree, the Spiritual Leader of Turtle Mountain Band of Chippewa Indians, in Dunseith, ND, will lead us in prayer.

PRAYER

The guest Chaplain, Elder Francis Cree, offered the following prayer:

[Speaking Chippewa]

Great Spirit of God, we want to thank You for this wonderful day You have given us, for all the many good things You have blessed us with. You have also given us this love and respect and unity and faith in God. And we ask You, at this time, that You bless the President, and all his employees, and all of us here and all over the world. We thank You. We thank You, again.

That is the prayer I said in the Chippewa language.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON,

a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from North Dakota.

WELCOMING ELDER FRANCIS CREE OF NORTH DAKOTA

Mr. CONRAD. Mr. President, I am pleased this morning to welcome a good friend and distinguished North Dakotan, Francis Cree, to the Senate. I thank him for his moving and inspirational prayer.

Francis Cree is the Spiritual Leader and Tribal Elder of the Turtle Mountain Band of Chippewa of North Dakota. He is the official Pipe Carrier for the Tribe, a position of honor and leadership. He led the tribe as chairman in the 1950s and served several terms on the Tribal Council.

Francis spends countless hours teaching young tribal members about Chippewa culture and traditions. Last year, he even made an award-winning CD called, "The Elders Speak."

Francis is married to Rose Cree, a well-known artist who makes beautiful willow and birchbark baskets, several of which are displayed in my office. They were recently featured at the Smithsonian's Festival of American Folk Life on the Mall here in our Nation's Capital.

Francis and Rose have 14 children, and, according to Rose, "too many grandchildren and great-grandchildren to count, but there are well over a hundred." In May, Rose and Francis will celebrate 63 years of marriage.

Congratulations to you both.

I am very pleased to welcome Francis Cree to the Senate this morning. I thank him for being here and for sharing his inspiring message with us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from North Dakota leaves the Chamber, and before Spiritual Leader and Tribal Elder Cree leaves the Chamber, I say, I never had the opportunity in the Senate Chamber to say this to anyone who would understand it, but the Senator from North Dakota and the tribal leader will: I am a Pipe Carrier for the Pyramid Paiute Tribe in northern Nevada. I have been through the ceremony. It was very dignified and impressive. It was a ceremony I will never forget.

So I am very happy we have had this very time-honored tradition now done in opening the Senate in prayer. I congratulate the Senator from North Dakota in bringing one of the most-renowned citizens of his State to the U.S. Capitol.

Mr. CONRAD. I thank my colleague from Nevada.

My colleague, Senator DORGAN, is chairing a hearing in another part of the Capitol complex and will come to the Chamber later today to also memorialize this occasion. I do not want this moment to pass without indicating Senator DORGAN was here earlier but had to leave to chair a meeting of his subcommittee elsewhere in the Capitol complex or else he would be here as well.

I thank the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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SCHEDULE

S. 1428

Mr. REID. Mr. President, this morning, the Senate will begin consideration of the Intelligence Authorization Act. The only amendments in order to this bill are relevant amendments, with the exception of two possible amendments regarding immigrant deportation that may be offered by Senator SMITH of New Hampshire and Senator LEAHY. Rollcall votes are possible throughout the day.

I note that we are expecting to receive from the House at or about noon today the VA-HUD appropriations bill that has been worked on for many months, led by Senator MIKULSKI and the ranking member, Senator BOND. It is a very important bill.

This will be the sixth bill we would send to the President for his signature. There are other appropriations conference reports moving toward completion now. We should be able to do several more of those in the next few days.

I also indicate that we have some extremely important items to consider, as the entire Senate knows. We are hopeful of working on the stimulus package next week. The majority leader will have announcements about that later on in the day.

We have a lot to do on most-important matters, but I indicate, it is very timely we will be working today on the intelligence authorization bill. The two managers will be Senator GRAHAM of Florida and the ranking member, Senator SHELBY of Alabama. We hope to complete the bill very soon today. It should not take a lot of time we hope. But whatever time it takes, we need to complete that legislation today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1428, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence without amendment and the Committee on Armed Services with amendments, as follows:

(The parts of the bill intended to be inserted are shown in *italics*.)

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 2002’.

(b) *TABLE OF CONTENTS.*—The table of contents of 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.

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. Judicial review under Foreign Narcotics Kingpin Designation Act.

Sec. 304. Modification of positions requiring consultation with Director of Central Intelligence in appointments.

Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.

Sec. 306. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.

Sec. 307. Review of protections against the unauthorized disclosure of classified information.

Sec. 308. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.

Sec. 309. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

Sec. 310. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.

Sec. 311. Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.

Sec. 402. Modifications of central services program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 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, 2002, 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 conference report on the bill _____ of the One Hundred Seventh 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 2002 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 2 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 notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of \$238,496,000. 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, 2003.

(b) *AUTHORIZED PERSONNEL LEVELS.*—The elements within the Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Community Management Account 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 2002 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, 2003.

(2) *AUTHORIZATION OF PERSONNEL.*—In addition to the personnel authorized by subsection (b) for elements of the Community