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|-------------------|---------------|-------------|
| Rogers (KY) | Shimkus | Tierney |
| Rogers (MI) | Shuster | Toomey |
| Rohrabacher | Simmons | Towns |
| Ros-Lehtinen | Simpson | Turner (OH) |
| Ross | Slaughter | Turner (TX) |
| Rothman | Smith (MI) | Udall (CO) |
| Roybal-Allard | Smith (NJ) | Udall (NM) |
| Royce | Smith (TX) | Upton |
| Ruppersberger | Snyder | Van Hollen |
| Rush | Solis | Velazquez |
| Ryan (OH) | Souder | Visclosky |
| Ryan (WI) | Spratt | Vitter |
| Ryun (KS) | Stearns | Walden (OR) |
| Sabo | Stenholm | Walsh |
| Sanchez, Linda T. | Strickland | Wamp |
| Sanchez, Loretta | Stupak | Watson |
| Sanders | Sullivan | Waxman |
| Sandlin | Sweeney | Weiner |
| Schakowsky | Tancredo | Weldon (FL) |
| Schiff | Tanner | Weldon (PA) |
| Schrock | Tauscher | Weller |
| Scott (GA) | Tauzin | Wexler |
| Scott (VA) | Taylor (MS) | Whitfield |
| Sensenbrenner | Taylor (NC) | Wicker |
| Serrano | Terry | Wilson (NM) |
| Sessions | Thomas | Wilson (SC) |
| Shaw | Thompson (CA) | Wolf |
| Shays | Thompson (MS) | Wu |
| Sherman | Thornberry | Wynn |
| Sherwood | Tiahrt | Young (AK) |
| | Tiberi | Young (FL) |

NAYS—5

| | | |
|----------|--------|---------|
| Dingell | Paul | Woolsey |
| Kleczyka | Rahall | |

ANSWERED "PRESENT"—7

| | | |
|------------|-----------|------|
| Clay | Lee | Watt |
| Kilpatrick | McDermott | |
| Kucinich | Waters | |

NOT VOTING—23

| | | |
|--------------|-------------|------------|
| Brown-Waite, | Franks (AZ) | Obey |
| Ginny | Gephardt | Pombo |
| Conyers | Gilchrest | Renzi |
| Cubin | Hayworth | Saxton |
| Everett | Hunter | Shadegg |
| Flake | Kolbe | Skelton |
| Fletcher | Moran (VA) | Smith (WA) |
| Fossella | Norwood | Stark |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1823

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RENZI. Mr. Speaker, I was attending Congressman Bob Stump's funeral service today and missed votes on the following measures:

On motion to suspend the rules and pass H. Con. Res. 49—Expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe is of profound concern and efforts should be undertaken to prevent future occurrences (Roll No. 315). Had I been present, I would have voted "aye."

On motion to suspend the rules and pass H. Res. 199—Calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yank Jianli for his release (Roll No. 316). Had I been present, I would have voted "aye."

On motion to suspend the rules and pass H. Res. 294—Condemning the terrorism inflicted

on Israel since the Aqaba summit, expressing solidarity with the Israeli people, and calling on the Palestinian Authority to take immediate and effective steps to dismantle the terrorist infrastructure on the West Bank and Gaza (Roll No. 317). Had I been present, I would have voted "aye."

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. Pursuant to House Resolution 295 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. 2417.

□ 1824

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. 2417) to authorize appropriations for fiscal year 2004 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. SIMPSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill. The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, all time for general debate had expired.

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

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2417

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 2004".

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.
- Sec. 105. Intelligence elements of the Department of the Treasury.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Subtitle A—Recurring General Provisions
- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.

Subtitle B—Intelligence

Sec. 311. Modification of notice and wait requirements on projects to construct or improve intelligence community facilities.

Subtitle C—Counterintelligence

Sec. 321. Counterintelligence initiatives for the intelligence community.

Subtitle D—Other Matters

- Sec. 331. Extension of suspension of reorganization of Diplomatic Telecommunications Service Program Office.
- Sec. 332. Modifications of authorities on explosive materials.
- Sec. 333. Modification of prohibition on the naturalization of certain persons.
- Sec. 334. Modification to definition of financial institution in the Right to Financial Privacy Act.
- Sec. 335. Procedural requirements for Central Intelligence Agency relating to products of Federal prison industries.
- Sec. 336. Improvement of information sharing among federal, State, and local government officials.

Subtitle E—Reports and Technical Amendments

- Sec. 341. Extension of deadline for final report of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
- Sec. 342. Modification of various reports required of intelligence community elements.
- Sec. 343. Technical amendments.
- Sec. 344. Report on lessons learned from military operations in Iraq.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Protection from tort liability for certain Central Intelligence Agency personnel.
- Sec. 402. Repeal of limitation on use of funds in Central Services Working Capital Fund.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

- Sec. 501. Use of funds for counterdrug and counterterrorism activities for Colombia.
- Sec. 502. Authority to provide living quarters for certain students in cooperative and summer education programs of the National Security Agency.
- Sec. 503. Authority for intelligence community elements of Department of Defense to award personal service contracts.
- Sec. 504. Protection of certain National Security Agency personnel from tort liability.
- Sec. 505. Measurement and signatures intelligence program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 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 National Reconnaissance Office.
- (6) The National Imagery and Mapping Agency.
- (7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Department of Homeland Security.
- (14) 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, 2004, 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. 2417 of the One Hundred Eighth 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 2004 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. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2004 the sum of \$192,640,000. 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, 2005.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 320 full-time personnel as of September 30, 2004. Personnel serving in such elements may be permanent employees of the Intelligence 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 Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2004 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 Intelligence Community Management Account as of September 30, 2004, 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 2004 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence 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 non-reimbursable 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), \$34,248,000 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, 2005, and funds provided for procurement purposes shall remain available until September 30, 2006.

(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. INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

“BUREAU OF INTELLIGENCE AND ENFORCEMENT OF THE DEPARTMENT OF THE TREASURY

“SEC. 119. (a) IN GENERAL.—There is within the Department of the Treasury a Bureau of Intelligence and Enforcement headed by an Assistant Secretary for Intelligence and Enforcement, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) RESPONSIBILITIES.—(1) The Assistant Secretary for Intelligence and Enforcement shall oversee and coordinate functions of the Bureau of Intelligence and Enforcement.

“(2) The Assistant Secretary shall report directly to the Secretary of the Treasury.

“(c) COMPOSITION OF BUREAU.—The Bureau of Intelligence and Enforcement shall consist of the following offices:

“(1) The Office of Intelligence Support.

“(2) The Office of Foreign Assets Control.

“(3) The Financial Crimes Enforcement Network.

“(4) Such other offices as the Assistant Secretary may establish.”.

(2) The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 118 the following new item:

“Sec. 119. Bureau of Intelligence and Enforcement of the Department of the Treasury.”.

(b) CONSULTATION WITH DCI IN APPOINTMENT OF ASSISTANT SECRETARY FOR INTELLIGENCE AND ENFORCEMENT.—Section 106(b)(2) of such Act (50 U.S.C. 403-6(b)(2)) is amended by adding at the end the following new subparagraph:

“(E) The Assistant Secretary for Intelligence and Enforcement.”.

(c) CONFORMING AMENDMENTS.—(1) Section 3(4) of such Act (50 U.S.C. 401a(4)) is amended—

(A) by striking “the Department of the Treasury,” in subparagraph (H);

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

(C) by redesignating subparagraph (K) as subparagraph (L); and

(D) by inserting after subparagraph (J) the following new subparagraph:

“(K) the Bureau of Intelligence and Enforcement of the Department of the Treasury; and”.

(2) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of the Treasury by striking “(7)” and inserting “(8)”.

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 2004 the sum of \$226,400,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring 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 permitted under the Constitution or authorized pursuant to the laws of the United States.

Subtitle B—Intelligence

SEC. 311. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS ON PROJECTS TO CONSTRUCT OR IMPROVE INTELLIGENCE COMMUNITY FACILITIES.

(a) INCREASE OF THRESHOLDS FOR NOTICE.—Section 602(a) of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103-359; 108 Stat. 3432; 50 U.S.C. 403-2b(a)) is amended—

(1) by striking “\$750,000” each place it appears and inserting “\$5,000,000”;

(2) by striking “\$500,000” each place it appears and inserting “\$1,000,000”; and

(3) in paragraph (2), as amended by paragraph (2) of this subsection, by inserting after “\$1,000,000” the second place it appears, the following: “but less than \$5,000,000”.

(b) NOTICE AND WAIT REQUIREMENTS FOR EMERGENCY PROJECTS.—Section 602(b)(2) of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103-359; 108 Stat. 3432; 50 U.S.C. 403-2b(b)(2)) is amended—

(1) in the third sentence, by striking “21-day” and inserting “7-day”; and,

(2) by adding at the end the following new sentence: “Notwithstanding the preceding provisions of this paragraph, when the Director of Central Intelligence and Secretary of Defense jointly determine that an emergency relating to the national security or to the protection of health, safety, or environmental quality exists and that delay would irreparably harm any or all of those interests, the project may begin on the date the notification is received by such committees.”.

Subtitle C—Counterintelligence

SEC. 321. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—(1) Title XI 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:

“COUNTERINTELLIGENCE INITIATIVES

“SEC. 1102. (a) INSPECTION PROCESS.—(1) In order to protect intelligence sources and methods from unauthorized disclosure, the Director of Central Intelligence shall establish and implement an inspection process for all agencies and departments of the United States that handle classified information relating to the national security of the United States intended to assure that those agencies and departments maintain effective operational security practices and programs directed against counterintelligence activities.

“(2) The Director shall carry out the process through the Office of the National Counterintelligence Executive.

“(b) FBI COUNTERINTELLIGENCE OFFICE.—The Attorney General, acting through the Director of the Federal Bureau of Investigation, shall establish an Office of Counterintelligence within the Bureau to investigate potential espionage activities within the Bureau.

“(c) ANNUAL REVIEW OF DISSEMINATION LISTS.—(1) The Director of Central Intelligence shall establish and implement a process for all elements of the intelligence community (as defined in section 101(4)) to review, on an annual basis, individuals included on distribution lists for access to classified information. Such process shall ensure that only individuals who have a particularized ‘need to know’ (as determined by the Director) are continued on such distribution lists.

“(2) Not later than October 15 of each year, the Director shall certify to the congressional intelligence committees that the review required under paragraph (1) has been conducted in all elements of the intelligence community during the preceding fiscal year.

“(d) REQUIRED COMPLETION OF FINANCIAL DISCLOSURE STATEMENTS.—(1) The Director of Central Intelligence shall establish and implement a process by which heads of the elements of the intelligence community (as defined in section 101(4)) direct that all employees, in order to be granted access to classified information, submit financial disclosure forms required under section 1.3(b) of Executive Order No. 12969 (August 2, 1995; 60 F.R. 40245; 50 U.S.C. 435 note).

“(2) The Director shall carry out paragraph (1) through the Office of the National Counterintelligence Executive.

“(e) ARRANGEMENTS TO HANDLE SENSITIVE INFORMATION.—The Director of Central Intelligence shall establish, for all elements of the intelligence community (as defined in section 101(4)), programs and procedures by which sensitive classified information relating to human intelligence is safeguarded against unauthorized disclosure by employees of those elements.”

(2) The table of contents contained in the first section of such Act is amended in the items relating to title XI by adding at the end the following new item:

“Sec. 1102. Counterintelligence initiatives.”

(b) INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTIONS.—The Attorney General, acting through the Office of Intelligence Policy and Review of the Department of Justice, in consultation with the Office of the National Counterintelligence Executive, shall establish policies and procedures to assist the Attorney General in the Attorney General’s consideration of intelligence and national security equities in the development of charging documents and related pleadings in espionage prosecutions.

Subtitle D—Other Matters

SEC. 331. EXTENSION OF SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 115 Stat. 1401; 22 U.S.C. 7301 note), as amended by section 351 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2401; 22 U.S.C. 7301 note), is amended—

(1) in the heading, by striking “two-year” before “suspension of reorganization”; and

(2) in the text, by striking “ending on October 1, 2003” and inserting “ending on the date that is 60 days after the date on which appropriate congressional committees of jurisdiction (as defined in section 324(d) of that Act (22 U.S.C. 7304(d)) are notified jointly by the Secretary of State (or the Secretary’s designee) and the Director of the Office of Management and Budget (or the Director’s designee) that the operational framework for the office has been terminated”.

SEC. 332. MODIFICATIONS OF AUTHORITIES ON EXPLOSIVE MATERIALS.

(a) AUTHORITY TO DISTRIBUTE EXPLOSIVE MATERIALS TO QUALIFIED ALIENS.—Notwithstanding any other provision of law, it shall be lawful for any person knowingly to distribute explosive materials to any qualified alien—

(1) if, in the case of a qualified alien described in subsection (c)(1), the distribution to, shipment to, transportation to, receipt by, or possession by the alien of the explosive materials is in furtherance of such cooperation; or

(2) if, in the case of a qualified alien described in subsection (c)(2), the distribution to, shipping to, transporting to, possession by, or receipt by the alien of explosive materials is in furtherance of the authorized military purpose.

(b) AUTHORITY FOR QUALIFIED ALIENS TO SHIP EXPLOSIVE MATERIALS.—Notwithstanding any other provision of law, it shall be lawful for a qualified alien to ship or transport any explosive in or affecting interstate or foreign commerce or to receive or possess any explosive which has been shipped or transported in or affecting interstate or foreign commerce—

(1) if, in the case of a qualified alien described in subsection (c)(1), the possession, shipment, or transportation by the alien of the explosive materials is in furtherance of such cooperation; or

(2) if, in the case of a qualified alien described in subsection (c)(2), the possession, shipment, or transportation by the alien of explosive materials is in furtherance of the authorized military purpose.

(c) QUALIFIED ALIEN DEFINED.—In this section, the term “qualified alien” means an alien—

(1) who is lawfully present in the United States in cooperation with the Director of Central Intelligence; or

(2) who is a member of a North Atlantic Treaty Organization (NATO), or other friendly foreign military force (as determined by the Attorney General with the concurrence of the Secretary of Defense) who is present in the United States under military orders for training or other military purpose authorized by the United States.

SEC. 333. MODIFICATION OF PROHIBITION ON THE NATURALIZATION OF CERTAIN PERSONS.

Section 313(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1424(e)(4)) is amended—

(1) by inserting “when Department of Defense activities are relevant to the determination” after “Secretary of Defense”; and

(2) by inserting “and the Secretary of Homeland Security” after “Attorney General”.

SEC. 334. MODIFICATION TO DEFINITION OF FINANCIAL INSTITUTION IN THE RIGHT TO FINANCIAL PRIVACY ACT.

(a) IN GENERAL.—Section 1101(1) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(1)) is amended by inserting “, except as provided in section 1114,” before “means any of—”

(b) DEFINITION.—Section 1114 of such Act (12 U.S.C. 3414) is amended by adding at the end the following:

“(c) For purposes of this section, the term ‘financial institution’ has the same meaning as in section 5312(a)(2) of title 31, United States Code, except that, for purposes of this section, such term shall include only such a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the United States Virgin Islands.”

SEC. 335. PROCEDURAL REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY RELATING TO PRODUCTS OF FEDERAL PRISON INDUSTRIES.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

“PROCEDURAL REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY RELATING TO PRODUCTS OF FEDERAL PRISON INDUSTRIES

“SEC. 23. (a) MARKET RESEARCH.—Before purchasing a product listed in the latest edition of

the Federal Prison Industries catalog under section 4124(d) of title 18, United States Code, the Director shall conduct market research to determine whether the Federal Prison Industries product is comparable to products available from the private sector that best meet the Agency’s needs in terms of price, quality, and time of delivery.

“(b) COMPETITION REQUIREMENT.—If the Director determines that a Federal Prison Industries product is not comparable in price, quality, or time of delivery to products available from the private sector that best meet the Agency’s needs in terms of price, quality, and time of delivery, the Director shall use competitive procedures for the procurement of the product or shall make an individual purchase under a multiple award contract. In conducting such a competition or making such a purchase, the Director shall consider a timely offer from Federal Prison Industries.

“(c) IMPLEMENTATION BY DIRECTOR.—The Director shall ensure that—

“(1) the Agency does not purchase a Federal Prison Industries product or service unless a contracting officer of the Agency determines that the product or service is comparable to products or services available from the private sector that best meet the Agency’s needs in terms of price, quality, and time of delivery; and

“(2) Federal Prison Industries performs its contractual obligations to the same extent as any other contractor for the Agency.

“(d) MARKET RESEARCH DETERMINATION NOT SUBJECT TO REVIEW.—A determination by a contracting officer regarding whether a product or service offered by Federal Prison Industries is comparable to products or services available from the private sector that best meet the Agency’s needs in terms of price, quality, and time of delivery shall not be subject to review pursuant to section 4124(b) of title 18.

“(e) PERFORMANCE AS A SUBCONTRACTOR.—(1) A contractor or potential contractor of the Agency may not be required to use Federal Prison Industries as a subcontractor or supplier of products or provider of services for the performance of a contract of the Agency by any means, including means such as—

“(A) a contract solicitation provision requiring a contractor to offer to make use of products or services of Federal Prison Industries in the performance of the contract;

“(B) a contract specification requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries in the performance of the contract; or

“(C) any contract modification directing the use of products or services of Federal Prison Industries in the performance of the contract.

“(2) In this subsection, the term ‘contractor’, with respect to a contract, includes a subcontractor at any tier under the contract.

“(f) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Director may not enter into any contract with Federal Prison Industries under which an inmate worker would have access to—

“(1) any data that is classified;

“(2) any geographic data regarding the location of—

“(A) surface and subsurface infrastructure providing communications or water or electrical power distribution;

“(B) pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

“(C) other utilities; or

“(3) any personal or financial information about any individual private citizen, including information relating to such person’s real property however described, without the prior consent of the individual.

“(g) APPLICATION OF PROVISION.—This section is subject to the preceding provisions of this Act, and shall not be construed as affecting any right or duty of the Director under those provisions.

“(h) DEFINITIONS.—In this section:

“(1) The terms ‘competitive procedures’ and ‘procurement’ have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(2) The term ‘market research’ means obtaining specific information about the price, quality, and time of delivery of products available in the private sector through a variety of means, which may include—

“(A) contacting knowledgeable individuals in government and industry;

“(B) interactive communication among industry, acquisition personnel, and customers; and

“(C) interchange meetings or pre-solicitation conferences with potential offerors.”.

SEC. 336. IMPROVEMENT OF INFORMATION SHARING AMONG FEDERAL, STATE, AND LOCAL GOVERNMENT OFFICIALS.

(a) PILOT PROJECT TO ENCOURAGE STATE AND LOCAL OFFICIALS, AS WELL AS REPRESENTATIVES OF CRITICAL INFRASTRUCTURE, TO COLLECT AND SHARE RELEVANT INFORMATION.—Section 892(c) of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 482) is amended by adding at the end the following new paragraph:

“(3)(A) The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security, in consultation with the Director of Central Intelligence, may conduct projects in several cities to encourage officials of State and local government, as well as representatives of industries that comprise the critical infrastructure in those cities to lawfully collect and to pass on to the appropriate Federal officials information vital for the prevention of terrorist attacks against the United States.

“(B) The Director of Central Intelligence shall carry out any duty under this paragraph through the Director of the Terrorist Threat Integration Center.

“(C) Under the projects, training shall be provided to such officials and representatives to—

“(i) identify sources of potential threats through such methods as the Secretary determines appropriate;

“(ii) report information relating to such potential threats to the appropriate Federal agencies in the appropriate form and manner; and

“(iii) assure that all reported information is systematically submitted to and passed on by the Department for use by appropriate Federal agencies.

“(D) The Under Secretary shall carry out the pilot project under this paragraph for a period of 3 years.

“(E) Not later than 1 year after the implementation of the pilot project, and annually thereafter, the Under Secretary shall submit to Congress a report on the pilot project conducted under this paragraph. Each such report shall include—

“(i) an assessment of the effectiveness of the project; and

“(ii) recommendations on the continuation of the project as well as any recommendations to improve the effectiveness of information collection and sharing by such officials and representatives and the Federal government.”.

(b) PILOT PROJECT TO TEST USE OF TEAR-LINE INTELLIGENCE REPORTS.—(1) Subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107-296) is amended by adding at the end the following new section:

“SEC. 226. PILOT PROJECT TO TEST USE OF TEAR-LINE INTELLIGENCE REPORTS.

“(a) AUTHORITY.—The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security, in consultation with the Director of Central Intelligence, may carry out a pilot program under which the Under Secretary may make intelligence information in the possession of the Department available to officials of State and local governments through the use of tear-line intelligence reports.

“(b) TEAR-LINE INTELLIGENCE REPORTS DESCRIBED.—For purpose of this section, a tear-line report is a report containing intelligence gathered by an agency or department of the United States that is in the possession of the Department that is prepared in a manner such that information relating to intelligence sources and methods is easily severable from the report to protect such sources and methods from disclosure. Such a report may be in a paper or an electronic format.

“(c) DURATION OF PROJECT.—The Under Secretary shall carry out the pilot project under this section for a period of 3 years.

“(d) REPORTS TO CONGRESS.—Not later than 1 year after the implementation of the pilot project, and annually thereafter, the Under Secretary shall submit to Congress a report on the pilot project conducted under this section, and shall include in the report an assessment of—

“(1) the effectiveness of the use of the tear-line reports in providing intelligence information on a timely basis to State and local authorities; and

“(2) if the use of such tear-line reports were to be made permanent, whether additional safeguards are needed with respect to the use of such reports.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary such sums as may be necessary to carry out this section.”.

(2) The table of contents in section 1(b) of such Act is amended in subtitle C of title II by adding at the end the following new item.

“Sec. 226. Pilot project to test use of tear-line intelligence reports.”.

(c) HOMELAND DEFENDER INTELLIGENCE TRAINING PROGRAM.

(1) ESTABLISHMENT OF PROGRAM.—The Director of Central Intelligence may establish a comprehensive program of orientation and training to qualified State and local officials in accessing and using available resources of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4))).

(2) CONSULTATION.—Insofar as the Director establishes the intelligence training program under paragraph (1), the Director shall consult and coordinate with the director of the Federal Bureau of Investigation and the Secretary of Homeland Security on the development and administration of the program.

(3) PROGRAM GOALS.—Any intelligence training program established under paragraph (1) shall provide qualified State and local officials instruction on the mission and roles of the intelligence community to promote more effective information sharing among Federal, State, and local officials to prevent terrorist attacks against the United States.

(4) CURRICULUM.—Insofar as the Director establishes the intelligence training program under paragraph (1), the Director shall develop a curriculum for the program after consultation with qualified State and local officials. The curriculum shall include classroom instruction with respect to and orientation to the various elements of the intelligence community.

(5) REPORTS TO CONGRESS.—Not later than 1 year after the initial implementation of the intelligence training program under paragraph (1), and annually thereafter, the Director shall submit to Congress a report on the program. Each such report shall include—

(A) an assessment of the effectiveness of the project; and

(B) recommendations on the continuation of the project as well as any recommendations to improve the effectiveness of information collection and sharing by qualified officials and representatives and the Federal government.

(6) QUALIFIED STATE AND LOCAL OFFICIALS DEFINED.—For purposes of this subsection, the term “qualified State and local officials” means officials of State and local government agencies that Director of Central Intelligence determines—

(A) have received appropriate security clearances from the Director of the Federal Bureau of Investigation for access to classified information; and

(B) oversee or manage first responders or counterterrorism activities.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director such sums as are necessary to carry out the intelligence training program under this subsection.

(d) ADVISORY COUNCILS.—(1) The Director of the Terrorist Threat Integration Center shall establish two advisory councils (described in paragraph (2)) to provide the Director such advice and recommendations as the Director may require to effectively carry out the functions of the Center.

(2)(A) One advisory council shall have as its focus privacy and civil liberties issues.

(B) The other advisory council shall have as its focus State and local government information needs.

Subtitle E—Reports and Technical Amendments

SEC. 341. EXTENSION OF DEADLINE FOR FINAL REPORT OF THE NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note; 116 Stat. 2442) is amended by striking “September 1, 2003” and inserting “September 1, 2004”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003.

SEC. 342. MODIFICATION OF VARIOUS REPORTS REQUIRED OF INTELLIGENCE COMMUNITY ELEMENTS.

(a) REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Subsection (b)(1) of section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293; 110 Stat. 3474; 50 U.S.C. 2366), as amended by section 811(b)(5)(C) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2424; 50 U.S.C. 2366), is amended by striking “a semi-annual” and inserting “an annual”.

(b) PERIODIC AND SPECIAL REPORTS ON DISCLOSURE OF INTELLIGENCE INFORMATION TO UNITED NATIONS.—Section 112(b)(1) of the National Security Act of 1947 (50 U.S.C. 404g(b)(1)) is amended by striking “semiannually” and inserting “annually”.

SEC. 343. TECHNICAL AMENDMENTS.

(a) NATIONAL SECURITY ACT OF 1947.—Section 112(d)(1) of the National Security Act of 1947 (50 U.S.C. 404g(d)(1)) is amended by striking “section 103(c)(6)” and inserting “section 103(c)(7)”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking “section 103(c)(6)” and inserting “section 103(c)(7)”.

(2) Section 15 of such Act (50 U.S.C. 403o) is amended—

(A) in subsection (a)(1), by striking “special policemen of the General Services Administration perform under the first section of the Act entitled ‘An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes’ (40 U.S.C. 318),” and inserting “officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,”; and

(B) in subsection (b), by striking “the fourth section of the Act referred to in subsection (a) of

this section (40 U.S.C. 318c)" and inserting "section 1315(c)(2) of title 40, United States Code".

(c) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)(1), by striking "special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318)" and inserting "officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,"; and

(2) in subsection (b), by striking "the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c)" and inserting "section 1315(c)(2) of title 40, United States Code".

(d) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2399; 50 U.S.C. 404n-2) is amended—

(1) in subsection (c), by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))" and inserting "section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))"; and

(2) in subsection (e)(2), by striking "section 103(c)(6)" and inserting "section 103(c)(7)".

(e) PUBLIC LAW 107-173.—Section 201(c)(3)(F) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173; 116 Stat. 548; 8 U.S.C. 1721(c)(3)(F)) is amended by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))" and inserting "section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))".

(f) FEDERAL INFORMATION SECURITY MANAGEMENT ACT OF 2002.—Section 3535(b)(1) of title 44, United States Code, as added by section 1001(b)(1) of the Homeland Security Act of 2002 (Public Law 107-296), and section 3545(b)(1) of title 44, United States Code, as added by section 301(b)(1) of the E-Government Act of 2002 (Public Law 107-347), are each amended by inserting "or any other law" after "1978".

SEC. 344. REPORT ON LESSONS LEARNED FROM MILITARY OPERATIONS IN IRAQ.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate committees of Congress a report on the intelligence lessons learned as a result of Operation Iraqi Freedom, including lessons relating to the following:

(1) The tasking, collection, processing, exploitation, analysis, and dissemination of intelligence.

(2) Accuracy, timeliness, and objectivity of intelligence analysis.

(3) Intelligence support to policymakers and members of the Armed Forces in combat.

(4) Coordination of intelligence activities and operations with military operations.

(5) Strengths and limitations of intelligence systems and equipment.

(6) Such other matters as the Director considers appropriate.

(b) RECOMMENDATIONS.—The report under subsection (a) shall include such recommendations on improvement in the matters described in subsection (a) as the Director considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives; and

(2) the Select Committee on Intelligence and the Committee on Armed Services of the Senate.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. PROTECTION FROM TORT LIABILITY FOR CERTAIN CENTRAL INTELLIGENCE AGENCY PERSONNEL.

(a) IN GENERAL.—Section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding any other provision of law, any Agency personnel designated by the Director under subsection (a) shall be deemed for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment if the Agency personnel take reasonable action, which may include the use of force, to—

"(A) protect an individual in the presence of the Agency personnel from a crime of violence;

"(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

"(C) prevent the escape of any individual whom the Agency personnel reasonably believe to have committed a crime of violence in the presence of such personnel.

"(2) In this subsection, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code."

(b) CONSTRUCTION.—Subsection (d) of section 15, as added by subsection (a), shall not be construed as affecting the authorities of the Attorney General under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (Public Law 100-694; 28 U.S.C. 2671, 2674, 2679(b), 2679(d)).

SEC. 402. REPEAL OF LIMITATION ON USE OF FUNDS IN CENTRAL SERVICES WORKING CAPITAL FUND.

Section 21(f)(2) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(f)(2)) is amended—

(1) in subparagraph (A), by striking "(A) Subsection to subparagraph (B), the Director" and inserting "The Director"; and

(2) by striking subparagraph (B).

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

SEC. 501. USE OF FUNDS FOR COUNTERDRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 501 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2404) is amended by striking "for fiscal years 2002 and 2003" and inserting "for each of fiscal years 2002 through 2005".

(b) MODIFICATION.—(1) Subsection (e) of such section is amended to read as follows:

"(e) PROHIBITION.—No United States Armed Forces personnel, United States civilian employee or contractor engaged by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting to protect the life or the physical security of others, in self defense, or during the course of search and rescue operations."

(c) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended by striking "Sections 556, 567, and 568 of Public Law 107-115, section 8093 of the Department of Defense Appropriations Act, 2002," and inserting "Section 553 and the certification requirements of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108-7; 117 Stat. 200, 205), and section 8093 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1558; 10 U.S.C. 182 note)".

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to assistance made available under such section 501 during fiscal years 2004 and 2005.

SEC. 502. AUTHORITY TO PROVIDE LIVING QUARTERS FOR CERTAIN STUDENTS IN COOPERATIVE AND SUMMER EDUCATION PROGRAMS OF THE NATIONAL SECURITY AGENCY.

Section 2195 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Director of the National Security Agency may provide a qualifying employee of a defense laboratory of that Agency with living quarters at no charge, or at a rate or charge prescribed by the Director by regulation, without regard to section 5911(c) of title 5.

"(2) In this subsection, the term 'qualifying employee' means a student who is employed at the National Security Agency under—

"(A) a Student Educational Employment Program of the Agency conducted under this section or any other provision of law; or

"(B) a similar cooperative or summer education program of the Agency that meets the criteria for Federal cooperative or summer education programs prescribed by the Office of Personnel Management."

SEC. 503. AUTHORITY FOR INTELLIGENCE COMMUNITY ELEMENTS OF DEPARTMENT OF DEFENSE TO AWARD PERSONAL SERVICE CONTRACTS.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§426. Personal services contracts: authority and limitations

"(a) PERSONAL SERVICES.—(1) The Secretary of Defense may, notwithstanding section 3109 of title 5, enter into personal services contracts in the United States if the personal services directly support the mission of a defense intelligence component or counter-intelligence organization.

"(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.

"(b) DEFINITION.—In this section, the term 'defense intelligence component' means a component of the Department of Defense that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"426. Personal services contracts: authority and limitations."

SEC. 504. PROTECTION OF CERTAIN NATIONAL SECURITY AGENCY PERSONNEL FROM TORT LIABILITY.

Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding any other provision of law, agency personnel designated by the Director of the National Security Agency under subsection (a) shall be considered for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment when such agency personnel take reasonable action, which may include the use of force, to—

"(A) protect an individual in the presence of such agency personnel from a crime of violence;

"(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

"(C) prevent the escape of any individual whom such agency personnel reasonably believe to have committed a crime of violence in the presence of such agency personnel.

"(2) Paragraph (1) shall not affect the authorities of the Attorney General under section 2679(d)(1) of title 28, United States Code.

"(3) In this subsection, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code."

SEC. 505. MEASUREMENT AND SIGNATURES INTELLIGENCE RESEARCH PROGRAM.

(a) **RESEARCH PROGRAM.**—The Secretary of Defense, acting through the Director of the Defense Intelligence Agency's Directorate for MASINT and Technical Collection, shall carry out a program to incorporate the results of basic research on sensors into the measurement and signatures intelligence systems of the United States, to the extent the results of such research is applicable to such systems.

(b) **PROGRAM COMPONENTS.**—The program under subsection (a) shall review and assess both basic research on sensors and technologies conducted by the United States Government and by non-governmental entities. In carrying out the program, the Director shall protect intellectual property rights, maintain organizational flexibility, and establish research projects, funding levels, and potential benefits in an equitable manner through Directorate.

(c) **ADVISORY PANEL.**—(1) The Director shall establish an advisory panel to assist the Director in carrying out the program under subsection (a).

(2) The advisory panel shall be headed by the Director who shall determine the selection, review, and assessment of the research projects under the program.

(3)(A) The Director shall appoint as members of the advisory panel representatives of each entity of the MASINT community, and may appoint as such members representatives of national laboratories, universities, and private sector entities.

(B) For purposes of this subsection the term "MASINT community" means academic, professional, industrial, and government entities that are committed towards the advancement of the sciences in measurement and signatures intelligence.

(C) The term for a member of the advisory panel shall be established by the Director, but may not exceed a period of 5 consecutive years.

(D) Members of the advisory panel may not receive additional pay, allowances, or benefits by reason of their service on the advisory panel, but may receive per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) The Director may accept contributions from non-governmental participants on the advisory panel to defray the expenses of the advisory panel.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order except those printed in House Report 108-176. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108-176.

AMENDMENT NO. 1 OFFERED BY MR. COX

Mr. COX. 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. 1 offered by Mr. COX:
Strike section 336.

Mr. COX. Mr. Chairman, as chairman of the Select Committee on Homeland Security, I am pleased to rise in support of H.R. 2417. The amendment that I have introduced I will address in a moment but let me state at the outset that there is no more important function in the war on terrorism than hav-

ing and acting on good intelligence, intelligence about attacks that are yet to come, intelligence about who is involved, what is planned, where and when it will take place and how it might be executed.

The bill as it is written provides critical support for the Intelligence Community's efforts in the war on terrorism. I especially appreciate the provisions in the legislation focusing additional attention on enhancing our capability for gathering human intelligence as well as the provisions that provide additional resources to increase our analytical capacity to process and make use of the intelligence we do gather.

The amendment that I am offering seeks to strike section 336 of the legislation. Section 336 would amend the Homeland Security Act to create two pilot programs, one, to encourage State and local officials, critical infrastructure owners to collect and share relevant information; and, two, to test use of tear-line intelligence reports. However, Mr. Chairman, the Homeland Security Act already includes training and information sharing requirements for State, local and private sector officials. The Director of Central Intelligence, the head of the CIA, would under the language of the bill as it is written have a central role in both of these pilot programs which would inject the CIA into this domestic, homeland security function.

Under the first section 336 pilot program on sharing critical infrastructure information, the DCI would carry out his responsibilities through the Director of the Terrorist Threat Integration Center, or TTIC, which has never before been recognized in law and has no responsibilities whatever for critical infrastructure information. Using TTIC in this way would undermine the statutory function of the Office of Infrastructure Protection subdirector of the Department of Homeland Security. We do not need to pilotize the Department's existing statutory obligations.

The Secretary of Homeland Security, acting through the Under Secretary for Information Analysis and Infrastructure Protection, already is required to, and this is now a quote from existing law, "coordinate training and other support to the elements and personnel of the Department, other agencies of the Federal Government, and State and local governments that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information." That is the Homeland Security Act as it is written.

The Homeland Security Act already requires that the Secretary of Homeland Security "coordinate with elements of the Intelligence Community and with Federal, State, and local law enforcement agencies, and the private sector." Extensive information sharing requirements covering State, local and private officials already exist in the

Homeland Security Act, for example, in sections 891 and 892.

Tear-line reporting, unclassified reports to convey the critical substance of classified intelligence reporting, is already a common practice. There is not a need for a pilot program. The Homeland Security Act already requires that the Secretary of Homeland Security "in consultation with the Director of Central Intelligence, shall work to ensure that intelligence or other information relating to terrorism to which the Department has access is appropriately shared with State and local governments."

□ 1830

At this point I hope that the distinguished gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence, could rise to enter into a colloquy so that I might obtain additional information on the amendments to the Homeland Security Act contained within section 336 of the legislation, and I would yield for this purpose to the chairman.

As the chairman knows, I am offering an amendment to strike section 336 of the legislation as it proposes amendments to the Homeland Security Act that fall within the jurisdiction of the Permanent Select Committee on Homeland Security. I am prepared to withdraw this amendment pending appropriate clarification by the gentleman.

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

Mr. COX. I yield to the gentleman from Florida.

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

I would like to clarify for the record that the provisions of H.R. 2417, Intelligence Authorization Act for Fiscal Year 2004, amending the Homeland Security Act, fall within the jurisdiction of the Select Committee on Homeland Security and that their inclusion in H.R. 2417 does not create a basis for the assertion of jurisdiction over the act by the Permanent Select Committee on Intelligence. Furthermore, I would like to clarify for the distinguished chairman that the chairman of the Select Committee on Homeland Security and I have indeed agreed upon a revision of the provisions that are acceptable to both our ranking members, that is, the gentlewoman from California (Ms. HARMAN) and the gentleman from Texas (Mr. TURNER), the gentleman's committee's ranking member. I will commit to work with the gentleman's committee and the Committee on the Judiciary for substitution of the revised language in the conference negotiations between the House and the Senate, and to that end I have also agreed to support the request of the Select Committee on Homeland Security for the appointment of two conferees on H.R. 2417.

Mr. COX. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

I include in the CONGRESSIONAL RECORD copies of the exchange of correspondence between our two committees on this topic.

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON
INTELLIGENCE,
Washington, DC, June 25, 2003.

Hon. CHRISTOPHER COX,
Chairman,
Select Committee on Homeland Security, Wash-
ington, DC.

DEAR MR. CHAIRMAN: This letter is to memorialize our understanding that the provisions of H.R. 2417 (the "provisions") amending the Homeland Security Act (the "Act") fall within the jurisdiction of the Select Committee on Homeland Security, and that their inclusion in H.R. 2417 does not create a basis for the assertion of jurisdiction over the Act by the Permanent Select Committee on Intelligence.

We have agreed upon a revision of the provisions that is acceptable to both of our Ranking Members, a copy of which is attached, and we agree to work for a mutually agreeable resolution of this provision with your Committee and the Committee on the Judiciary, for substitution in the conference negotiations between the House and the Senate.

To that end, I have agreed to support the request of the Select Committee on Homeland Security for the appointment of two conferees on H.R. 2417.

Sincerely,

PORTER J. GOSS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON HOMELAND
SECURITY,
Washington, DC, June 25, 2003.

Hon. PORTER GOSS,
Chairman,
House Permanent Select Committee on Intel-
ligence, Washington, DC.

DEAR CHAIRMAN GOSS: This letter is to memorialize our understanding that the provisions of H.R. 2417 (the "provisions") amending the Homeland Security Act (the "Act") fall within the jurisdiction of the Select Committee on Homeland Security, and that their inclusion in H.R. 2417 does not create a basis for the assertion of jurisdiction over the Act by the Permanent Select Committee on Intelligence.

We have agreed upon a revision of the provisions that is acceptable to both of our Ranking Members, a copy of which is attached, and we agree to work for substitution of the revised language in the conference negotiations between the House and the Senate.

To that end, I have agreed to support the request of the Select Committee on Homeland Security for the appointment of two conferees on H.R. 2417.

Sincerely,

CHRISTOPHER COX,
Chairman.

AMENDMENT TO H.R. 2417, AS REPORTED OF-
FERED BY MR. COX OF CALIFORNIA (FOR HIM-
SELF AND MR. TURNER OF TEXAS)

Amend section 336 to read as follows:

**SEC. 336. IMPROVEMENT OF INFORMATION SHAR-
ING AMONG FEDERAL, STATE AND
LOCAL GOVERNMENT OFFICIALS.**

(a) IN GENERAL.—Section 892(c) of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 482) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish a program to provide appropriate training to officials described in subparagraph (B) in order to assist such officials in—

"(i) identifying sources of potential terrorist threats through such methods as the Secretary determines appropriate;

"(ii) reporting information relating to such potential terrorist threats to the appropriate Federal agencies in the appropriate form and manner;

"(iii) assuring that all reported information is systematically submitted to and passed on by the Department for use by appropriate Federal agencies; and

"(iv) understanding the mission and roles of the intelligence community to promote more effective information sharing among Federal, State, and local officials to prevent terrorist attacks against the United States.

"(B) The officials referred to in subparagraph (A) are officials of State and local government agencies that oversee or manage first responders or counterterrorism activities.

"(C) The Secretary shall consult with the Attorney General to ensure that the training program established in subparagraph (A) does not duplicate the training program established in section 908 of the USA PATRIOT Act (Public Law 107-56; 28 U.S.C. 509 note).

"(D) The Secretary shall carry out this paragraph through the Under Secretary for Information Analysis and Infrastructure Protection (acting pursuant to the duties described in section 201(d)(16)), in consultation with the Director of Central Intelligence and the Attorney General."

(b) REPORT.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report that describes the Secretary's plan for implementing such section 892 (as in effect on the day before the date of the enactment of this Act) and an estimated date of completion of the implementation.

Because of the agreement between our two committees, I will also ask unanimous consent to withdraw the amendment.

I look forward to working with the chairman and members of the Permanent Select Committee on Intelligence for an agreeable resolution of this matter in conference.

Mr. Chairman, if I have remaining time, I yield to the gentlewoman from California (Ms. HARMAN), the ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding. I rise to state that I fully support the agreement that has been worked out between the chairmen of the two committees on which I serve. Since the language at issue was language that was inserted in our bill at my request, I want to make clear that we should work out these jurisdictional issues, but we also should proceed to find the right sections of the right bills to insert additional language on information sharing which is still a critical need in the homeland security and the terrorist threat areas.

We also need to insert language at the right places about the protection of civil liberties. I listened to the comments by the gentleman from California (Mr. COX) concerning the fact that we have no statutory language for TTIC, the Terrorist Threat Integration Center, and perhaps we should decide about that in some other forum. Nonetheless, TTIC exists, and it is critically important that we make sure that it

respects the civil liberties of Americans. So we will continue to search for new venues, but I thank both chairmen for finding the proper way to solve this issue.

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

Mr. Chairman, I am not going to use the 5 minutes. I just want to clarify this point while the distinguished chairman of the Select Committee on Homeland Security is here that his efforts and the gentlewoman from California's (Ms. HARMAN) efforts to work out acceptable language had in fact transpired and we were prepared to accept an amendment to the bill to do that. There is another party involved, and we wanted to make sure that the appropriate full dialogue took place because what we are about here is really trying to plug in a Foreign Intelligence Program, which is what our portfolio is with the new efforts domestically to deal with terrorism on the homeland.

We are not interested in any territorial acquisition, as I have said many times. We are interested in plugging in the national foreign intelligence activity and capability in the right places in the right way. That will involve working with a number of committees. Fortunately, we have good Members who serve on a number of committees and we are using that expertise to make these bridging arrangements. I would like to publicly thank the gentlewoman from California (Ms. HARMAN) and the gentleman from California (Mr. COX) for their efforts to get the homeland security piece done. We have more work to do on this particular element. They have my pledge in the colloquy that we will work together to get this done properly, and I have nothing further to add to that.

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

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

Mr. COX. Mr. Chairman, I want to return the favor and thank both the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. HARMAN), ranking member, for all of the work that went into making this language acceptable, the language that we had agreed upon. I am sorry it cannot be included procedurally, but our understanding to do it at the next step is certainly satisfactory to me; and I just want to say that I could not agree more with the sentiments of both the chairman and the ranking member about the importance of sharing information. That is what the mission of Homeland Security is all about, and we do have between us and among us ample opportunity to amend whatever laws it takes to get this job done; and I would point out that the Speaker has made it possible for all three of us to work together on the Select Committee on Homeland Security. So we are doing our version of fusion here in the House, and I am confident we will succeed.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 108-176.

If the amendment proposed by the gentleman from California (Mr. FARR) is not to be offered, then it is now in order to consider amendment No. 3, printed in House Report 108-176.

AMENDMENT NO. 3 OFFERED BY MS. HARMAN

Ms. HARMAN. 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. 3 offered by Ms. HARMAN:
At the end of title III, add the following new section:

SEC. 345. MODIFICATION OF TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.

(a) CERTIFICATION REQUIREMENT FOR CONSOLIDATION OF WATCH LISTS.—Subsection (g)(1) of section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2399; 50 U.S.C. 404n2) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after subparagraph (C) the following new subparagraph:

“(D) Whether further consolidation or elimination of watch list databases in the departments and agencies with access to the System would contribute to the efficiency and effectiveness of the System in identifying individuals who are known or suspected international terrorists.”; and

(3) in subparagraph (E), as so redesignated, by adding at the end the following: “If the certification under subparagraph (D) is in the positive, the steps required to consolidate or eliminate such watch lists.”.

(b) ESTABLISHMENT OF ADVISORY COUNCIL.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(4) The Director shall establish an advisory council comprised of experts in the field of civil liberties and privacy issues to advise the Director on issues of civil liberties and privacy as they relate to the maintenance of the System.”.

Ms. HARMAN. Mr. Chairman, let me say first that the amendment which the gentleman from California (Mr. FARR) would have offered is an excellent amendment having to do with language skills, and my understanding is that we have accommodated him in some other way. I am sure the chairman will speak to that. And I would be happy to yield to him first on that subject.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I appreciate the gentlewoman for yielding.

All I would say is that I was going to compliment the gentleman from California (Mr. FARR) for a very helpful, thoughtful contribution to our work product. In fact, we have been working on this subject for a number of years, which is the training question and the

language question; and the gentleman has some very unique perspectives on this which have been very helpful to us. We are improved in our committee for his participation in this process. I do not believe it is necessary to offer the amendment. Apparently he has not, but I nevertheless wanted to appreciate publicly the contribution he has made.

Ms. HARMAN. Mr. Chairman, turning to my amendment, in August, 2001, the FBI was frantically looking for two men who became part of the terrorist suicide team on 9-11. Had we been able to find Nawaf al-Hazmi and Khaled al-Mihdhar, we may have been able to unravel the plot for 9-11. At least we would have stopped these two individuals from participating in it.

The problem, it turns out, was that the State Department and INS watchlists, which included their names, were not available to the FAA and the airlines. So the hijackers were freely allowed to board the ill-fated American Airlines Flight 77.

Two years later, the Federal Government still has as many as 50 databases used for tracking international terrorists and international terrorist organizations. Just recently, the GAO highlighted 12 watchlists run by nine agencies.

This is shocking. Information contained in one database need not be connected to information in another. Vital data that could help prevent the next terrorist attack could be missed. We must consolidate or at least ensure the interoperability of government watchlists, and my amendment pending before this House to this intelligence authorization bill addresses this.

In last year's intelligence authorization act, the Congress required the creation of a Terrorist Identification Classification System, TICS. This system is intended to be an authoritative real-time compilation of individuals and organizations known or suspected of international terrorism derived from all-source intelligence and available for use by other government agencies. The establishment of TICS is still a work in progress. The Director of Central Intelligence is required to report on progress by the end of November.

My amendment requires the Director of Central Intelligence to certify whether further consolidation, or increased interoperability, is the best way to increase the efficiency and effectiveness of TICS. Either way we go, the point is to connect the dots in real time.

The concept of a single government database to track suspected terrorists does raise some civil liberties concerns. To address the privacy and civil liberties concerns, my amendment requires the Director of Central Intelligence to establish an advisory council of experts on matters of civil liberties and privacy.

Mr. Chairman, the relationship of civil liberties and security has been an

abiding concern for this committee. The gentleman from New Jersey (Mr. HOLT), one of our members, has been active in this area, and so has our chairman, who convened the first hearing, public hearing, on civil liberties earlier this year where a panel of witnesses from the ACLU to the Heritage Foundation agreed that we need to balance civil liberty and security.

As Ben Franklin once said: “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.” The Harman amendment addresses both liberty and safety, and I urge its adoption.

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

First of all, I want to congratulate the gentlewoman on an amendment that she has worked hard on and I know cares a great deal about, and I will say right up front that the amendment is acceptable to the committee. I do want to make a comment on it, though.

The amendment requires the DCI to consider whether further consolidation of the various U.S. Government terrorist watchlist databases might add to the efficiency of the watchlist system in identifying known or suspected terrorists. Absolutely a goal that we have to achieve. The question is what is the right way to do it? And the gentlewoman has raised the question properly. I commend her for it. Her dedication and expertise on counterterrorism issues I think is well known. She has served not only the Permanent Select Committee on Intelligence of this Congress but previous iterations of this effort on national commissions and so forth; and I think we all very much respect her judgment.

And as I said, this amendment is a good one and it brings the issue to the floor. It asks the DCI to review and determine how much more consolidation of the various terrorist watchlists is needed, but I would add the words “if any.” And the reason I say that is I am concerned about the potential loss of data that might result from the consolidation of all the watchlists available to the government. I do not know that that would happen. It is a question that has to be asked.

Additionally, I would think that there is one other area that I worry about a little bit, and that is sort of the idea of Big Brother. The one big unified, centralized U.S. Government computer database with all of the information available to the U.S. Government on individuals and their associates might be viewed to some as concerning, particularly those who worry about Big Brother invading their privacy.

I am not saying I have the answer; but at this stage of my thinking, I am sort of in the position to be inclined to support a network solution that virtually combines the data in various databases without actually dumping all of the information from all the databases into one big government Big

Brother database. So I would think that something on the order perhaps of Web browser or Web sniffer, some way of searching out all the databases simultaneously, using some of those extraordinary technological tools that are developed in the gentlewoman's district, the software that is out there that not only searches all of them at the same time but also crossreferences the search results in such a way that maximizes the researchers' efficiencies and at the same time gives us some of the safeguards, or the appearance of safeguards anyway, the perception that we are safeguarding better than one big database.

I do not wish to prejudice the outcome of the review. As we always do, we candidly state our positions on these things. As I said, I think the gentlewoman has raised exactly the right question. I thank her for her contribution in doing that, and I believe the amendment is worded properly so we go forward, and I will accept the amendment on behalf of the committee.

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

I support the gentlewoman's amendment also, and I am very pleased to acknowledge the atmosphere in this committee that allows us to function so well. It is what a committee should be. The gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. HARMAN), ranking member, avoid, I think, destructive partisanship and allow us to air our differences in a very constructive way.

I would like to draw attention to section 336 of this bill that includes a provision that I have strongly advocated for to require the director of the Terrorist Threat Integration Center to establish two advisory councils to help the center carry out its critical and time-sensitive work, Mr. Chairman.

□ 1845

One Advisory Council will focus on privacy and civil liberty concerns. We all know and understand that we are engaged in an ongoing fight against global terrorism and that our entire Intelligence Community is central to prosecuting and winning this struggle. But, at the same time, as we enhance our intelligence-gathering and analysis, it is equally important that the Director of the Terrorist Threat Integration Center and all employees there must respect the basic civil liberties that define our lives as Americans. Surely this Advisory Council will help us more nearly achieve the right delicate balance between security and liberty.

Now, equally important, this section of the bill also requires an Advisory Council to the Director of the Terrorist Threat Integration Center be established to concentrate on getting more and better information to State and local governments. The efforts to improve substantially our homeland security as a matter of urgency fall pri-

marily upon our first responders and the local and State governments who employ them. In my meetings with State and local officials in New Jersey, and with first responders in my district, I have heard repeatedly that they receive only the most general and vague and almost useless information from Washington. They seldom, if ever, receive any more specific information about what they should guard against. Clearly, they deserve more timely and useful information if they are to function to protect the lives, the safety, and the security of Americans. This Advisory Council should help overcome this incomplete communication of practically useful intelligence information from the Federal to the community level.

Third, I would like to comment about the importance of incorporating information based on open sources. These sources of information are not classified secret. And traditionally, within the Intelligence Community and to this day, some individuals seem to think that if information is not classified secret, it is not valuable. In the 21st century this institutionalized mindset is unfortunate, since our sources of information and the amount of information readily available to the public domain and in the public domain have grown enormously. The Internet has enabled one to access information that was once extremely hard or impractical to obtain, and the dynamics of globalization, the accelerated integration of global industry, commerce, communication, and travel have created many new sources of information. The civil and commercial sectors, for instance, are looking into subjects and technologies that once were the exclusive preserve of governments and intelligence services. A prominent example is imagery from satellites that is publicly or commercially available. In HUMINT intelligence, open access to officials and experts is unparalleled today.

I believe that the Intelligence Community should be exploiting such open source information far more than it is today, and achieving this goal will require a culture change and the application of technology. I thank the chairman for agreeing to include in the report a call for the Director of Central Intelligence to study and report back to Congress within 6 months how to incorporate and use open source material in virtually every aspect of intelligence, from collection to analysis, and across all disciplines. There are many instances where open source information can be useful, perhaps even more useful than classified sources, and surely, in many cases, cheaper.

Now, Mr. Chairman, I spoke earlier about the decision by the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ranking Member HARMAN) to investigate thoroughly concerns about weapons of mass destruction and the intelligence that led into our fighting in Iraq. Our com-

mittee intends to issue a written report on its findings as promptly as possible, and I spoke about that earlier.

I would like to say a bit more, though. One concern that I have had is that the administration officials too often appear to have dropped the caveats and the uncertainties expressed in the intelligence reporting. Another concern is that at times the intelligence reporting or the officials presenting the intelligence appear to have been very certain about their conclusions that were based on uncertain evidence.

The CHAIRMAN pro tempore (Mr. SIMPSON). The time of the gentleman from New Jersey (Mr. HOLT) has expired.

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

Mr. HOLT. Mr. Chairman, it is critically important to determine whether the Intelligence Community's estimates on Iraq were badly off base, or whether the Iraqi regime managed to destroy or spirit away the suspect weapons or materials. Either way, it seems clear that performance of the Intelligence Community was less than we would expect. It is clear to all of the world that the coalition did not have the intelligence information specific enough to find, identify, and secure any massively destructive weapons. That realization certainly raises questions about whether we were ready to go to war if the Commander in Chief and the Pentagon were convinced that the weapons were real, but they did not know quite where they were or how we would secure them once we went to war. But that is a question for another day. We will be talking about that in weeks to come.

Now, I would say, with the amendments that we have in front of us today, I offer my full support to this legislation.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 4 printed in House Report 108-176.

AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HASTINGS of Florida:

At the end of subtitle D of title III, insert the following new section:

SEC. 337. IMPROVEMENT OF RECRUITMENT, HIRING AND RETENTION OF ETHNIC AND CULTURAL MINORITIES IN THE INTELLIGENCE COMMUNITY.

(a) PILOT PROJECT TO IMPROVE DIVERSITY THROUGHOUT THE INTELLIGENCE COMMUNITY USING INNOVATIVE METHODOLOGIES FOR THE RECRUITMENT, HIRING AND RETENTION OF ETHNIC AND CULTURAL MINORITIES AND WOMEN

WITH THE DIVERSITY OF SKILLS, LANGUAGES AND EXPERTISE REFLECTIVE OF THE CURRENT MISSION.—The Director of Central Intelligence shall carry out a pilot project under this section to test and evaluate alternative, innovative methods to recruit and hire for the intelligence community women and minorities with diverse ethnic and cultural backgrounds, skills, language proficiency, and expertise.

(b) METHODS.—In carrying out the pilot project, the Director shall employ methods such as advertising in foreign language newspapers in the United States, site visits to institutions with a high percentage of students who study English as a second language, and other methods that are not used by the Director under the DCI Diversity Strategic Plan to increase diversity of officers and employees in the intelligence community.

(c) DURATION OF PROJECT.—The Director shall carry out the project under this section for a 3-year period.

(d) REPORT.—Not later than 2 years after the date the Director implements the pilot project under this section, the Director shall submit to Congress a report on the project. The report shall include—

(1) an assessment of the effectiveness of the project; and

(2) recommendations on the continuation of the project as well as for improving the effectiveness of the project in meeting the goals of increasing the recruiting and hiring of women and minorities within the intelligence community.

(e) DIVERSITY PLAN.—(1) Not later than February 15, 2004, the Director of Central Intelligence shall submit to Congress a report which describes the plan of the Director, entitled the "DCI Diversity Strategic Plan", and any subsequent revision to that plan, to increase diversity of officers and employees in the intelligence community, including the short- and long-term goals of the plan. The report shall also provide a detailed description of the progress that has been made by each element of the intelligence community in implementing the plan.

(2) In implementing the plan, the Director shall incorporate innovative methods for the recruitment and hiring of women and minorities that the Director has determined to be effective from the pilot project carried out under this section.

(f) DEFINITION.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to the Intelligence Authorization bill on behalf of myself and the following members who are immediate cosponsors of the Select Committee on Intelligence: The gentlewoman from California (Ms. HARMAN), the gentleman from Texas (Mr. REYES), the gentlewoman from California (Ms. ESHOO), the gentleman from Maryland (Mr. RUPPERSBERGER), and the gentleman from Iowa (Mr. BOSWELL). I would also like to thank the chairman of the committee, my good friend, the gentleman from Florida (Mr. GOSS), for his previously stated support for this amendment.

Further, I would be remiss if I did not recognize the efforts of former member Louis Stokes and now departed and former member Julian Dixon; our present minority leader of the Democratic Caucus, the gentlewoman from California (Ms. PELOSI),

and the gentleman from Georgia (Mr. BISHOP), and I had forgotten about Tim Roemer, who also was very instrumental in this particular arena as a former member, and others on both sides of the aisle that have been interested in this issue.

Mr. Chairman, this amendment directs the Director of Central Intelligence to establish a pilot program to improve the recruitment, hiring, and retention of ethnic and cultural minorities throughout the Intelligence Community.

Leaders in the Intelligence Community have, for a number of years, expressed the view that diversity within their population can pay dividends with respect to cultural understanding and especially language capabilities. And, for an equal number of years, the Select Committee on Intelligence has urged them to improve their efforts of hiring, promoting, and retaining individuals from diverse backgrounds.

While we noted in our report to accompany H.R. 2417 that progress has been made and, indeed, it has been, especially in the more recent years just passed, we also noted a lack of progress with respect to hiring, promotion, and retention of women and minorities under the current plan. The Secretary of Defense has stated that, "The current personnel system is not flexible enough to confront the dangers of the 21st century."

The amendment we offer today addresses one of the many concerns raised by the Secretary and proposes a potential solution. It directs the DCI to develop a pilot program to achieve the goals for increased diversity amongst the Intelligence Community staff.

This amendment requires that the Director use methods such as advertising in foreign language newspapers or conducting site visits to high schools, and I would even encourage middle schools as we look toward the future, because it is interesting that in those areas I feel we find many of our grandchildren and little children know a lot about computers that a lot of us older hands do not know about; and colleges as well, with a high percentage of students from diverse backgrounds as two or more recruitment methods. It also requires an annual report from the Director to assess the effectiveness of this project in meeting his goals.

If the horrors of 9/11 taught us anything, it is that the biggest threat to our democratic ideals and cultural beliefs comes from those who do not share our ideals and beliefs.

The war on terrorism has focused even greater attention on the Intelligence Community as they have collectively faced these and many other challenges with commendable determination. It will take time, innovation, and a long-term strategy to ensure that the Intelligence Community remains capable of both understanding and responding to the threats of the 21st century.

I believe that this amendment will help the Intelligence Community meet

the goals they have set for themselves and challenges in the decades to come. I urge my colleagues to support this noncontroversial amendment.

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

Mr. Chairman, I am pleased that this amendment is before us. It is entirely consistent with the committee position, and I am very happy to accept it. I want to congratulate the gentleman from Florida (Mr. HASTINGS) for his continued, persistent, effective leadership on this, along with our colleague, the gentleman from Texas (Mr. REYES), who have both done the committee a big favor by keeping us focused on this.

The amendment directs the DCI to establish a pilot project to test and evaluate alternative and innovative methods to recruit and hire women and minorities with diverse skills, expertise, cultural, and ethnic backgrounds, and language proficiencies. That is obviously a very rich contribution to the Intelligence Community.

The pilot project would be carried out for a 3-year period, with a report on the effectiveness of the project at the end of the second year, as I understand the amendment.

The amendment also includes direction to the DCI to report to the committee by mid-February of the next calendar year on the DCI's diversity strategic plan, which is something we have been after for a while. This aspect of this amendment incorporates, in part, the amendment made to the schedule of authorizations by the gentleman from Texas (Mr. REYES) in the committee's markup. I think they are complementary to each other. I see no conflict, and I think that combined, they are a benefit.

Both members deserve and are commended for promoting the needs of the Intelligence Community in the area of diversity of skills, expertise, languages, cultural understanding, and ethnic background, which is not a fully met need, very clearly, in the Community, as we know.

In the committee report we stated that, and I am going to quote the language, "Diversity throughout the Intelligence Community population can pay dividends with respect to the richness it brings to the work of the IC, particularly as it relates to cultural understandings of particular target sets, increased language capabilities, and increased skills to address particular intelligence problems." Amen.

I believe that this project will help. I very eagerly accept the amendment without reservation, and I am pleased that the gentleman has offered it.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

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

Ms. HARMAN. Mr. Chairman, I thank the chairman for the civilized and collaborative way in which this whole debate is going.

I rise in strong support of this amendment, and I just want to make a few brief points, Mr. Chairman.

When the DDCICM, the Deputy Director of Central Intelligence for Community Management—that is a mouthful—Joan Dempsey, came to say goodbye recently, it occurred to me that she was one of the few senior women in the entire Intelligence Community. The only other one I can think of is Joanne Isham, who is the Deputy Director of the National Security Agency. The same story can be said about people from other ethnic groups. That is unfortunate.

This amendment, which is carefully drafted and consistent with our policy in our committee for the last 15 years, will hopefully move the Community forward.

□ 1900

Earlier in this debate, I spoke, and others did, about the importance of beefing up HUMINT, our human intelligence resources. What is the point of human intelligence? The point is obviously to learn about terrorists. Their plans and intentions.

How do you do that? Well, you try to penetrate terrorist cells. How do you do that? Well, it would help if you looked like the terrorists and spoke their languages. And we cannot succeed in our effort if we just recruit the same old, same old. So it should be obvious that this is not the politically correct thing to do; it is the intelligent thing to do if we are trying to expand the talent pool and the capability of our intelligence agencies.

I strongly support this amendment. I thank the gentleman from Florida (Mr. HASTINGS), and the gentleman from Texas (Mr. REYES). They and others have done us a huge service.

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

Mr. Chairman, I rise in strong support of the Hastings amendment. As has been stated, and I hope those that are watching this debate tonight can see the kind of cooperation and willingness to work together to solve some of the issues that greatly effect the national security of our country watching our chairman and ranking member and other members of the committee talk about what is good for our country.

Mr. Chairman, I think that people of diverse backgrounds can bring their unique cultural experiences, skills and language proficiencies to bear on intelligence problems, intelligence issues and intelligence expertise. The percentage of women and minorities in the intelligence community has for way too many years been smaller than the percentage of women and minorities in the total Federal workforce and the civilian workforce. Fiscal year 2002 data demonstrates that women and minorities continue to be under-represented in the intelligence community, especially in core mission areas and the senior ranks, as has been noted here by other members of our committee.

The committee has repeatedly expressed grave concern about the lack of

progress made by the intelligence community in recruiting, in hiring and retaining a diverse workforce, essential if we are going to protect our country's national security. New tools must be brought to bear on the challenge of sufficiently diversifying the intelligence community workforce. Intelligence agencies must think, as we like to say, outside the box. I believe that the Hastings amendment encourages this kind of thinking, out-of-the-box thinking, by requiring the Director of Central Intelligence to carry out a pilot project to test and evaluate innovative alternative methods for recruiting and hiring people with diverse backgrounds.

The amendment, like the general provisions that have been reported out of our committee, also requires that the DCI report to Congress on his current diversity plan, including short- and long-term goals and the progress that is being made in implementing it by each of the intelligence community agencies.

Mr. Chairman, not only does this make good sense. It is good practice, it is good business, and it is good public policy. And, therefore, I urge all of my colleagues to support the Hastings amendment.

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

Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) for putting this before us. I think its time is overdue, and I think it is reasonable that he would have a pilot project.

I just have to think back on my own life experience, and I will not tell you about that today, in starting in a country home, way out in the country. But I go to schools a lot, and I particularly want to talk to the young folk in regard to their futures and education and what it means to them. And I often tell them my story and, again, I will not tell you tonight, but what it can do for equal opportunity. It is the road to success.

So I think that it would be very good if I can go to my African American schools, which I will, to my Hispanic community, to my Asian-Americans and all the others and say to them, this opportunity is happening and you too can be an effective person if you will get your education and come forth, and we will have a pilot project to show that; but you can come forth, and you can be in the high-level place to make sure our country is secure as the others have done before you.

So I encourage you to do this, and I am really glad that you have done this. It is a reasonable request that is needed. It ought to be done, and I am glad to hear the responses that we are hearing here tonight. I congratulate the gentleman, and I thank the gentleman.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my colleague for yielding. I join him in expressing support for this amendment

and accolades to the gentleman from Florida (Mr. HASTINGS), the gentleman from Texas (Mr. REYES), and the others who are working on this.

I wanted to reiterate my concern about the lack of racial, linguistic, cultural and gender diversity within the intelligence community. Our intelligence network should reflect much more of the diversity and multicultural composition of the American people and of the world that we seek to understand. But no one should be comforted by the words in this amendment. This is the umpteenth time that the problem has been identified and that intelligence agencies have been exhorted, even required, to do better. I hope this amendment produces real results.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for his comments.

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

Mr. Chairman, I would like to take this opportunity to congratulate the gentleman from Florida (Mr. HASTINGS), the chairman, and the members of committee for the sensitivity and the concern that we are now paying to the issue of diversity.

For some time now this committee has been wrestling with the idea of diversity going back to former chairman Lou Stokes, former ranking member Julian Dixon. In my service on the committee for 6 years up until this term of Congress we have repeatedly been concerned. And I believe that the director has made it clear that diversity, cultural diversity, lingual diversity is a matter of good business sense for the intelligence community.

We all wish that we had been a little more sensitive and a little more knowledgeable prior to 9-11. But this I think is an opportunity now for us to get it right. And the gentleman from Florida (Mr. HASTINGS) has done an excellent job in helping us to think out of the box by requiring the director to carry out this pilot test project to evaluate innovative alternative methods for recruiting and hiring and retaining members of the intelligence community with a diverse background.

Let me take this opportunity to mention just one member of the African American community who is completing 30 years of service to both the military and the intelligence community, and that is Mr. Garnett Stowe who has retired as chief of staff of the National Reconnaissance Office. Mr. Stowe made tremendous contributions in his own right as a member of the intelligence community, but he too was very sensitive. And he took the time to come with the Congressional Black Caucus last year to appear on a panel that we had dealing with this issue of diversity in diplomatic and intelligence matters.

He has made a tremendous contribution to our country, to the free world through his 30 years of service; and I

certainly would like to take this opportunity as we debate this bill to congratulate him on a career of great service and wish him well in the future.

With that, I would just like to associate myself with all of the remarks that have been said in a positive way in support of the Hastings amendment. I worked very hard when I was on the committee. I am delighted that the gentleman from Florida (Mr. HASTINGS) and the gentleman from Texas (Mr. REYES) and the other members of the committee are continuing this work because it is one on which we must be vigilant. We cannot afford to give it up. We have got to get it done, and we have got to do it until we get it right. And I want to commend the committee and commend my colleagues for a job well done. Hopefully, we can complete this and get on the road to having the best real-time intelligence for our policymakers and our war fighters based on the most broad net of collection devices and individuals.

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

Mr. BISHOP of Georgia. I yield to the gentleman from Florida.

Mr. GOSS. I appreciate the gentleman yielding. I just wanted to say I was remiss in my remarks not to note the gentleman's service on the committee on this particular issue and many other issues as well. It is a pleasure to welcome you back to the debate here.

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman very much.

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

Mr. Chairman, I rise to support the Hastings amendment and to again restate my appreciation for the service of the gentleman from Florida (Chairman Goss) and the service of the ranking member, the gentlewoman from California (Ms. HARMAN). I also want to thank the members who served on this committee, and I do not want to say served, I want to have it correct, the gentleman from Florida (Mr. HASTINGS) is still serving on the Permanent Select Committee on Intelligence. His leadership we have appreciated.

In the debate previously, he extended to me an opportunity to pursue reviewing a number of documents dealing with the question of the weapons of mass destruction. I wanted to publicly say to him that I noted in my remarks earlier how pleased I was in a bipartisan way this committee would not only open up this massive documentation but also work together in a bipartisan way to find out the truth. And I still hold to that, and I will comment very briefly in my remarks on that point. But I wanted to rise initially to support the Hastings amendment because we learned a lot after 9-11.

We learned that information would come or has come or needs to come from people from all walks of life, ethnic backgrounds and languages. We

found that in our intelligence community we did not have the reach that we possibly needed to ensure the safety of this Nation, to secure the kind of intelligence we needed to have representation in parts of the world where languages are spoken that we may not be familiar with. And so the issue of diversity is crucial. Not only that, I think it is important to have the "mosaicness" of America represented in the intelligence community, the intellect that they bring, the sensitivity that they bring, the cultural understanding that they bring, the knowledge that they bring about the Muslim faith, and also the understanding that all immigration, all people who are different does not equate to terrorism. That comes from a cultural understanding.

We know that in the United States military, we found that the military expanded its chaplain corps and that is, of course, to include people from many different faiths, and that those serving in the military come from many different faiths and many different racial and ethnic backgrounds. Many Hispanics are serving. Many Muslims are serving, many Native Americans, African Americans, obviously Caucasians, and certainly the wide breadth of diversity, Asian-Americans, in our Nation.

So this is a very good amendment, and I applaud the gentleman and I believe this will go a long way in securing America because that is what we are talking about in actually securing America.

I would like to take this opportunity also to lend my support to the Kucinich amendment. That clearly speaks to, I think, us getting at the truth, and that is to secure an audit that would include information about telephone and electronic communications between the CIA and the office of the Vice President.

I also lend my support to the distinguished representative, the gentlewoman from California (Ms. LEE), her amendment to require the Government Accounting Office to conduct a study to determine the extent of intelligence sharing by the Defense Department and the intelligence community with the United Nations.

Collectively, these amendments do not in any way indict the good work of the intelligence committee. What it does is helps to build, it provides anchors, it moves us forward in staffing diversity, but it also moves us forward in finding out particular aspects of this question dealing with the weapons of mass destruction.

I have already said on this floor that I believe that ultimately a commission, after the work of this House committee and after the work of the Senate committee, whatever their processes will be, that we look at creating an independent commission. I also believe that if we are to find wrong-doing that a special prosecutor would be appropriate as well.

I am prepared to work in this bipartisan effort, but I think truth is important. And, again, it is important not only for the American people, but my colleagues who in good faith, many who, sincerely, all of us, might I say came to the floor of the House and voted our conscience, many voting because they believed that we were under imminent attack by the alleged weapons of mass destruction. Many would say that those of us who argue this point will find it out. We will get ours. They will find the weapons of mass destruction.

□ 1915

Mr. Chairman, I will not be in any way offended because the question of America is about democracy and truth. It is about sharing with the American people the reasons why we make such decisions. It is not about a "get you" foreign policy. I do not need a "get you" foreign policy. I do not need to be victorious in this independent commission or the work of the intelligence committee. I do not need to find out that there were no weapons of mass destruction. I simply need to find the truth because the administration is obligated to tell the truth to the American people and to this Congress, for us to make the life and death decision of war and peace.

I also believe that war should have been the last option, but I believe my colleagues voted in good faith, and therefore, they should have the truth, the American people should have the truth, and I think a commission will bring us to a point of securing the truth.

So I rise in support of the Hastings amendment enthusiastically, the Kucinich amendment and the Lee amendment so we can move forward in a bipartisan manner.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

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

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. HASTINGS) will be postponed.

It is now in order to consider amendment No. 5 printed in House report 108-176.

AMENDMENT NO. 5 OFFERED BY MR. KUCINICH

Mr. KUCINICH. 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. 5 offered by Mr. KUCINICH:

At the end of title III, add the following new section:

SEC. 345. REPORT ON COMMUNICATIONS BETWEEN THE CENTRAL INTELLIGENCE AGENCY AND THE OFFICE OF THE VICE PRESIDENT ON WEAPONS OF MASS DESTRUCTION IN IRAQ.

(a) **AUDIT.**—The Inspector General of the Central Intelligence Agency shall conduct an audit of all telephone and electronic communications between the Central Intelligence Agency and the Office of the Vice President that relate to weapons of mass destruction obtained or developed by Iraq preceding Operation Iraqi Freedom on or after September 11, 2001.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the audit conducted under subsection (a). The report shall be submitted in unclassified form, but may contain a classified annex.

Mr. KUCINICH. Mr. Chairman, we now know that there were not vast stockpiles of weapons of mass destruction in Iraq when the U.S. invaded and that, therefore, Iraq did not pose an imminent threat to the United States, as the administration claimed before the war.

The question remaining is whether the administration compelled the Central Intelligence Agency to release raw, undissemminated information they knew to be unreliable because it helped support the worst case scenario concerning Iraq's weapons program and, therefore, helped make the case, an erroneous case it turns out, that Iraq posed an imminent threat to the United States.

The administration has made numerous assertions. The President in his State of the Union said, The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high strength aluminum tubes suitable for nuclear weapons production.

Number one, the claim about uranium from Africa was forged. Number two, the aluminum tubes were not suitable for a nuclear enrichment program. These assertions made by the President in his State of the Union to justify an immediate war with Iraq were false.

Did the Vice President play a role in making false information become the public reason the President went to war in Iraq? The Vice President, as reported in the Washington Post of June 5, 2003, Vice President CHENEY and his most senior aide made multiple trips to the CIA over the past year to question analysts studying Iraq's weapons programs and alleged links to al Qaeda, creating an environment in which some analysts felt they were being pressured to make their assessments fit with the Bush administration's policy objectives. That is from the Washington Post on June 5, 2003.

Number two, the Vice President knew or should have known that documents purporting to show that Iraq had bought uranium from Niger were forged. On March 7, the IAEA Director General Mohamed ElBaradei reported the following to the U.N. Security

Council: These documents which form the basis for reports of recent uranium transactions between Iraq and Niger are, in fact, not authentic. We have, therefore, concluded that these specific allegations are unfounded. We have found no evidence or plausible indication of the revival of a nuclear weapons program in Iraq.

It turns out that the forgeries were crude. Anyone with an Internet search engine could determine that these documents were forgeries. Yet on March 16, nine days afterwards, the Vice President repeated the falsehood on national television. He said, We believe, and he was talking about Hussein, has in fact reconstituted nuclear weapons.

The Vice President knew 1 year earlier, it appears, that the documents were forgeries and, therefore, the allegations false. According to the New York Times of May 6, 2003, More than a year ago the Vice President's office asked for an investigation of the uranium deal. So a former U.S. ambassador to Africa was dispatched to Niger. In February 2002, according to someone present at the meetings, that envoy reported to the CIA and the State Department that the information was unequivocally wrong and that the documents had been forged.

So public reports indicate the Vice President made assertions which were unreliable, and the Vice President visited the CIA, making analysts there feel, according to the Washington Post, that a certain output was desired from here.

In summary, what this amendment seeks to do is to probe what role the Vice President played in causing the CIA to disseminate unreliable, raw, previously undissemminated, untrue information about Iraq's alleged threat to the United States.

Specifically, this amendment would direct the Inspector General of the Central Intelligence Agency to audit all electronic and telephone communications between the Office of the Vice President and the CIA which would answer the question about how extensive the visits by the Vice President to the CIA were.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Kucinich amendment.

The gentleman from Ohio has woven an interesting story and made a number of bald and bold assertions, but I think it is important to look at what the amendment says.

The amendment calls for the Inspector General of the CIA to conduct an audit of all telephone electronic communications between the CIA and the Office of the Vice President relating to Iraq and WMD. The amendment is unusual and frankly a bit confusing. It purports to address what is allegedly a very serious issue, the altering or shading of intelligence for political, perhaps for strategic, purposes, but then it focuses only on the Vice President and only on his phone and e-mail communications.

If there was a real problem, one would expect a comprehensive review, but the amendment targets only one individual, the Vice President, and this is an individual who has the right, indeed he has the obligation, to receive information related to, for example, Iraq WMD and a run-up to a war.

However, the Vice President's telephone conversations are not recorded. Thus, the information that is sought in this amendment does not exist when it comes to telephone calls. Perhaps a record of the number of telephone conversations between the Vice President and the CIA could be compiled, but this would tell us only how many calls were made and when they occurred. Frankly, this is not useful information.

Mr. Chairman, the fact that the Vice President was in contact with the Intelligence Community should not be surprising. Frankly, it would be very upsetting if there was insufficient contact. These are sensitive communications, of course, on important matters. We should all expect the Vice President's office to talk regularly with the CIA, to visit the CIA for that matter, and the rest of the Intelligence Community. So should not the Vice President and the President be avid consumers of intelligence in order to be well-informed in the decisions that they make?

Remember what the amendment says. It is targeting the telephone calls between the Vice President, only the Vice President, and the CIA, only that component of the Intelligence Community, and the electronic communications that took place between that individual and that agency.

So it seems very clear to me that it is not a comprehensive review. It is targeted at the Vice President, and one simply has to realize that it is going to be unsuccessful in really revealing any information that it purports to have as an interest of the amendment.

Mr. Chairman, I think the amendment should be defeated.

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

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

Mr. KUCINICH. Mr. Chairman, I want to point out for clarification purposes, and I thank the gentleman for yielding, that the result of this amendment would be both a count of the number of communications and an inventory of the substance of the communications. The count would establish the number of times the Vice President took the unusual step of traveling to the CIA to meet directly with CIA analysts and the inventory would establish the nature of those visits.

I thank the gentleman for yielding.

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

Mr. Chairman, the gentleman from Ohio raises the serious issue of politicization of intelligence. The question of the integrity of the intelligence process is a legitimate one and has

been a continuing concern in the oversight of the intelligence agencies. The question of politicization of intelligence is an area that our committee, the Permanent Select Committee on Intelligence, will explore in its investigation of Iraq intelligence.

I must, however, oppose the gentleman's amendment. The amendment, in my view, does not take the best approach to ensuring a comprehensive look at the matter. It is narrowly focused on one possible area for investigation, and it addresses that one area in a way I believe would be counter-productive.

It is not clear to me that the audit as described in the amendment would develop useful information. The offices of the Inspectors General can be effectively utilized in congressional investigations and oversight, but the resources of these offices should be deployed according to a comprehensive plan of investigation.

In sum, I believe the gentleman has raised an important issue, and that issue should and will be examined in the context of our committee's investigation. The amendment in this form should be defeated.

Mr. KUCINICH. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, just to point out to the gentlewoman that I think it would be helpful if the committee supported the amendment because, at worst, if the amendment would be repeating the work of the committee, if it would be essentially redundant, then it could not hurt, and I would also want to point out that the gentlewoman is correct.

I mean, this amendment is narrowly focused, and it is aiming specifically at obtaining information relative to the relationship between the Vice President and the CIA. I thank the gentlewoman for yielding.

Ms. HARMAN. Just to conclude, Mr. Chairman, I believe that we can get to the issue of politicization of intelligence in a different manner, one that is bipartisan and one that falls within the thorough and comprehensive investigation of this committee. That would be a better way for this House to go.

Once again, I commend the gentleman for raising this issue but hope that we will decide to take a different course on this subject.

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

Mr. Chairman, the way I would characterize this amendment is as the cheap shot amendment. This is a totally political amendment. It is a totally cheap shot at the Vice President. It is an extension of a campaign being waged by the gentleman from Ohio who has made a number of speeches on this floor and around the country. I believe it is an extension of his presidential campaign to try and besmirch the record of this administration, to besmirch the good name of the Vice

President, and I think when people have an opportunity to really look at the amendment, they can see that it is so shallow in its wording and in its nature, that it is what it is.

It is a political amendment. It is only brought here to the floor to continue an opportunity for the gentleman from Ohio to try and find something that simply cannot be found.

It also, I think, degrades the work of the Permanent Select Committee on Intelligence. This gentleman who is offering this amendment has been a Member of this House. He knows of the work of the Permanent Select Committee on Intelligence. He knows that if he had some kind of a complaint about the kind of activity that he is trying to allege the Vice President has engaged in that he could come to the Permanent Select Committee on Intelligence. He could petition the chairman, he could petition the ranking member. He could ask the Permanent Select Committee on Intelligence. I guess we are not good enough to do our work that you have to seek some kind of an outside counsel or outside organization to try and look into it.

□ 1930

This is unprecedented what this amendment asks for. It is unprecedented in its nature to think that this body, under this amendment, is going to go after the phone records of the Vice President. Now, anybody who does not see the politicizing of what is going on here cannot see the nature of it. You can see it in the words, because they are very shallow.

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

Mr. LAHOOD. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman. Under the gentleman's logic, there would be no reason at all for any amendments to be offered from this floor. We might as well dispense with the amendment process and move to a system in which the committees of Congress report bills for a simple up or down vote from the whole House. So we might as well extend the suspension calendar for all bills.

Mr. LAHOOD. Reclaiming my time, Mr. Chairman, let me respond to the gentleman by saying this. If this is the authorization for the intelligence bill, and the gentleman is offering this amendment under our authorization, why does the gentleman not give some direction to the Permanent Select Committee on Intelligence to look into the matter? Why does the gentleman have to find somebody else to do it? And the gentleman may respond, if he would like.

Mr. KUCINICH. Well, Mr. Chairman, I thank the gentleman for continuing to yield, and I would say that, first of all, the idea that it is the committee's jurisdiction and, therefore, should be left to the committee, I do not believe the gentleman is seriously proposing

what I think is an absurdity, but the argument rests on the same absurd logic. All Members of the Congress have the privilege to offer amendments, and if a majority of the House agrees with the amendment, it passes. However, I do not believe it is legitimate or logical against my amendment to say that the Permanent Select Committee on Intelligence should enjoy an exemption from the amendment process.

Mr. LAHOOD. Mr. Chairman, what I am saying to the gentleman is apparently the gentleman does not think the Permanent Select Committee on Intelligence is doing their job. Apparently, the gentleman does not think we have the capability to carry this out, and so he has crafted an amendment to go to some outside group, some outside organization because the gentleman does not have trust and faith in what we have been doing and the work that we have been doing.

Mr. KUCINICH. Mr. Chairman, if the gentleman will continue to yield, I would ask that the gentleman not take offense. This is certainly, I would hope the gentleman would agree, a salient issue of interest to the American people and that the public does have a right to know, and there have been published statements that provide contradictory information relative to what is really a question of a singular cause of war. So I respect the gentleman's right to make these statements, and I would ask the gentleman to respect my right as a Member of Congress to offer this amendment.

Mr. LAHOOD. Well, I would say, Mr. Chairman, that if the gentleman wanted to offer an amendment on our authorization bill, at least he ought to give us the benefit of the doubt that we have professional staff and we have people who spend an inordinate amount of time, including the gentleman's ranking member because this is her only committee assignment. She spends all of her time in this Congress working on intelligence activities. Apparently the gentleman does not think enough of her expertise and the expertise of the committee staff on that side to give them some kind of an assignment.

And why the Vice President? Why not the President? Why not the Director of the CIA? Why not the Director of the FBI? This is a political amendment. This is an extension of a campaign.

The CHAIRMAN pro tempore (Mr. UPTON). The time of the gentleman from Illinois (Mr. LAHOOD) has expired.

Mr. LAHOOD. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. KUCINICH. Reserving the right to object, I would be happy to grant the gentleman an additional 2 minutes if he would be happy to return the favor to me.

Mr. LAHOOD. I will be more than happy to yield to the gentleman.

Mr. KUCINICH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. LAHOOD) is recognized for 2 additional minutes.

Mr. LAHOOD. Why the Vice President? Why not other officials of the government? Why not officials of the government who have direct responsibility for intelligence-gathering information? If there is some kinds of a cabal going on around here, why did the gentleman just happen to pick this individual?

I believe this is what it is. This is a political amendment. This is an amendment to try and embarrass one member of this administration. This is an amendment to try and embarrass the second-highest-ranking elected official in our government by some way, shape, or form, thinking that if the gentleman gets some kind of phone records he is going to find something out.

As members of the Permanent Select Committee on Intelligence, we get information every day, 24-7, our staff. Pretty much 24-7, our staff are working on gathering intelligence; and this is a slap in the face at the Permanent Select Committee on Intelligence, to the gentleman's own members, to our members.

It really is what it is. It is a political amendment, and I stand by what I said. It is the cheap shot amendment. It is the cheap shot amendment of the year. It gets the award, in my opinion; and I hope people see it for what it is.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent for an additional 2 minutes.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. KUCINICH) is recognized for 2 minutes.

Mr. KUCINICH. Mr. Chairman, I want to say to my friend, the gentleman from Illinois (Mr. LAHOOD), that I would hope the gentleman would appreciate receiving clear direction for an inquiry. I can only assume that the gentleman does not want the direction of the whole Congress to get to the bottom of the Vice President's role.

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

Mr. KUCINICH. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I simply would say to the gentleman that he knows that we have established in this bill two advisory committees. We had people on the floor earlier suggesting a commission; but apparently, the gentleman does not think the oversight obligation that we serve, as the Permanent Select Committee on Intelligence,

is enough. And I say it is a slight. It is a slap at us.

Mr. KUCINICH. Reclaiming my time, Mr. Chairman, I would just tell the gentleman that as a member of the Committee on Government Reform I certainly appreciate the role of government oversight, and I certainly appreciate the role of the Permanent Select Committee on Intelligence as well. I would say that if the gentleman did not want to get to the bottom of the role of the Vice President, which has been a matter of public contest and controversy long before I have spoken here, that would indeed be a reason to oppose the amendment; but it would not be a reason for anyone else in Congress to vote "no" on the amendment.

And to the Members of Congress, I say if they want to demand a thorough investigation into the role that the Vice President may have played in offering the American public discredited intelligence reports of a nonexistent Iraqi weapons program, then they should vote "yes" for my amendment.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield once again?

Mr. KUCINICH. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, let me simply say this. I would say that the gentleman's ranking member has bent over backwards. It was the gentleman from New Jersey (Mr. HOLT) and others who asked for the two advisory committees. And it is other people on the gentleman's side who are asking for some kind of a commission. Now, we have not acted on that, and that is not in this bill; but I think every request that was made by the gentleman's side to the chairman has been granted.

The CHAIRMAN pro tempore. Time of the gentleman from Ohio (Mr. KUCINICH) has expired.

Mr. LAHOOD. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. LAHOOD) is recognized for 2 additional minutes.

Mr. LAHOOD. Really, Mr. Chairman, I think we have done everything we can. Now, to go outside of the jurisdiction of the committee and to take a cheap shot at the Vice President, it makes no sense, I say to the gentleman. It really does not. I think, really, the truth is, after listening to this and listening to the fact that the gentleman's ranking member is not going to support the gentleman's amendment, I think it is in his best interest to withdraw the amendment.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

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

Ms. HARMAN. Mr. Chairman, I appreciate the kind words, and it's nice that the gentleman from Illinois is worried about me and whether I am re-

spected. I believe I am respected, and I believe that the person who offers this amendment respects me, and I certainly hope that he respects our committee.

I just want repeat something I said earlier, which is that our investigation will be thorough and it will be bipartisan and we will follow the facts unflinchingly. So I do not want the gentleman from Ohio to assert, because it is not correct, that we are taking things off limits. The reason I oppose the gentleman's amendment is that I think we will do a comprehensive job in a fair way, and all of us, on a unanimous basis, will proceed and go forward. We will do the right job for this House, and we should have a chance to proceed and do it that way.

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

Mr. LAHOOD. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I take great pride in serving in the Congress with the gentlewoman and the gentleman. I would say, though, that I do not see this so much as being a battle over turf as I see it being an assertion of the need for pursuing the truth. And I would expect that the Permanent Select Committee on Intelligence has the capability to do the job, but I also think that this particular matter is so unique that it receive the attention of the House, which is why I have offered this amendment and why I will continue to insist on it.

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

Mr. Chairman, I rise in opposition to my colleague's amendment, and I put it in the context of the work that this committee has done and that we have accomplished and the vision that we outlined in the Intelligence Authorization Act for 2004.

I serve as chairman of the Subcommittee on Technical and Tactical Intelligence. As such, one of our jobs is to oversee some of the Nation's most sophisticated intelligence technologies. I have the opportunity and responsibility for critically reviewing new concepts of operation. I must ensure that currently fielded systems continue to be capable of meeting the needs that we have outlined.

In this area, we are pursuing aggressive oversight. We have worked with the ranking member. We have been to the ranking member's district to meet with some of the contractors there; and I think it is a good example of how, in a bipartisan way, we have asked some tough questions of the intelligence community and of those groups that provide us with the materials and the equipment that we need. We have asked the Director of the Central Intelligence Agency to provide us with a long-range plan and how all of these pieces will fit together and what a strategic plan may look like for the next 6 to 10 years.

In the comments attached to the bill, we have outlined our disappointment

that that plan has not come forward to the committee, so that we are moving forward with a little bit less information, perhaps, at this time, than what we would like to have had. But I do not think that the amendment that the gentleman is bringing up is one that is going to work in the best interest of what we are trying to get accomplished.

On a weekly basis, this committee meets with the communities analytic cadre. We have met with them on a regular basis to review the intelligence that they prepared for us and they prepared for the President, the Vice President and Members of Congress; and that information is now available to all 435 Members of Congress so that they can take a look at what we were looking at and how we were shaping our judgments and where we were getting our information from.

I think it is important for the American people to know that. That information is not secret. We are being very open with our colleagues because we recognize the importance of maintaining the credibility of the process, the individuals, and the analysis that goes into the intelligence that we have gathered. We take this job very, very seriously.

One of the things that I am concerned about with this gentleman's amendment is that if we pursue this path, and in this case it identifies the Vice President but also implicates the folks at the different intelligence agencies as perhaps not keeping the best interest of the country in the forefront, then what we will end up with, and I agree with my colleague from Illinois that it is a cheap shot amendment because there is not a basis in fact to make these accusations against the Vice President or against the folks at the intelligence agency, but the result and danger is that what we are going to end up with is we are going to end up with a cadre of analysts that are going to be intimidated to such a point that they are going to go through the process, they are going to gather the intelligence, and they are going to be sitting there and saying, you know, I really cannot take the next step of providing some expert judgment, which I have been trained for, 5, 10, 15, 20, 25 years. I am not going to be able to share that expert judgment with the folks who recognize the source and the art of this work.

Remember, the job we give these folks, in plain English, is we ask them to go out and steal other people's secrets. We ask them to do that in an imprecise way and to put the pieces together. And when they have a few pieces of the puzzle, we ask them to try to paint for us what the picture and what the final puzzle may look like. If we put a cloud over their heads and say every time you have a few of the pieces out there and you have painted a picture for us, for us to better understand the environment after the fact, if what you laid out beforehand does not per-

fectly match what we find out afterwards, you have failed.

In reality, these are talented people. They are doing a very, very good job.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. HOEKSTRA) has expired.

(By unanimous consent, Mr. HOEKSTRA was allowed to proceed for 2 additional minutes.)

□ 1945

Mr. HOEKSTRA. They come back and they give us their best judgment. I am impressed with the work of the chairman and the ranking member, how they have set a course that says we are going to go through this in a bipartisan way. We are going to take a look at the information and how the people processed the information. We are going to take a look at how we analyzed it and how decisions were made off that information, but we are going to do that in a bipartisan way and we are going to make sure that we do not take this down a road of pure partisan politics because in the 2½ years I have been on this committee, in a bipartisan way we have kept as our primary focus what is good for this country, recognizing the sensitive nature of the information that we deal with, recognizing the importance of us to work through very, very difficult issues, but to reach a consensus that enables us to move forward.

That is exactly what the leadership of this committee has done, it is exactly the way that the members of the committee have guided their behavior, and it is what sets the behavior of our committee and the members of that committee apart from the amendment that is brought forward at this time.

It is a partisan amendment, it has a potential to be used in many, many different ways, but primarily in my analysis it hurts the prospect of truly improving the process so that when we move forward in the future, we will have the intelligence, the capability and the right people in place to ensure that we make the best possible decisions.

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

I rise to underscore the right of the gentleman from Ohio (Mr. KUCINICH) to offer this amendment and say that he is getting at a very important point, but to say further it is a bad amendment and should be opposed. It is both too narrow and too broad. He is certainly intending to get at an important point, but it is too narrow in that it deals with the phone records of one public official, and it is too broad in the sense that it is a fishing expedition. It is the kind of fishing expedition which I think so sullied some previous Congresses.

The question of whether intelligence has been cooked or coerced is a critical question, and I thank the gentleman for raising it. But in fact in the Permanent Select Committee on Intelligence we have already raised that, and we

will continue to raise that issue. I ask the assistance of every Member of this body on both sides of the aisle to help us formulate the questions that need to be asked and to hold us to task that those questions are asked to the satisfaction of all Members of this body and of the citizens of America. But I do not believe that this amendment will help us do that. I must oppose this amendment, and I encourage my colleagues to oppose it.

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

Mr. HOLT. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I think it would be useful as we begin these debates for us to reflect on the essential constitutional role of the Congress and on the importance of separation of powers and on the cause which took a Nation into war because we are not talking about just any other matter here, we are talking about a matter that resulted in the people of this country having their sons and daughters sent to Iraq.

Nothing less than the entire involvement of this Congress will do to be able to hold safe the constitutional prerogatives of separation of powers. No congressional committee can override the requirements of the Constitution and the role of this Congress.

When Members of this Congress gave the President authority to pursue an attack against Iraq, they took upon themselves a serious and grave responsibility, and since information has been presented that raises grave questions about the cause of our action against Iraq, we have a moral obligation to get into this, and I take nothing away from the Permanent Select Committee on Intelligence, but I would tell Members, the Permanent Select Committee on Intelligence should take nothing away from Members of the House.

Mr. HOLT. Mr. Chairman, reclaiming my time, perhaps the gentleman did not hear me earlier this evening when I said that what we are looking at are critical questions that have to do with lives and deaths that have occurred or might occur. It has a lot to do with the future direction of our country; but I do not believe that this amendment will help us carry out the investigation that we need to carry out and ask the questions that we need to ask and have for the future the kind of truth-telling intelligence agents and analysts who will help this country get where we want to go.

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

Mr. HOLT. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I want to respond to the latest speech of the gentleman from Ohio (Mr. KUCINICH), and that is to say if the gentleman really wants the prerogatives of the House to be worked out, let the Permanent Select Committee on Intelligence do it. The gentleman's amendment says the IG or the GAO is supposed to

go in and get the Vice President's phone records. If the gentleman thinks it is such a great idea, let us do it. We have been doing it. Why have some outside group do it? That is the flaw in the gentleman's amendment. That is what our committee is supposed to do. That is the flaw, and that is what politicizes it.

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

Mr. HOLT. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would direct the gentleman from Illinois to an article in the Washington Post on June 5 which says that the esteemed chairman of the Permanent Select Committee on Intelligence said there is "no indication that analysts at DIA or CIA changed their analysis to fit what they perceived as the desire of the administration officials."

The CHAIRMAN pro tempore (Mr. SIMPSON). The time of the gentleman from New Jersey (Mr. HOLT) has expired.

(On request of Mr. KUCINICH, and by unanimous consent, Mr. HOLT was allowed to proceed for 1 additional minute.)

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

Mr. HOLT. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, it goes on to say the intelligence oversight panels have received no whistleblower complaints from the CIA or other intelligence agencies on the issue. I would maintain that this would not be a subject of whistleblowing, and only the Office of Inspector General or in this case the investigative agency would have an opportunity to be able to get this in an evenhanded way, and it takes it out of politics at a time when Members suggest this is only political.

I might further add that I did not make my reputation in this House by raising partisan issues, and I do not see this as a partisan issue, I see this as justifying the administration's claim that this country had to go to war against Iraq because there was imminent threat.

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

I want to point out two things, and they are meant to be constructive. First of all, it is certainly true everybody in the United States counts on it being true and it is true that the Vice President and the President are responsible for the protection of the national security. The national security team involves the Vice President. The President and the Vice President are regular consumers of intelligence information, and were they not, we probably should be calling for some kind of an investigation.

I do recall it was not so long ago that one of the complaints from one of the Directors of the CIA was in fact just that, that he did not get enough quality time and enough access with the

top leaders of the country and the Intelligence Community was not being well-served. That was at another time and we need not go into that.

My suggestion to the gentleman from Ohio (Mr. KUCINICH), who I have great respect for, is that this amendment is truly not worthy of his best efforts. I do not believe the gentleman is fully informed on it. It appears that the gentleman is basing his amendment and information and his case on media. Again, at the risk of getting impaled by the media, I have this trouble with the errancy problem in the media.

Media simply does not know everything, and if they did, they would stop asking me and the gentleman from California (Ms. HARMAN) and other members of the committee questions. Believe me, the media does not know everything. They are not fully informed, and if the gentleman is using the media, the gentleman is not fully informed.

I invite the gentleman to come upstairs, sign the secrecy agreement if the gentleman has not already, and review the material. That is why we have it there. If the gentleman took advantage of that, the gentleman would be better able to understand what we are doing, and I would hope would be supportive of our efforts. Having said all that, I hope we are getting ready for a vote on this amendment.

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

I rise in support of the Kucinich amendment.

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

Ms. LEE. I yield to the gentleman from Ohio.

Mr. KUCINICH. The gentleman from Florida (Chairman GOSS) is familiar with the amendment and the letter of the amendment, and I would ask if the chairman would be willing to commit the Permanent Select Committee on Intelligence to seeking specifically the information that I am asking here of the Inspector General. Would the Permanent Select Committee on Intelligence be willing to conduct publicly an audit of all telephone and electronic communications between the Central Intelligence Agency and the Office of the Vice President as they relate to this matter?

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

Ms. LEE. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, certainly we will publicly not commit to that. We will publicly commit to where the review of the information takes us. We have a bipartisan agreement on that. We have 20 able members who are members of good judgment and good sense who will follow the review and the material that comes in to the appropriate places.

The gentleman from California (Ms. HARMAN) has used the word "unflinching." It is a fair word. I assure the gentleman I am going where the information takes us.

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

Ms. LEE. I yield to the gentleman from Ohio.

Mr. KUCINICH. I would suggest to the gentleman and I would not impugn his answer by stating that his unwillingness to clearly commit to gathering this information publicly would in any way reflect a partisan position on his part, just as my desire to have the Inspector General bring that information forward is not reflective of a partisan position on my part.

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

Ms. LEE. I yield to the gentleman from Florida.

Mr. GOSS. There are two reasons why this would be a difficult task to do publicly, and I would not make that broad a commitment. The first is that much of the material that the gentleman is talking about is probably classified if the gentleman is talking about the content of what may or may not be involved in calls, and I cannot go there.

The second part is the matter of Constitution which does understand that working documents and so forth of the executive are respected and privileged. That has always been the case no matter who is in the White House.

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

Ms. LEE. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, it would be more than instructive. It would be classified information if the Vice President manipulated CIA analysts to disseminate false, raw unreliable information to justify a war in Iraq. I am hopeful no one is saying that and I am not aware that the administration has asserted executive privilege in an attempt to shield such information from the Congress. I am not aware of that at all. Maybe that has happened privately, but I am not aware that such an assertion can be private and that in fact such an assertion has been made.

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

Ms. LEE. I yield to the gentleman from Florida.

Mr. GOSS. That is an option that they have and that is why I cannot make a commitment. I cannot overcome that.

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

Ms. LEE. I yield to the gentleman from Ohio.

Mr. KUCINICH. I would say in order for the test to be made to make the request first then imposes our responsibility as Members of Congress, and as a coequal branch of government, we are entitled to do that and the executive branch is entitled to assert executive privilege, if they so choose, and that would be illuminating, I think.

Ms. WATERS. Mr. Chairman, I rise today to ask that the Bush administration provide the American people with a full account of the events leading up to the war with Iraq.

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The amendment sponsored by Representative KUCINICH is a good starting point but there is still much that we do not know about the basis of our war with Iraq. Since August of last year, when the administration began beating the war drum, they have offered little concrete evidence backing up their claims that Iraq posed an "imminent threat" to the United States.

The rhetoric employed by the administration was strong and unwavering:

On September 12, 2002, the President told the UN: "Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons . . . Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon."

On October 7, 2002, the President said: "It [Iraq] possesses and produces chemical and biological weapons. It is seeking nuclear weapons."

The Vice President said earlier this year on "Meet The Press" that: "we believe he [Saddam Hussein] has, in fact, reconstituted nuclear weapons."

And the Secretary of Defense joined in saying: "We know where they [weapons of mass destruction] are, they are in the area around Tikrit and Baghdad."

Yet, despite this certainty, 3 months after the fall of Baghdad, no chemical, biological or nuclear weapons have been found. Nor have the facilities to make these weapons been found. The administration has tried to capitalize on our fears born out of the September 11th terrorist attacks, suggesting there was a link between Saddam Hussein and leaders of al Qaeda.

Even though this connection has been disproved consistently, the President still cites it as fact.

And today, we learned that at least one member of the intelligence community felt pressured to shape his reports to fit the administration's position on weapons of mass destruction even though he had no evidence to support those claims.

Congress must work to ensure that the information that comes out of the intelligence community is reliable and is not unduly influenced by anyone. This is not a partisan issue. This is about restoring the credibility of the United States both with our constituents and throughout the world.

The President has said that he is confident that weapons of mass destruction will be found; the evidence is strong he says.

I encourage him to shine the light of day on the evidence so that the world can understand why the United States went to war—unprovoked—and put the lives of thousands in danger.

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

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 108-176.

AMENDMENT NO. 6 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. LEE:

At the end of title III, add the following new section:

SEC. 345. REPORT ON INTELLIGENCE SHARING WITH UNITED NATIONS WEAPONS INSPECTORS SEARCHING FOR WEAPONS OF MASS DESTRUCTION IN IRAQ.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the extent to which intelligence developed by the Department of Defense and by the intelligence community with respect to weapons of mass destruction obtained or developed by Iraq preceding Operation Iraqi Freedom was made available to the United Nations weapons inspectors and the quantity and quality of the information that was provided (if any).

(b) SPECIFIC MATTER STUDIED.—The study shall provide for an analysis of the sufficiency of the intelligence provided by the Director of Central Intelligence to those weapons inspectors, and whether the information was provided in a timely manner and in a sufficient quantity and quality to enable the inspectors to locate, visit, and conduct investigations on all high and medium value suspected sites of weapons of mass destruction.

(c) ACCESS TO INFORMATION.—(1) Subject to paragraph (2), the Comptroller General may secure directly from any agency or department of the United States information necessary to carry out the study under subsection (a).

(2) The appropriate Federal agencies or departments shall cooperate with the Comptroller General in expeditiously providing appropriate security clearances to individuals carrying out the study to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(d) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall be submitted in unclassified form, but may contain a classified annex.

Ms. LEE. Mr. Chairman, first I would like to thank the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN) for her support and her leadership in crafting this bipartisan bill. Also to my staff, Julie Little and Shannon Smith, I want to thank them for their very diligent work.

This is a commonsense amendment seeking an answer to a question that the American people have a right to know: How was our intelligence regarding Iraqi weapons of mass destruction handled in the months before the war? Specifically, this amendment seeks a GAO study to determine the extent and timeliness with which the Intelligence

Community shared information about suspected weapons in Iraq with the United Nations inspectors on the ground searching for those weapons.

There are growing questions being raised about the use or possible misuse of intelligence in the months leading up to the war against Iraq. If intelligence was distorted, that raises serious doubts around the world about United States credibility. Our President told the American people, the Congress and the world that inspections had failed, that Iraq unquestionably possessed weapons of mass destruction, and that these weapons posed such a dire, imminent threat to the United States that we had no choice but to go to war. All other options, he said, had been exhausted. But the question we must continue to ask is, were those options truly exhausted? Were they, in fact, fully pursued? Did the United States Intelligence Community share information with the United Nations inspectors about suspected weapons sites? Did it happen in a timely and sufficient manner?

President Bush went before the United Nations General Assembly and stated, "My nation will work with the U.N. Security Council to meet our common challenge." He and Secretary Powell pledged to work with the United Nations to pursue inspections to seek out and destroy weapons of mass destruction. What we have before us is a question of both policy and credibility. If we failed to fully share intelligence with United Nations inspectors, we may have undermined their effectiveness. If we relied on intelligence that was distorted or less complete than implied, if we failed to share crucial information with our allies, then we have undermined our own national credibility.

This Nation launched a preemptive war based on what it claimed was indisputable evidence. If that evidence was not so solid and especially if it was distorted, then we severely undercut our ability to convince the world about future dangers from weapons of mass destruction in other countries. The doctrine of preemption, which I happen incidentally to strongly oppose, totally collapses without credibility.

For these reasons, we need to find the answer to these questions. The American people have a right to know. A respected and esteemed member of the Senate Select Committee on Intelligence said that he has been working for the last 6 months to try to force disclosure of important facts relevant to the sharing of intelligence information on suspect weapons of mass destruction sites by the CIA with the United Nations arms inspectors.

He continued, and I quote, "If it had been public knowledge in February or March of this year that the CIA had not shared information on all of the top Iraqi WMD suspect sites with the United Nations inspectors, it could have worked against the administration's timetable for initiating military

action against Iraq. There could have been questions as to why; it could have made the administration's decision to cut short the U.N. inspection process and to institute military action less compelling; and there could have been greater demand that we share all such information with the United Nations before abandoning the inspection process."

I share his concerns and I echo his call for a bipartisan investigation. These are not partisan issues, they are fundamental questions about credibility and they need to be answered. This amendment calls for a GAO study into the sharing of United States intelligence with the U.N. inspections teams. It calls for a report to Congress with a classified annex if necessary for security reasons. We are all aware that to date the United States military has not found weapons of mass destruction in its searches since the end of the war. We also know that that does not prove the weapons are not there. They may well be. And I believe we should bring in more IAEA and United Nations inspectors to help seek out, secure and destroy them if they are hidden in Iraq.

Given the Administration's confident and unequivocal statements that Iraq possessed weapons of mass destruction and given the President's assurances that he wanted to work with the United Nations to seek non-military solutions through a renewed inspections process, it is important that we learn to answer to the question of whether or not intelligence was shared in a timely and sufficient manner with the UN inspections teams.

I urge you to support this amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Members are reminded to refrain from improper references to the Senate.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word. I rise in opposition to the Lee amendment. It calls, of course, for the Comptroller General of the United States to conduct a study and determine the extent of intelligence sharing within the Intelligence Community, DOD and the U.N. inspectors in Iraq.

I would like to make two general points first. As a part of the Permanent Select Committee on Intelligence's review of the Intelligence Community regarding prewar intelligence on Iraq, the committee has already begun to examine this issue and will assess the effectiveness and procedures governing the sharing of intelligence to international and foreign bodies.

Secondly, the committee acknowledges that the Comptroller has some capabilities for investigation. But I would note that the Permanent Select Committee on Intelligence has a long and distinguished record of conducting bipartisan and thorough reviews of intelligence matters. Therefore, before outside help is requested, it seems only appropriate that the committee should have an opportunity to fulfill its mandate for the House and for the Congress

to conduct rigorous oversight of the Intelligence Community. This subject area of the amendment is not going to be neglected.

Now a few details. In the run-up to renewed weapons inspections in Iraq late last year, U.N. weapons inspector Hans Blix told the press that although his team could use U.S. intelligence, the team was not supposed to trust anyone, and that it was the team's decision, not a particular government's, as to what facilities and where the inspections were to be carried out.

The earlier U.N. mission to Iraq was accused of spying for the United States. Therefore, Hans Blix indicated that he had to make the distinction between his possible use of intelligence and his team's ability to conduct an independent and neutral investigation of Iraq's WMD facilities. Blix admitted using CIA reports in a November 28 interview with CNN but cautioned that he would not allow his team to be dictated to by a foreign government.

Some have suggested that the U.S. failed to provide the arms inspectors with useful information. At this point, this Member believes that this is simply not true, not true at all. We are going to find out about that, however, when we complete our investigation. Hans Blix actually received, I think, unprecedented access to intelligence.

The U.S. provided the U.N. weapons inspectors with the ability to task and assign U.S. U-2 surveillance aircraft operating over Iraq. He told the U-2s where to go and what to target. This is virtually unheard of, U.N. civilians ordering U.S. pilots on hazardous missions. Why did we do this? Why did we give a U.N. official this extraordinary opportunity and authority? In the words of Hans Blix, "The U-2 data will improve our ability to carry out our inspections."

If there was a problem in timely response to intelligence, the problem was in the U.N.'s ability to act on information after they had received it from the United States or from other sources. This is not really too surprising since there were literally hundreds of Iraqi agents or personnel whose job it was to slow down the inspectors, to send them in the wrong direction, or to make sure they would end up in the wrong place, or to report on their progress so that deception and deceit and cover-up could take place before they arrived. This is not a failing of the United States but, rather, the inability of UNMOVIC to overcome Iraqi denial and deception techniques.

The gentlewoman, I hope, would understand that if there were problems in communication of intelligence, much of the problem was the U.N. reluctance to rely on U.S. sources. This is addressed in an article in USA Today and I do not cite it except that they are quoting Blix. They were reluctant, they said, to rely on U.S. intelligence for fear that Iraq would accuse them of spying for the United States, an accusation that Iraq made, of course, the

first time we had inspectors in. Here is a quote:

"Still smarting from their admission that U.S. intelligence gave inspectors secret missions during the last round of inspections in 1998, U.N. officials have deliberately curbed access to the CIA and allied intelligence agencies."

The ground rules established by the U.N. stipulated that the CIA would not equip the inspectors, unofficial discussions between the CIA and the inspectors were prohibited, and only the U.N. would be allowed to analyze the data that was collected.

We have got a lot to look at. Members will have access to some of this very information across the board in an unprecedented fashion. This is a responsibility of the Permanent Select Committee on Intelligence. We have the capabilities. We have the intent. I would say we ought to be given the opportunity. Therefore, I rise in opposition to the gentlewoman's amendment. I hope it will be rejected.

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

Mr. Chairman, I have enormous respect for the sponsor of this amendment. She is prepared to vote her conscience in this House, even if she is a minority of one. I think that is admirable, courageous and her constituents should be enormously proud to be represented by her. I am certainly proud to serve with her.

I listened carefully to the comments made by the gentleman from Nebraska. Frankly, I agree with them. I think that is the context of the search for weapons by the U.N. inspector. However, agreeing with them does not get me to his conclusion. My conclusion is that we should support this amendment because it contains a specific request for a discrete investigation that would be of value in understanding precisely what information was shared with the U.N. weapons inspectors.

It may turn out that more was shared than we know. It may turn out that less was shared than we know. And it may turn out, and I think it will, that what the gentleman from Nebraska had to say includes the context in which it was shared. Nonetheless, I think this investigation could provide a constructive baseline in understanding the difficulties of conducting U.N. inspections.

Finally, Mr. Chairman, let me just say that the specific matters to be studied under this amendment are not to my knowledge currently part of the scope of our Committee's review. We are not specifically investigating what information was shared with the U.N., though we certainly could, I suppose. Thus, I believe the amendment is helpful and I would urge us to support it.

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

I rise to support the Lee amendment. I thank the ranking member for her support. As this House, our Nation and

the world debate the quality of the intelligence that the war in Iraq was fought over, it is too easy to forget that our troops were not the first to search the Iraqi desert for weapons of mass destruction. United Nations inspectors spent a decade searching for and destroying illegal Iraqi weapons facilities, but in the days and months leading up to the war, they were scorned for their failure to find weapons of mass destruction.

This resolution calls on the GAO to investigate how much cooperation the United States intelligence agencies gave United Nations inspectors. Understanding about that cooperation with the United Nations, or lack thereof, will give us a better picture of the efforts this Nation took to avoid war with Iraq. If America did not fully share its intelligence with U.N. inspectors, Congress needs to find out why.

The fact is that the rhetoric leading up to the war in Iraq led many Americans to believe that finding weapons of mass destruction would be absolutely easy, that the U.N. inspectors must have been grossly incompetent. But I do not believe that to be true and I think that our inability to find weapons of mass destruction now requires the United States to reexamine the rhetoric and the events that led up to the war. We need to find out beyond reports from USA Today if our U.S. intelligence agencies were cooperating fully with the U.N. inspectors. And we need to find out if the prewar rhetoric reflected the intelligence we shared with the United Nations.

This amendment is about getting answers to questions that we are all asking in this country. I urge my colleagues to support the Lee amendment.

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

I have given this amendment very careful consideration, and I appreciate the effort. I do believe we have got the matter handled already in the committee, and I will tell the gentlewoman that; and I would invite the gentlewoman upstairs to talk to us about it in a classified setting if she would like to.

The reason I say that I think this is unnecessary is I think it is duplicative of work we are doing that, frankly, we are best prepared to do. But I would like to point out there are a couple of problems with the United Nations that we have been working with for quite a number of years, and I think we, frankly, have the expertise to judge better than anybody else. Perhaps our sister body in the Senate, Senate Intelligence Committee, would dispute that; but I would say that either the Senate or us are going to do a pretty good job on this, and in fact we are both working on it.

The question of how much information we shared with the U.N. is a fair question to ask, and the answer is we shared a remarkable amount, more

than they could handle. It turns out as we heard from the gentleman from Nebraska's (Mr. BEREUTER) comments that the U.N. inspectors were very worried about being called spies of the United States and there was quite a debate about taking any information from the United States at all lest this be a U.S.-driven thing and Hans Blix did not want that and he said so publicly a number of times and said that frankly they could do the job fine without us.

But notwithstanding, we had been working with them for some time and giving them some good information and frankly at some peril because the U.N. leaks like a sieve, and there are some things about the U.N. that are worth noting. Not all the members of the U.N. are particularly friendly to the United States of America, and that brings us to the question of do Americans want us to be sharing our crown jewels and our sovereignty with nations who may not want to be particularly helpful to us and some who may actually want to be harmful to us.

So there is a question there of whether our American constituency would like us to keep this in control in the House or get it out where some other people might want to make some mischief for the United States of America and our security. And I am very much aware of that because we have actually had problems in the past that are documented, which I am not going to go into but which are documented, where materials and information was not properly safeguarded or was willfully given to the wrong people in the U.N. That is not a good track record and I think would not be prudent of us to ignore.

I would say that for some time U.N. weapons inspectors had unprecedented access to U.S. intelligence information. Whether they used it or not or wanted to use it was their problem, including analytical reports. We obviously protected our sources. We had imagery from the U-2 reconnaissance aircraft, which I think everybody knows now. Probably what some people do not know which I believe I can say is that the U.N. inspectors had the ability, the task to request how that U-2 was used. That is rather remarkable, turning over an asset like that to another country, a set of countries.

I believe everybody knows that Colin Powell played intercepts for the Security Council that are frankly things that do not happen in our committee very often. They do not play intercepts for us very often. So I would say an unusual amount of information, perhaps more than I would have approved of, was given to the U.N.

And there is a problem with the U.N. that I want to go into a little further, and it is an appearance problem; and it is one I think we are better prepared to handle in the House than an outside group trying to come in here. There is a lot of feeling, I think, that the U.N. does not always get it right in terms of

our national purpose or national mission, and I would point out that the presidency of the Security Council for the month of June is the Russian Federation. I would like to also point out, and I think I can say this in a responsible way, that there are an extraordinary number of Russian espionage activities going on in our Nation's capital as I speak, even though we are on a friendly basis. Nations do spy on each other. Russians are still in a little bit of their paranoia and their conspiratorial mode that there are things to find out about us that if they just ask us, they will not believe the answer; so they have to spy on us. We have a good friendship with them, but it has got a ways to go. There is a little bit of a problem there.

There is a problem with Syria which is on our terrorist list being on the Security Council. These kinds of things lead one to pause about how we do business, and these are matters which we are well aware of on our committee. And on the Commission on Human Rights, which has recently been in the news at the U.N., it is clearly true that the U.N. took a slap at the United States by throwing us off that commission in order to put Cuba on it. That is not really great. The chairmanship of that committee, I understand, right now is Libya. Libya's human rights record is not worth commenting on, it is so terrible. Zimbabwe? Give me a break.

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

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

Mr. GOSS. Mr. Chairman, when we take a look at this, the U.N. business is a complicated, complex business. We work closely with the Department of State, I&R, and others in this. We for years had a good working relationship. I do not think it is necessary for us to abandon that relationship or supplement it. So I am going to urge that we do not mess with what we have got now. If it turns out that there is a need to do that down the road, I will come back and admit it. But I do not think we are there at this point; so I will thank the gentlewoman for her amendment and the spirit in which it is offered.

Ms. LEE. Mr. Chairman, will the gentleman yield?

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

Ms. LEE. Mr. Chairman, let me just thank the gentleman very much for his response and for this debate, but I want to reiterate the purpose of this amendment, really, and it has nothing to do with whether one supports or opposes the United Nations. Basically, this amendment requires the GAO to conduct a study, a report, that would be submitted in an unclassified form but may contain a classified annex with regard to the sharing of information between our intelligence agencies and the

United Nations leading up to the war against Iraq. I believe the American people have a right to know this and this is what this sentiment of this amendment is, and I would urge the gentleman to reconsider.

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

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

Mr. GOSS. Mr. Chairman, I well understand the purpose of the gentlewoman's amendment, and what I am trying to say and outline for her is that dealing with the United Nations with intelligence is an extraordinarily complex issue, and I do not think there is a particular body in Congress that has more experience than the oversight committees on intelligence, House and Senate. And I therefore say give us a chance to do our job and I think she will understand. If the gentlewoman wants to know how much intelligence has been shared with the U.N., I guarantee we can find out upstairs.

Ms. LEE. Mr. Chairman, will the gentleman yield?

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

Ms. LEE. Mr. Chairman, I thank the gentleman again for that response; but, again, this amendment allows the American people to know what that information was in a declassified form. This amendment allows for a classified index, and I believe in terms of the fact that U.S. tax dollars were of course used in this war that people, the American people, just have a right to ask these questions and have the right to know. This has nothing to do with whether one supports or opposes the United Nations.

Mr. GOSS. Reclaiming my time, this is not supporting or opposing the U.N. I will tell the gentlewoman flat out that I do not have the capacity to declassify information. Our committee does not. We can get involved in a process, but the declassification question is another issue which I would love to enlist her support on on how we can make it better, but that is not part of this amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore. The Chair will once again remind Members to refrain from improper references to the Senate.

The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LEE) will be postponed.

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. DREIER) having assumed the chair, Mr. SIMPSON, 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. 2417) to authorize appropriations for fiscal year 2004 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.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER
TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from New York (Mr. HINCHEY).

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

There was no objection.

MEDICARE: H.R. 1 TURNS BACK
THE CLOCK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, as a member of the Committee on Energy and Commerce, I worked on the markup of the prescription drug bill, the Republican Medicare privatization bill, the other day; and I really could not figure out why Republicans were in every case doing the bidding of the drug companies and in every case doing the bidding of the insurance companies.

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I asked the chairman if it could be perhaps that because the drug compa-

nies contributed about \$80 million to campaigns last year, about 85 percent of that to Republicans, and the chairman said that could not be it. I asked if because our committee markup on two different occasions was delayed, stopped until the next day, stopped early because President Bush was headlining a major Republican event honoring the CEO of Glaxo Wellcome, one of the largest drug companies in the world, in this case a British drug company. He said that had nothing to do with it. I asked if it could be perhaps because President Bush was in the midst of raising millions of dollars this year from the drug companies and the insurance companies, if that is why the Republican drug bill was written by the drug industry and the insurance industry, and he said no to that.

Now, I will take the chairman of the Committee on Energy and Commerce at his word, that Republicans were not at the beck and call of the drug and insurance industry because the drug and insurance industry so richly funds the Republican Party. I will take them at their word.

But I finally figured out the reason that Republicans always do the bidding of the drug and insurance companies and why the Republicans want to privatize Medicare is because they just do not much like Medicare. And while that may sound strange to some Members of this House or anyone else that might be watching, I think we need to look at the history of Medicare.

In 1965, there were only 11 Republican Members of Congress out of 150 or 160 or so, only 11 Members of Congress on that side of the aisle that actually supported the creation of Medicare. Gerald Ford, later to become President, opposed it. Bob Dole, later to be a Senator and then a presidential nominee. Opposed the creation of Medicare. Strom Thurmond, a longtime, longest-serving Senator in U.S. history, opposed the creation of Medicare. Donald Rumsfeld, now the Secretary of Defense, was a Member of the House in those days and he opposed the creation of Medicare. Basically, almost every single Republican opposed the creation of Medicare. They made all kinds of comments about big government and socialized medicine, all of those kinds of things they said because they just did not want a government health care program like Medicare.

Then, during the Reagan administration, Republicans tried several attempts to privatize Medicare. They cut reimbursement for hospitals, they cut reimbursement for doctors, they tried to scale back the Medicare benefit for seniors, but they really could not get much through a Democratic Congress. But then, the day came in 1995 when Newt Gingrich came on the scene as the new Speaker and Newt Gingrich literally waited fewer than 100 days, literally fewer than 100 days until he tried the beginning of the dismantling of Medicare.

What Speaker Gingrich did was he tried to cut Medicare \$270 million and