

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:00 a.m., in SR-301, Russell Senate Office Building, on Thursday, October 3, 2002, to hold a hearing on the nomination of Bruce R. James, of Nevada, to be Public Printer.

Individuals and organizations wishing to submit a statement for the hearing record are requested to contact Carole Blessington of the Rules Committee staff on 202-224-0278. For further information regarding this hearing, please contact Ms. Blessington.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 25, 2002, at 9:30 a.m., in open session to continue to receive testimony on U.S. policy on Iraq.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet jointly with the Committee on Finance to conduct a hearing entitled, "Innovative Finance: Beyond the Highway Trust Fund," to explore alternatives for financing our surface transportation system.

The hearing will be held on Wednesday, September 25, 2002, at 9:30 a.m., in the Finance Committee's hearing room, SD-215.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 25, 2002, at 9:30 a.m., to hear testimony on "Innovative Financing: Beyond the Highway Trust Fund," to explore alternatives for financing our surface transportation system.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 25, 2002 at 2:00 p.m. to hold a hearing on Iraq.

AGENDA

Witnesses: The Honorable Richard C. Holbrooke, Former U.S. Ambassador to the United Nations, Counselor, Council on Foreign Relations New York, NY; the Honorable Robert C. McFarlane, Former National Security Advisor, Chairman, Energy and Communications Solutions, Washington, DC.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, September 25, 2002, at 10:00 a.m. in SD-430. The Committee will consider the following agenda.

AGENDA

S. ____, Reauthorization of the Office of Educational Research and Improvement (OERI)

S. ____, Reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA)

S. 2499, The Food Allergen Consumer Protection Act

S. 830, Breast Cancer and Environmental Research Act of 2001

S. ____, Birth Defects and Developmental Disabilities Prevention Act of 2002

S. 1806, The Pharmacy Education Aid Act of 2001

S. 969, The Lyme and Infectious Disease Information and fairness in treatment (LIFT) Act.

S. ____, Quality of Care for Individuals with Cancer Act

S. ____, the Diabetes Prevention and Treatment Act

S. 2821, The Improved Nutrition and Physical Activity (IMPACT) Act

Nominations:

Maria Mercedes Guillemard, of Puerto Rico, to be a Member on the National Museum services Board;

David Wenzel, of Pennsylvania, to be a Member on the National Council on Disability;

Marco Rodriguez, of California, to be a Member on the National Council on Disability;

Milton Aponte, of Florida, to be a Member on the National Council on Disability;

Michele Guillermin, of Maryland, to be Chief Financial Officer, Corporation for National and Community Service;

Glenn Bernard Anderson, of Arkansas, to be a Member on the National Council on Disability;

Barbara Gillcrist, of New Mexico, to be a Member on the National Council on Disability;

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 25, 2002, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider S. 958, the Western Shoshone Claims Distribution Act, and H.R. 2880, the Five Nations Citizens Land Reform Act, to be followed immediately by a hearing to receive testimony on the President's appointment of Quanah Crossland stamps to serve as Commission for the Administration for Native Americans, and the appointment of Phil Hogen to serve as Chairman of the National Indian Gaming Commission.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Asbestos Litigation" on Wednesday, September 25, 2002 in Dirksen Room 106 at 10:00 a.m.

TENTATIVE WITNESS LIST

Panel I: The Honorable Max Baucus, United States Senator (D-MT); The Honorable Ben Nelson, United States Senator (D-NE).

Panel II: David T. Austern, Esq., General Counsel, Manville Personal Injury Settlement Trust, Fairfax, VA; Frederick M. Baron, Esq., Baron & Budd, P.C., Dallas, TX; Walter E. Dellinger, Esq., O'Melveny & Myers LLP, Washington, D.C.; Jonathan P. Hiatt, Esq., General Counsel, AFL-CIO, Washington, D.C.; Steven Kazan, Esq., Kazan, McClain, Edises, Abrams, Fernandez, Lyons & Farris, A Professional Law Corporation, Oakland, CA.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President: I ask unanimous consent that the Subcommittee on Consumer Affairs to be authorized to meet on Wednesday, September 25, 2002, at 2:30 p.m. on State of the Tourism Industry one Year After September 11th.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 25, 2002, at 2:30 p.m. to conduct an oversight hearing on "Affordable Housing Production and working families, Part 3."

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

RECOGNIZING MARY BAKER EDDY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 458, just received from the House.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 458) recognizing and commending Mary Baker Eddy's achievements and the Mary Baker Eddy Library for the Betterment of Humanity.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 458) was agreed to.

The preamble was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 490, S. 2506, the intelligence authorization; that the committee-reported amendments be withdrawn; the only amendment in order to be a Graham amendment; that the substitute amendment be agreed to, the bill, as amended, be read three times, and the Intelligence Committee then be discharged from further consideration of H.R. 4628, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 2506, as amended, be inserted in lieu thereof; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate without intervening action or debate; and that S. 2506 be returned to the calendar.

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

Mr. GRAHAM. Mr. President, S. 2506, a bill to authorize appropriations for the intelligence community for fiscal year 2003, represents the first intelligence budget for the War on Terrorism—a war where intelligence is our most effective weapon. The Congress historically has considered the annual Intelligence Authorization bill to be important legislation, but now it has become a matter of national survival. Without an enhanced and effective intelligence capability integrated into the significant capabilities of the U.S. military and tightly linked to law enforcement and the new Department of Homeland Security, we will continue to be at the mercy of international terrorists bent on the destruction of our society and we may suffer even more devastating attacks.

Since the tragedy of September 11, the men and women of the U.S. intelligence community have worked every day, nonstop to protect us against those who would seek to do us harm. This bill represents an important step in our effort to provide them with the necessary resources and authorities to get the job done. In its budget request for fiscal years 2003 through 2007, the administration proposes significant resource increases for our national intelligence effort. Such increases build upon substantial supplemental appropriations approved for the intelligence community for fiscal years 2001 and 2002 after September 11.

As the community has noted in past years, the challenges confronting the intelligence community have, for too long, received inadequate fiscal attention. I am encouraged by the commitment of resources proposed by the administration for fiscal year 2003 and beyond. The intelligence community is poised to benefit from an infusion of additional people and funding that can provide momentum for a range of intelligence efforts against those individ-

uals, groups, and states—to include al-Qaida and Osama bin Laden—that threaten our security and safety. As the intelligence community is our first line of defense, the administration's fiscal year 2003 request for the National Foreign Intelligence Program is a necessary first step in correcting the deficiencies of the past.

Earlier this year, the Select Committee on Intelligence conducted a thorough review of the administration's budget request for the National Foreign Intelligence Program for fiscal year 2003. This review included an extensive examination of the individual programs and agencies—such as the Central Intelligence Agency and the National Reconnaissance Office—which comprise the U.S. intelligence community. Building on the approach we took last year, our review once again focused on specific priority areas as well as individual agencies and functions.

The committee highlighted five areas that must continue to receive priority attention in the near term if intelligence is to fulfill its role in our overall national security strategy and the ongoing war on terrorism. They are: (1) revitalizing the National Security Agency; (2) correcting deficiencies in human intelligence; (3) addressing the imbalance between intelligence collection and analysis; (4) rebuilding a robust research and development program; and (5) increasing the capabilities of measurements and signatures intelligence to fulfill key intelligence requirements. These priorities address the basic building blocks of intelligence—capabilities that will support the War on Terrorism as well as the multitude of other intelligence requirements. S. 2506 authorizes additional resources for these areas.

While the additional funding for intelligence programs goes a long way towards alleviating existing near term deficiencies, other long term problems remain to be addressed. We face a looming crisis in our ability to collect critical information from key platforms as a result of unexpected failures; a major acquisition program is experiencing significant cost overruns and schedule slippage; and, we have inadequate funding to ensure that information collected by the next generation of space-based sensors will be processed, exploited, and disseminated appropriately to intelligence analysts.

Higher levels or resources, however, will not address all of the important challenges which confront the intelligence community. The intelligence community must overcome an aversion to risk that has crept into the culture since the end of the cold war. The world will be a dangerous and unstable place for foreseeable future. In order to protect our country, we will need to deal with unsavory characters and we will need to operate in unsafe parts of the world. The CIA has suffered casualties in the war in Afghanistan and we must steel ourselves to the inevitability of more loss of life. Some prob-

lems, such as the intelligence community's current organization or its ability to exchange information effectively and efficiently with other government agencies, may require additional legislative actions in the future. The bicameral investigation into the events of September 11 is ongoing and I expect that the investigation will result in recommendations for actions to be taken to strengthen our intelligence community.

The bill includes legislative provisions that are important additions to the work the Intelligence Committee did last year—both in the fiscal year 2002 Intelligence Authorization Act and the USA-PATRIOT Act. I will summarize a few of these provisions:

Section 304 is designed to make improvements in the information available to the Committee each year as it prepares its budget authorizations in the areas of counterterrorism, counterproliferation, counternarcotics and counterintelligence. The provision requires the administration each year to specify in its budget submission the aggregate amount requested in each of these four critical areas. Currently, these numbers are spread throughout the budget submission in the requests for particular programs in individual agencies. The committee believes that it is essential to rational decision-making in the budget process—both for the administration and for Congress—to have “cross-cut” budget numbers so that it is clear how much money is being requested across the Government in these important areas.

Section 306 is a provision that supplements changes implemented under the USA-PATRIOT Act. Under that act, foreign intelligence information that has been collected by law enforcement agencies in the course of criminal investigations can, and in fact must, be provided to the Director of Central Intelligence to be included in the all-source analytic products prepared by intelligence analysts. In other words, these “dots” of foreign intelligence that are collected in criminal cases, including grand jury proceedings and criminal wiretaps, now flow to the intelligence community. The purpose of Section 306 is to clarify that the intelligence committees of the Congress, in the conduct of their oversight of the intelligence community, shall also have access to that law-enforcement-derived information that has been provided to the intelligence agencies. The intelligence committees cannot conduct effective oversight of the intelligence agencies if there are categories of information upon which intelligence operations and analyses are based that is off limits of the committees.

Sections 311 and 312 follow up on provisions that were included in the USA-PATRIOT Act and the FY02 Intelligence Authorization bill. Congress required the Director of Central Intelligence to review and report to the intelligence committees his recommendations of how best to create

two new centers: "The National Virtual Translation Center" and the "Foreign Terrorist Asset Tracking Center." We have finally received those reports and Sections 311 and 312 establish those centers in law as part of the intelligence community. We are hopeful that the very difficult problems of translation resources in the intelligence community and the efficient and effective tracking of terrorist finances will be significantly enhanced by the creation of these centers.

Section 313 is similar to S. 2459, a bill introduced by Senator WYDEN. This excellent provision addresses the problem we have all heard so much about in the press: Is there a complete and accurate list of known or suspected international terrorists that is derived from all-source information available to the U.S. Government and that is provided to all agencies whose job is to protect our borders from penetration by terrorists? This provision requires the establishment of a "Terrorist Identification Classification System" that will be available to all Federal agencies, State and local governments and, as appropriate, to foreign governments. It will solve a problem that we have identified in our committee of the proliferation of "watch lists" in our Government—all with different suspected terrorists names, used by different agencies for different purposes.

Title V of the bill establishes in statute the National Counterintelligence Executive, the "NCIX". At the urging of our committee, the President created the NCIX in 2001 to provide the U.S. Government in the counterintelligence area with (1) strong, policy-driven leadership; (2) new and enhanced counterintelligence capabilities; and (3) coherent program, strategies and cooperative approaches. The committee's oversight of this fledgling effort revealed problems, however, that Title V is designed to remedy. By establishing the NCIX in statute and placing it in the Executive Office of the President, with oversight by the intelligence committees, the committee believes that the NCIX leadership problems, resource constraints and, overall, lack of sufficient status and visibility within the Government, will be remedied.

Finally, Title VI of the bill establishes a National Commission for Review of Research and Development Programs of the United States Intelligence Community. The committee supports a strong intelligence community R & D program. Research and Development supports virtually all other intelligence community efforts by laying the groundwork for the necessary modernization and innovation of intelligence capabilities. The purpose of the Commission, to be composed of government officials and private sector experts, is to review the current state of research and development in the intelligence community and, in particular, to determine if the level of resources devoted to various efforts across the community is in line with those sci-

entific and technological fields judged to be of the greatest importance to the intelligence needs of the future.

I mentioned earlier the tireless efforts of the men and women of the intelligence community. I am privileged as chairman of the Intelligence Committee to travel to the different agencies around Washington and to visit various installations around the world. I am consistently impressed with competence, professionalism and dedication of these individuals. For years they have been unsung heroes, serving under difficult conditions and often putting their lives on the line. They do this not for money or glory—indeed the nature of their work means that success goes unacknowledged—but because they love their country and they have a profound sense of duty. We owe these people a debt of gratitude of their sacrifices, now more than ever before.

I must mention another group of people who are critical to the process of bringing this legislation to the floor. The staff of the Senate Intelligence Committee has once again done a superb job preparing this bill. The staff is led by Al Cumming the staff director and Bill Duhnke the minority staff director. They have guided the staff through a very difficult year including the anthrax evacuation and the launching of the joint investigation with the House Intelligence Committee into events related to September 11. Through all the turmoil they kept the committee focused on our work and our oversight responsibilities. They are assisted by Kathleen McGhee, Chief Clerk, Bob Filippone, Deputy Staff Director, Jim Hensler, Deputy Minority Staff Director, Vicki Divoll, General Counsel, Chris Ford, Minority Counsel, Melvin Dubee, Budget Director, and the rest of a very talented staff. A special thanks goes to Jim Wolfe, the committee's Security Director for his efforts to ensure the security of our people and our classified materials last fall and winter when the committee was forced to work from temporary offices during the anthrax episode.

Finally and most importantly, I must acknowledge the excellent cooperation and support of Vice Chairman SHELBY. Senator SHELBY has served on the committee for almost 8 years and his experience and commitment have been critical to the success of the committee. We have not agreed on everything but we have agreed on the goal of giving the American people the best intelligence organization possible and have worked together toward that goal. I have appreciated his support and advice.

At this time in our Nation's history, our support for the U.S. intelligence community is vitally important. I urge support for this bill.

Mr. SHELBY. Mr. President, we have before us the Intelligence Authorization bill for fiscal year 2003. This is a bill which we have debated extensively in the Select Committee on Intelligence, and which we reported out in May.

Especially during the global war against terrorism in which our nation is currently engaged, it is important that we give the U.S. intelligence community the support and encouragement it needs to do its vital job—and that we hold it properly accountable for its activities through the oversight process. This bill provides healthy measures of support, encouragement, and accountability, and I urge my colleagues to support it.

While we cannot discuss actual budget figures in an unclassified setting, I can assure my colleagues that this bill provides a significant increase in funding to the U.S. intelligence community, money that it needs and will continue to need as we demand more and better work from it than ever before. Even the world's sole remaining superpower with unchallenged military supremacy cannot be everywhere, and the war on terrorism taxes our capabilities in new and often unprecedented ways. More than anything else, this current conflict is an intelligence-dependent war. We need to do everything we can to ensure that our policymakers and our military commanders get the best possible intelligence support. This bill will help ensure that they do.

In addition, our bill also increases the Intelligence Community's accountability to the elected representatives of the American people whose job it is to ensure proper oversight of our intelligence bureaucracy. I would like to mention just a few examples of this.

First, our bill clarifies, rationalizes, and codifies the series of reporting requirements that form such an important part of the process by which Congress obtains information and analyses of intelligence community activities.

The bill also ensures that the intelligence community will be able to continue to fulfill its reporting requirements to the intelligence oversight committees of Congress in the wake of the changes to information-sharing laws contained in the USA PATRIOT Act of 2001.

Our bill also requires that the National Foreign Intelligence Program budget provide specific breakdowns for annual budget aggregates relating to counterterrorism, counterproliferation, counternarcotics, and counterintelligence. This greater specificity, we hope, will enable Congress better to assess intelligence community resourcing decisions and ensure that the right priorities receive our support in years ahead.

The two sides of our committee have not agreed on every detail of the classified appendix that accompanies our report on this bill, but on balance we feel that this is a piece of legislation that will provide much-needed support for—and improve the accountability of—the United States intelligence community.

I urge the Senate to pass this bill promptly.

The committee amendments were withdrawn.

The amendment (No. 4752), in the nature of a substitute, was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 4628), as amended, was read the third time and passed.

The Presiding Officer (Mr. DAYTON) appointed Mr. GRAHAM, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, Ms. MIKULSKI, Mr. SHELBY, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. DEWINE, Mr. THOMPSON, and Mr. LUGAR conferees on the part of the Senate.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY,
SEPTEMBER 26, 2002

Mr. HOLLINGS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Thursday, September 26; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11:15 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Republican leader or his designee; that at 11:15 a.m., the Senate resume consideration of the homeland security bill.

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

PROGRAM

Mr. HOLLINGS. Mr. President, closure was filed on the Gramm-Miller amendment to the homeland security bill. Therefore, Senators have until 1 p.m. on Thursday to file first-degree amendments.

ADJOURNMENT UNTIL 9:15 A.M.
TOMORROW

Mr. HOLLINGS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:35 p.m., adjourned until Thursday, September 26, 2002, at 9:15 a.m.