



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, WEDNESDAY, JULY 24, 2002

No. 102—Part II

House of Representatives

□ 2211

IN THE MATTER OF REPRESENTATIVE JAMES A. TRAFICANT, JR.—Continued

Mr. DELAHUNT changed his vote from “no” to “aye.”

So (two-thirds having voted in favor thereof) the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will notify the Governor of the State of Ohio of the action of the House.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, due to the significance of these proceedings and the desire of many Members to express their views on these grave and somber proceedings, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks for the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 497

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 2215

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Florida is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of the debate only, I yield the customary 30 minutes to the distinguished gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all

time yielded is for the purposes of debate only.

Mr. Speaker, this is the standard rule that we have used for many years on the intelligence authorization. As far as I know, it is not controversial in any way. As in past years, we have thought it best to allow Members good opportunity to review the bill and debate the issues they feel are important to our Nation's security. Of course, that is particularly appropriate now. Therefore, as has been the tradition, the rule is a modified open rule, providing for 1 hour of general debate, equally divided between the chairman and ranking member of the Permanent Select Committee on Intelligence.

The rule further provides for the consideration of only pro forma amendments for the purpose of debate and those amendments printed in the CONGRESSIONAL RECORD prior to their consideration, as we heard in the Clerk's reading. This has allowed for vetting of amendments regarding classified matters in years past and has proved to be good practice.

Finally, this rule provides for a motion to recommit with or without instruction. So I think it is a very clear, fair rule that suits the purpose well.

Mr. Speaker, just one year ago we met to consider this bill in the wake of the tragic terrorist attacks and rallied support for our intelligence community and national security initiatives. Our country has come a long way since then, but there is still a lot more that needs to be done. This year's intelligence authorization bill contains the most significant investment by the administration for the intelligence community in more than 8 years. This is an important bill. These funds allow the Permanent Select Committee on Intelligence to continue the work that we have been promoting to address many of the longstanding shortfalls that have besieged our intelligence community throughout the 1990s.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H5413

In the upcoming general debate, we will discuss in more detail some of the specific provisions of H.R. 4628. However, I would like to briefly highlight a few of the critical areas upon which the Permanent Select Committee on Intelligence has focused in this year's bill.

We have further enhanced efforts to rebuild our Nation's human intelligence capabilities, human spies; and shortfalls in the intelligence community's analytic core, more analysis; as well as addressing longstanding recapitalization needs for technical intelligence, heavy investment in important equipment. Of specific note are actions we are taking to address critical needs in the area of linguistic capabilities, people who speak the languages we need to understand. Addressing these critical areas is crucial to meeting our immediate counterterrorism challenges and to correcting our longer-range problems facing the intelligence community and the basic structure of the U.S. intelligence establishment.

The Permanent Select Committee on Intelligence continues bold initiatives on these points, knowing that true intelligence community reform will be necessary if our intelligence establishment is to successfully meet all of the national security challenges this Nation faces in today's puzzling and dangerous world. Through our regular oversight work and in our joint inquiry efforts with our Senate counterparts, the Permanent Select Committee on Intelligence is and will be further addressing the pressing need for appropriate intelligence community reform.

Meanwhile, this bill provides the President with the intelligence tools to win the war on terrorism and to remedy many other longstanding problems of the intelligence community, which we have pointed out several years in this process.

In sum, this is a good, noncontroversial, bipartisan bill with very few, if any, contentious amendments to consider. The rule that has been crafted for its consideration is fair and will provide ample opportunity for debate. I urge support for the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. First let me thank my good friend from Sanibel for yielding me the customary time. It is a pleasure to serve with the gentleman from Florida (Mr. Goss) on the Committee on Rules, and I look forward to rejoining him on the Permanent Select Committee on Intelligence in the near future.

Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 4628, the Intelligence Authorization Act for Fiscal Year 2003. The rule is a modified open rule, as Mr. Goss has said, requiring that amendments be preprinted in the CONGRESSIONAL RECORD. As we all know, the preprinting requirement for the intel-

ligence authorization bill has been the accepted practice of this Chamber for several years because of the sensitive nature of much of the bill and the need to protect classified information.

The underlying bill, H.R. 4628, is noncontroversial and it was reported from the Permanent Select Committee on Intelligence by a unanimous vote. Members who wish to do so can go to the Permanent Select Committee on Intelligence office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the National Intelligence Program.

This includes authorizations for the CIA, as well as the foreign intelligence and counterintelligence programs within, among others, the Department of Defense, the National Security Agency, the Departments of State, Treasury and Energy and the FBI.

I might add, for Members who have not done so at any point, as a Member having served most recently on the Permanent Select Committee on Intelligence and hoping to rejoin it again in the future, I would urge them to take advantage of the opportunity to review the programs and activities of the Permanent Select Committee on Intelligence.

Also included in the classified documents are the authorizations for the tactical intelligence and related activities and joint military intelligence program of the Department of Defense.

Today, more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscores the importance of this legislation, and I am pleased that it has been brought to the floor before the August recess.

Now, Mr. Speaker, while this bill is noncontroversial, it is not closed to improvement. Today is not the first time that I have noted on the floor that experts in the intelligence community continue to argue that our intelligence operations must not only be a strong and flexible intelligence apparatus, but also a diverse one. For the past 15 years, Members of the Permanent Select Committee on Intelligence and the directors of our country's largest intelligence agencies have labored to create a more diverse intelligence community. Although their efforts have borne some fruit, much more needs to be done.

Later this evening I will be offering two amendments to H.R. 4628, both of which are aimed at increasing diversity in our Nation's intelligence agencies. The first of the two amendments expresses the sense of Congress that the CIA, DIA, NSA and NIMA make minority recruitment a priority in their hiring decisions. Of the 13 agencies that currently make up the U.S. intelligence community, only the DIA boasts a minority population that even

comes close to the average percentage of minorities in the Federal workforce.

The second amendment instructs the Director of Central Intelligence to issue an annual report to Congress on the hiring and retention of minorities by the intelligence community. Such a report will allow this body to monitor the progress of the intelligence community's efforts to recruit and retain minorities.

I do hope that my colleagues will support both of the amendments, and I believe they will be supported, having spoken with the chairman in this regard.

Further, I would also like to urge my colleagues to support the amendment which will be offered by my good friend, the gentleman from Indiana (Mr. ROEMER), and he is my good friend.

The Roemer amendment establishes an independent commission to examine the events leading up to and ensuing the September 11 attacks. Though later this week the House may pass a bill creating a new Department of Homeland Security, the bill will in no way identify nor fix the problems that currently exist in the United States intelligence community. The Roemer amendment, in examining the intelligence failures of September 11, will provide a comprehensive examination and critique on this issue, and I urge my colleagues to support it.

Mr. Speaker, H.R. 4628 provides authorizations and appropriations for some of the most important national security programs in this country. Any hesitation by this body in passing it would be a disservice to the American people.

I urge my colleagues to support this rule, and I ask that they support my amendments, the Roemer amendment and the underlying bill.

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

Mr. GOSS. Mr. Speaker, I am privileged to yield 5 minutes to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science and a member of the Permanent Select Committee on Intelligence.

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

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of a very fair rule.

Mr. Speaker, this bill is complex in its specific recommendations, but simple in its intent: To restore our Nation's intelligence capabilities so that we can absolutely minimize the possibility of another surprise terrorist attack on our homeland. Our goal; no more surprises, no more attacks.

The President is absolutely correct; homeland security is and must continue to be the number one priority of government at all levels, and the first priority of the Federal Government is to guarantee, as much as humanly possible, the peace and security of the

American people. They, we, all of us, have a right to live our lives without fear.

The largest increase in spending for our national intelligence activities in over a decade is provided for in this bill.

□ 2230

For the first time in many years, the administration has requested an increase in intelligence operations and capabilities. We are providing the total funding the President requested, placing greater emphasis on areas which require the most attention.

Specifically, this bill addresses not just with words, but with deeds, dollars to back up what we say: the shortfall in human intelligence with essential language capabilities. We must aggressively pursue a program to significantly increase a number of foreign language-qualified individuals in the intelligence community. It adds significant funding for initial and follow-on training for linguists, and there is a provision to create a new language university for the entire intelligence community.

I believe this is critical to developing the human intelligence officers of the future that will be able to collect and, more importantly, analyze information on those who would pose a threat to the United States of America. It does not serve our national interests if we are the best at collecting intelligence if we are lacking in our ability to analyze and disseminate to decision-makers sensitive information in a timely manner. That possibility exists today because of our deficiencies in language capabilities.

This bill takes on, in a very direct way, the issues of intelligence, collection, analysis, and production against threats of terrorism. We do so by placing added emphasis and resources where I think they are most needed: on human intelligence, our eyes and ears with a global reach.

Let me state the obvious. It does not do much good if we have the right people in the right places dealing with collecting or analyzing if they do not have the language ability to understand what is being collected or what is being analyzed.

Mr. Speaker, as I said, the intent of this bill is simple. It is designed to provide the necessary resources, direction, and authorizations for the Nation's intelligence community to provide the best foreign intelligence possible to defend the United States against the many worldwide threats. The threats are not going to go away; and from my days as a boy scout, I know we must be prepared.

Mr. Speaker, I will close with a thank you. Thank you to the dedicated men and women of the U.S. intelligence community. We owe them a debt of gratitude for the tough and unheralded work they do for all of us. The memory of a failure of intelligence to present something as horrific as

September 11 will forever be seared in our minds. It is important to never forget the untold numbers of threats that never materialized into anything but words, with no action following, because of the endless number of intelligence success stories where the system worked as intended.

The system is not perfect; it probably never will be. But we must continue to strive for perfection. This bill is a contribution toward that end. Thank you, all of you, in the intelligence community for quietly being there, working behind the scenes, to discover and counter the threats to our security and our liberties.

I also want to thank the committee chairman, the gentleman from Florida (Mr. GOSS), and the ranking member, the gentlewoman from California (Ms. PELOSI), for their leadership and hard work on this bill. And I want to express my respect and admiration for my colleagues on the Permanent Select Committee on Intelligence and their very able professional staff. They work hard, very hard for the cause.

Mr. Speaker, I urge my colleagues to support H.R. 4628.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Georgia (Mr. BISHOP), my good friend, and he is my friend.

Mr. BISHOP. Mr. Speaker, I appreciate the gentleman yielding me this time and recognizing me.

I want to talk about the need in this bill and in our intelligence community for diversity. Intelligence and the intelligence community has a mission for providing the best real-time information for our policymakers and our warfighters. It is about information. It is about having a heads-up; and if 9-11 has taught us anything, it certainly has taught us that we need to have a heads-up.

All of the professionals, as has been stated already, have indicated to us that if we are to be the best that we can be in our intelligence community, we must have the best human assets for collecting information and the best technical assets for collecting information; and we must be able to process, analyze, and disseminate that information where it needs to go.

But the problem that we face, the challenge we face, is that as hard as the men and women in our intelligence community are working to gather the necessary information so that when our servicemen and women go into harm's way they know what they will be facing, we still do not have adequate human assets and the kind of technical analysis assets that will allow us to have the information that we need real-time.

Why should we not have diversity in the intelligence community? Every intelligence professional, the heads of the CIA, NSA, DIA, NIMA, Army intelligence, naval intelligence, all have indicated that we will be much more effective in our collection by our human

assets, if our targets are hard to distinguish from our collectors. So if we need to have information about Islamic culture, our intelligence collectors need to be knowledgeable of that. Yes, if we are going into Rwanda and we need information of what is happening there, maybe some Rwandan-Americans ought to be a part of our collection force, Somalians or Pakistanis or Afghans or Africans or Latinos; Asian Americans, Arab Americans, Indian Americans, Mexican Americans, Cuban Americans, Turkish Americans, Nigerian Americans, Muslim Americans, Christian Americans, Jewish Americans, Irish Americans, human assets. We must have racial diversity, cultural diversity, and language diversity if we are to be effective in our efforts.

When we put the men and women who fight and defend this country and who go all over the world protecting American interests, when we put them in harm's way, they need to know what they will be faced with, and the policymakers who send them there need to have that real-time information; and they need to have the best quality information. They need to be able to penetrate the sources of the information so that we can, indeed, have a heads-up.

The creation of a more diverse intelligence workforce must be a priority, the intelligence agencies, the undergraduate training programs that use these programs to increase their minority efforts. I was proud this morning to be able to go out to one of the agencies and participate in the graduation ceremony of one of the programs designed to help create that diversity. But this is a start. We have a long way to go. We have challenges that we face, and unless we accelerate our efforts to create and maintain the kind of diversity in our intelligence community, we will not achieve the success that we desire.

Racial diversity, cultural diversity, language diversity are necessities. They not only are the right thing to do, but they make good business sense for gathering and disseminating and analyzing and understanding the information that we must have.

Mr. Speaker, this is a good rule; this is a good bill. With the amendments, it will be a better bill; and I urge my colleagues to support it so that we can have the best intelligence-gathering apparatus that our country can possibly have.

Mr. GOSS. Mr. Speaker, I am very happy to yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a very valued member of our committee.

Mr. CUNNINGHAM. Mr. Speaker, it is an honor to serve on the Committee on Intelligence with Members on both sides of the House. I also sit on the Subcommittee on Defense of the Committee on Appropriations, two committees I think that work together in this House, together for national security and the best interests of the American

people. That is why most of us came here, and we wish that all committees that we served on have that decorum to work in a single direction. It makes my heart soar like an eagle to serve on those kinds of committees and do the people's work.

I think when we look at what the committee does, and the gentleman from Florida (Mr. GOSS), the chairman of our committee, and I have seen chairmen and leaders that micro-manage; he does not. He kind of gives you the reins and he says, go out there and do your thing and do it for the betterment of both sides of the aisle and the American people. He does not micromanage; he gives us that free rein and for that I thank the chairman.

The committee staff, I want to tell my colleagues that each Member has a right to go to the committee staff and get these briefings. I would recommend that my colleagues do it; and these staff members, some are the James Bonds of the world. Some work in technology; some work in administration. But if my colleagues want a brief on any area, ask, and they will be delighted to give it. That is the kind of committee that we serve on.

A good example is that if you are going to best determine what the needs of the future, whether it is in defense or whether it is our intelligence agencies, you need to be able to know for a fact what the current threat is.

I see the gentleman from Washington (Mr. DICKS) and he looks to the B-2, because he knows what the future threat is, the F-22.

So if we know what the threat is today through our intelligence agencies, then we know better what to plan. For example, why do we need a B-2 and its effectiveness with stealth? Why do we need the F-22? In my opinion, we ought to double the buy, because it is the only airplane in the system that can meet the threat of the SU-30 and the SU-37 and plus whatever they have now. If we shorten that buy in defense, as some are talking about in the White House, I think it is foolhardy.

But the basis that we get in this committee in a bipartisan way to go forward with national security needs is laudatory.

I would tell my colleagues that when people start going after defense, or they go after our intelligence services, most of us on the committee get very defensive. Because as a body, this body and the other body, in many cases we have not given our military or intelligence agencies the assets they need to do the job.

In the last administration, we went on 149 deployments. That spread our military thin. We only had 22 percent re-enlistment, and people were stretched, and 25-year-old airplanes were stretched. The reason I bring it up is because every time we deployed, our intelligence agencies had to deploy also, and many of the systems that they had on the drawing board to give us SIGINT and ELINT and HUMINT in-

formation had to be scuttled because it went to pay for the war.

This committee, in a bipartisan way, is attempting to rectify some of those things. We cannot make that up over the next 5 years. But the committee is doing the best they can, based on the testimony from our services. That is why it is such a neat deal to work on this committee. We are doing something very, very positive and something good for this country.

Is the war on drugs dead? No. But we have problems there as well as with al Qaeda.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this rule and this bill. No one is more qualified to guide our intelligence legislation than the gentleman from Florida (Mr. GOSS). Our intelligence community grew from World War I and the Cold War to be supremely able to monitor foreign militaries and governments.

□ 2245

No more Pearl Harbors and powerful support to the war fighter. I served for 13 years as a reserve Naval intelligence officer and received vital intelligence that saved American lives in Haiti, Bosnia, Kosovo and Iraq.

Our intelligence community must now be upgraded to meet the terrorist threat. Our system is supremely designed to monitor foreign militaries, but has left ability to monitor clandestine terror organizations backed by familiar relations. We must upgrade our linguistic defenses. We have Russian linguists but now need to speak Pastoon, Dari, Urdu and dozens of other languages where terrorists are recruited from. Our defense language institute in Monterey will play a key part of that role.

Analysts now receive huge numbers of messages but they need back up to rapidly translate and analyze information to develop actionable intelligence in time. We are all aware of the failures of September 11. We should know more about the successes of the intelligence community in defeating the millennium bombers and Hezbollah in Bosnia or dozens of other victories won, but not reported on the front page of The Washington Post.

I want to thank the professionals from DIA, CIA, NSA, NIMA and the military services who are on watch tonight protecting America. This bill provides critical resources and, more importantly, new flexibility to meet the new challenge. We face terrorists, wealthy terrorists who may one day have weapons of mass destruction. Without the intelligence community, we would some day face a nuclear Pearl Harbor. With the community we will extend security and freedom for our people and allies. I urge adoption of the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time in the interest of all the Members tonight, in spite of the fact that I feel I could talk about this matter for a substantial period of time, I would just urge the Members at this time to vote for this good rule and for the underlying bill which serves a great purpose for our Nation.

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

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. Res. 497.

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

There was no objection.

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

Mr. Speaker, I would echo my colleague and friend's sentiment. This a fair and good rule. It deserves everybody's support.

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.

The SPEAKER pro tempore (Mr. TAUZIN). Pursuant to House Resolution 497 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. 4628.

□ 2248

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. 4628) to authorize appropriations for fiscal year 2003 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. ISAKSON 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 Georgia (Mr. BISHOP) 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 rise this evening in very strong support of this bill, which is the annual authorization for intelligence and intelligence-related activities, as required by law. This is a unique authorization bill in that sense.

This is a very good bill that was crafted on a bipartisan basis. In fact, I think it more appropriate, I should say, nonpartisan basis. And it passed unanimously from our committee.

This would not have been possible without the attention and involvement of all of our stellar members, and I truly mean that, but especially the tireless efforts of our ranking member, the gentlewoman from California (Ms. PELOSI), who, I am sorry to say, is on other duties before the Committee on Rules now which is never a great place to be if you can be on the intelligence community.

I cannot say enough about her support and guidance in this process, all in the spirit of ensuring that our intelligence community is positioned in the best possible way to protect our Nation. I want to thank the gentlewoman for the number of hours that she has contributed to the committee's all-important work and for the good non-partisan work you do and for the leadership she provides for her side.

Mr. Chairman, this bill turns a corner on rebuilding our intelligence capabilities. The administration has requested a significant amount of investment into these capabilities which is frankly long overdue. More importantly, the bill lays the groundwork for sustained investment in programs that will take a while to rebuild, but they are crucial, absolutely crucial to our success against today's and tomorrow's threats, which we have begun to better recognize and this bill begins to address some of the issues that have heretofore been placed on a back burner, despite the fact that some of us have been urging they be moved to a more forward place.

In some ways, I see this bill as emphasizing the needs to get back to the basics of intelligence. Often of the last decade especially, many have gotten overly enamored with technology and finding ways to collect data with the least amount of risks, the intelligence version of the no-casualties policy.

Although, I will be the first to emphasize the need to keep on top of various technologies and the importance of them to our intelligence capabilities, our real security relies on some of the most fundamental aspects of intelligence. Unfortunately, Mr. Chairman, despite our concerns and warnings, we learned in a very tragic way how important these fundamentals really are, notwithstanding the extraordinarily good work a great many men and women representing our country are providing for us around the world in the intelligence community.

The terrorist attacks on September 11, 2001 were well conceived; they were coordinated; they took advantage of liberties that we have come to rely on in our quality of life in this country. That also confirmed our fears that the world is, indeed, a very dangerous and very unstable place. And for the committee it unfortunately proved our worst fears that the Nation's intel-

ligence community was not sufficiently robust or positioned to provide the first line of defense we need and do count on.

Mr. Chairman, the price was much too high, and we owe it to those who lost their lives, some of whom were members of the intelligence community, I might add, to make sure we rebuild our capabilities and our people to the best of our ability is the mission of this bill.

Other members of committee will highlight certain provisions of the bill, so I am not going through them. I will make the point, however, that certain lessons are involved in the getting back to the basics part of this. They include: That the way to gain the most vital information, plans and intentions of the enemy, what they are actually thinking of doing, is more often than not to be physically close to the target, that is the right way to do it, whether that is through the human agent assets or assets of other types, like technical assets or such things an unmanned aerial vehicles or manned aircraft, even.

This involves taking risks, both in terms of who you may have to work with and in terms of, frankly, potential loss of life and tragically we have seen casualties in the intelligence community in the war on terrorism this year.

Once you collect that data, you have the mechanisms and capabilities to analyze, understand and use the data, get it to the right people in a timely way, and that involves having the right people with the right training and the right skills and armed with the right tools to make sure those who get that information can get it, and the right management and guidance are available to you through the intelligence community, and that community is structured in such a way to allow the management to be effective.

Those are all things that we need to work on.

Mr. Chairman, this bill addresses many of these basics, save the structure question. And I want to emphasize that this is a task that is yet to be completed, but is every bit as important as the investment in the basics. This is an area that the committee hopes to address soon as has actually been somewhat sidetracked because of the 9-11 review, but it remains a major priority on the House Permanent Select Committee on Intelligence to deal with the intelligence architecture.

Before I close, let me recognize two groups of people. First are the men and women of the intelligence community whom I referred to previously who are working tirelessly around the globe, and they are doing everything they can to protect us. They work 7-24, and they working in dangerous conditions and not very nice conditions and they do things that a lot of us would not be very happy to do, and they take up that work. They are the front lines of America. They are remarkable people. I think anyone on the committee would tell you, we owe them a great

deal of gratitude and thanks. And I am sorry we cannot actually reveal some of the exploits and success of these people because it would make Americans proud, as it makes us on the committee proud when we get to know these things.

The second group of people is close to home, Mr. Chairman. We would not be here tonight if it were not for our committee members and our committee staff. I have spoken my in the committee and my membership, my vice chairman, the gentleman from Nebraska (Mr. BEREUTER) who does a great job taking care of me and pinching for me, and all the other members of committee. We have now broken down into subcommittee so we have more subcommittee chairman and ranking members and everybody has risen to the occasion and the extra tasks that our committees this year has been asked to take.

We have expanded by something like 25 percent in terms of our membership and staff. We have been given many extra responsibilities because of 9-11 and everybody has risen to the task. I must say the committee staff has impressed me every day. When I arrive at the committee, I admire their work ethic and their understanding of the very complex and arcane activities of the Intelligence Community. I think they represent the committee and Congress very well. Special thanks to staff director Tim Sample, Mike Sheehy, the senior minority staffer who worked to make sure the functions of the committee occur in the least partisan atmosphere possible. And I am extremely proud of that accomplishment on their park. Thank to Chris Barton, our chief counsel, and Chris Healey, a minority counsel, as well as Michele Lang, our deputy chief counsel, and Mike Meermans, our budget coordinator for their tireless work on preparing this bill.

Obviously, each and every person on this staff beyond those I named deserve our thanks and praise for jobs well done.

In the atmosphere I want to particularly thank our security staff who have been given some extraordinary problems to cope with and I think have done an amazingly good job. Mr. Chairman, I ask my colleagues to support this bill.

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

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

Mr. Chairman, I rise in support of H.R. 4628. The committee has worked hard to provide the resources that our military forces and the intelligence community require in order to prevail in the war on terrorism and to safeguard all of our other national security interests.

This is a bipartisan bill for which the gentleman from Florida (Mr. GOSS), the ranking Democrat, the gentlewoman from California (Ms. PELOSI), my counterpart on the technical and

tactical subcommittee, the gentleman from Delaware (Mr. CASTLE) and all of the other committee members deserve great credit.

I want to thank the committee staff for the tireless hours and the hard work that they have put into the preparation of this bill. It is a good bill. And I urge all of my colleagues to support it.

I want to emphasize a few points to my colleagues in the House as well as the administration about what the bill accomplishes, as well as some of my concerns for the future.

As is well known from press accounts, unmanned aerial vehicles performed superbly in Afghanistan. With some exceptions in the past, reconnaissance systems flew over or passed the battlefields in a matter of seconds or minutes, and therefore provided only a sort of snapshot of what was going on. Given the time delays in getting that information to our tactical forces, it was extremely difficult to attack mobile targets. What these UAVs provide is persistence, a constant presence. Once targets are detected, UAV's can loiter and track them until an attack can be mounted as demonstrated repeatedly in Afghanistan.

Now the Secretary of Defense and the Chairman of the Joint Chiefs are advocating adding persistent surveillance capability from space. For example, by launching many small radar satellites that can detect and track moving vehicles. I believe this is the direction next generations collection systems must take. DOD is also right to plan on buying many UAV's and equipping them with capable sensor, but so far DOD has failed to plan to buy the communication and ground processing capacity necessary to support these platforms.

□ 2300

This makes no sense and clearly it must be corrected.

The war also showed that no single sensor system alone is able to perform all of the functions necessary to attack mobile targets, wide area surveillance, target detection, identification, tracking and precise target location. The only solution is to work the separate sensor systems together in a network. Building this network of sensors is feasible and it is very affordable, but although DOD appears to understand its importance, progress has been slow.

I was disappointed that the administration, despite the large budget increases, failed to request sufficient funds to support the contract award for NIMA's modernization program. The committee corrected this problem by redirecting other funds to that area. The committee also added funds to begin acquiring the capability to receive and process airborne imagery.

I am encouraged with regard to commercial imagery by the NIMA director's progress in developing a rational strategy for the first time. However, NIMA to date has received funding adequate to support only one satellite col-

lection company but no policy guidance to rely on a single source. If NIMA is to support multiple companies and meet DOD's readiness requirements for geospatial products, NIMA must receive more funding. It is as simple as that. That key issue must be resolved, and it must be resolved soon.

Finally, a word about the National Security Agency. Unfortunately, NSA's serious acquisition management problems persist, preventing the agency from keeping pace with the global telecommunications industry. These problems contributed to limiting NSA's operational capabilities in key areas relevant to the war on terrorism and other so-called transnational threats as noted in the report of the Subcommittee on Terrorism and Homeland Security on the events of September 11. NSA's problems could have very serious consequences and, in my opinion, demand more attention from the Secretary of Defense.

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

Mr. GOSS. Mr. Chairman, I am privileged to yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished vice-chairman of the committee, who also takes care of all of the policy coordination on our committee, which always dazzles me.

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

Mr. BEREUTER. Mr. Chairman, this Intelligence Authorization Act addresses a number of pressing intelligence needs. For example, the legislation takes steps to strengthen the intelligence community's absolutely critical analytical core.

In recent years, the U.S. has been forced to focus on terrorists, proliferators and drug traffickers. These are far more difficult targets to track, and frankly, the intelligence community took too long to adapt to these new threats. It did not reach out aggressively to recruit the human intelligence sources that could have provided us with invaluable information. We lost far too many skilled analysts whose job was to provide early warning.

This legislation provides much-needed funding to help rebuild a dynamic, wide-ranging, global analytical capability. It is an effort for which this committee has been serving a leading role for some years now.

A second important component of the Intelligence Authorization Act relates to terrorist finances. One of the major intelligence initiatives in the wake of 9/11 has been a serious effort to attack the financial assets of terrorist organizations and their supporters. Terrorist networks such as al Qaeda obviously cannot function without significant financial backing.

Al Qaeda, for example, is supported by, one, a shadowy network of fundraisers, money lenders and shakedown artists; two, businesses and charities serving as front organizations; and

three, unscrupulous facilitators and middlemen. However, with the decision of the executive branch to fully exploit its existing authorities to target terrorist finances, and with the granting of additional authorities under the U.S. PATRIOT Act, we are now aggressively attacking the money flow. To date, over \$100 million in suspected terrorist money has been seized or frozen by the United States and its allies.

Mr. Chairman, this is an important and powerful set of financial tools in the war on terrorism.

Mr. Chairman, there are other important initiatives here, but I want to say that I think one of the important things that we have done is close an important loophole caused by the Freedom of Information Act. Our adversaries were able to make requests that had to be dealt with for very sensitive information, and we have taken a commonsense approach to ending that loophole.

Mr. Chairman, I would conclude by congratulating the gentleman from Florida (Mr. GOSS), the chairman of the committee and the distinguished gentlewoman from California (Ms. PELOSI) for the leadership they have demonstrated in bringing this genuinely bipartisan product to the floor. This legislation is a very serious effort and was unanimously approved by the Permanent Select Committee on Intelligence.

Each and every member of the committee and our extraordinary staff dedicated long hours to the hearings and drafting of the bill. Each Member, I think, and the staff clearly recognizes the importance of our actions and our responsibilities to the body, and I think my colleagues can take, if I may say so, justifiable pride in the efforts of HPSCI and our staff and particularly the leadership of the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI).

Mr. Chairman, I urge strong support and the adoption of H.R. 4628.

Mr. BISHOP. Mr. Chairman, I yield 3¼ minutes to the distinguished gentlewoman from California (Ms. HARMAN), the ranking member on the Subcommittee on Terrorism and Homeland Security.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding commend him for his leadership on the Subcommittee on Technical and Tactical Intelligence, and commend our colleagues for their strong bipartisan contributions to this committee.

I rise in strong support of the Intelligence Authorization Act and join others in expressing my pride in the bipartisan way in which this committee works. For those who question whether this House can tackle the tough ones, tonight proves it. Our actions over the past three hours in the Trafficant matter were a somber and clear example of bipartisanship and facing up to our responsibilities. This bill is another such example.

Members of this committee have traveled all over the world and have met U.S. intelligence personnel working in many shabby and often dangerous conditions. They do this despite their family's understandable fears that they are in harm's way. This bill is designed to give good people better tools, to fill gaps in performance. It is not about gaps in the dedication, commitment and patriotism of thousands of Americans who work in the intelligence agencies, both here and abroad.

Many issues addressed in this bill, Mr. Chairman, were identified in a report that our Subcommittee on Terrorism and Homeland Security released last week. Our full intelligence committee wants no time to elapse before implementing that report's recommendations, and this bill recommends action, action that the families of those who died on 9/11 deserve.

Our report said, for example, that inadequate penetration of the al Qaeda target stemmed in large part from too few resources devoted to counterterrorism and an overreliance on assistance from allies to collect information. We fix that in this report; we insist that we invest more resources in human intelligence (humint), and we spell out how that should happen.

Penetration of the al Qaeda target, our report says, requires multiyear investment and cutting edge technologies. This bill directs that mission-critical technology is available and improved.

Our report said that watch lists were inadequate. This bill calls on the intelligence community to provide global coverage and common access to information, which should help fix the watch list problem.

Our report said that we were concerned about the HUMINT career structure. Too often, individuals get promoted based on their broad and general knowledge in wide-ranging areas. Those who stay focused in one area or even one country, where an understanding of local political conditions is key to our fight against terrorism, are not being given the credit or rewards deserved. This bill recommends that those rewards be given.

Regrettably, there is a huge language problem. This bill addresses that problem.

As in past years, this bill also expresses continuing concern about the organizational framework in place to produce intelligence capabilities that can meet future national security demands. This bill addresses that problem.

□ 2310

Mr. Chairman, our language is terse, our calls for reform are urgent, but we also state that "the successes of the intelligence community normally go unnoticed for obvious and correct reasons . . . The problem is not with the individuals, but with the tools and the organization with which they work."

This is a good bill. I urge its support, and I urge support later this week for a bipartisan homeland security bill.

Mr. GOSS. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Technical and Tactical Intelligence, and former Governor of Delaware.

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

Mr. CASTLE. Mr. Chairman, I thank the gentleman for that introduction and for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 4628, the fiscal year 2003 intelligence authorization bill. Before I move to the substance of my statement, I would like to recognize and commend the gentleman from Florida (Mr. GOSS), the chairman of the committee, and the ranking member, the gentlewoman from California (Ms. PELOSI), for the outstanding leadership they have provided to the Nation and particularly to the intelligence community during this past year.

This has been a difficult time for our intelligence community. There have been failings, but there have been many successes that have not and should not be publicized. The gentleman from Florida and the gentlewoman from California have been at the forefront of efforts to ensure our professional intelligence offices get the resources necessary to do their vital work for our national security. I thank them both.

Mr. Chairman, those of us on the Permanent Select Committee on Intelligence are among the few who understand that the world has not changed, despite the tragedy that befell us on September 11. We have been painfully aware for a long time that while many regions of the world are working together with us to promote peace and stability, there are many elements that are committed to undermining such efforts.

We are intimately familiar with the difficult tasks our intelligence professionals are up against, and, moreover, with the outstanding work they do day in and day out around the globe. For all they do, I would like to extend my gratitude to them for all their unheralded successes.

Oddly, their past successes have resulted in the American public having a combination of a low awareness of the magnitude of the threats and the high expectation that the intelligence community would always be able to counter them. The difficulty of such a task is daunting. What makes this intelligence community all the more special is that they have done as well as they have, in spite of years of resource neglect.

This year's funding request begins to restore the capabilities that have withered over the years. Today, the intelligence community's challenges remain large, but we will continually assess the intelligence community's ability to meet their challenges. Because this year represents a significant point in our history to consider the priorities

and needs for intelligence activities and set a new course for the future, I am particularly concerned with how much the strategic vision has been dedicated toward our future collection needs and systems, and, more importantly, whether the administration is willing to sustain the investment through the duration necessary to deliver the new capabilities.

As chairman of the Subcommittee on Technical and Tactical Intelligence, I understand the critical need to invest in and modernize our technical intelligence systems. These systems take years to field and tens of thousands of highly skilled scientists and engineers to complete. In this bill, I am happy that we address the resource strain of the legacy programs in hopes that we avoid sacrificing our future.

I am concerned that the U.S. technology industry has not held itself to a high enough standard of accountability. When the country needs special capabilities, we cannot be held captive to a single contractor, regardless of their performance, simply because there are no alternatives. I believe even the intelligence community must take some calculated risks in order to ensure we acquire the kinds of capabilities that future threats demand. The bill before us details how we intend to ensure the country is on an appropriate and sustainable technology path for the future.

Although this budget represents a significant increase over the past years, we need to support it with the full knowledge and understanding that there is a great deal more work to be done. Rebuilding the intelligence capabilities of the United States is not going to be done with a single budget. Congress and the American people need to understand that these threats against our Nation will not be eliminated with the demise of al Qaeda. In order to close the gap between demands on intelligence and the complexity of the current and future threats, we must commit to a long-term intelligence capability restoration.

The next attack against us may be to undermine our confidence in some critical part of our infrastructure, or may be chemical or biological warfare. We do not know. But what we do know is that the threats are real and we need to act accordingly. Mr. Chairman, this bill is a downpayment to provide our senior policymakers with the capabilities and tools for the near term. It is a responsible, reasonable, and appropriate request to fund our Nation's national security needs.

The President, our policymakers, our military, the people of the United States, and al Qaeda deserve nothing less; and I ask the Members of the House to give H.R. 4628 their full support.

Mr. BISHOP. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Indiana (Mr. ROEMER), who is a very hard-working member of the Permanent Select Committee on Intelligence.

Mr. ROEMER. Mr. Chairman, I thank my good friend from the State of Georgia for yielding me this time; and I want to note, as some of my colleagues may have, that this is the first entire budget put together by the United States Congress since the horrific attacks on our people, our homeland, and our country on September 11. I could not be more proud to serve in this Chamber and with the people that have put this intelligence budget together: our chairman, the gentleman from the State of Florida (Mr. GOSS), who it is a pleasure to work with; the gentleman from California (Ms. PELOSI), who provides such strong leadership; the other members of the committee, who do such honorable work; and the bright and dedicated staff that we serve with and who serve us so well.

Mr. Chairman, we have debated many bills this year. I am not sure we will debate a more important one for the security and the strength of our Nation. I want to thank the intelligence community for the hard work they do, the work on U.S. goals, U.S. programs, U.S. policies, and U.S. interests. Every day they make us a little bit more secure.

I want to say, too, Mr. Chairman, that the events of 9-11 may not have been absolutely preventable; but mistakes were made, failures were made, there were gaps and cracks that the snakes crawled through on 9-11, and we intend to fix them and to close those gaps. There are too many stovepipe agencies that make communication difficult across agencies, there is still too much outdated technology, there is still too many old structures and cultures, there is not enough emphasis on human intelligence and language skills and analytical capabilities; and we need to work on ways to turn information into knowledge to help mitigate and prevent future attacks.

This bill takes significant steps forward in those areas. But there is a very important caveat written in our report that I encourage all Members to read on page 13: investment, but not in old structures. New resources, but not toward old ideas and old mistakes.

We say on page 14, and I quote, "The committee must emphasize, however, that investment alone, without reorganization or reform of some of the basic components and practices of the intelligence community, will not provide effective national intelligence capabilities."

President Lincoln, in one of the most dire times in our Nation's history, when we were fighting in the Civil War, said, "As the times are new, we must think anew and act anew." That is certainly the challenge today as we are in a global war on terrorism. Let us think in new ways to reform the old structure and make it new so that these investments in language, in analytical capabilities, and in human intelligence pay off and make our country stronger.

Mr. GOSS. Mr. Chairman, I am very pleased to yield 4 minutes to the dis-

tinguished gentleman from Georgia (Mr. CHAMBLISS), the chairman of our Subcommittee on Terrorism and Homeland Security, and the partial author with the gentlewoman from California (Ms. HARMAN) of the recent report that has been well received on the first outing of our efforts on counterterrorism.

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

Mr. CHAMBLISS. Mr. Chairman, I thank the chairman for yielding me this time, and I say to my chairman and our ranking member what a great job they have done in leading our committee; and to the staff, I do not think I have ever worked with a greater staff on both sides of the aisle than what we have in the Permanent Select Committee on Intelligence, and I thank both for that.

To my ranking member on my subcommittee, the gentlewoman from California (Ms. HARMAN), who has been such a great partner in this effort to fight this war on counterterrorism, what a great partner she has been in this.

I rise today in support of H.R. 4628, the Intelligence Authorization Act for fiscal year 2003. As chairman of the Subcommittee on Terrorism and Homeland Security, I have spent considerable time these past months reviewing the capabilities, gaps, and needs of the intelligence community. In fact, last Wednesday we released the unclassified summary of our report to the Speaker on gaps in counterterrorism capabilities at CIA, FBI, and the National Security Agency.

□ 2320

It is true that the community was not adequately prepared for the events of September 11, 2001, and the report was very critical in some areas. By and large we found that in spite of the best efforts of this body and the many hard-working rank-and-file on the front lines in the intelligence community, not enough resources and effort were dedicated to key mission areas, such as HUMINT and SIGINT over a protracted period of time.

Available resources, moreover, were sometimes redirected by senior community managers away from core collection and analytic activities to feed a growing bureaucracy at headquarters.

There were not and still are not enough CIA agents on the streets of the world collecting against our enemies. NSA's signals intercept and exploitation capabilities, once second to none, are now badly in need of retooling.

There are insufficient foreign language capabilities, both to conduct effective intelligence operations against terrorists and to exploit material acquired in such operations.

The FBI lacked analytic capability to enable it to pursue preventive measures rather than simply to respond to

crimes that have already been committed. And no one was sharing information in such a way that all the consumers with a need-to-know actually got everything relevant to their responsibilities.

While no single authorization bill can hope to fix all of these problems, H.R. 4628 will give the community the means to get its collective house in order by addressing the most pressing of these shortcomings. The intelligence community will be in a position to hire more collectors, analysts, linguists, and technicians. It will be able to make long-needed investments in infrastructure, systems integration, and training that will pay significant dividends over the long-term and will, perhaps, make it possible to penetrate the hitherto impenetrable terrorist organization at a level sufficient to get at plans and intentions.

Resources alone, however, will not be enough. Community managers will have to get moving on reform before new intelligence dollars will have full effect. The community must accept this criticism in the right way; and upon that being done, I am confident that long-needed reforms of the community will be hastened by this bill.

As one notable example, DCI George Tenet, in response to our report, repealed the human rights guidelines that have had a chilling effect on counterterrorist recruitment operations since 1995.

Will H.R. 4628 stop all future 9-11-type attacks? No one can make such a guarantee, but this bill will make it much more likely we will have the intelligence capabilities to identify and thwart such hostile actions in the future. We are going to be facing potentially catastrophic threats from terrorists and other adversaries over the long haul. This is not something we are going to be able to stop on a global basis all at once. Therefore, it is critically important that we move swiftly to make the necessary investments in our intelligence capabilities that H.R. 4628 provides.

Mr. Chairman, I urge passage of this bill.

The neglect of the 1990s in the form of decreasing resources and political support for intelligence can never be allowed to be repeated in this country. And it will necessarily require considerable time and effort on all our parts to correct. America needs and deserves an intelligence capability that is second-to-none, and as 9-11 proved, we do not yet have that capability.

Rather than the Cold War threats of old, today's threats are likely to be aircraft hijackings, suicide bombings, cyber attacks, the poisoning of agriculture or our water supply, the use of biological or chemical agents, or the use of radioactive materials to devastate cities. Such threats require a much more innovative and robust Intelligence Community than we have ever had before.

I urge all of my colleagues to vote for H.R. 4628. This bill will move us towards the kind of Intelligence Community all Americans need and deserve. We simply cannot afford to wait

any longer to make the necessary investments. H.R. 4628 will make America safer.

Mr. BISHOP. Mr. Chairman, I yield 7 minutes to the gentlewoman from California (Ms. PELOSI), the ranking member of the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman for managing this bill for the Democrats and for the gentleman's distinguished work on the committee.

I have to be excused for having to be upstairs in the Committee on Rules speaking for the rule on the homeland security bill which will come to the floor hopefully tomorrow.

I begin by complimenting the gentleman from Florida (Chairman GOSS) for the manner in which he has guided the committee. He has been consistently fair and always true to his word. I think that is a great compliment and one that he deserves completely. The committee's reputation for bipartisanship has been enhanced by his disposition toward encouraging and respecting the views of all of our members, as will be clear when we see how easy it is for this bill to pass on the floor.

The chairman has explained well the provisions of the bill. It recommends substantially more money, many billions of dollars more, than was provided for the current fiscal year. If the amounts recommended in the bill are appropriated, the community will receive the largest one-year increase in funding on a percentage basis in at least the last two decades. Much of this increase is directly attributable to the September 11 attacks.

Although no amount of money can guarantee that there will not be additional instances of terrorism, the funding recommended by this bill should make it harder to undertake in a successful way future terrorist attacks like those conducted on September 11. The committee's priority must be on making sure that this money is spent well on programs and activities that will produce results, not only against terrorism, but against other important intelligence targets as well.

We have worked very closely in a bipartisan way on our committee under the leadership of the gentleman from Florida (Mr. GOSS). I want to commend the gentleman from Georgia (Mr. BISHOP), the gentlewoman from California (Ms. HARMAN), the gentleman from California (Mr. CONDIT), the gentleman from Indiana (Mr. ROEMER), the gentleman from Texas (Mr. REYES), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Minnesota (Mr. PETERSON), and the gentleman from Alabama (Mr. CRAMER) for their distinguished service on the committee as well, and join others in commending the staff for the excellence of their work and their service to our country.

I leave it to the distinguished chairman to recognize the majority members, but every one of them makes a tremendous contribution to our country's security.

Intelligence is integral to that security, to the protection of the American people and our national interests at home and abroad. Whether our interests are defined as providing security to a special operations team in Afghanistan or passengers in an airliner in the skies over California, timely and reliable intelligence is a necessity.

Although there may be differences over the manner in which some intelligence activities are conducted, and indeed we have our differences, I think we all place a high value on the protective responsibility being discharged effectively by the intelligence community. To do that, a big investment in technology and in people is needed. The investments necessary to enhance mission success in this area are recommended in this bill.

Mission success is produced by things other than money. The world has changed greatly since I joined the committee 10 years ago. I think I have served longer on the committee than anyone. Now my service is coming to an end. At that time, 10 years ago, the intelligence community was primarily focused on the aftermath of the collapse of the Soviet Union. Today, as we know, it is primarily focused on fighting terrorism.

I have been concerned that the intelligence agencies have not been quick enough to recognize the changes in training, tactics and methods of operation required to shift from dealing with a fixed target, like the Soviet Union, to more nimble targets like the terrorists and the proliferators of weapons of mass destruction. I think the record suggests that the shift has been harder to accomplish than had been presumed. In fact, in some areas it has not been fully implemented yet.

For example, the pace toward creating a more diverse workforce in the intelligence community, and in improving the language capabilities of the workforce, have been too slow. Although I recognize that the relatively small number of new employees able to be hired across the community since the end of the Cold War made that a difficult challenge, today a significant increase in the workforce is happening through an acceleration in hiring, and it presents a tremendous opportunity for us to attract and reach out for the diversity that will make mission success more possible.

I expect that community leaders will use this opportunity by redoubling their efforts to attract and advance people with diverse religious, ethnic, and cultural backgrounds, and with capabilities in those languages in which the agencies have traditionally been weak.

H.R. 4628 does much to emphasize language training and to provide incentives to maintain proficiency. Partnerships with entities outside the government to improve the language skills of current employees, as well as new hires, are encouraged. An amendment is expected to study the feasibility of

establishing a reserve core of linguists. These are good initiatives which do much to address one of the intelligence community's biggest needs. I commend the gentleman from Indiana (Mr. ROEMER), the gentleman from California (Mr. CONDIT), the gentleman from Texas (Mr. REYES), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Nevada (Mr. GIBBONS) for their leadership within the committee on the language issue. Their efforts have been assisted from outside the committee by the gentleman from California (Mr. FARR). He knows well the importance of this issue, the Defense Language Institute is located in his district, and he has worked tirelessly to improve language training programs.

The bill continues to emphasize the kind of human and technical collection programs necessary to deal with targets like terrorist groups. This emphasis, however, should not ignore the imbalance across the intelligence community between collection and the ability to make use of that which is collected through timely processing, exploitation, and dissemination.

Progress has been made on dissemination, which was one of the most important intelligence shortcomings during the Gulf War, but not enough attention has been paid to making sure that analytic capabilities are sufficient.

□ 2330

Agencies need more analysts, more translators, and more equipment to speed the process of converting data into intelligence. This bill provides some much needed funding in these areas. I hope that the administration will sustain these important initiatives in future budget submissions.

Finally, Mr. Chairman, we are rapidly approaching the first anniversary of September 11. The terrorist attacks of that day are always on our minds. Although the World Trade Center site has been cleared and the rebuilding of the Pentagon proceeds, the mourning for the victims continues and the life of the Nation has been affected profoundly. The committee is engaged in a process of evaluating the performance of the intelligence agencies in the months leading up to the attacks and in assessing how that performance can be improved to better ensure our security in the future.

An important step in that process was taken last week with the release of the report on intelligence capabilities prepared by the Subcommittee on Terrorism and Homeland Security, ably led by the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN). The report will be a valuable tool for the inquiry being conducted jointly by the House and Senate Intelligence Committees. When the report of the joint inquiry is completed, I believe the Nation will have a better understanding of the strengths and weaknesses of our

intelligence agencies on September 11 and how weaknesses can be addressed.

The report of the joint inquiry, however, will be limited necessarily by the jurisdiction of the intelligence committees. Despite our best efforts, many of the questions of the families of the victims will not be answered by the committee's work. We owe those families the most thorough and independent investigation possible. Examining all of the issues raised by the attacks will require, in my judgment, an independent commission. I hope such a commission will be established soon. I commend the gentleman from Indiana (Mr. ROEMER) for his leadership on this issue. I look forward to discussing his amendment.

In closing, I want to acknowledge, again the contributions of my colleagues. I will continue my remarks during the amendment process.

Mr. GOSS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), a decorated pilot from the services and the distinguished chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence which covers quite a spectrum.

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

Mr. GIBBONS. Mr. Chairman, I rise in support of the intelligence authorization bill and I thank my friend and colleague from Florida for yielding me this time.

This is a good bill, Mr. Chairman. It addresses intelligence needs that were identified in past years by the Permanent Select Committee on Intelligence, but only now, after the deaths of many innocent Americans, are these needs getting the broad attention they deserve?

Throughout much of the 1990s, after the end of the Cold War, there was a debate about whether America really needed to spend so much on defense. As for intelligence, some people even said there was no longer any need for the CIA. I believe, and indeed I believe America believes, that this debate is now over. As we know now, prior to September 11, we simply did not have enough intelligence on the plans and intentions of foreign terrorist groups. We paid a high price for that lack of intelligence. The bill before you today will help the intelligence agencies build up their capabilities.

If you want to know the plans and the intentions of terrorist groups, you have to have HUMINT, human intelligence. This is the information you get from human sources, known as "assets" or "agents" or just plain "spies." I want to emphasize that this year's intelligence authorization bill does a great deal to strengthen our HUMINT capability.

For one thing, there is money to hire more CIA operations officers. Last fall after the September attacks, our committee freed CIA's operations officers from the Deutch guidelines, imple-

mented by former CIA Director John Deutch, which literally tied the hands of our CIA intelligence operatives working against so-called "unsavory characters," such as terrorists and narcotics traffickers.

Since last fall, America's intelligence operatives have been doing a great job, but they are now few and far between. We need more and this bill will help ensure that there will be more. This bill also provides money to hire more intelligence analysts and language specialists. Likewise, there is more funding for foreign language training. It is not hard to understand that if your operations officers and analysts have not learned the language of your enemy, you will not succeed in learning his plans and intentions.

In addition, to help strengthen our linguistic expertise nationwide, my Intelligence Committee colleague the gentleman from Indiana (Mr. ROEMER) has offered an amendment to establish a nationwide linguistic reserve corps. I am happy to cosponsor his amendment. These HUMINT and foreign language-related items are just some of the good provisions in this intelligence authorization bill. They are long overdue.

In sum, we have a good bill that provides the proper resources to the intelligence community for this year. The clock is ticking and America's enemies continue with their planning. I urge your support for our intelligence professionals, and I urge your support for this bill.

Mr. BISHOP. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES), a very valuable member of our committee who has former ties to the Border Patrol.

Mr. REYES. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this bill. First I want to thank both Chairman Goss and Ranking Member PELOSI for developing a bill that is designed to meet the intelligence challenges that our Nation is currently facing. Their leadership on critical intelligence issues has been an inspiration and very noteworthy for all of us on the committee.

Since the events of September 11, we have been wrestling with many issues in our quest to enhance our intelligence-gathering capabilities. It is apparent now more than ever that intelligence is the cornerstone in successfully prosecuting the war on terror and securing our homeland. Chairman Goss and Ranking Member PELOSI have ensured that this outstanding bill provides for the funding and the policy guidance to get this job done. I thank them for their continued commitment to our Nation and to our committee.

One of the things that we have also learned is the need for reliable human intelligence. The lives of our citizens are much too valuable to be trusted to proxy agents. This bill addresses this issue. We need analysts and case officers with language skills and expertise

in foreign areas. At both the NSA and CIA, literally thousands of pieces of data are never analyzed, or are analyzed after the fact because there are too few analysts and even fewer with the necessary language skills.

I am proud to have played a role in the construction of this bill, especially the components of it that exemplify the mindset of thinking out of the box, something that will be essential in our future success in fighting terrorism. If we do not innovate and ride the dragon of change, then surely that dragon will ride us. That is why I am especially proud to be a cosponsor of the gentleman from Indiana's amendment to authorize additional funding for the national security education program and to establish the national flagship language initiative.

One of the lessons we have learned in the current conflict is a shortage of qualified linguists who are central to intelligence-gathering operations such as interrogations and signals intelligence. This bill will alleviate that shortage.

Mr. Chairman, I urge all my colleagues to support this bill.

Mr. GOSS. Mr. Chairman, I am very pleased to yield 2½ minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I rise in support of the intelligence authorization bill and thank our good friend and colleague, the gentleman from Florida (Mr. GOSS) for the good work that he does and also the gentlewoman from California (Ms. PELOSI) for the good work that she does and all the members of the committee and the staff.

I would like to take just a couple of minutes also to praise the dedicated men and women of our intelligence agencies. America's rank and file intelligence specialists were working hard prior to September 11. Since then they have been working overtime and in overdrive, and there is no let-up in sight. Our intelligence authorization bill gives these dedicated professionals the resources they need. I strongly urge colleagues to support it. I am proud of our committee's work. It has been a strong bipartisan effort that we can all be proud of.

This year's bill helps build its human intelligence capabilities. HUMINT, the information we get from individual human sources overseas, is something we need a lot more of. We need to know a lot more about the internal workings and plans of terrorist groups. Every American understands that we have enemies who are plotting future attacks. We need to maximize our ability to neutralize these plots, and this bill provides funding and resources to do just that. The bill helps address the crying need for more foreign language expertise in the intelligence agencies. Each agency has traditionally been responsible to hire and train an adequate number of linguists, but no agency has ever been able to meet its goals, and the lack of foreign language capability remains a community-wide problem.

Ladies and gentlemen, it stands to reason that if America's intelligence officers cannot understand what our enemies are saying to each other, we will never be able to adequately protect our citizens and our interests.

□ 2340

However, with our bill Congress steps into increased resources for language training and for transition efforts across the entire intelligence community.

Let me just say that when the amendment of the gentleman from Indiana (Mr. ROEMER) to establish a commission comes before the floor, I will strongly oppose that amendment and speak against it as strongly as I can. I think it is an ill-timed amendment, and I hope we do not pass it.

In conclusion, I repeat I am proud of America's rank-and-file intelligence professionals, and I likewise am proud of the Permanent Select Committee on Intelligence's work to provide them the resources they need. I urge strong support of all Members for this bill.

Mr. BISHOP. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I want to congratulate the gentleman from Florida (Mr. GOSS), the gentlewoman from California (Ms. PELOSI), and all of the members of the committee for bringing forward an excellent bill. I encourage all of my colleagues to support the legislation.

I wholeheartedly agree with the committee's report that the success of intelligence normally goes unnoticed, for obvious and correct reasons, while failures seem to be immediately brought to the public's eye.

I want to commend the dedicated and hard-working employees of the NSA in my district who work tirelessly in secret with little public reward or praise for their many accomplishments.

Mr. Chairman, I have visited NSA on many occasions, and I agree with the committee report that there are two critical challenges that NSA faces. One is sufficient linguists. We have talked about that already today, the fact is that the inability of budget support to attract sufficient linguists has compromised NSA's mission and that we need to improve the current language programs. The legislation before us authorizes additional funds for us to be able to accomplish that very important challenge.

The second issue is how to deal with the buy-versus-make policy for the outsourcing of nonmission critical programs. I think the committee report addresses that issue appropriately.

Mr. Chairman, the bottom line is that this legislation provides the additional resources to our intelligence community so they can collect and

analyze the necessary information, set the priorities as to what is important for national security, and do that in a timely way. It also at NSA provides resources for additional research to protect U.S. communications.

I think this is a very balanced bill. It is a bill that responds to the security challenges of our Nation, providing the resources and providing the direction that is necessary, and I urge my colleagues to support the legislation.

Mr. GOSS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), a very valuable member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I rise in strong support of H.R. 4628, the Intelligence Authorization Act for Fiscal Year 2003. Over the past decade, Americans have witnessed extraordinary changes in the international security environment. To the average American, some of these new threats were unforeseen. To others, they were simply unimaginable.

We live in a different world than that which existed prior to September 11, 2001; and this body is obligated to ensure that every step is taken to protect our Nation against all threats, new and old.

Mr. Chairman, H.R. 4628 provides important funding that permits the intelligence community to better confront these threats and ensure greater security of Americans at home and abroad.

It is a good, a bipartisan bill. H.R. 4628 addresses numerous intelligence needs, some of which have been underscored by the dramatic events of the past year.

One of the country's most important weapons in the war on terrorism is a diverse, well-trained and experienced intelligence personnel. Intelligence officers, whether they are collectors, analysts, linguists or support personnel, have been working in an overload capacity since 9-11. These brave, patriotic men and women deserve the recognition of this body, and H.R. 4628 takes steps to encourage these officers to continue their tireless service to the country by recommending for them fair compensation, benefits and stronger career planning.

In addition to receiving enhanced specialized training and collecting and analyzing critical intelligence, these officers need strong foreign language skills to operate effectively in parts of the world where our adversaries might lurk. H.R. 4628 addresses the intelligence community's critical need for better language training, targeting specific training for its officers as well as the long-standing issue of the recapitalization of specific technological intelligence platforms.

Mr. Chairman, this Member urges support for H.R. 4628.

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

Mr. GOSS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. BURR.)

Mr. BURR of North Carolina. Mr. Chairman, I rise today in support of the Intelligence Authorization Act for Fiscal Year 2003. As a member of the Subcommittee on Terrorism and Homeland Security, I am particularly eager for this bill to be voted into law.

During the course of the 107th Congress, the subcommittee, which began as a Speaker's working group in January 2001, heard testimony from dozens of intelligence officials, both at home and abroad, from counterterrorism commissioners, foreign officials and hosts of other terrorism experts. In the end, we found an intelligence community that has suffered severely over the protracted period from budget shortfalls and poor internal management decisions about the allocation of available resources. Significant collection gaps, not just in the realm of counterterrorism, were identified, and many of these problems have proven to be systemic.

H.R. 4628 provides a significant new resource for the most neglected areas of the community and guidance for how the most pressing gaps can be expeditiously closed. The community's most crucial counterterrorism shortcomings, as we judged in a classified report released in unclassified summary form last Wednesday, are as follows: a chronic linguistic shortfall across the community; a shortage of core human intelligence collectors out on the streets in bazaars hunting potential terrorist spies; a culture of risk aversion that has permeated collection operation and is manifest in the CIA's 1995 "Internal Human Rights Guidelines" promulgated by Director of Central Intelligence John Deutch. These management-generated guidelines have tied the hands of those brave men and women on the front lines for far too long.

George Tenet finally repealed these guidelines just last Thursday, the day after the counterterrorism gaps report was released, and some 7 months after he was directed to do so in the fiscal year 2002 intelligence authorization.

The community also lacks analysts in sufficient numbers and with sufficient skills at the CIA, FBI, and NSA to connect all the dots out there that are being unearthed and examined in isolation. The FBI needs to change its culture and traditional methods of operating from emphasis on after-the-fact.

Does H.R. 4628 solve all the problems? No one authorization could possibly do that. But this bill takes us further in terms of targeting resources than we have seen in some time. I submit this bill is critical in getting the intelligence community on the right track and that there is no time to waste in this endeavor.

Mr. GOSS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Alabama (Mr. EVERETT), a valued member of the committee as well.

Mr. EVERETT. Mr. Chairman, I, too, rise today in strong support of H.R.

4628, the Intelligence Authorization Bill for Fiscal Year 2003. I am proud of the bipartisan work that went into the crafting of this bill. The gentleman from Florida (Chairman GOSS) and the ranking member, the gentlewoman from California (Ms. PELOSI), deserve a great deal of credit for this bipartisan effort and the great product that we have before us today.

□ 2350

It would be disingenuous to state that all is well within the United States intelligence community. The House Permanent Select Committee on Intelligence has been for a number of years identifying a number of major shortfalls and providing for our foreign intelligence needs. We have identified shortfalls, major limitations in human intelligence officers and assets. We have pointed out the limited capabilities this Nation has with respect to foreign language specialists. We have identified problems with aging systems and capabilities. And we have identified a serious problem with respect to taking calculated risks in collecting critical intelligence against those who would do our Nation harm.

Mr. Chairman, this bill represents a major step forward in correcting many of these problems by funding programs, operations, and personnel that are vital to the security of this Nation. This bill is important in particular in that it begins to focus on modernization and upgrading our signals intelligence capacities. It provides funding authorizations to modernize capabilities that have long been ignored.

Although I am supportive of the fund recommendations and policy directions of this bill, I have been personally concerned that it may be difficult for a national security agency to effectively obligate the large infusion of funding. Therefore, the bill directs executive oversight actions for these acquisition programs of the National Security Agency. I believe the guidance and direction in the bill will result in honest appraisals and recommendations to the Congress to ensure the taxpayers' dollars are most effectively spent. I feel this is a good bill that balances the increased investments against critical priorities with procedures, and I recommend its passage to my colleagues.

Mr. Chairman, I rise today in strong support of H.R. 4628, the Intelligence Authorization Bill for fiscal year 2003.

I am proud of the bipartisan work that went into the crafting of the bill. Chairman GOSS and our Ranking Member, NANCY PELOSI deserve a great deal of credit for this bipartisan effort and for the great product that we have before us today.

It would be disingenuous to state that all is well within the United States Intelligence Community. The House Permanent Select Committee on Intelligence has been for a number of years systematically identifying a number of major shortfalls in providing for our foreign intelligence needs. We have identified funding shortfalls, major limitations in human intelligence officers and assets. We have pointed

out the limited capabilities this nation has with respect to foreign language specialists. We have identified problems with aging systems and capabilities. And, we have identified a serious problem with respect to taking calculated risks in collecting critical intelligence against those who would do our nation harm.

Mr. Chairman, this bill represents a major step forward in correcting many of these problems by funding programs, operations, and personnel that are vital to the security of the United States. This bill represents the largest increase for foreign intelligence funding in our a decade, and provides the necessary resources for improving our efforts to protect the homeland and support our forces—civilian, military and diplomatic—waging the current war on terrorism. The policies and programs in this bill will enable us to strengthen our intelligence capabilities to ensure the best foreign intelligence efforts possible.

This bill is important, in particular, in that it begins to focus on modernizing and upgrading our signals intelligence capabilities. It provides funding authorizations to modernize capabilities that have long been ignored. While focusing on modernization, it maintains a fair balance to ensure that current and legacy capabilities continues to be viable and contribute to our national security efforts by providing the necessary collection and analysis capabilities.

Although I am supportive of the funding recommendations and policy directions in the bill, I have been personally concerned that it may be difficult for the National Security Agency to effectively obligate the large infusion of funding. Therefore, the bill directs specific executive oversight actions for these acquisition programs of the National Security Agency. I believe the guidance and direction in the bill will result in honest appraisals and recommendations to the Congress to ensure the taxpayers' dollars are most effectively spent.

Mr. Chairman, this bill puts a great deal of emphasis on getting the Intelligence Community "back to the basics." In short, this bill begins to correct the systemic problems that left us under-prepared for warning against the terrorist attacks on America.

I feel that this is a good bill that balances the increased investment against critical priorities with procedures for effectively monitoring the wise investment of the taxpayers money. Mr. Chairman, I urge my colleagues to support H.R. 4628.

Mr. BISHOP. Mr. Chairman, we have no further requests for time. I think the bill has been very adequately explained and debated. It is a good bill, and I urge my colleagues in the House to support it.

Mr. Chairman, I yield back the balance of our time

Mr. GOSS. Mr. Chairman, I want to congratulate the Members for their participation and their help in explaining what this bill does for the American people and our national security.

Mr. BLUMENAUER. Mr. Chairman, I would like to thank my colleagues, Congressmen FARR, ROEMER, GIBBONS, and REYES, for their leadership in taking steps to establish a Civilian Linguistic Reserve Corps. As we search for ways to improve the functioning of our intelligence agencies, we must take advantage of our existing resources, including individuals highly trained in linguistics. In fact, the idea of utilizing citizen linguists was presented to me

by one of my constituents who is a former U.S. Army Arabic linguist. He shared useful suggestions regarding how we can benefit from the skills of linguists, such as himself.

The Civilian Linguist Reserve Corps would be comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available to perform services using these foreign languages as the President may specify.

I compliment my colleague SAM FARR for working to establish a registry of these linguists, which the Civilian Linguistic Reserve Corps builds upon. The Defense Language Institute (DLI) is located in Monterey, California in Rep. FARR's district. The DLI trains many members of our military in languages such as Dari, Pashto, Urdu, Uzbek, Georgian, Chechen, and Albanian. We cannot afford to lose these capabilities and the Civilian Linguistic Reserve Corps is a perfect solution to facilitate the continued service of these linguists.

Mr. SIMMONS. Mr. Chairman, I rise today in strong support of the fiscal year 2003 Intelligence Authorization bill (H.R. 4628). Since the end of the Cold War we have permitted our intelligence community to grow weak by under funding accounts and imposing politically correct restrictions. Our nation cannot afford to keep its guard down. The lives of our citizens are at stake.

This legislation moves us forward in reconstructing our intelligence gathering and analytical capabilities. H.R. 4628 builds on the progress of last year's authorization measure adding more money in critical areas we have now identified as deficient in the analysis of the attacks on our country last September 11.

This week the House will vote on the biggest restructuring of our government in 50 years so that we better meet the challenges of terrorism. But we should never think that structural changes alone could bring security. H.R. 4628 addresses a critical dimension of our security needs—better intelligence for early warning.

This legislation enhances efforts to rebuild our Nation's human intelligence capabilities: sharpening skills and expertise and strengthening presence and reach. The measure addresses shortfalls in our intelligence community's analytical abilities so that we might fortify that capability and provide consumers of intelligence the precise data and thorough analysis they require.

The measure also shores up shortfalls in the Defense Department's signals intelligence and Unmanned Airborne Vehicle programs. Directly addressing the shortage of capability in interrogation, the measure enhances our ongoing efforts to acquire valuable information from combatant detainees at Guantanamo Bay.

Finally, the measure addresses the essential need to upgrade our intelligence community's language skills programs. I spent 10 years as an operation officer in the CIA. Five of those years were spent overseas in the Far East where my language training and ability was an important tool in my daily routine and success. I know that language skills are critical to operational effectiveness. Not only must we improve these skills for our operations officers but also for our communications specialist and analysts.

Mr. Chairman, recently the Greek police arrested ten members of the Revolutionary Organization November 17. This elusive group

has terrorized Greece for over 25 years killing more than a dozen diplomats, civilians and police officers.

One person killed by that group was Richard Welch, the CIA station chief in Athens, whose name had been exposed by an anti-intelligence publication. Masked gunmen had cut him down in front of his home, a few days before Christmas. I remember his murder well. Later I would meet his widow and work with the late Senator John H. Chafee to pass the Intelligence Identities Protection Act in 1982 to protect other clandestine operatives from similar assassination.

The dismantlement of this group is timely in that it reminds us of the importance of intelligence work today, and the risks involved for many who serve in our intelligence community. I find comfort that the assassins of Richard Welch have been captured, that Greek citizens are free of its terrors, and that justice may finally be served.

Mr. Chairman, our intelligence community remains on the front lines of the war on terrorism. Many of them serve with great courage and without recognition. Many of them gather information at great risk to their lives and those of their families. They provide information of great value to the defense of our nation. This bill brings more resources, tools, skills, and more assets to the people whose tireless and courageous efforts help protect our nation.

I strongly support this legislation and applaud the members of the committee and the staff on their fine work.

Mr. GOSS. Mr. Chairman, I too am happy to yield back the balance of our time.

The CHAIRMAN pro tempore (Mr. PETRI). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute 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 2003”.

(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.

Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 2002.

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.

Sec. 304. Semiannual report on financial intelligence on terrorist assets (FITA).

Sec. 305. Modification of excepted agency voluntary leave transfer authority.

Sec. 306. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.

Sec. 307. Prohibition on compliance with requests for information submitted by foreign governments.

Sec. 308. Cooperative relationship between the National Security Education Program and the Foreign Language Center of the Defense Language Institute.

Sec. 309. Establishment of National Flagship Language Initiative within the National Security Education Program.

Sec. 310. Deadline for submittal of various overdue reports.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

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

Sec. 402. Prohibition on implementation of compensation reform plan.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Use of funds for counter-drug and counterterrorism activities for Colombia.

Sec. 502. Protection of operational files of the National Reconnaissance Office.

Sec. 503. Eligibility of employees in intelligence senior level positions for Presidential Rank Awards.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2003 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.
- (12) The Coast Guard.

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, 2003, 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. 4628 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 2003 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 2003 the sum of \$176,179,000. 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, 2004.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Community Management Account of the Director of Central Intelligence are authorized 350 full-time personnel as of September 30, 2003. 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 2003 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, 2004.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2003, 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 2003 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 authorized to be appropriated in subsection (a), \$34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General 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 2002.

(a) **AUTHORIZATION.**—Amounts authorized to be appropriated for fiscal year 2002 under section 101 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108) 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 the following:

(1) The Emergency Supplemental Act, 2002 (contained in division B of Public Law 107-117), including section 304 of such Act (115 Stat. 2300).

(2) An emergency supplemental appropriation in a supplemental appropriations Act for fiscal year 2002 that is enacted after May 1, 2002, 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 the Act referred to in subsection (a)(1) and by the supplemental appropriations Act referred to in subsection (a)(2) is hereby ratified and confirmed.

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 2003 the sum of \$351,300,000.

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.

SEC. 304. SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS (FITA).

(a) **SEMIANNUAL REPORT.**—
(1) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

“SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS

“**SEC. 118. (a) SEMIANNUAL REPORT.**—On a semiannual basis, the Secretary of the Treasury (acting through the head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees (as defined in subsection (c)) that fully informs the committees concerning operations against terrorist financial networks. Each such report shall include with respect to the preceding six-month period—

“(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

“(2) the total number of applications for asset seizure and designations of individuals or entities suspected of having engaged in financial support of terrorist activities, that were granted, modified, or denied;

“(3) the total number of physical searches of offices, residences, or financial records of individuals or entities suspected of having engaged in financial support for terrorist activity; and

“(4) whether the financial intelligence information seized in these cases has been shared on a full and timely basis with the all departments, agencies, and other entities of the United States Government involved in intelligence activities participating in the Foreign Terrorist Asset Tracking Unit (managed and coordinated by the Counterterrorism Center of the Central Intelligence Agency).

“(b) **IMMEDIATE NOTIFICATION FOR EMERGENCY DESIGNATION.**—In the case of a designation of an individual or entity, or the assets of an individual or entity, as having been found to have engaged in terrorist activities, the Secretary of the Treasury shall report such designation within 24 hours of such a designation to the appropriate congressional committees.

“(c) **DEFINITION.**—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives.

“(2) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

(2) **CLERICAL AMENDMENT.**—The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 117 the following new item:

“Sec. 118. Semiannual report on financial intelligence on terrorist assets.”.

(b) **CONFORMING AMENDMENT.**—Section 501(f) of the National Security Act of 1947 (50 U.S.C. 413(f)) is amended by inserting before the period the following: “, and includes financial intelligence activities”.

SEC. 305. MODIFICATION OF EXCEPTED AGENCY VOLUNTARY LEAVE TRANSFER AUTHORITY.

(a) **IN GENERAL.**—Section 6339 of title 5, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) by inserting after subsection (b) (as so redesignated by paragraph (2)) the following:

“(c)(1) Notwithstanding any provision of subsection (b), the head of an excepted agency may, at his sole discretion, by regulation establish a program under which an individual employed in or under such excepted agency may participate in a leave transfer program established under the provisions of this subchapter outside of this section, including provisions permitting the transfer of annual leave accrued or accumulated by such employee to, or permitting such employee to receive transferred leave from, an employee of any other agency (including another excepted agency having a program under this subsection).

“(2) To the extent practicable and consistent with the protection of intelligence sources and methods, any program established under paragraph (1) shall be consistent with the provisions of this subchapter outside of this section and with any regulations issued by the Office of Personnel Management implementing this subchapter.”.

(b) **CONFORMING AMENDMENTS.**—Section 6339 of such title is amended—

(1) in paragraph (2) of subsection (b) (as so redesignated by subsection (a)(2)), by striking “under this section” and inserting “under this subsection”; and

(2) in subsection (d), by striking “of Personnel Management”.

SEC. 306. ADDITIONAL ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 22 U.S.C. 7301 note; 115 Stat. 1401) is amended—

(1) in the heading, by striking “ONE-YEAR” and inserting “TWO-YEAR”; and

(2) in the text, by striking “October 1, 2002” and inserting “October 1, 2003”.

SEC. 307. PROHIBITION ON COMPLIANCE WITH REQUESTS FOR INFORMATION SUBMITTED BY FOREIGN GOVERNMENTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) in subparagraph (A) by inserting “and except as provided in subparagraph (E),” after “of this subsection.”; and

(2) by adding at the end the following:

“(E) An agency, or part of an agency, that is an element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall not make any record available under this paragraph to—

“(i) any government entity, other than a State, territory, commonwealth, or district of the United States, or any subdivision thereof; or

“(ii) a representative of a government entity described in clause (i).”.

SEC. 308. COOPERATIVE RELATIONSHIP BETWEEN THE NATIONAL SECURITY EDUCATION PROGRAM AND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

“(h) **USE OF AWARDS TO ATTEND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.**—(1) The Secretary shall provide for the admission of award recipients to the Foreign Language Center of the Defense Language Institute (hereinafter in this subsection referred to as the ‘Center’). An award recipient may apply a portion of the applicable scholarship or fellowship award for instruction at the Center on a space-available basis as a Department of Defense sponsored program to defray the additive instructional costs.

“(2) Except as the Secretary determines necessary, an award recipient who receives instruction at the Center shall be subject to the same regulations with respect to attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

“(3) In this subsection, the term ‘award recipient’ means an undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been a fellowships under subsection (a)(1)(B) who—

“(A) is in good standing;

“(B) has completed all academic study in a foreign country, as provided for under the scholarship or fellowship; and

“(C) would benefit from instruction provided at the Center.”.

SEC. 309. ESTABLISHMENT OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(1) EXPANSION OF GRANT PROGRAM AUTHORITY.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking “and” at the end of subparagraph (B)(ii);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) awarding grants to institutions of higher education to carry out a National Flagship Language Initiative (described in subsection (i)).”

(2) PROVISIONS OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—Such section, as amended by section 308, is further amended by adding at the end the following new subsection:

“(i) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1) Under the National Flagship Language Initiative, institutions of higher learning shall establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

“(2) An undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) may participate in the activities carried out under the National Flagship Language Initiative.

“(3) An institution of higher education that receives a grant pursuant to subsection (a)(1)(D) shall give special consideration to applicants who are employees of the Federal Government.

“(4) For purposes of this subsection, the Foreign Language Center of the Defense Language Institute and any other educational institution that provides training in foreign languages operated by the Department of Defense or an agency in the intelligence community is deemed to be an institution of higher education, and may carry out the types of activities permitted under the National Flagship Language Initiative.”

(3) WAIVER OF FUNDING ALLOCATION RULES.—Subsection (a)(2) of such section is amended by adding at the end the following flush sentences:

“The funding allocation under this paragraph shall not apply to grants under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i). For the authorization of appropriations for the National Flagship Language Initiative, see section 811.”

(4) BOARD REQUIREMENT.—Section 803(d)(4) of such Act (50 U.S.C. 1904(d)(4)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) which foreign languages are critical to the national security interests of the United States for purposes of section 802(a)(1)(D) (relating to grants for the National Flagship Language Initiative).”

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

“SEC. 811. ADDITIONAL ANNUAL AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—In addition to amounts that may be made available to the Secretary under the National Security Education Trust Fund (under section 804 of this Act) for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning

with fiscal year 2003, \$10,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

“(b) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to the authorization under subsection (a) shall remain available until expended.”

SEC. 310. DEADLINE FOR SUBMITTAL OF VARIOUS OVERDUE REPORTS.

(a) DEADLINE.—The reports described in subsection (c) shall be submitted to Congress not later than 180 days after the date of the enactment of this Act.

(b) NONCOMPLIANCE.—(1) If all the reports described in subsection (c) are not submitted to Congress by the date specified in subsection (a), amounts available to be obligated or expended after that date to carry out the functions or duties of the following offices shall be reduced by 1/3:

(A) The Office of the Director of Central Intelligence.

(B) The Office of Community Management Staff.

(2) The reduction applicable under paragraph (1) shall not apply if the Director of Central Intelligence certifies to Congress by the date referred to in subsection (a) that all reports referred to in subsection (c) have been submitted to Congress.

(c) REPORTS DESCRIBED.—The reports referred to in subsection (a) are reports mandated by law for which the Director of Central Intelligence has sole or primary responsibility to prepare, or coordinate, and submit to Congress which, as of the date of the enactment of this Act, have not been submitted to Congress by the date mandated by law.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. TWO-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4) is amended—

(1) in subsection (f), by striking “September 30, 2003” and inserting “September 30, 2005”; and

(2) in subsection (i), by striking “or 2003” and inserting “2003, 2004, or 2005”.

SEC. 402. PROHIBITION ON IMPLEMENTATION OF COMPENSATION REFORM PLAN.

No plan by the Director of Central Intelligence that would revise the manner in which employees of the Central Intelligence Agency, or employees of other elements of the United States Government that conduct intelligence and intelligence-related activities, are compensated may be implemented until the plan has been specifically authorized by statute.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. USE OF FUNDS FOR COUNTER-DRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

Notwithstanding any other provision of law, funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counter-drug activities for fiscal years 2002 and 2003, and any unobligated funds available to any element of the intelligence community for such activities for a prior fiscal year, shall be available to support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations (such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC)), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

SEC. 502. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amend-

ed by inserting after section 105C (50 U.S.C. 403–5c) the following new section:

“PROTECTION OF OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE

“SEC. 105D. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Reconnaissance Office, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Reconnaissance Office from the provisions of section 552 of title 5, United States Code, 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 Reconnaissance Office (hereafter in this section referred to as ‘NRO’) 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 or 552a of title 5, United States Code;

“(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code; 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 NRO.

“(vi) The Office of the Director of NRO.

“(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) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

“(D) 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 the 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, United States Code, alleges that NRO 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, United States Code.

“(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 NRO, 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, NRO shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, 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 NRO 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 NRO’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 NRO has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NRO 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, United States Code, 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 NRO 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 10 years, the Director of the National Reconnaissance Office 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 NRO 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 NRO has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of

the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether NRO, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.”.

(b) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 105C the following new item:

“Sec. 105D. Protection of operational files of the National Reconnaissance Office.”.

SEC. 503. ELIGIBILITY OF EMPLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS FOR PRESIDENTIAL RANK AWARDS.

Section 1607 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) AWARD OF RANK TO EMPLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507a of title 5 to employees in Intelligence Senior Level positions designated under subsection (a). The award of such rank shall be made in a manner consistent with the provisions of that section.”.

The CHAIRMAN pro tempore. No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 9 OFFERED BY MR. ROEMER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ROEMER:

At the end (page 30, after line 7), add the following new title:

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the “Commission”).

SEC. 602. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—Subject to the requirements of subsection (b), the Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—No member of the Commission shall be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition

and significant depth of experience in such professions as governmental service and intelligence gathering.

(c) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to the requirement of paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(d) INITIAL MEETING.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 603. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) review the implementation by the intelligence community of the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001;

(B) other reports and investigations of the House Permanent Select Committee on Intelligence of the House of Representatives and the Senate Select Committee on Intelligence of the Senate; and

(C) other such executive branch, congressional, or independent commission investigations of such the terrorist attacks or the intelligence community;

(2) make recommendations on additional actions for implementation of the findings, recommendations and conclusions referred to in paragraph (1);

(3) review resource allocation and other prioritizations of the intelligence community for counterterrorism and make recommendations for such changes in those allocations and prioritization to ensure that counterterrorism receives sufficient attention and support from the intelligence community;

(4) review and recommend changes to the organization of the intelligence community, in particular the division of agencies under the jurisdiction of the Secretary of Defense and the Director of Central Intelligence, the dual responsibilities of the Director of Central Intelligence as head of the intelligence community and as head of the Central Intelligence Agency, and the separation of agencies with responsibility for intelligence collection, analysis, and dissemination; and

(5) determine what technologies, procedures, and capabilities are needed for the intelligence community to effectively support and conduct future counterterrorism missions, and recommend how these capabilities should be developed, acquired, or both from entities outside the intelligence community, including from private entities.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term “intelligence community” means—

(1) the Office of the Director of Central Intelligence, which shall include the Office of the Deputy Director of Central Intelligence and the National Intelligence Council;

(2) the Central Intelligence Agency;

(3) the National Security Agency;

(4) the Defense Intelligence Agency;
 (5) the National Imagery and Mapping Agency

(6) the National Reconnaissance Office;

(7) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

(8) the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Coast Guard;

(9) the Bureau of Intelligence and Research of the Department of State; and

(10) such other elements of any other department or agency as are designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community under section 3(4)(J) of the National Security Act of 1947 (50 U.S.C. 401a(4)(J)).

SEC. 604. POWERS OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(c) CLOSED MEETINGS.—Notwithstanding any other provision of law which would require meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.

(d) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Commission upon request.

(f) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(g) GIFTS.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, accept, use, and dispose of gifts or donations of services or property.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

SEC. 605. STAFF OF THE COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(b) STAFF.—The Chairperson, in consultation with the Vice Chairperson, may appoint additional personnel as may be necessary to enable the Commission to carry out its functions.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(d) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(e) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 606. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 607. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Com-

mission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 608. REPORTS OF THE COMMISSION; TERMINATION.

(a) INITIAL REPORT.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing—

(1) such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members; and

(2) such findings, conclusions, and recommendations regarding the scope of jurisdiction of, and the allocation of jurisdiction among, the committees of Congress with oversight responsibilities related to the scope of the investigation of the Commission as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a final report containing such updated findings, conclusions, and recommendations described in paragraphs (1) and (2) of subsection (a) as have been agreed to by a majority of Commission members.

(c) NONINTERFERENCE WITH CONGRESSIONAL JOINT INQUIRY.—Notwithstanding subsection (a), the Commission shall not submit any report of the Commission until a reasonable period after the conclusion of the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001.

(d) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title \$3,000,000, to remain available until expended.

Mr. ROEMER. Mr. Chairman, I offer an amendment which is bipartisan, by Democrats and Republicans, to create a bipartisan commission, a blue ribbon commission, to look back at what happened prior to 9-11 and fix the problems, not through a political witch hunt, not through blame, but looking back to fix mistakes so we can move forward and prevent future terrorist attacks.

This is a bipartisan amendment offered by the gentleman from New Jersey (Mr. SMITH), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from New York (Mr. QUINN), the gentleman from New Jersey (Mr. FERGUSON), the gentleman from California (Mr. ROHRBACHER), the gentleman from Mississippi (Mr. TAYLOR), the gentlewoman from California (Ms. PELOSI),

the gentleman from Mississippi (Mr. SHOWS), and a host of other 108 Members, including the gentleman from Washington (Mr. DICKS), distinguished former chairman; and the gentleman from Missouri (Mr. SKELTON), distinguished ranking member from Defense.

Back on 9-11, I distinctly remember just a few days after our Twin Towers were hit in New York City, going up to that site with members of the Permanent Select Committee on Intelligence. We were talking to emergency workers, family members, people affected in New York directly by these attacks. It is one of the most difficult things I think anybody can do in public life, and I can only imagine what the people themselves have been through, losing wives and husbands, brothers and sisters.

Now, we might say, why should we create this blue ribbon commission? The United States, after Pearl Harbor was attacked, it took them 11 days to create a commission to look into what happened. President Roosevelt acted and acted immediately. After Kobar Towers were attacked, we put a commission together. When the Marines were killed in Lebanon, we put a commission together. When the embassies were attacked in Africa, we put a commission together.

Why have we not put a commission together yet after we lose 3,000 Americans in the worst terrorist attack in the Nation's history? That is what I am asking. We need to do it.

Second, we will hear some arguments, maybe from some of my colleagues, that we are doing a joint inquiry with the House and the Senate. I serve on that joint inquiry, and I am very proud of it. But when we have lost 3,000 people, when this report that we read today on the House floor says that we see a host of different intelligence problems out there, language, human intelligence, analytical capabilities, too much stovepiping, not enough communications between Departments, not enough good communication between Washington and field offices, a host of problems across the board, we are not going to take another 18 months to look at these and fix them? We cannot get Lee Hamilton or George Schultz or people that know the right answers and questions and have worked on these things without elections intervening, without timelines in the way, without politics, to look at this, when we have done it almost every other time?

I think we need two looks. The joint inquiry will do a nice job, and so can this blue ribbon commission.

We also, thirdly, Mr. Chairman, will be creating a Homeland Security Department tomorrow or the next day; 170,000 people, \$20 billion, \$30 billion. We should get it right. We should make sure that that can attack our enemy who is not a sovereign state, but comprised of cells across the world, of four people. Let us make sure this commission can get it right.

Finally, Mr. Chairman, let me conclude. I recently met with a woman,

Kristen Breitweiser, who lost her husband in the attacks in 9-11. In my office, she handed me a ring that was around her finger, just like the one I have. And she said, Mr. ROEMER, I want you to help create this commission. This is my husband's ring who died at the World Trade tower when it collapsed. This is all I have left. Congress has not done anything yet to answer the questions. My daughter does not have the answers. You have done it every time in U.S. history. Why not now? Why not today, and why not build better intelligence for the future?

Mr. Chairman, I urge my colleagues to support this bipartisan blue ribbon commission.

Mr. GOSS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I wish I could agree with everything that my colleague, the gentleman from Indiana (Mr. ROEMER), just said. I agree with a great deal of what he just said. The problem is, this is the wrong vehicle, and this is the wrong type of blue ribbon committee.

□ 0000

In fact, in order to be germane to this bill, this blue ribbon committee will be limited in what it can do to just what the oversight and intelligence committees actually do. Otherwise, this would be a nongermane amendment, as we all know, and actually the intelligence committees are planning to continue doing just what they are doing. And, in fact, they are not only doing their daily job but we are doing a joint bicameral 9-11 review.

So virtually actually everything that the gentleman from Indiana (Mr. ROEMER) said this blue ribbon commission could do, is being done by the committee in their daily work and the joint committee, the 9-11 review.

I would also point out that while I agree with the gentleman's idea to have a genuine bona fide blue ribbon national committee that has much broader scope to deal with this as they did in Pearl Harbor, that would include such thing as Presidential appointees in addition to the congressional appointees, that would include such things as looking into the oversight of how Congress does its job. We should be held accountable too on the oversight committees. And a true blue ribbon commission could do that. This commission is not going to be able to do that.

What we basically have is a proposal that is a little strangled in order to comply with the germaneness rules. So what we have is a lot of duplication to what we are already doing. In fact, a lot of work that the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. Harmon) and their subcommittee did so well and so proudly, and I think it is being digested now. So we have duplicative work in part of this. Then we have a part of this that talks about a lot of provisions that I do not think are

very well crafted. I am not sure how the noninterference provision works, and we do not want to have interference with the 9-11 work that is ongoing because it is extremely important.

I know a good faith effort was made to make sure there is no interference but I am not sure that is actually the result. I think there does need to be an executive branch appointment to this. I do not think Congress should reserve the right to make all the appointees.

I think back to the Aspen Brown Commission and how it profited from having outsiders come in. I think that was a valuable lesson that I learned because that is sort of what we are looking for here, another 9-11.

I would also point out there are other committees of jurisdiction that should be involved in appointing a blue ribbon committee. We have not had hearings on that. I know there is a freestanding bill which I believe deserves to be heard by those committees. They should go through the process, and we should come out with a blue ribbon committee that actually provides the views of the working standing committees of this House and all of those who have equity in it, rather than to try at midnight on this lovely day to put together what is really sort of a jury-rigged proposal. Well-intended, I take nothing away from that.

I think, finally, the one thing I want to congratulate the gentleman for is I agree entirely with him. He is doing something which is very important here which is requiring that there be a look at intelligence architectural reform. I totally support him in that effort. I think that part of this is good, but when you add it all up, I do not think this is the right place to do what he wants to do. And I am afraid his cosponsors from New Jersey are going to be very disappointed. They are going to be delivering a product to those survivors who are also talking to me, believe me, and we have some in my district. This is not going to do the job they want because it does not have the scope to do it.

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

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

Mr. ROEMER. As the Chairman knows, if we had crafted the amendment the way the gentleman would have suggested to be a bit broader, he probably would have objected to it on a point of order. And the Committee on Rules did not protect my amendment to do those very things. Does the gentleman have a suggestion?

Mr. GOSS. Reclaiming my time, there are four other chairmen and four other ranking committee members, and all the members of those committees who are counting on the rules of the House to make sure that they get their equities protected in what the gentleman is trying to propose.

And the gentleman knows, and as we have talked before, I am not opposed to

what he is trying to do. I am opposed to trying to do it in this restricted scope way that does not accomplish his purpose and adds a burden to my bill and which, frankly, I do not think will serve the purpose either of us wants.

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

Mr. Chairman, last fall the committee approved a creation of an independent commission to examine all aspects of the September 11 attacks. In the course of the legislative process, that proposal was first weakened and ultimately eliminated. I supported the commission concept not because I was concerned that the intelligence committees could not review adequately the performance of the intelligence agencies in the months leading up to September 11, but because I knew that review would be limited necessarily to those agencies.

The September 11 story extends beyond the intelligence agencies, and to be told comprehensively, needs to assess the performance of agencies outside the intelligence community. A commission that is unencumbered by jurisdictional concerns could take that kind of comprehensive look at September 11.

I would hope that the House tonight would have a chance to again consider a commission proposal like the one that was approved by the Permanent Select Committee on Intelligence last year. Although that will apparently not be the case, I believe the commission amendment offered by the gentleman from Indiana (Mr. ROEMER) will make a valuable contribution to a better national understanding of the September 11 events and what is being done within the intelligence community to respond to them. Therefore, I urge the adoption of the amendment.

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

We have a blue ribbon commission. It has already been established. The gentleman is a member of it. We are standing around here for an hour praising each other about what great experts we are, what a great chairman we have, what a great ranking member we have. Does the gentleman know why? Because they are all experienced people. Some of the people having doing the work for years.

I have only been on it for 2½ years. I know the gentleman from Indiana (Mr. ROEMER) has been on it longer than that. You are an expert. In certain areas you are an expert. Yes, you are. You know you are.

I certainly think the gentlewoman from California (Ms. HARMAN) and the gentleman from Georgia (Mr. CHAMBLISS) are experts after the work they did on the anti-terrorism report that they just came out with. And no one would deny that the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI) are experts.

We have a blue ribbon commission and it has been working. We have 25

professional staff people from both sides that are working very hard on this. And the last thing we need to do is establish another commission that would take a year to establish, to hire staff. You talk about being behind the eight ball and getting answers for people, it is not going to happen.

What about the leaks? The two chairmen just sent a letter to the FBI asking for an investigation of leaks. So what are we going to do? Share information with the world? Under the Roemer amendment, they can subpoena people. They will have public hearings. They can bring in the CIA director, the FBI director, they will testify before the whole world. What purpose will that serve, particularly when we are trying to help the intelligence community become better at what they are doing? Not by sharing it with the world, not by having subpoena power, not by allowing people to hold public meetings.

This is a ridiculous idea, particularly given the fact that we have a blue ribbon commission by the people that are already experts in it anyway.

We had this debate a year ago in the committee. We had a real, real spirited debate and we had it here on the floor. And eventually when the bill, the conference committee from the Intelligence Committee came forward, this was not included because I think people realize what a bad idea it is. There is really a bad idea.

The gentleman talked about four commissions, and he cited them very well but what did they accomplish? I guarantee that their reports are sitting on shelves somewhere around here. What the recommendations they made, nobody could probably really cite. So I do not know what purpose they really have served.

This is a bad idea because it would take too long to establish, to hire the staff. This is a bad idea because they do have good people working on this. And the last thing I think we want is to really infringe on the ability of the intelligence community, to be subpoenaed, to testify in public, to reveal the secrets.

If people wanted to see the bill that we are going to pass here, it is not here. Do you know why? If you want to go up to the committee you can see it, but it is not here because we do not want people to know how much money we are spending, how many more people we are going to hire because that really infringes on the ability of the Permanent Select Committee on Intelligence to do their work. And yet the gentleman wants to have a commission established to shine light on 9-11.

We all want answers, and I think we will get answers. We have gotten some answers from the good report that was done by the gentlewoman from California (Ms. HARMAN) and the gentleman from Georgia (Mr. CHAMBLISS). We will get answers from our joint staff committee. We have great staff people working on that. I think the last thing

we need to do is ask distinguished Americans, who would take a long time to appoint, to come forward and do this.

I really ask Members to think about this. This is very bad for the intelligence community. It is very bad for our ability to keep secrets. It is very bad for the professional people who would have to come and testify and swear under oath, the CIA director, the FBI director, people who work in these agencies. This is just unworkable. We are going to get the answers we want. We are going to get the answers for the families of victims. I have no doubt of that because we have good people working on this. And I think in the end, we will come out with a report that will shed light and give answers to many of the things that we need to know.

□ 0010

I hope Members will vote against this; and I hope when we do vote it down, this will be the end of it, and we will not have to revisit this again because this just does not make any sense for the kind of work that we do in the intelligence-gathering community.

So I ask Members to vote against this very, very bad amendment. It is a lousy amendment. It is not going to serve any purpose, and it really does not make any sense in light of all the other things we are doing around here, all the activity that is going on, all the staff that are hired and collecting information and trying to figure out what is happening.

All the members of the committee have been sitting through those 2-day-a-week full-day hearings that are going on by our joint committee. There is a lot of information. Members really have to pay attention, and to think that some blue ribbon group from around the country is going to get up to speed on this, it is going to take a year to appoint them, and then to get up to speed, it will be another 2 years with a recommendation.

Bad idea, bad amendment. Vote it down. My colleagues will be doing a favor to the intelligence community.

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

I rise in very strong support of this well-thought-out amendment. Let me preface my remarks by saying how much respect and admiration I have for the members of the Permanent Select Committee on Intelligence. I want to acknowledge the hours and hours of work they have put in, their integrity, their dedication to this process. I think they have done their country a great service, and I commend each and every member of the committee for that.

Many Members of the Chamber will remember a lot about the events of September 11, 2001, as do I. I also remember how I felt on the morning of September 12, 2001. I woke up, and the first thought that came to my mind

was that in the 11 years that I had served in this body I had voted to spend about a half a trillion dollars' worth of taxpayers' money on building an intelligence establishment; and I asked myself what role I had, what responsibility I had in what seemed to me to be a failure of that establishment to defend our country against the calamities of September 11.

I am not here tonight to point any fingers at any agency or any person. I do not know what the chain of causation was that led to the events of September 11, but here is one thing that I do know. I do know that each one of us and each Member in the other body and each institution in American government has questions that need to be asked about it and about its role.

I want to reemphasize, the leadership and work of the individuals who served on the Permanent Select Committee on Intelligence is not the point of my remarks. I wish that we all had the degree of expertise and effort that these individuals have put in, but I think we have to ask some hard questions about the House and about the other body, about what we have done, about what we have failed to do, about what policy-making institutions in this country have done dating back to 1995 and some of the other controversial decisions and policies that have been implemented.

I think we are never going to be able to go forward and put together a prospective strategy to do everything we can to avoid another calamity like the one we saw last September unless every institution is subjected to scrutiny; and with all due respect to my colleagues in this House, I do not believe that we can subject ourselves to that same kind of scrutiny because we have a vested interest in the answer to that question.

No impugning of anyone's integrity or ability, but I would simply make the point that part of this assessment of the future strategy of success for our intelligence capability must include answering the hard question, What responsibility do we have to bear for the decisions that led up to September 11? I think the question needs to be evaluated by people outside of this institution who do not stand for election and do not stand for the back and forth of the legislative process that we do.

So, again, in full respect for and commendation for the work of the Permanent Select Committee on Intelligence and its various subcommittees, I believe we need the gentleman from Indiana's (Mr. ROEMER) proposal. I think we need to have people outside of our own structure take a look at our own responsibility, and I think is the way to do it.

I would urge a "yes" vote in favor of this amendment.

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

Mr. Chairman, today we have an opportunity to take an important step for the security of our Nation to establish an independent, and I want to em-

phasize that, bipartisan, and I want to emphasize that, commission, external commission that will determine where our defense and intelligence systems failed on September 11, so that we can prevent future tragedies and we can say with assurance that there were defense and intelligence system failures on September 11, and in order to identify those, we need help, for people to step back and look at it.

There is a place for the kinds of studies that the committee has done. There is a place for internal evaluations in each of the Federal agencies involved, but with the Roemer amendment, we would establish an independent commission consisting of, say, 10 Members, appointed in a bipartisan way, and the commission would report its findings and conclusions in a way that would earn the trust of the American public; and believe me, we need to do that if we are going to come up with conclusions that will be useful to America in preventing future calamities.

Some would say that investigations will be used to play politics, but this amendment is not about politics. This independent commission is about fact finding, not fault finding. We need to look at our government's weaknesses and correct them. It is our duty as legislators.

A few weeks ago, I joined a group of central New Jerseyans, principally widows and surviving family members of those who were killed in the attack on the World Trade Center. I joined them at a rally here in Washington where they were calling for just this kind of commission, and I would say any of my colleagues who spoke with those family members that day or since would understand why passing this amendment is so important.

Our government leaders from the White House keep telling the public that another terrorist attack is inevitable. It is not a question of whether, but when, they say. Well, another attack would be inevitable only if we do not learn from our previous mistakes, if we do not fully examine what went wrong prior to September 11, 2001.

I urge my colleagues to pass this amendment.

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

Mr. Chairman, I may be in a minority of one on this floor on this subject. I was not a fan of the broad commission proposal. I am a fan of the narrower version that the gentleman from Indiana (Mr. ROEMER) is offering. I believe I am the only person on this floor and I may be the only person in the House to have served on an independent, bipartisan, external national commission on terrorism.

I was appointed by the minority leader in 1999 to serve on a 10-member commission, sounds a lot like this one, that was to investigate the terrorist threat. It was ably chaired by Ambassador L. Paul Bremer, called the Bremer Commission, and I became one of the 10 commissioners.

We reported in 2000 that we believed there could be a major terrorist attack on U.S. soil in the near future. We recommended suspending the guidelines on recruiting human assets, that have been discussed earlier, that we thought hampered their recruitment. We recommended strengthening legal authorities for FBI investigations. We recommended better monitoring of students in the U.S.

Guess what, Mr. Chairman. These were good recommendations. We testified to them in the Senate. They were printed up all over and praised on the editorial pages, and they were ignored. So I would say to the survivors of the horrific September 11 attacks that setting up a new commission may be a good idea, but it may also raise expectations that will ultimately be dashed.

That is why I like the narrow version of the commission because what the narrow version says is this commission, if it is enacted, will focus on whether the recommendations of prior commissions and the joint inquiry and the Chambliss subcommittee will be implemented.

□ 0020

That, it seems to me, is a function we ought to be undertaking.

It also will talk about additional ways to make certain that the counterterrorism mission is central to all our intelligence agencies. And then it will do the thing that our chairman has just said needs doing, which is tackle the tough organizational questions of our intelligence community, which too often get ignored because they are long range and they are too hard for anyone to deal with.

So I would say to this body that in its narrower form, this commission makes a very good contribution to our work. It is not duplicative. It will not disappoint people. And I think that the gentleman from Indiana (Mr. ROEMER) has been very flexible here in revising it so that, at least in the view of this Member, it performs a more useful function than his earlier drafts. And so I am going to support the Roemer amendment.

Mr. BURR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I truly believe tonight that none of the debate will change people's minds about how they vote on this amendment, but I think it is important that we read from the amendment itself.

In fact, this amendment says that the responsibility of this commission is to review the implementation by the intelligence community of the findings, conclusions, and recommendations of, A, the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committees on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001;

B, other reports and investigations of the House Permanent Select Committee on Intelligence of the House of

Representatives and the Senate Select Committee on Intelligence of the Senate;

C, other such executive branch, congressional, or independent commission investigations of such terrorist or the intelligence community; and make recommendations on additional actions for implementation of such findings, recommendations and conclusions. In fact, the mission of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

It goes on in point (2) to say, review resource allocation and other prioritizations of the intelligence community for counterterrorism, which are current missions of the House and Senate intelligence committees;

(3) to review and recommend changes to the organization of the intelligence community, in particular the division of agencies under the jurisdiction of the Secretary of Defense and the Director of Central Intelligence. In fact, now current responsibilities of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

(4) determine what technologies, procedures and capabilities are needed for the intelligence community to effectively support and conduct future counterterrorism missions, and recommend how these capabilities should be developed, acquired, or both from entities outside the intelligence community, including from private entities. Again, a current mission of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

Let me just say to my colleagues that I commend the gentleman from Indiana (Mr. ROEMER). The gentleman is impassioned on this. We have a joint inquiry currently in progress of the House and Senate committees. Our hope is that by the end of the year to come to this body, the Senate, and the American people with a report, and it will be the responsibility, then, of the House and Senate committees to make sure the recommendations, to make sure the findings, to make sure the changes, to make sure the resources, and to make sure the technologies that have been identified are incorporated.

It is the core responsibility of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence today to take up practically every point of this amendment. I would urge my colleagues, let us do our work on the House Permanent Select Committee on Intelligence without the burden of people looking over our shoulders, questioning what we are doing. Let us get to the facts, let us keep the focus that we have, let us make progress at fixing those things that we find are broken, and we will air it to the American people in the correct way.

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

Mr. Chairman, I rise in very strong support of this amendment by the gen-

tleman from Indiana (Mr. ROEMER). I served for 8 years on the Permanent Select Committee on Intelligence, and I have no doubt that the chairman, the gentleman from Florida (Mr. GOSS), and the gentlewoman from California (Ms. PELOSI) can do a fine investigation.

What I think is important for the credibility for the American people is an independent commission, standing alone, with experts who can take a longer view. We all know what the schedule around here is like, and that Members have multiple responsibilities, and we understand the time it takes to do one of these jobs, to focus in on this and get it right.

President Roosevelt understood this after Pearl Harbor. He set up a commission, a public commission. I think that is a very good model for this.

And I would say to my friends tonight, late in the evening, does anyone have a doubt that this debate might be reversed if Al Gore were the President of the United States or if Bill Clinton were still President? I can remember all of the investigations of President Clinton, one after another. There was great energy on the other side of the aisle to have every imaginable investigation.

I can remember the Permanent Select Committee on Intelligence looking into Haiti, looking into Iranian arms to Bosnia, technology transfer to China, campaign finance reform, and impeachment.

I think the American people understand the politics of this body, and I think we will do ourselves a great service to have an independent commission looking at this so that the people of this country will have confidence that objective people have looked at it not from a political perspective.

The gentleman from California (Mr. COX) and I did a great job with our select subcommittee regarding the transfer of technology. We had a unanimous recommendation. But I could still see a commission having dealt with that. And I think on this issue, because of its importance to the country, the importance to our history, having a commission look at this that the American people can have complete faith in, I believe, is the right way to go, and I think we should all support the Roemer amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words, and I apologize to my colleagues, because the time is getting late.

Mr. Chairman, I have 80 families who lost loved ones in 9-11; sons, daughters, fathers, mothers, sisters, brothers, husbands, wives, best friends, and they want to know why. And I want to know why.

I know it is beyond just a little part. It is Congress, it is the White House, it is a whole host of things that have to be looked at. And with no disrespect, no disrespect to the Permanent Select Committee on Intelligence, they are one part of this issue. And, frankly,

they are a part of it. They are not independent.

I chair the Subcommittee on National Security, and we had 19 hearings before 9-11. We tried as hard as we could to get someone from the CIA to testify. They came with a permission slip from the Permanent Select Committee on Intelligence that said they did not have to testify. We wanted them to come testify because we wanted to know how was the CIA talking to the FBI. My committee has jurisdiction of terrorism at home and abroad. We had jurisdiction. We wanted to know how did they communicate, and we could not get them before the committee because they had a permission slip from one of our committees saying they did not have to come.

We need an independent commission. And the gentleman from Indiana (Mr. ROEMER) is on target in what he wants to accomplish. Unfortunately, his amendment does not allow him to offer the kind of amendment he needs to, given its jurisdiction. We need a presidential commission that is independent that will tell us ultimately what we all know.

If we had just listened to what the terrorists said in Arabic, we would have known about this attack.

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

Mr. SHAYS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, on the point that the gentleman made about that this amendment is not perfect. This amendment could be perfected in the conference committee between the House and the Senate.

I would suggest to the chairman and the ranking member, if they have some problems with this particular amendment, work it out in the conference committee. That is what we have done over the years.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, I think there are many ways to work it out. I ultimately believe this should be a commission of people outside Congress and outside working for the administration. It needs to be people totally independent; people like a Sam Nunn or a Warren Rudman, or some others of that status.

□ 0030

There should not be so many from the Speaker or the minority leader. We should not be saying these are our people and the other side of the aisle's people.

I believe the victims, the families of September 11, are ultimately going to get a commission because they deserve it, and so do the American people. I salute my colleague for bringing this forward, but it is not the kind of commission that I would hope we would have.

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

Mr. Chairman, I too want to voice my strong support of the Roemer amendment being offered this evening. I believe it is the right thing to do because this is what great democracies

do; they let the sunshine in. It is never easy to air dirty laundry for anyone, or to admit to certain shortcomings or failings, but there are still many unanswered questions that the American people have.

A great democracy that derives our power by the consent of the people, that can only function if we have the faith and confidence of the people, need an independent review of what happened to our Nation on September 11. This is not without precedence. Prior Presidents have called for this when great tragedy was visited upon this country. As the gentleman from Indiana (Mr. ROEMER) acknowledged, 11 days after the attack on Pearl Harbor, President Roosevelt called for an independent commission based on the sneak attack at Pearl Harbor. President Reagan did the same thing after the Marine barracks incident in Lebanon.

Let me also state that this is not an easy amendment for the gentleman from Indiana (Mr. ROEMER) to bring. He is a distinguished member of the Permanent Select Committee on Intelligence. He, as do I, has a great deal of respect for all of our colleagues serving and working on the Permanent Select Committee on Intelligence, along with the very capable and bright staff working on that committee. This is not an indictment or questioning the work that they are doing. Yes, there is a joint review and an investigation taking place between the Senate and the House looking into the events of September 11. We should be doing that, and it is being done.

But what is a little bit sad in the course of this debate this evening is that we are having to have this discussion at 12:30 in the morning within the House of Representatives when the President of the United States himself should have been calling for the establishment of a nonpartisan, outside independent commission looking into the events of September 11. That is the type of leadership that we need right now in this country, and it can only be provided by the President of the United States.

I appreciate the concerns of the gentleman from Florida (Mr. Goss) regarding the wording of this amendment and certain restrictions that the gentleman from Indiana (Mr. ROEMER) had to meet in order to make this amendment germane so we could at least have a discussion of this important topic this evening; but if the President were to move forward by calling for a commission, certain accommodations can be made so that the commission can be comprised of a distinguished group of individuals, and we all have a list of who those people could be serving on it, that could approach this subject in a cool, dispassionate, and nonpartisan fashion.

They could conduct their work without interfering with the ongoing duties and responsibilities taking place in the Permanent Select Committee on Intel-

ligence. They could also conduct their work so that it protects the basic operation and methods of intelligence gathering so we do not air to the rest of the world, especially our enemies and future terrorists, how we gather this type of information.

These things can be done because they have been done in the past. That is why I think this amendment has merit. I think ultimately the American people will not be satisfied unless they get an objective answer by a distinguished panel of outside experts that can come in, take a look at this, take the time that they need to analyze what happened on September 11, not with the purpose to assess blame or point fingers, but to find answers so the changes that we have to make will be made.

In the next 24 hours we may be debating the greatest single change of the Federal Government in the last 55 years. The President is requesting \$40 billion for a new homeland security agency. I agree with that. We need to restructure the government to deal with current threats; but all of this will not matter if we do not get the intelligence aspect of defending our Nation and preventing future terrorist attacks right.

That has to be done. I think there is a great deal of wisdom in calling upon a group of outside experts, those who have served in the Congress, those who have devoted a lifetime of study and analysis of intelligence gathering, to give them the authority on a parallel track along with the investigation, the review that is currently taking place between the Permanent Select Committees on Intelligence, and working with the administration to learn from the mistakes of the past and then recommend the policy changes, the structural changes that we have to make and move forward on in order to enhance our intelligence-gathering capabilities in order to prevent another tragedy from occurring against the United States of America. I encourage my colleagues to support the Roemer amendment.

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

Mr. Chairman, I rise in very strong support of the Roemer amendment. I hope that our colleagues will join a bipartisan group of Members in voting "aye" at the end of this debate. This is a very important debate for our country. Not only do I support the Roemer amendment for an independent commission, I authored legislation for an independent commission last year. Indeed, that commission was accepted by the Permanent Select Committee on Intelligence. It was not until we came to the floor when others chimed in that my commission was changed and then struck from the bill in conference.

But I want to read from the committee bill from last year because I think it is important for the committee to know why an independent

commission is necessary. The Permanent Select Committee on Intelligence said, "The committee believes that the commission will only be successful if it is seen to be truly independent of any perceived notions about the effectiveness of the activities of the departments and agencies it will review. Appointing members with a reputation for challenging conventional wisdom, wide perspective, bold and innovative thought and broad experience in dealing with complex problems will contribute directly to instilling the commission with an independent spirit which will enhance the credibility of its work. Those given the authority to appoint members of the commission are urged to be especially sensitive to the committee's concerns in this regard."

I read this, Mr. Chairman, because I think it speaks directly to the difference between what this commission's product could be and the work of our joint inquiry. As one who has served 10 years, longer than anyone on the Permanent Select Committee on Intelligence, and I do not mean to equate longevity with expertise, certainly our distinguished chairman's reputation for knowledge in the intelligence community is unsurpassed, but that does not mean that we cannot have a disagreement about how we should go forward.

In our committee we are engaged in a joint inquiry into September 11. We owe the families affected by that tragedy some answers. We need to reduce risk to the American people, and finding out how September 11 happened will help us protect the American people.

Tomorrow we will start debate on the floor on the Department of Homeland Security which too has as its goal to reduce risk and increase safety for the American people. But there is more that we can do to give some answers to the families affected and indeed to every person in America about how we can increase safety as much as is humanly possible in the world that we live in today.

What is the harm, I ask Members, of finding out more? What is the disadvantage of having fresh eyes look at a situation? When we have had some of the family members come to visit us about the September 11 tragedy, they tell us that just a simple thing like a plane flying overhead or a warning of a suspected terrorist attack, and that is not ordinary, fills them with terror.

□ 0040

That is the goal of terrorists, of course, to fill people with terror, so that a country changes the way it conducts itself. We are a strong country. We will protect and defend the American people as we protect and defend the Constitution. In order to do that, we need the best possible information. Our joint inquiry is an excellent inquiry. Great people are at work on it. I know that we will produce an excellent

report, largely because of the leadership of the gentleman from Florida (Mr. Goss) in the House and Senator GRAHAM in the Senate and the rest of us working closely in a bipartisan fashion. We know firsthand the excellent work of the people in the intelligence community. They need answers, too, I believe, from an independent commission with fresh eyes and an entrepreneurial look at what the possibilities are.

We have reviewed in our committee the intelligence aspects. That is what the gentleman from Indiana's amendment serves to do as well. I would have hoped that he could have gotten a waiver from the Committee on Rules for a broader investigation so that we could assess the performance of every agency of government which had every responsibility. Since that is not the case, I urge our colleagues to support this narrower commission, fresh eyes, more safety. Vote "aye" on the Roemer amendment.

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

Mr. Chairman, I rise in opposition to this amendment. There has been some comparison with what happened at Pearl Harbor and what happened in another number of incidents around the world in recent decades, comparing that to September 11.

September 11 was not a military failure. September 11 was a massive intelligence failure. There is a marked difference. There is a difference because our intelligence community operates behind closed doors. It operates in a fashion where it needs to operate in order to gather information on terrorist groups and criminal organizations around the world. The terrorist groups around the world would love for us to open up our intelligence community to their eyes. I think that is a terrible mistake that we would be making and a bad precedent that we would be setting.

Our subcommittee has been working for the last 8 months on a report. We have a 142-page classified report on record in the Permanent Select Committee on Intelligence. We issued a nine-page summary of that report. That is the difference. There are nine pages out of 142 pages that we can talk to the American public about. In our report, we did not pat the intelligence community on the back. We criticized the intelligence community where they needed to be criticized and we pointed out where their shortfalls existed leading up to September 11.

The current bicameral committee, the joint inquiry committee, is focusing now on the plot. Our committee was a broader investigation, but the joint committee is focusing on the plot of September 11. The 19 hijackers involved, we are looking into exactly where they came from, how they got here, what their mindset was and what they did leading up to September 11.

I assure you at the end of the day when that inquiry is completed, there

will be another classified report that will be a massive document. But there will also be a summary report that the American people will have that will focus on the plot and the American people will have a very good idea of what happened leading up to September 11 in the minds of those 19 hijackers.

There has been conversation, also, publicly and it has been stated over and over here tonight that we may be subject to another attack. God forbid that we are, and our intelligence community is working better than ever today to ensure that we are not. But what if we are? Are we going to have another commission? Where is this going to lead? How many commissions are we going to wind up having for any number of particular incidents? Suppose we have successes. Are we going to have a commission to look into what we did right to disrupt a terrorist act that might have been prevented? I think we are asking ourselves tonight for the setting of a bad precedent if we do have this commission established and this commission moves towards looking at what the joint inquiry is looking at today.

I think at the end of the day when the joint inquiry is completed, every single family is going to get satisfaction out of that report in knowing what did happen leading up to September 11 and why we were unable to prevent it more so than what we were able to see in the report that was issued last week. I urge a "no" vote on this amendment, even though my friend the gentleman from Indiana (Mr. ROEMER) is very passionate and I respect his opinion on this, but I think it is the wrong way to go.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the chants of my colleagues, but I think you do disservice to the families when we discuss this when you suggest that somehow we should vote without a discussion of the Roemer proposal.

I cannot think of anything more important to the American people with the loss that they suffered, that all of us suffered on 9/11, than an effort to determine what happened, an effort to determine what happened by, as Ranking Member PELOSI said, fresh eyes. To simply have the same community looking at itself to make those determinations is insufficient.

The Roemer proposal is not new, radical or mysterious because the Permanent Select Committee on Intelligence has commissioned many independent studies. The gentleman suggested if you have the Roemer proposal, then everything has to be public. No, we would have classified annexes just like you have a classified annex in the report that the gentlewoman from California (Ms. HARMAN) and others put out the other day.

The suggestion is that it is not perfect. Gee, it has been on the table for 4

months and I have not seen anybody reach across and say, this is what we could do, this would be better, we will help you, we could get a waiver because this would be an improvement. Maybe you do not see that as your burden. But those are all institutional arguments for not doing this and they are the arguments of great institutions in decline because great institutions in decline become more and more insular. They refuse to listen to the outside. They refuse to seek outside knowledge.

The suggestion was that this would be one more report that Congress would ignore. Maybe this report would tell us that Congress failed in its duty to the American people by ignoring Hart-Rudman. Maybe there was negligence in this body by not addressing Hart-Rudman, because apparently it indicated a lot of things that we should have been paying attention to in the intelligence community but we were not.

Think of when NASA lost the space shuttle and the argument was, in and out of NASA, how this was going to be done and what had to be done to correct it and get the fleet back up and get it flying and return to our missions; all laudable goals. But think of the moment when the member of the independent commission, Dr. Feynman, took the O-ring and put it into the ice water. Think of that moment and what that meant to the American people about what was wrong with the shuttle program and assumptions that were made about temperature and launches and weather conditions, all of which could be justified but turned out to be catastrophically wrong. When other great systems, complicated systems and sophisticated systems suffer catastrophic failures, in the business world they generally turn immediately to outside experts.

When we suffered the catastrophic failure of the oil rigs in the North Sea, we immediately turned to outside experts. The Alaska pipeline. The catastrophic fire in the London subway. You say, well, that is not 9/11. But when they turned to outside experts, they found everyday practices that every day put people's lives at risk in the subway. I think it was a Georgia company that did the studies, experts in catastrophic failures. Why? Because over time they had built up practices that were at odds with the safe passage of people in the subway and it had to be redesigned.

What is the other reason this is important? There are a number of them. One, an obligation to the families as has been mentioned by so many already. There is also another obligation to the American people. The American people have a lot at stake. They have a lot on the table with the outcome of this study. What do they have on the table? They have their freedoms, because there has been much suggestion that this is simply a failure of laws, new laws that need to be enacted or old laws, and that is simply the failure.

□ 0050

That may be the case. But we do not know that yet. Yet people are being asked to give up their freedoms, people are being asked to let their neighbors spy on them, people are being asked to have their freedom of travel changed, all of which appears necessary to me. But we do not know that, because we do not know the threat assessment versus those freedoms and the failures of the system prior to that.

But somehow we cannot do this. Somehow we are told that if we have an independent review, that would be catastrophic for this system, because all of the arguments are interesting, they just do not go to the point of whether or not we are going to participate.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, the suggestion that somehow when we all know the list of Americans who could participate in this system and their credentials and their experiences and their expertise, to suggest that somehow those Americans would be less loyal, more subject to leaks, than the existing system, I mean, the best kept secret apparently was Hart-Rudman, the best kept secret in the Nation until 9/11.

So I think we have to think about what this means. I think we have to think about what it means for the American people, what it means for the families and what it means for this institution. The day we start to suggest after a catastrophic failure like 9/11 that we cannot have an independent review of that event is the day that democracy is in decline.

We all know the mechanisms are in place to provide for the secrecy and the classification and the right to know and all the rest of that, and we all respect the importance of what that means. But those cannot be excuses for failing to discharge our obligation to the American people.

We need the Roemer amendment. We need the Roemer amendment to be perfected. That is within the purview of the Permanent Select Committee on Intelligence. I would not pretend that I could perfect it, but that is your expertise. But it is that expertise applied to the notion of a public independent review that is so important to the families of victims of 9/11, to the American people, and, ultimately, to this institution, to this institution, because it is about whether or not we will have the credibility to proceed with the very difficult choices that we have yet to make about our homeland security, about our national defense and about our intelligence capabilities.

I urge support of the Roemer amendment.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT NO. 9 OFFERED BY MR. ROEMER

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey to Amendment No. 9 offered by Mr. ROEMER:

At the end of section 602(b), as proposed to be added by the amendment, insert the following:

(4) REPRESENTATION OF FAMILY MEMBERS OF VICTIMS OF TERRORIST ATTACKS.—Of the members appointed under paragraphs (1) and (2) of subsection (a), at least one member appointed under each such paragraph shall be a member of the family, or a representative designated by such a family or families, of an individual who died in the terrorist attacks against the United States which occurred on September 11, 2001.

Mr. SMITH of New Jersey (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 pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, this amendment is a friendly amendment that I offer to the Roemer amendment. It modifies the make-up of the blue ribbon commission to ensure that at least two members of the commission are family members of those who lost their lives because of the murderous attacks on September 11. This idea came out of meetings that I had and my staff had with specific widows, Kristen Breitweiser, who lost her husband Ronald, Patty Casazza, who lost her husband John, Mindi Kleinberg, who lost her husband Alan, and Lorie Van Auken, who lost her husband Kenneth.

They have asked, as have other family members, to be included, to be a part of this investigation. Why wait until conference, or some later time that may or may not materialize. The families should be included right at the passage of this legislation. They are part of this and should not be left on the outside.

They feel, frankly, after numerous meetings, that they have been neglected, that their concerns have not been adequately addressed. That is why I am offering this amendment.

I support the Roemer amendment. As a matter of fact, I just testified before the Committee on Rules asking that the more expansive version that he has proposed to be made part of the Homeland Security Act.

I would say to my colleagues, I chaired the Subcommittee on International Operations and Human Rights for 6 years. We did the Embassy Security Act. I was a prime sponsor of the bill, a \$6 billion authorization to try to beef up our embassies. That came out of the specific recommendations that Admiral Crowe made as part of the Accountability Review Board that met after the two terrible bombings of our embassies in Africa.

What we found was there were all kinds of mistakes that were made, ones that should have been anticipated, some that had been anticipated by Admiral Inman, many, many years before that, but had not been acted upon.

A blue ribbon commission, I would respectfully suggest, will give us the opportunity to bring it all together.

I was just in Berlin heading up the OSCE Parliamentary Assembly there with many Members on both sides of the aisle. I met with one of our consulars who worked in Bangladesh. He told me that 31 people had come to our consulars in Bangladesh and had requested visas for flight training. They wanted to come to the United States to learn how to fly. That was in 1999. We do not know who they are. Those records were done away with 2 years later, because of the statute of limitations on retaining those records. They may have been the very same people who found their way into this country and ended up doing the terrible deeds they did on 9/11.

This is a good amendment. Still I do not think it goes far enough. I would disagree with the gentlewoman from California about narrowing the scope. We need to expand it. We need to investigate other law enforcement agencies, the FAA, INS and all of the others. Then we could come up with a very, very comprehensive set of recommendations so there is a lesson learned.

Let me also tell my colleagues the anthrax problem hit my district, in Hamilton Township, New Jersey. Hamilton was shut down and is still shut down. I am amazed how much we still have not done in follow-up to what happened as a result of the anthrax.

I sat in on those meetings. The left hand did not know what the right hand was doing time and again. Very, very competent people, but, again, the left hand very often was unaware of what the right hand was doing, whether it be CDC, NIH, or other agencies of government. This is a good amendment. I hope you will back it.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank my good friend from New Jersey for sponsoring our amendment, for supporting it, and take his amendment not only as a friendly amendment, but a family amendment that represents many of the victims of this, and I would encourage my colleagues to support this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, reclaiming my time, just let me conclude, I hope that this language in this amendment grows, is expanded upon, and is more inclusive as it relates to other agencies of government. For purposes of germaneness, it had to be narrow, but this is a good place holder and a good first step.

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

Mr. Chairman, I represent the district that had perhaps the most impact here. The World Trade Center used to stand in the middle of it, and the catastrophe that was visited on my district and on the entire country represented, among other things, a monumental and catastrophic failure of intelligence. When such a thing happens, I think it behooves us to take a complete and fresh look at it.

Look at every aspect of it. Look at every aspect of every establishment that we have to deal with that, and that includes, frankly, the way this Congress and its intelligence and other committees that are relevant deal with it. That is why I support the Roemer amendment for an independent blue ribbon commission.

Now, maybe we have not spent enough on intelligence. I have joined in the past in voting for amendments to cut the intelligence budget. Maybe we were wrong. Maybe, on the other hand, we have spent enough but we have not spent it properly. Maybe we spent too much on electronic intelligence and not enough on human intelligence. Maybe people were not talking to each other who should have been. Maybe the analytical capability was neglected in favor of just collecting huge amounts of information which could not then be analyzed in time. I do not know.

Maybe the Permanent Select Committees on Intelligence of this Congress have functioned perfectly and wonderfully, and maybe they have not, and maybe there are changes we could make in our own establishment and how we set up things. That is why we need a totally new and outside and independent look and why I support the Roemer amendment.

□ 0100

Let me also say one word in opposition to the amendment by the gentleman from New Jersey (Mr. SMITH). There are plenty of survivors and family members of victims in my district, and they certainly have a very great interest in all of this. I have supported the role of victims in commissions and on committees and so forth in determining the type of memorial to be erected in New York and the rebuilding and so forth. But the fact that someone is a relative of someone who died in the World Trade Center does not make that person an expert on intelligence, does not make that person an expert on the military; and, frankly, this commission ought to be not a commission of people who we put there sentimentally because we sympathize with their loss. It ought to be a commission of people who are experts in the things that have to be examined, experts determined by the President, by the leadership of the House and the Senate, the other body, and so forth.

So I urge Members, do not add sentimentality to this commission which will not really accomplish anything, but do approve the Roemer amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Roemer amendment.

Mr. Chairman, I think I know the direction of the debate here, but I think it is important that we not deceive ourselves. All of the impassioned comments that I have heard here in the last few minutes are for a commission that would not be created by the Roemer amendment. The Roemer amendment is a very narrow shadow of the commission that the gentlewoman from California described, a broad-based commission. And I would say, to the gentleman's credit, he understands this, because he had to craft something that would be germane to this legislation.

This legislation, if we take a look at the four points that are covered here, focuses exclusively on the intelligence community. The first element is to make sure that the inquiry, the joint inquiry under way is implemented. Well, that can take place only after we have seen it; but I will tell my colleagues one thing, a joint committee, or a joint inquiry by the two intelligence committees' recommendations to itself cannot be ignored by the two intelligence committees.

Now, what happened on 9-11 was certainly representative of deficiencies in the intelligence community, no doubt about that; and there may be some failures. But the biggest deficiencies, the biggest failures were in the law enforcement community, I say to my colleagues, and the relationship of the law enforcement community to the domestic agencies.

In the particular terrorist event that ravished this country on that day, both here across the river and in New York City, of course, it was the failure, the link between the FAA and the commercial airlines and the law enforcement agencies, at least the Federal law enforcement agencies. That was the failure.

The gentleman from New Jersey, just a few minutes ago, said some things that he would like to see it broadened. Well, if we are going to have a commission here, and I am not opposed to it, it is going to have to look at the whole array of problems that we had. We cannot simply look at the intelligence community. We have to look at where the response to information would be acted upon.

If we take a look at all of the agencies, a part of which are being merged under the proposed homeland security agency or department, those are all of the elements of domestic response and law enforcement that have to be there to do something with the intelligence we hope we have. We were surprised. We had deficiencies in intelligence.

I say to my colleagues, it is not going to give us the Commission that everybody here is talking about. It is not going to give us that comprehensive examination. I say it is a cruel hoax to suggest to the families of the victims

of what happened across the river and in New York City that such a commission is going to give us those answers. It is too narrowly focused. It had to be, to be offered by way of this amendment. So we may vote for it, but let us not kid each other. This is not going to do it, I say to my colleagues. It is a part of it; it is not the significant part, in my judgment.

The biggest failures that took place on 9-11 were in the law enforcement and domestic agency fronts.

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

Mr. BEREUTER. I yield to the gentleman from Washington.

Mr. DICKS. But does the gentleman not agree, Mr. Chairman, that we could fix it in the conference committee between the House and Senate committees? We have done that many times in the past. If the committee wants to change this commission and make it broader, make it more effective, and cover the broad range, we could do that in the conference between the House and the Senate, and we could agree to it when the conference report comes back.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, the gentleman from Florida has already pointed out the problems that this creates for the other committees of this Congress, that they should have some input in the preparation of a conference report.

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

Mr. Chairman, I have not heard much that I disagree with. As one of the more recent persons to serve on the Committee on Intelligence, I certainly would not come here to the floor of the House of Representatives and suggest that the joint select committee or the joint committee of the House and Senate that is doing the work now of looking back with reference to what happened on 9-11 will not do a good job. But a good job is not good enough in this particular situation. We need the very best.

The fact of the matter is that this group of persons who are doing the work are from inside this body and the other body. We tend to think we know everything, and no one else can tell us that we do not know everything. It is sort of like as an aside and not meant to impugn either of the States, but I lived in New York and California, and I left California thinking that Californians thought they knew everything, but I knew that New Yorkers knew they knew everything.

The fact is, we do not. And in this instance when the report is finished, which will be a magnificent work, it can become the starting point for an independent group.

Now, let me give my colleagues three things that have taken place in our history in addition to those that have pointed out how swiftly President Roosevelt, after Pearl Harbor, appointed an independent commission. We have

had in our lifetimes three significant, and there are others kinds of reports about what happens, in our government. When President Kennedy was killed, we had a select committee to do an investigation. When we found ourselves with President Nixon's problems in Watergate, we had a select committee of the House and Senate. But when we had civil rights disturbances and immense destruction in this country, we went to an independent commission that is called the Kernell Report that all of us that are old enough to remember know as the seminal report on race in America that is still looked to by all intellectuals in academia and otherwise.

Mr. DICKS. Mr. Chairman, I object. The Committee is not in order. The gentleman deserves to be heard. He is making a very eloquent statement and I think the Members ought to pay attention.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The gentleman is correct. The House will be in order.

Mr. HASTINGS of Florida. Mr. Chairman, I thank my good friend and colleague from Washington and the Speaker for seeing to it that this debate itself is carried on in a manner consistent with all of our thoughts. Everybody has made major contributions and has had something here to say, and our feelings and passions run high.

What I was saying is that the Kernell Commission became the seminal report for all in America and is still looked to as the most definitive matter that has undergone a survey of race in America. That said, what have we from Watergate from our inside baseball select committee still puzzled by what transpired? I do not even have to begin to tell my colleagues the conspiracy theories that have been spawned by virtue of yet another of those inside groups of people who made a determination.

Now, I do not think we have anything to hide, and I do not think we should try to hide anything, and none of us are going to do that. None of the Members of the committee that is presently working for the House and the Senate are going to do anything other than the best that they can. These are the finest Americans that anybody could possibly expect that will look at this matter. But I can assure my colleagues that when they finish, they will not have made a determination that an independent commission of people could make, and it will not allow for the kind of credibility that all of us deserve in this country.

What happened to us is mind-numbing. It boggles the mind, as the gentleman from California (Mr. LANTOS) is fond of saying, and all of us are stunned by what transpired. We need to get beyond ourselves, and the only way to do that is to allow some other people who have an approach to this situation that may not be one that is politically motivated in some respects, yet out of the conviction of our beliefs, we think that we will have done all that is necessary.

□ 0110

We will do something, and the American public will still have questions. Let us give them more input than just those of us who represent them.

I urge this body to help us learn how we can identify and fix the problems that all of us know have been created by virtue of this awful tragedy.

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

Mr. Chairman, I rise in support of the Roemer amendment. Let us note tonight the gravity of what we are talking about. America has been relying on an arrogant, bloated and incompetent intelligence bureaucracy to protect us against foreign threats. We spend billions of dollars and the likes of bin Laden blindsides us and slaughters our people; 3,000 Americans were slaughtered on 9-11. And it was not a tragedy not beyond our control. It was a failure of the system and a failure of the people in the system.

bin Laden was, let us note, the number one target of American intelligence prior to that attack, the number one target of American intelligence for a year or more before that attack. Yet this operation, an operation of this magnitude with millions of dollars being spent, being transferred from one account to another, hundreds of people being involved in many different countries, yet it went undetected. The FBI, the CIA, the National Security Agency, the DIA, our intelligence community let us down.

And let us note this, they let us down in such a way that we deserve to know that everything has been done to straighten the situation up so it cannot happen again. We should all know about a major house-cleaning that has been going on in our intelligence community. I know nothing about a major house-cleaning. In fact, it appears to me that the same people are in charge in the intelligence community today as were in charge before.

We cannot go on with business as usual; and I am sorry, relying on those in this body, in the legislative branch, whose job it was to oversee American intelligence before 9-11, is not good enough. We need some outside people of prestige who we can trust to focus on this, who are not part of the system and do not feel compelled to watch out for whose turf they are standing on in terms of getting on this committee or that committee.

A new homeland defense committee is not business as usual. A new homeland defense department is not business as usual. A blue ribbon commission is not business as usual.

Tonight we heard in this discussion we heard that this proposal by the gentleman from Indiana (Mr. ROEMER) described as not a favor to the intelligence community. Well, I am not interested in doing favors to the intelligence community. The CIA and the State Department played down the threat that the Taliban posed to the

United States and to the free world. They have played down the importance of the heroin crop that was being harvested every year in Afghanistan. They have played down the role of Saudi Arabia and Pakistan with bin Laden and his terrorist gang that was becoming a fixture in Afghanistan.

And let us note, we all had briefings during that time period. Over the last several years we all had briefings by the CIA and over there in our secret room up here. How many of us felt insulted by those intelligence briefings because there was nothing secret given to us? There was nothing that gave us any more insight than what we could read in the newspaper. It is time for Congress to reassert that we are not going to stand by with "business as usual" after a tragedy of this magnitude.

This was a catastrophic failure of American intelligence. Those people who have been running American intelligence should have the decency to step down, but at the very least we need to hold them accountable. You hear time and again people saying, oh, this commission will not be assigning blame or pointing fingers? Oh, yeah. Why not? We should be assigning blame and pointing fingers. Three thousand of our citizens have been slaughtered. We have let the intelligence community keep us at arm's length for too long.

This is a free society and we will remain free as long as they know that we, as the elected officials of this land that make the policy, and not the intelligence community that will lead us around like they think we were dumb bells.

Tonight, by passing the Roemer amendment, whether or not it is the specific wording and the specific outline, we send a message that we will do something about this failure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Might I thank the Chairman for the leadership he is showing this evening on a very important debate.

Mr. Chairman, might I associate myself with the words of my colleague from California (Mr. GEORGE MILLER), that there can be no time limit on expressing the need to tell the truth to the American people; and that is what this debate is about, Mr. Chairman. The American people need to know and deserve to know the truth. And whether or not this amendment is narrowly drawn, I agree with the gentleman from Washington (Mr. DICKS) that the wise people who will be assigned to the conference committees can expand the definition of this commission.

And might I read to my colleagues the definition or the establishment of this commission. The language says, "There is established a national commission on terrorist attacks upon the United States."

It is important that we realize that after September 11, and even before

that, we turned a new page in American history. We are subject to terrorist attacks. Before I came to this Congress I represented the family of someone who was lost in Pan Am 103, before we even understood about the terrorism that struck America through that explosion and that airplane crash. Today the family does not know all the details as to what happened and whether or not that was a terrorist attack on the United States of America.

The family of those Marines who were lost in Beirut, Lebanon, today do not know the facts about that terrorist attack.

We are in need, Mr. Chairman, of the truth. We are in need of understanding the impact on families, if you will, by investigation on what happens or what the follow-up is, if you will, on families who have been subjected to terrorist attacks by those who they lost. We need to know that. We need to understand what Coleen Rowley was speaking about.

And even though my good friend indicated that the way this is framed we will not find about why law enforcement agencies did not communicate with each other, I have confidence we can decide that in the conference committee. We need to understand why the FBI and CIA were not talking to each other, and we have the procedures in a commission structure to make sure that classified documents are not released.

Mr. Chairman, some few years ago I served as a staff person on the Select Committee on Assassination because the people wanted to know about the assassination of Martin Luther King, Jr. And they wanted to understand even better the assassination of one of their dearest Presidents, President John F. Kennedy. The American people wanted to know, and even today we realize that there are still questions about those two terrible acts.

I do not believe we get anything, Mr. Chairman, by hiding the ball. And the gentleman from Indiana (Mr. ROEMER) has drafted a very reasonable, very reasonable amendment that frames this commission seeking the expertise of those in America who understand intelligence but understand societal issues, understand psychological issues that deal with the failing that we have experienced.

□ 0120

So, Mr. Chairman, I believe that this legislation will add to that question, though I had different legislation and still believe that the Committees of Armed Services, Judiciary and International Relations should have their opportunity to review this question.

We need to know the truth, Mr. Chairman, and let me share something with my colleagues for a moment that went almost unnoticed a few days ago or maybe a week ago.

About a week ago, the U.S. attorney decided in the Virginia District to agree to a plea bargain by John Walker

Lindh. It was under the pretense that his trial would open up his opportunities or the opportunities for the American people to see and hear issues that they should not hear, that the intelligence community would be paraded before the American people in an open court. They know full well, Mr. Chairman, that they could have prevented classified information and witnesses that should not have been shown from being shown.

A decision was made. They gave Mr. John Walker Lindh 20 years. Right after that decision was made or that plea bargain was accepted, to the shock of the judge, it leaked out that he may not know that much anyhow.

What do we say to the Spann family, a member of the CIA who lost his life? What do we say to those who could have benefited from understanding and getting information that might have been helpful to us by an open airing of what happened?

I understand that this young man's family loves him and I expect for them to support him, but when his father came out and suggested that this young man was Nelson Mandela, I think we stretched it beyond recognition. It is important, Mr. Chairman, that we support this commission, support the gentleman from Indiana's (Mr. ROEMER) amendment, because the American people need to know the truth.

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

Mr. Chairman, I was not going to speak on this issue, but as my colleagues know, I devote a great deal of time to our national security and issues in emerging threats, and I have done so for the past 16 years.

I heard some accusations made earlier that the problem with 9/11 was basically a domestic problem of the FBI. That is just not true, Mr. Chairman, and therefore, I rise to support this amendment.

We think we have all the answers. Let me tell my colleagues something. I think back to NIE 95-19 where the intelligence community told us that the emerging threat to our security was 15 years away. We challenged that. We challenged that through an independent commission. It was not challenged through our intelligence committee. It was challenged through the Rumsfeld Commission, five members appointed by the Republican side and four Members appointed by the Democrat side, and what did they prove? They proved the intelligence community was wrong, that NIE 95-19 was politicized, that the threat was going to be much sooner than 15 years.

The Rumsfeld Commission shared by Donald Rumsfeld led to the passage of H.R. 4, my bill on missile defense, which passed with bipartisan support and a veto-proof margin. What does that have to do with the issue at hand?

As far back as 1997, Mr. Chairman, the Committee on Armed Services pro-

posed that we merge together 33 Federal classified systems into one integrated national operations and analysis center or national collaborative capability. We proposed it in writing. Two successive defense bills had language in those bills, telling the Defense Department, the CIA and the FBI to lead the other agencies, the NRO, the NSA, Commerce State Justice, DIA to have a collaborative capability to do massive data mining, using new software tools like Starlight and Spires to do analysis, including unclassified information.

What would that have given us? Let me give my colleagues an example. When the CIA does analysis, Mr. Chairman, the CIA does an analysis but do not include open source information. In September of 2000, there was an interview in an Italian newspaper of an al Qaeda leader who publicly said that they were training Kamikaze pilots. If we would have had a data mining capability, that open source information would have been fused with the raw data of the immigration service, of the Customs Department, of the CIA and the FBI, and we would have seen the picture of what was about to occur, and this Congress called for that for three years.

Why did we not do it? Deputy Secretary of Defense John Hamre said to me, Curt, I agree with you; the problem is the CIA and the FBI will not go along with it. He said, So I have a suggestion for you, why do you not bring over the CIA and the FBI counterparts to me and let us have a meeting in your office. So I did in 1999.

The deputy director of the CIA and the deputy director of the FBI and John Hamre, deputy director of Defense, and John Hamre said I will pay the bill, I will foot the bill for this new data fusion center but the agencies have to go along. The CIA's response was we are doing CI 21, that is all we need and that was not what we were talking about. We were talking about an integrated capability of all 33 Federal classified systems.

When General Downing just stepped down at the White House, the top adviser to President Bush, what did General Downing say? He said that his top priority when he was there was to build a national data fusion center. What did he say when he left? The FBI and the CIA did not want it. So General Downing left his job and walked away.

The CIA is not above this institution. I have held myself back for too long because I have seen on the inside the agencies manipulating the process, and as someone who cares desperately about emerging threats, I am not satisfied that we in this body can do service to an investigation of our intelligence, and therefore, I come to the conclusion that the gentleman from Indiana's (Mr. ROEMER) idea is a good one because we need to send a signal to the CIA and the FBI. They are not the end all and the cure-all. They do not determine the end result of analysis and they can fuse

data and they can do it and vet information so that we do not affect an individual's civil liberties of people whose names may surface.

In fact, every major defense company, Lockheed Martin, Northrup-Grumman, Boeing, the Army at their LIWA Center down at Fort Belvoir, the Air Force, Navy and SPAWAR, special forces command down in Florida all have data fusion capabilities. They are all doing it now, but do my colleagues know who does not do it? The CIA and the FBI because they do not want to share their data. They do not want raw intercepts being provided to other agencies, and that does not give us the best intelligence analysis for the war fighter or the policy-makers.

So I urge my colleagues to do the right thing and support the Roemer amendment.

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

I rise in support of the Roemer amendment. Mr. Chairman, 3,000 Americans died on September 11, and I think that the gravity of this situation requires the kind of an approach that the gentleman from Indiana (Mr. ROEMER) has taken in asking for the creation of a national commission on terrorist attacks upon the United States.

I have been listening to this debate both in the Chamber and from my office, and as the ranking Democrat that has jurisdiction over national security, I well understand the concerns that have been articulated here this evening regarding an intelligence failure, but I will also say to my friends who have advanced that position here tonight, that they can support this amendment even if they strongly believe in the capabilities of our intelligence community.

As a matter of fact, I am certain that the Roemer amendment does not stem from lack of appreciation for the work of the men and women of the CIA and the FBI. I happen to believe that our FBI and our CIA are actually very competent, and it may be and they may be working under constraints which would be of interest to the American people which could be determined by this kind of a commission.

So this debate does not have to be interpreted as an attack on our intelligence community, and I do not seek to attack those agencies. It would be helpful to determine how they can function more effectively.

One of the things that I would hope that would come from not only this debate but also the Roemer amendment, if passed, is a renewed sense of what we can do to help heal our country because I think one of the things we have to come to a conclusion about is that Americans do not need to attack each other. We have already been attacked. Let us not attack each other. If there have been failures, we can face those. We are strong enough.

One of the things that has concerned me, Mr. Chairman, is there seems to

have been some kind of a disconnect on matters of causality relating to 9/11. There are people who seem to have an aversion to looking at the actual reasons behind 9/11, and in a sense, the homeland security bill, which this House will vote on, has been brought to this House without a strategy, without a risk assessment, but with a raft of legislative initiatives preceding it such as the PATRIOT Act and acts that deal with cyber security which have caused broad-based restructuring of criminal justice principles in our society and in a challenge to civil liberties themselves, even without the analysis that a commission could offer.

□ 0130

So I certainly think that such a commission is warranted. And then maybe we can take another look at proposals to create a national spy network through the TIPS program, the proposal that the gentleman from Texas (Mr. ARMEY) fortunately rejected for a national ID card through drivers licenses; raise questions about cameras that have been put all over this campus and in other cities; questions about barricades that go up everywhere; questions about military tribunals and suspension of habeas corpus.

I mean, our way of life has been dramatically changed, and we have lacked a sufficient evaluation as to whether or not those changes have been essential to be able to challenge the root causes of 9-11. The approach has been totally reactive.

Now, I say America is a Nation of strength, and it is weakness which does not seek to know the truth. America is a Nation of courage, and it is fear which seeks not to know the truth. America is a Nation of light, and it is darkness where the truth is not asked. You shall know the truth and the truth shall set you free.

Freedom is what we seek. Freedom is what we seek to protect, freedom is what we seek to reclaim, and we will reclaim our freedom when we have a commission that will enable us to get to the truth.

Mr. WU. Mr. Chairman, I move to strike the requisite number of words. The hour is late, Mr. Chairman, and I am sicker than a dog, so brevity will have to substitute for eloquence.

It has been an aphorism in American culture, at least since the days of Benjamin Franklin, that those who will not learn from the past are doomed to repeat it. If we do not support this common sense amendment to form an independent commission to investigate exactly what happened around September 11, will we have done everything within our power to learn what happened and to avert future tragedies?

I would like each Member who is considering voting against this amendment to ask themselves to search in their heart. If there is a future recurrence, will you be able to look in your heart and say to yourself we did every-

thing we could to learn from the past and to prevent future recurrences?

I ask you to vote for this common-sense amendment to fully investigate September 11 and prevent future tragedies from occurring.

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

Mr. WU. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding to me.

As the gentleman from Washington started to say, it is time to vote. We have had a good lively debate for 1:30 in the morning. We started out on a bipartisan bill in a bipartisan way with comity and respect toward one another. We have had bipartisan agreement with much of this amendment. And, Mr. Chairman, thank you for the honorable way you have conducted yourself in the chair at this late hour and this long day.

Mr. Chairman, I put the question on the Smith amendment.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH) to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER), as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 188, not voting 27, as follows:

[Roll No. 347]

AYES—219

Abercrombie	Clyburn	Frost
Ackerman	Conyers	Ganske
Allen	Costello	Gephardt
Andrews	Coyne	Gilchrest
Baca	Cramer	Gilman
Baird	Crowley	Gonzalez
Baldacci	Cummings	Green (TX)
Baldwin	Davis (CA)	Gutknecht
Barcia	Davis (FL)	Harman
Barr	Davis (IL)	Hastings (FL)
Barrett	DeFazio	Hill
Bartlett	DeGette	Hilleary
Becerra	Delahunt	Hilliard
Bentsen	DeLauro	Hinchee
Berkley	Deutsch	Hinojosa
Berman	Dicks	Hoefel
Berry	Dingell	Holden
Bishop	Doggett	Holt
Blagojevich	Dooley	Honda
Blumenauer	Doyle	Hooley
Borski	Duncan	Hoyer
Boswell	Edwards	Inlee
Brady (PA)	Ehrlich	Israel
Brown (FL)	Engel	Jackson (IL)
Brown (OH)	Eshoo	Jackson-Lee
Burton	Etheridge	(TX)
Capito	Evans	Jefferson
Capps	Farr	John
Capuano	Fattah	Johnson (CT)
Cardin	Ferguson	Johnson, E. B.
Carson (IN)	Filner	Jones (NC)
Carson (OK)	Ford	Jones (OH)
Clayton	Frank	Kanjorski
Clement	Frelinghuysen	Kaptur

Kennedy (RI)	Millender-McDonald	Sawyer
Kildee	McDonald	Schakowsky
Kilpatrick	Miller, George	Schiff
Kind (WI)	Mink	Scott
Kleczka	Mollohan	Serrano
Kucinich	Moore	Sherman
Lampson	Moran (VA)	Shows
Langevin	Morella	Skelton
Lantos	Nadler	Smith (NJ)
Larsen (WA)	Napolitano	Snyder
Larson (CT)	Neal	Solis
LaTourette	Nethercutt	Spratt
Leach	Oberstar	Stark
Lee	Obey	Stenholm
Levin	Olver	Strickland
Lewis (GA)	Ortiz	Stupak
Lipinski	Owens	Tancredo
LoBiondo	Pallone	Tauscher
Lofgren	Pascarell	Taylor (MS)
Lowe	Pastor	Thompson (CA)
Lucas (KY)	Payne	Thompson (MS)
Luther	Pelosi	Thurman
Lynch	Peterson (MN)	Tierney
Maloney (CT)	Phelps	Towns
Maloney (NY)	Price (NC)	Udall (CO)
Markey	Rahall	Udall (NM)
Mascara	Rangel	Velazquez
Matheson	Reyes	Visclosky
Matsui	Rivers	Waters
McCarthy (NY)	Rodriguez	Watson (CA)
McCollum	Roemer	Watt (NC)
McDermott	Rohrabacher	Waxman
McGovern	Ross	Weiner
McIntyre	Rothman	Weldon (PA)
McKinney	Roybal-Allard	Wexler
McNulty	Rush	Wolf
Meehan	Sabo	Woolsey
Meek (FL)	Sanchez	Wu
Meeks (NY)	Sanders	Wynn
Menendez	Sandlin	

NOES—188

Aderholt	Goode	Norwood
Akin	Goodlatte	Nussle
Armey	Goss	Osborne
Bachus	Graham	Ose
Baker	Granger	Oxley
Ballenger	Graves	Paul
Barton	Green (WI)	Pence
Bass	Greenwood	Peterson (PA)
Bereuter	Grucci	Petri
Biggart	Hall (TX)	Pickering
Bilirakis	Hart	Pitts
Boehler	Hasdelt	Platts
Bonilla	Hastings (WA)	Pombo
Bono	Hayes	Pomeroy
Boozman	Hayworth	Portman
Boyd	Hefley	Pryce (OH)
Brady (TX)	Herger	Putnam
Brown (SC)	Hobson	Quinn
Bryant	Hoekstra	Radanovich
Burr	Horn	Ramstad
Buyer	Hostettler	Regula
Calvert	Houghton	Rehberg
Camp	Hulshof	Reynolds
Cannon	Hunter	Riley
Cantor	Hyde	Rogers (KY)
Castle	Isakson	Rogers (MI)
Chabot	Istook	Ros-Lehtinen
Chambliss	Jenkins	Royce
Coble	Johnson (IL)	Ryan (WI)
Collins	Johnson, Sam	Ryun (KS)
Cooksey	Keller	Saxton
Crane	Kelly	Schaffer
Crenshaw	Kennedy (MN)	Schrock
Cubin	Kerns	Sensenbrenner
Culberson	King (NY)	Sessions
Cunningham	Kingston	Shadegg
Davis, Jo Ann	Kirk	Shaw
Deal	Kolbe	Shays
DeLay	LaHood	Sherwood
DeMint	Latham	Shimkus
Diaz-Balart	Lewis (CA)	Shuster
Doolittle	Lewis (KY)	Simmons
Dreier	Linder	Simpson
Dunn	Lucas (OK)	Skeen
Ehlers	Manzullo	Smith (MI)
Emerson	McCrery	Smith (TX)
English	McHugh	Souder
Everett	McInnis	Sullivan
Flake	McKeon	Sununu
Fletcher	Mica	Sweeney
Foley	Miller, Dan	Tanner
Forbes	Miller, Gary	Tauzin
Fossella	Miller, Jeff	Taylor (NC)
Gallely	Moran (KS)	Terry
Gekas	Myrick	Thomas
Gibbons	Ney	Thornberry
Gillmor	Northup	Thune

Tiahrt	Walsh	Whitfield
Tiberi	Wamp	Wicker
Toomey	Watkins (OK)	Wilson (NM)
Upton	Watts (OK)	Wilson (SC)
Vitter	Weldon (FL)	Young (FL)
Walden	Weller	

NOT VOTING—27

Blunt	Davis, Tom	Murtha
Boehner	Gordon	Otter
Bonior	Gutierrez	Roukema
Boucher	Hall (OH)	Slaughter
Callahan	Hansen	Smith (WA)
Clay	Issa	Stearns
Combest	Knollenberg	Stump
Condit	LaFalce	Turner
Cox	McCarthy (MO)	Young (AK)

□ 0158

Mr. WALSH, Mr. EHLERS and Mrs. KELLY changed their vote from “aye” to “no.”

Mr. HILL changed his vote from “no” to “aye.”

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri: Mr. Speaker, during rollcall vote No. 347, I was unavoidably detained. Had I been present, I would have voted, “aye.”

Mr. GOSS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. WHITFIELD, Chairman pro tempore 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. 4628) to authorize appropriations for fiscal year 2003 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, had come to no resolution thereon.

□ 0200

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4628, INTELLIGENCE AUTHORIZATION ACT OF FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4628 in the Committee of the Whole pursuant to House Resolution 497, no further amendment to the committee amendment in the nature of a substitute may be offered after the legislative day of July 24, 2002, except pro forma amendments offered by the chairman or ranking minority member of the Permanent Select Committee on Intelligence or their designees for the purpose of debate.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING IN ORDER AT ANY TIME ON THURSDAY, JULY 25, 2002, CONSIDERATION OF CONFERENCE REPORT ON H.R. 3763, SARBANES-OXLEY ACT OF 2002

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that it be in order at any time on Thursday, July 25, 2002, to consider a conference report to accompany H.R. 3763; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

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

There was no objection.

PERSONAL EXPLANATION

Mr. PHELPS. Mr. Speaker, I regret that I was inadvertently detained and missed rollcall vote 343 on H.R. 4965, the Partial-Birth Abortion Ban Act of 2002. I have very strong convictions against very partial-birth abortions.

Please let the record show I would have voted yes on rollcall 343.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4628.

□ 0201

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 further consideration of the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 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. WHITFIELD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, Amendment No. 9 printed in the CONGRESSIONAL RECORD offered by the gentleman from Indiana (Mr. ROEMER) had been disposed of.

Pursuant to the order of the House of today, no further amendment to the committee amendment in the nature of a substitute may be offered after the legislative day of July 24, 2002, except pro forma amendments offered by the chairman or ranking minority member of the Permanent Select Committee on Intelligence or their designees for the purpose of debate.

AMENDMENT NO. 3 OFFERED BY MR. CHAMBLISS

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

The CHAIRMAN. The Clerk will designate the amendment.