

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 460, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 9, answered “present” 3, not voting 14, as follows:

[Roll No. 290]

YEAS—407

Abercrombie	Cummings	Hinchey
Ackerman	Cunningham	Hinojosa
Aderholt	Davis (AL)	Hobson
Akin	Davis (CA)	Hoeffel
Alexander	Davis (FL)	Hoekstra
Allen	Davis (IL)	Holden
Andrews	Davis (TN)	Holt
Baca	Davis, Jo Ann	Honda
Bachus	Davis, Tom	Hooley (OR)
Baird	Deal (GA)	Hostettler
Baker	DeFazio	Houghton
Baldwin	DeGette	Hoyer
Ballenger	Delahunt	Hulshof
Barrett (SC)	DeLauro	Hunter
Bartlett (MD)	DeLay	Hyde
Barton (TX)	Diaz-Balart, L.	Inslee
Bass	Diaz-Balart, M.	Isakson
Beauprez	Dicks	Issa
Becerra	Doggett	Istook
Bell	Dooley (CA)	Jackson (IL)
Berkley	Doolittle	Jackson-Lee
Berry	Doyle	(TX)
Biggart	Dreier	Jefferson
Billirakis	Duncan	Jenkins
Bishop (GA)	Dunn	John
Bishop (NY)	Edwards	Johnson (CT)
Bishop (UT)	Ehlers	Johnson (IL)
Blackburn	Emanuel	Johnson, E. B.
Blumenauer	Emerson	Johnson, Sam
Blunt	Engel	Jones (NC)
Boehlert	English	Jones (OH)
Boehner	Eshoo	Kanjorski
Bonilla	Etheridge	Kaptur
Bonner	Evans	Keller
Bono	Everett	Kelly
Boozman	Farr	Kennedy (MN)
Boswell	Fattah	Kennedy (RI)
Boyd	Feeney	Kildee
Bradley (NH)	Ferguson	Kind
Brady (PA)	Filner	King (IA)
Brady (TX)	Flake	King (NY)
Brown (OH)	Foley	Kingston
Brown (SC)	Forbes	Kleczka
Brown, Corrine	Ford	Kline
Brown-Waite,	Fossella	Knollenberg
Ginny	Frank (MA)	Kolbe
Burgess	Franks (AZ)	LaHood
Burns	Frelinghuysen	Lampson
Burr	Frost	Langevin
Burton (IN)	Galleghy	Lantos
Buyer	Garrett (NJ)	Larsen (WA)
Calvert	Gerlach	Larson (CT)
Camp	Gibbons	Latham
Cannon	Gilchrest	LaTourette
Cantor	Gillmor	Leach
Capito	Gingrey	Levin
Capps	Gonzalez	Lewis (CA)
Capuano	Goode	Lewis (GA)
Cardin	Goodlatte	Lewis (KY)
Cardoza	Gordon	Linder
Carson (OK)	Goss	Lipinski
Carter	Granger	LoBiondo
Case	Graves	Lofgren
Castle	Green (TX)	Lowey
Chabot	Green (WI)	Lucas (KY)
Chandler	Greenwood	Lucas (OK)
Chocola	Grijalva	Lynch
Clay	Gutierrez	Majette
Clyburn	Gutknecht	Maloney
Coble	Hall	Manzullo
Cole	Harman	Markey
Collins	Harris	Marshall
Cooper	Hart	Matheson
Costello	Hastings (WA)	Matsui
Cox	Hayes	McCarthy (MO)
Cramer	Hayworth	McCarthy (NY)
Crane	Hefley	McCollum
Crenshaw	Hensarling	McCotter
Crowley	Hergert	McCrery
Cubin	Herseth	McDermott
Culberson	Hill	McGovern

McHugh	Pomeroy	Slaughter
McInnis	Porter	Smith (MI)
McIntyre	Portman	Smith (NJ)
McKeon	Price (NC)	Smith (TX)
McNulty	Pryce (OH)	Smith (WA)
Meenan	Putnam	Snyder
Meeks (NY)	Quinn	Solis
Menendez	Radanovich	Souder
Mica	Rahall	Spratt
Michaud	Ramstad	Stearns
Millender-	Rangel	Stenholm
McDonald	Regula	Strickland
Miller (FL)	Rehberg	Stupak
Miller (MI)	Renzi	Sullivan
Miller (NC)	Reyes	Sweeney
Miller, Gary	Reynolds	Tancredo
Miller, George	Rodriguez	Tanner
Mollohan	Rogers (AL)	Tauscher
Moore	Rogers (KY)	Taylor (MS)
Moran (KS)	Rogers (MI)	Taylor (NC)
Moran (VA)	Rohrabacher	Terry
Murphy	Ros-Lehtinen	Thomas
Murtha	Ross	Thompson (CA)
Musgrave	Rothman	Thompson (MS)
Myrick	Roybal-Allard	Thornberry
Nadler	Royce	Tiahrt
Napolitano	Ruppersberger	Tiberi
Neal (MA)	Rush	Tierney
Nethercutt	Ryan (OH)	Toomey
Ney	Ryan (WI)	Towns
Northup	Ryun (KS)	Turner (OH)
Norwood	Sabo	Turner (TX)
Nunes	Sánchez, Linda	Udall (CO)
Nussle	T.	Udall (NM)
Oberstar	Sanchez, Loretta	Upton
Obey	Sanders	Van Hollen
Oliver	Sandlin	Velázquez
Ortiz	Saxton	Visclosky
Osborne	Schakowsky	Vitter
Ose	Schiff	Walden (OR)
Otter	Schrock	Walsh
Owens	Scott (GA)	Wamp
Oxley	Scott (VA)	Waxman
Pallone	Sensenbrenner	Weiner
Pascarell	Serrano	Weldon (FL)
Pastor	Sessions	Weller
Pearce	Shadegg	Wexler
Pelosi	Shaw	Whitfield
Pence	Shays	Wicker
Peterson (MN)	Sherman	Wilson (NM)
Peterson (PA)	Sherwood	Wilson (SC)
Petri	Shimkus	Wolf
Pickering	Shuster	Wu
Pitts	Simmons	Wynn
Platts	Simpson	Young (AK)
Pombo	Skelton	Young (FL)

NAYS—9

Conyers	Kucinich	Stark
Dingell	Lee	Waters
Kilpatrick	Paul	Woolsey

ANSWERED “PRESENT”—3

Payne	Watson	Watt
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NOT VOTING—14

Bereuter	Deutsch	Meek (FL)
Berman	Gephardt	Neugebauer
Boucher	Hastings (FL)	Tauzin
Carson (IN)	Israel	Weldon (PA)
DeMint	Kirk	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1641

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Mr. Speaker, earlier today, I missed rollcall vote No. 290, H. Con. Res. 460, regarding the security of Israel and the principles of peace in the Middle East. As a strong supporter of the state of Israel had I been present I would have voted “yea”.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 1205

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1205.

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

There was no objection.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 3720

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3720.

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

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4548, the bill about to be considered.

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

There was no objection.

INTELLIGENCE AUTHORIZATION  
ACT FOR FISCAL YEAR 2005

The SPEAKER pro tempore. Pursuant to House Resolution 686 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4548.

□ 1641

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 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 in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

Mr. Chairman, I rise in support of H.R. 4548, and I ask my colleagues on both sides of this great House to support this bill. Casting their vote is a vote of confidence, respect, and deep admiration for the honorable and heroic patriots who toil quietly, and usually without notice, throughout the intelligence community in order to keep

us safe, prosperous, and free in this wonderful country. It is imperative that these men and women understand in these troubled times that this House holds them in the highest regard and appreciates that the work accomplished by them is critical to the defense of our liberty and security. Amid great sacrifice and often intense conditions, the men and women of the intelligence community continue to perform their missions with great energy and admirable devotion to duty. We commend these officers. The security of our Americans at home and abroad truly relies on their success.

Mr. Chairman, if my colleagues like the Defense appropriation bill that passed yesterday on a vote of 403 to 17, then this bill should equally please my colleagues today. Yesterday's Defense appropriation bill was coordinated closely with the House Permanent Select Committee on Intelligence, and our funding levels are very, very close. The Intelligence bill currently before the House, however, authorizes funding slightly above the level the appropriators set for intelligence funding. In fact, this Intelligence bill funds the intelligence community at its highest levels in history. It exceeds the total fiscal year 2004 appropriated level for the intelligence community, including all supplementals, approximately by hundreds of millions. As my colleagues know, we cannot be totally precise on the numbers we speak. For all intelligence programs in this bill, the committee authorizes a total of approximately 16 percent over the President's February request.

This bill increases investment in human intelligence and the capabilities that they represent for us, the core mission of our intelligence community. It improves intelligence analysis, coverage in depth, so that we have more focused, sharper information for our decisionmakers. It strengthens intelligence community language capabilities across the board, through both improved legislative authorities and initial investment, so we have the people who know the languages we need to know to do our job.

It improves the structure and management of the disparate elements of the intelligence community's information technology systems by creating an intelligence community Chief Information Officer, hopefully to get better coordination so that we can overcome some of the problems we learned as we reviewed the events of 9/11. It bolsters U.S. counterintelligence resource capabilities; and, specifically, it adds 22 percent above the President's request for human intelligence and human-related programs. That is the core business of intelligence. Substantial increases in funding for improved analytical capabilities, as I have said, are included.

Significant additional amounts for information technology infrastructure, what we call enterprise architecture, is included, and information-sharing ca-

pabilities, which are critical. Tens of millions are included for improved foreign language capabilities.

This money has been carefully applied; it is carefully managed. This bill is very close to the bill passed unanimously out of our sister committee in the other body, with one major exception, of course, that they did not have the benefit of the contingent emergency relief fund during their consideration.

□ 1645

So, it is fair to say that our bill is more generous to the global war on terror than the other body's version, and that bill enjoys bipartisan support, unanimous bipartisan support I am informed.

Some in the minority have suggested that voting down this bill somehow better supports our intelligence community and makes our country safer. In my view, that is a convoluted to the point of absurdity. They say if an attack happens before the election, it will somehow be our fault for not funding the global war on terror.

I would point out that the 2004 fiscal year goes on until October, and any shortage of resources would be of interest to those who did not support the \$87 billion supplemental bill for fiscal year 2004.

All I would say is that the majority in the House Permanent Select Committee on Intelligence voted to support the men and women of the intelligence community in this bill today. We did not vote against the community and we did not shortchange the community in the global war on terrorism.

Now, there is an irony here. For years, I have been trying to get more support for intelligence. Usually the record will show that usually the cutting amendments have come from certain Members of the minority, as is their right. Now, it seems my sin is to bring forth a bill that spends not enough on intelligence rather than too much. Frankly, I think I should declare victory and say thank you all for listening.

But I will be disappointed, on a serious note, if at the end of this day, Members on all sides cannot agree that this bill authorizes proper sums carefully managed and properly coordinated with the appropriators and the other affected committees.

This is a very good bill with many important aspects that I have outlined. Indeed, it is with some hope I note the classified version of the minority views in their very first paragraph admit as much. Members who took the time to come up to the committee spaces to review the classified annex, which is available to all Members as usual, have seen the important work this committee has done.

Our work is not done in the public with klieg lights all the time. But it is a little misleading to suggest, as some have, that the committee product is less worthy because we do take seri-

ously the responsibility, our commitment it is, to safeguard properly classified material by using closed sessions. That, incidentally, has been the practice for all the recent Congresses that I have been on the committee.

We must also be mindful that our enemies watch and hear what we say. Our audience is the American people primarily. Those are the people to whom we are accountable and responsible and proud of the work we do, and are pleased to share it with them. But, unfortunately, our enemies are listening too, and we are a Nation at war. Sometimes the enemy is able to gauge their conduct on how this body acts. They are able to use psychological warfare to drive wedges. They also could gain an enormous advantage if we do not take the appropriate opportunities to keep from public discourse our committee discussion on the sensitive intelligence matters that we are charged with overseeing. And when we have that debate in committee, I like the committee to have the full range of conversation, so we start out with the idea in closed session and then we winnow out what we can talk about in public, which is why we are here today talking about what we can talk about in public.

For the past 7-plus years, I have been working to refit the intelligence community for its future, with the members of the committee, for whom I am extremely grateful, to posture it for the days ahead. We have always worked hard on the committee to create a constituency for intelligence inside and outside of this institution. We have insisted that the committee be both supportive advocates and constructive overseers. None of like gotcha politics when it comes to national security.

I have tried to engage the past two administrations on the needs to retool the Intelligence Community for smarter, better days ahead, and I have had the full support of the committee in our efforts so far. This bill continues that effort. I urge its adoption.

Mr. Chairman, I submit the following for the RECORD.

STATEMENT OF ADMINISTRATION POLICY—H.R. 4548—INTELLIGENCE AUTHORIZATION ACT FOR FY 2005

The Administration supports House passage of HR 4548, which authorizes appropriations for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the United States Government. The committee-reported bill authorizes funding that strengthens core intelligence capabilities and supports intelligence activities that would sustain the Global War on Terror.

Now more than ever before, our Nation's security relies on accurate, timely, and actionable intelligence—and the challenges facing the intelligence community are difficult and complex. This makes it vitally important for the administration and Congress to work together to provide the intelligence community with the tools and resources it needs to enhance our national security posture, win the Global War on Terror, and reduce the proliferation of weapons of mass destruction.

We are making advances in our ability to collect, process, and analyze intelligence information. Although not part of this bill, crucial innovations such as the PATRIOT Act and the Terrorist Threat Integration Center are helping us to protect our homeland by sharing information better than ever before. The President has also expressed his interest in working with Congress, when the time is right, to examine structural reforms that may be needed to improve our intelligence capability in the future. The upcoming reports of the Senate intelligence Committee and the 9/11 Commission, along with the work of the Commission on Intelligence Capabilities Regarding Weapons of Mass Destruction, will provide important information that will help Congress and the Administration in this effort.

The Administration looks forward to working with Congress to support the vital work of the intelligence community, especially its counterterrorism activities, to assure continued strong, flexible intelligence capabilities, and to refine certain provisions in this bill, including relating to procurement, to ensure that these provisions maintain the flexibility the President needs to most effectively manage the ongoing war against terrorists of global reach.

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

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

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

Ms. HARMAN. Mr. Chairman, strong intelligence is our first line of defense in the war on terrorism. And make no mistake, we are at war. The gruesome beheadings of Danny Pearl, Nick Berg, Paul Johnson, and yesterday's murder of 33-year-old Kim Sun Il of South Korea are stark reminders of the nature of our enemy.

Our brave men and women in the intelligence community are on the front lines fighting that enemy. They risk their lives for our freedom and they deserve our unflinching support. Yet, unfortunately, Mr. Chairman, this legislation deprives them of full support. This bill provides less than one-third of the key funding that the intelligence community has told us they need to fight the war on terrorism. Less than one-third.

I want to use my time to engage the gentleman from Florida (Chairman GOSS) in a brief dialogue on this important issue. I would like to ask my colleague directly, on my time, Mr. Chairman, does this bill provide all of the counterterrorism funding that the intelligence agencies have told our committee they need for the coming year? Yes or no.

I yield to the gentleman.

Mr. GOSS. Mr. Chairman, officially yes, because we do have the statement of support from the administration on this bill.

Ms. HARMAN. Well, Mr. Chairman, I appreciate that response, but the classified schedule of authorizations in the majority's bill specifically states that the additional funds are only for the first quarter of the year. Well, that is woefully inadequate.

The gentleman from Alabama (Mr. CRAMER), the gentleman from Min-

nesota (Mr. PETERSON) and the gentleman from Iowa (Mr. BOSWELL) all proposed an amendment to fully fund counterterrorism. Let me demonstrate exactly what this full funding amendment does. The majority's bill funds only first quarter ops tempo for counterterrorism. The full funding amendment, which we hope to offer, funds a full year for counterterrorism.

The majority's bill gives the CIA 11 percent less than fiscal year 2004 funding, whereas the full funding amendment we had hoped to offer gives the CIA 5 percent more than 2004 funding. The majority's bill funds only 5 percent of the NRO's CT budget, 19 percent of NSA's CT budget, 26 percent of NSA's CT budget, and 35 percent of the CIA's CT budget. The full funding amendment funds 100 percent of these budgets.

Finally, the majority's bill provides no supplemental funding for critical CT HUMINT support functions whereas the full funding amendment provides full funding for all the HUMINT support functions.

In short, Mr. Chairman, H.R. 4548 is too weak. What is the President going to tell the American people when they learn that we are going to have a gap in counterterrorism funding next year? There could be a gap of 3 to 4 months before we pass a new supplemental. And during that gap, our Nation will be at unnecessary risk at a time when, for example, we will be having events like the presidential inauguration and the Super Bowl.

The majority has twisted itself into a pretzel trying to justify this weak bill, all the while bemoaning the harmful impact of budgeting-by-supplemental on our intelligence community's ability and our committee's ability to do robust oversight.

Jim Pavitt, the CIA's Deputy Director for Operations, gave a speech this week in which he said that, "there is no end in sight" to the terrorist threat we face. Terrorism is no longer a one-time emergency. It is no longer something we should scramble around to fund. It is our way of life. It is our central national security challenge. And if the White House or the majority does not understand that, then we are in serious danger.

In our committee we offered several amendments to strengthen intelligence and strengthen oversight. They were common sense measures. Yet, all of them were rejected on party line votes.

Mr. Chairman, we know terrorists are actively planning to attack us again. We know there is nuclear material out there that is unaccounted for for sale to the highest bidder. We know the next attack will be followed by the usual Washington hand-wringing about why we did not do more.

The rule under which we debate today has squandered an opportunity to do much more. We have lost an opportunity to strengthen intelligence, to strengthen congressional oversight, to retire the soon-to-be-vacant DCI po-

sition and replace it with a 21st century organization capable of integrating 15 intelligence agencies into one intelligence community and to keep full faith with the brave men and women who are on the front lines at this hour risking their lives for our freedom.

This bill is weaker, far weaker than the American people deserve.

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

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the House Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, a world controlled by terrorists or threats of terrorists is not acceptable. A world controlled by dictators or dictatorial regimes or corrupt regimes is not acceptable. The United States of America is vulnerable on many fronts to these types of threats, but the more effective our intelligence operations, the better we are at what we do in the field of intelligence, whether it is technical intelligence or human intelligence. The more effective our intelligence is, the more secure America is and will be.

I believe we did very well in the area of overhead technology, as well as other types of technology, many of which we cannot even talk about here in this open session today, but we have not done nearly as well on human intelligence. And today's world requires a very effective human intelligence capability.

The gentleman from Florida (Chairman GOSS) and I have discussed this many, many times, because, as we appropriate for the intelligence activities, we work very closely with my colleague as he authorizes intelligence activities.

This bill, while I am sure you will hear much debate today that it is not a perfect piece of legislation, is a very good step toward making our intelligence capability far more effective. And I would say again, effective intelligence is good security. The more effective the intelligence is, the more secure our Nation and our people.

I commend the gentleman from Florida (Chairman GOSS) for the good work that he has done in preparing this legislation. I know that there will be serious debate. There will be amendments that will be offered. But I have to give credit to the chairman for having produced a good product.

I hope that the House will vote on this bill in big numbers. While we worked together in developing our appropriations bill that we passed yesterday, we actually came up with our own conclusions, but our conclusions were very similar in to those in this authorization.

So I support the bill and I commend the chairman.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the House Committee on Armed

Services, the committee on which I was honored to serve for 6 years.

Mr. SKELTON. Mr. Chairman, this is an important bill. It provides for the programs and activities in our national intelligence agencies. As the attacks of September 11, 2001, and the war in Iraq have taught us, timely and accurate intelligence is so vitally important in both protecting our country domestically as well as enabling us to act militarily.

I view this bill from the perspective of having served on the Committee on Armed Services for over 25 years, and also as a former member of the Permanent Select Committee on Intelligence. Year in and year out, both of the bills from the Committee on Armed Services as well as Permanent Select Committee on Intelligence historically passed the House with broad bipartisan support.

That is why I am troubled by the path the intelligence authorization bill has taken this year. I cannot remember the last time an intelligence bill passed out of committee on a party line vote or when amendments offered in committee were all voted down on a party line. I am also disappointed that the Committee on Rules only made in order one Democratic amendment.

□ 1700

What is all the more disappointing is that apparently the reason for the posture of this bill is that the majority has been unwilling to provide as much funding for counterterrorism activities as intelligence agencies have told the committee they need. I would remind my colleagues that we are now in a war against terrorism. I would think that we should make sure that all the funding goes into the counterterrorist area.

So although this bill may provide an overall increase in funding, which is a positive note for these intelligence activities, the details really are important. It is unfortunate we cannot increase the budget in the places that need to have it the most; and though I will favor this bill, I must express my disappointment, my deep disappointment at the shortage in this area.

Mr. GOSS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), a chairman of a subcommittee of the committee.

Mr. GIBBONS. Mr. Chairman, I rise today in very strong support of H.R. 4548, the Intelligence Authorization Act for fiscal year 2005.

As the chairman of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I can say unequivocally that H.R. 4548 is one of the best, most far-reaching, most constructively critical, and urgently needed authorization bills that I have been involved in.

The bill makes urgently needed fixes to the CIA's human intelligence collection capability that even the DCI suggested was 5 years away from being adequate. I do not believe we can or

should wait 5 years, and it also authorizes a very sizeable amount beyond the DCI's base request to ensure we keep up the maximum possible operational tempo against the counterterrorism and counterproliferation targets, both inside and outside the theater of war.

In the area of analysis, significant new funds will be provided to address a critical concern: the simple lack of analytical depth. The DI analytical cadre is badly in need of bench strength and real expertise. We have been burning up our analysts in wartime conditions and shipping the majority of them to cover pressing counterterrorism requirements since the mid-1990s without being able to adequately backfill positions.

Those analysts need to have the right skills, firsthand exposure to countries or issues they cover, cultural appreciation and, if at all possible, the necessary foreign language skills in order to be effective, and H.R. 4548 addresses all of these issues, particularly with regard to language, which has consistently been a high-priority item for the Permanent Select Committee on Intelligence and a pressing need for the whole intelligence community.

The bill addresses counterintelligence shortfalls, ensures that the necessary infrastructure for field operations, training, and a host of other important activities are adequately funded, and brings astonishingly new technical tools into play.

The bill continues the committee's long-standing efforts to get the CIA's dangerously flawed compensation reform plan back on track; and it demonstrates that we strongly support a more aggressive, risk-taking, innovative intelligence collection posture. Such a posture would finally give us a fighting chance to penetrate terrorist groups. It would also allow us to tackle other hard-target countries, countries that have plans and intentions to do us harm.

Overall, H.R. 4548 demonstrates that we are going to back up our spies and our analysts when it counts the most.

To my distinguished colleagues on both sides of the aisle, this war we are in is not just about Iraq or about Afghanistan or about where Osama bin Laden may be hiding. It is truly a global war on terrorism with significant global challenges; and these include money laundering, illicit traffic, the preaching of hate, kidnapping, extortion, and even at the national level, as we saw, the Madrid train bombing and the elections that followed.

It is a war that is going to take time to win. It is a war that is going to take fortitude to win, and it is a war that is going to take a substantial and continued investment in our intelligence community.

I ask my distinguished colleagues to support H.R. 4548 for the sake of our Nation's security. Some of my colleagues across the aisle have decided that it is not important to provide for the intelligence community in the mid-

dle of the global war on terrorism, and I say it could not be more important.

This bill moves us closer to acquiring the capabilities and directions that are needed not only to win the war on terror but to win the peace in Iraq and to make sure we do not forget about the rest of the world. We must never forget that the actions of others affects U.S. national security interests. We must never retreat in the face of evil.

Vote "yes" on H.R. 4548 because it is urgently needed. The Nation simply cannot afford to shortchange its men and women out on the frontlines.

Ms. HARMAN. Mr. Chairman, those of us on this side of the aisle feel it is important to fund stronger intelligence in the global war on terror, and it is now my pleasure to yield 2 minutes to the gentleman from Texas (Mr. REYES), a dedicated member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me the time, and I also want to express my appreciation to the gentleman from Florida (Mr. GOSS), our chairman, and the ranking member for the hard work that they always put into these kinds of efforts and legislation.

Mr. Chairman, there is much that we expect from our military, from our intelligence personnel, and from our civilian employees in what we call this war on terrorism. We all take a great deal of pride in their work, their professionalism, their dedication, and, yes, sometimes the sacrifice that they make by making the ultimate sacrifice on behalf of our great Nation.

So my question this afternoon is, When we expect so much from them, why can we not expect the same from ourselves? Why can we not put together a piece of legislation that supports them with the same dedication, the same professionalism, the same level, 100 percent, of the funds that are required for them to succeed?

In this legislation, Mr. Chairman, I was pleased to see that some focus in this bill is on improving the functioning of the new intelligence analysis element of the Department of Homeland Security. I was also pleased that the bill, in general terms, recognizes the importance of sharing information between the Federal, local, and State levels and also the Federal levels such as the FBI.

I was, however, Mr. Chairman, disappointed that the bill did not include language supportive of focusing on the necessary resources of the El Paso Intelligence Center, such as enhancing the key contributions that it makes towards homeland security through intelligence analysis and information sharing. Just as the committee has increasingly supported the FBI's joint terrorism task forces as a potentially useful model for information sharing, EPIC is also a successful model for focusing intelligence and law enforcement resources on protecting the U.S. Southwestern border.

I am most disappointed, Mr. Chairman, that this bill does not include a

provision like the Peterson amendment, which would have funded the intelligence requirements at the full 100 percent level in this war on terrorism. This is not about whether we supported the \$87 billion supplemental, not about politics. It is not about anything other than giving the full amount of resources that are necessary to dedicated personnel in the field.

Mr. GOSS. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from North Carolina (Mr. BURR), a valued member of the committee and distinguished Member.

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

Mr. BURR. Mr. Chairman, our enemies are watching us. The terrorists know it is an election year, and they want us to become divided. They believe that a terrorist act against our country will influence our elections. They have a belief that democracy can be divided; yet they underestimate the passion of our citizens and their patriotism.

Despite the decision of minority Members to play politics with this bill, I believe we all are united against our enemies. These are serious times, and it is important that we send a message to our enemies that we cannot be divided. Support this intelligence bill. Send the message.

It sends the message that we are on the offensive to eliminate the threats to our homeland. Our intelligence community needs to know the United States Congress supports them 100 percent.

This bill increases the funding for the global war on terrorism. It increases by 22 percent our human intelligence. It supports our effort on counternarcotics to eliminate the 17,000 Americans that die every year from drug-related causes and the \$160 billion annually in health care, social, and criminal costs. We have provided extra funding for the DCI to tackle this problem in this country.

On a personal note, Mr. Chairman, I would like to bid farewell to my colleagues on the House Permanent Select Committee on Intelligence. I have enjoyed serving under the leadership of the gentleman from Florida (Chairman GOSS), and I think we are all fortunate that he was in the Chair immediately following September 11. The gentleman from Florida (Chairman GOSS) was the right man for our country when we needed an intelligence community with expertise, intelligence, moral clarity, and compassion. We will miss him.

I would also like to recognize the gentleman from Nebraska (Mr. BEREUTER), who will also leave, and wish him good luck on his future endeavors. I have been proud to serve with both of them.

Immediately after September 11, the esteemed chairman of the Committee on International Relations came to this floor and quoted the words of Sir Winston Churchill which he wrote 6

decades ago: "Civilization will not last," Churchill wrote, "freedom will not survive, peace will not be kept, unless a very large majority of mankind unite together to defend them."

We were united on September 11. Let us unite today. Let us support the Intelligence authorization bill. Let us do it because it is the right thing to do.

Ms. HARMAN. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL), ranking member of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman for the time.

I thank the gentleman from Florida (Mr. GOSS) for his hard work. I agree with some things that have been said about the gentleman's good work. I actually thought, and I do not say this in anything but a gentleman's way, I thought he would accept our idea to fully fund counterterrorism. He surprised me, but I still do not take away from his good work, and I want him to understand that.

But the debate over the Intelligence authorization bill this year has been a hard fight. There are some serious disagreements about what the best bill to protect the American people ought to look like.

I believe this bill has not gone far enough to strengthen intelligence and strengthen oversight.

We, in this House and on the Permanent Select Committee on Intelligence, have not shied away from standing strong and debating these issues head-on. I believe what the American people deserve is our best effort to support what we believe is right.

A lot of good work has gone into the bill. As the ranking Democrat on the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I am glad to see funding and support for analysis.

As we have reviewed the intelligence on Iraq's WMD, it has become clear to us that analysis did not have the ability to examine the reliability of sources. It now appears, for example, that all four sources that Secretary Powell relied upon to describe Iraq's mobile bioweapons facilities were not solid. I hope that this bill's support will improve the quality of analysis so that a future Secretary of State has better intelligence at his or her disposal.

I am also pleased to see investment in long-term HUMINT needs, the hiring and training of new case officers. The demands of the counterterrorism campaign have been great and the intelligence agencies have worked hard to meet those demands, but the war in Iraq has stretched our resources. According to The Washington Post, one of the largest intelligence efforts since the Vietnam War is under way there.

I am concerned that the demands Iraq has placed on our intelligence re-

sources have left large parts of the world alarmingly undercover.

While this bill makes long-term investments, the bill falls short on addressing some of the most urgent needs. This bill only provides one-third of the additional funds the intelligence agencies say that they need to fight terrorism.

The President will not send the rest of the funding request to Congress until after the election, at the same time that he is urgently warning of a possible terrorist attack before the election. To me, this state of affairs is unacceptable.

I say to my good friends and colleagues here today, What should the American people expect us to do? They expect us to do what is right to provide them safety through funding counterterrorism. I hope the President will send this supplemental funding request to Congress before then so we can get on with the business of protecting the American people.

I had hoped that this bill would have been stronger, stronger in its support to the dedicated men and women of the intelligence community, and I look forward to working with my colleagues to improve it as we go through the conference.

Mr. GOSS. Mr. Chairman, I would say to the distinguished gentleman in the well who just finished that I would have been pleased to have the opportunity to try and work out his amendment if we had seen it ahead of time before committee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. COLLINS).

□ 1715

Mr. COLLINS. Mr. Chairman, I thank the gentleman from Florida (Chairman GOSS) for yielding me this time.

Mr. Chairman, I rise in strong support of the Intelligence Authorization Act for the next fiscal year. Yes, we are at war. We are at war and a different kind of war than we have seen before. We are at war with an enemy who has no identity, who has no uniform and has no country. And I agree with the statement that was made earlier. I see no end in sight for this war. But, Mr. Chairman, I also see no end to the funding in sight for the intelligence community who does such a good job of providing us with valuable information.

The President said it right at the podium there just past February when he said we are a Nation of many responsibilities, but the primary responsibility of this country and this government is the safety of the American people. We are discussing the authorization for funding, funding that was passed yesterday in the defense appropriation bill. We disagree on the funding levels, yes. We also disagree on whether or not we should create a new bureaucracy, a new level of bureaucracy to head up what I call a super spy organization for the intelligence community.

But as we move forward with the changes that are being made today over at the CIA with the retirement of Director George Tenet, we need to also keep in sight those who are doing the job and make sure that they have the funds and the funds that would be available under this authorization to perform their duties.

We will debate the differences, the differences we have based on the different political parties, the different philosophy, and then we will vote on those differences later on in this process, but I urge those on both sides of the aisle that when it comes to the final passage of this authorization, we should all vote yes. We should vote to support those who are in harm's way gathering information so that we will have the correct information, as best as possible, to fight the war on terrorism and protect the American people.

Ms. HARMAN. Mr. Chairman, I would point out to the gentleman from Florida (Chairman GOSS) that our amendments were shared in advance and our views on budgeting by supplemental have been known for years and are shared by the majority.

Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), a courageous member of our committee.

Mr. PETERSON of Minnesota. Mr. Chairman, here in general debate, I feel it is necessary to repeat what I said earlier for the sake of colleagues who may be listening in their offices before they come down here to vote.

This authorization bill has a lot of good things in it, and I want to commend the gentleman from Florida (Chairman GOSS) and the ranking member, the gentlewoman from California (Ms. HARMAN) and my colleagues for the work that they have put together in this bill. And to the gentleman from Florida (Chairman GOSS), I want to say that this Member will miss you when you are gone next year, and we appreciate your leadership.

But this bill just is not strong enough. It does not fully authorize funds for the intelligence community's key counterterrorism operations. It authorizes less than a third of the funds that the intelligence agency needs for key counterterrorism operations next year, and that is just not the right thing to do when the Nation is under threat from terrorism.

The administration has said that they are going to send down another supplemental request next year, but there is ample evidence that al Qaeda is plotting to strike us again this year, next year and into the future.

This bill leaves 3 to 4 months open funding before a supplemental bill can get through this Congress. If there is another terrorist attack, do we want the next 9/11 commission to find that the Congress failed in our duty to fully authorize funding for counterterrorism? I think not.

In the Permanent Select Committee on Intelligence, we sit up there for

hours listening to the different agencies tell us how critical it is for these funds to be authorized. They roundly criticize the practice of funding them on recurring supplementals. Supplementals prevent them from planning effectively. They prevent us from doing adequate oversight. They have to rob Peter to pay Paul while we wait for these additional funds to arrive, and they will probably not receive those funds until sometime next year, in April or May, and as I said, it is going to leave 3 or 4 months open.

Supplementals have also been roundly criticized on our committee by a bipartisan membership in the committee. The agencies have indicated with some precision that additional funds that they will need in the coming year, what they are, and we have addressed that.

So the question before the Congress is quite simple. Do we want to fully authorize funds for the intelligence community's counterterrorism requirements, or do we not? As it stands now, the majority answer to that question is no, and I think we need a stronger bill.

Mr. GOSS. Mr. Chairman, could I inquire the status of the time on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. GOSS) has 12 minutes remaining. The gentlewoman from California (Ms. HARMAN) has 15½ minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), a dedicated member of our committee, who is ranking member on the Subcommittee on Technical and Tactical Intelligence.

Mr. CRAMER. Mr. Chairman, I want to thank the gentlewoman from California (Ms. HARMAN), and I want to say to the gentleman from Florida (Chairman GOSS) that I have enjoyed his service on this committee. And even though we have had strong differences here at the very end, we have enjoyed his dedication to these issues and we will miss him.

To the gentlewoman from California (Ms. HARMAN), of course, I count on your leadership and your dedication to the field as well.

Mr. Chairman, I am the ranking member of the Subcommittee on Technical and Tactical Intelligence, and I served with the gentleman from Michigan (Mr. HOEKSTRA) on the other side of the aisle. And we have had another good year as well, and despite my differences over the counterterrorism funding, I want to talk about positive aspects of this bill that I do support.

In addition to the investments in human intelligence and language skills, the bill strengthens our Nation's tactical and technical collection and analytical capabilities.

I am proud to say that H.R. 4548 advances the analytical efforts at the Missile and Space Intelligence Center, known as MSIC, which is in Huntsville, Alabama, my Congressional district.

MSIC works to assess the capabilities of surface-to-air missiles that continue

to be proliferated across the globe by illicit arms traffickers and terrorist groups threatening both military and civilian aircraft. And those men and women there at MSIC work very hard to make sure that we are right on the edge of analyzing that material, and we provide them the skills and the tools and the funding to do that with.

At this time, also I want to thank my colleague from the Alabama delegation, the gentleman from Alabama (Mr. EVERETT) who is also on this select committee. He looks after Alabama's involvement through the Missile and Space Intelligence Center through those good people there that work on those issues, and we in north Alabama thank our lower Alabama native for his dedication and support there as well.

But we will continue with this effort to make sure that we give the field the tools that they need to do the work that they should be able to do. A better understanding of the threat capability is needed, and this is a bill that provides for that as well.

So all in all, I think this is a good bill, and in spite of my strong feelings that we should have fully funded counterterrorism, there are strengths in this bill.

Ms. HARMAN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for her leadership in the committee, and to the chairman of the full committee, who has given much for this country, both in service and in representing his congressional district, as well as this committee, I salute him, and we all salute him for it.

To the gentleman from Nebraska (Mr. BEREUTER), who will be leaving the House of Representatives, I salute him as well for his wonderful service on the House Permanent Select Committee on Intelligence.

Mr. Chairman, last week was really quite an extraordinary week for those of us who serve on the House Permanent Select Committee on Intelligence. Breaking with past precedent, all committee Democrats voted against the intelligence authorization bill in the committee markup. And there was one primary reason for that, and that is that counterterrorism is underfunded significantly, by two-thirds, in this authorization bill.

I have said more than once you cannot have a 100 percent commitment to counterterrorism and the global war on terrorism if you are only going to fund it by 33 percent.

We have failed, I believe, to do everything we can to strengthen the oversight. Truth is the oxygen of democracy, and it is the responsibility of members of the House Permanent Select Committee on Intelligence to pursue the truth through strong oversight.

We offered amendments to fully fund the intelligence community's counterintelligence operations, and we offered amendments in the committee to



strengthen oversight. They were rejected by the majority. I offered the amendment at getting the straight story on the Defense Department's relationship with a man by the name of Ahmad Chalabi.

I want to know why the Department invested so much political and financial capital in a man with such a checkered past. The CIA terminated its relationship with him because it found him to be unreliable. The State Department could not account for how he was spending U.S. Government funds. And despite the obvious warning signs, the Defense Department could not wait to give him more money. Now we are finding out that Mr. Chalabi's organization may have fed the intelligence community misleading or fabricated information on Iraq's weapons of mass destruction. He may have been instrumental in persuading the administration that the Iraqi people would welcome U.S. soldiers with open arms, rather than improvised explosive devices.

That is why we have come to the floor. That is why we have come to the floor with our objections. Bipartisanship means that people come together. It does not mean that one side stands and says, you have to meet us 100 percent in order to make it bipartisan. We should be able to agree on the money for counterterrorism and for stronger oversight.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. LAHOOD), the distinguished chairman of the Subcommittee on Terrorism and Homeland Security.

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

Mr. LAHOOD. Mr. Chairman, let me add to what I said in the rule about the chairman. No one in this House, for the last 10 years, has done more for the intelligence community, for the people who work in the intelligence community than the gentleman from Florida (Mr. Goss). No one has.

As a former CIA agent, he came to the House with the kind of experience that I think most of us would relish, and he took it to the Permanent Select Committee on Intelligence and has done an extraordinary job. Now, does anybody believe that somebody like Porter Goss is going to sell short the intelligence community; is going to sell short the men and women who work in dark places in the world? It is not even believable.

He has been working at it for 10 years as a member of the committee, 8 years as the chairman, and he served as an officer of the CIA. This is nonsense for you to be coming to the floor trying to persuade people, the American people or Members of the House, that the chairman of the committee is going to sell short the CIA. Baloney. Do not believe it. If you are watching this on C-SPAN, do not believe it.

This guy has been committed to this stuff his whole life. You think he is going to take the committee down this

primrose path? Of course, he is not. So do not come here with your charts and do not come here with your staged speeches and try and diminish the work this fellow has been doing on behalf of people all over this world to collect intelligence and do a good job.

No better person here in this House to talk about intelligence and funding it and making sure that we have the money to do it than PORTER GOSS. And we thank him for his service. Thank God he was the Chair of the committee when 9/11 happened.

And for people who come to the floor and have voted against opportunities to fund defense and to fund counterintelligence, really, to me, you have no standing here when you come down here and say we are selling it short. You know it is baloney. You know it is not factual. And you know that the American people are not going to buy it. This guy is not going to sell the intelligence community short.

Bipartisanship ended this year, but it started last year with a document in the other body, where a whole game plan was laid out where the Democrats were going to try to diminish this administration and use the intelligence community to do it. That is not right. It is not fair to people who work hard in this business, who spend their careers trying to find people who want to do harm to America. But that is the way it is. That is what happens around here.

And you have fallen into this trap where your leadership has decided they are going to use the intelligence community to try to diminish the work of people who work hard, for no good reason except for political gain. You know what? People in the House are not going to buy it.

I say support the bill. It is a good bill. It is a bill that was drafted in a way that will help the intelligence community do the hard work that needs to be done.

□ 1730

It will provide the funding that needs to be provided, and it is a tribute to the chairman of the committee. This is his last bill. And for those of my colleagues to stand on the floor and diminish that, I think is wrong.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a reasonably recent and very dedicated member of our committee.

Mr. HOLT. Mr. Chairman, there are a few good features in this bill. For example, the bill supports the State Department's Bureau of Intelligence and Research funding request and provides additional funding for enhanced training of State Department intelligence activities. Following my request last year when my amendments with regard to foreign language instruction were rejected and the leadership assured me that we would take care of it this year, I worked closely with the gentleman from Nebraska (Mr. BEREUTER) on a

number of important provisions. I am pleased to acknowledge the work that he did. Nearly \$29 million of the \$33 million in language programs that we find in this bill were what I had specifically recommended or even written. They will do a number of things to improve our proficiency in critical languages.

But I am very disappointed in a number of failures. There was a common-sense amendment I offered to provide foreign language instruction for students of science and engineering at American universities. It was a simple idea. We need it. It was voted down on party lines. But the fundamental problem, and this is what we keep coming back to today, all the world knows that there have been some major intelligence failures. We read it in the world's press. In fact, too often we read about these things in the world's press a day or two after critical people have come before our committee and failed to tell us what we need to know in order to exert oversight.

The reason we are talking about the underfunding here is because the approach that the administration is taking, the approach that the leadership here is endorsing is funding by supplemental appropriations. It removes the oversight process. A large fraction of the funding for counterterrorism is now removed from the oversight process, and it compromises the work of this committee, it compromises the work of this Congress, and it results in a fundamentally flawed authorization bill.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), who is the chairman of our Subcommittee on Technical and Tactical Intelligence but was also on probably the most recent delegation back from Iraq, and I appreciate the extra effort that he and his colleagues made.

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

Mr. Chairman, I rise in strong support of H.R. 4548, the Intelligence Authorization Act. I am disappointed by some of the rhetoric that we have heard from the other side of the aisle today. The last speaker on the other side of the aisle referenced the unwillingness of the committee to accept an amendment. The problem is, there are other committees in this House that have jurisdiction. I have similar bills in the Committee on Education and the Workforce. The Permanent Select Committee on Intelligence accepted a significant portion of what the gentleman from New Jersey presented. We accepted it. The Committee on Education and the Workforce passed on jurisdiction, meaning that even though we have responsibility to review it, we respect the leadership of the chairman of the committee, we respected the work of the members of this committee, and we respected and realized how important it was to get that done. So we passed on it and we said, let the intelligence bill carry this forward.

But when it comes to the little amendment, there is no thank you, no thank you to the Committee on Education and the Workforce for passing the majority of what this individual wanted and letting it go without jurisdiction.

What I have learned out of this process is that perhaps the next time the gentleman from New Jersey proposes an amendment, we maybe accept the amendment with a realization that says the committee of jurisdiction also ought to have the process and also ought to have the opportunity to review.

This chairman has led the committee graciously and effectively for a long period of time. Members on the other side of the aisle are talking about funding. When they had the opportunity to fund the intelligence community earlier this year, the majority of the minority said, No, we are not going to give the intelligence community the money that they need. Thankfully, the will of the House went in the other direction.

What has happened in this process is a breakdown in bipartisanship. It has characterized this committee for as long as it has been on the Hill. I hope that as we move forward, as we move through conference we can come back to a bipartisan approach that the men and women in the field look to each and every day. They want to know that the people here in Washington and the people around the country support the effort.

I urge my colleagues to support this bill.

Ms. HARMAN. Mr. Chairman, I commend the last speaker for his sincere efforts at bipartisanship.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), our rookie on the committee.

Mr. RUPPERSBERGER. Mr. Chairman, first I think I do have to respond to some of the comments made from the colleagues on the other side of the aisle. I do respect each and every member of this committee, and this committee should be bipartisan, and our goal is U.S.A. first. I think some of the comments that were made have to be addressed.

First, there is a lot of respect for our chairman, the gentleman from Florida. This is not about a personal attack on the gentleman from Florida. I respect the gentleman from Florida. I respect what he has done as it relates to the intelligence community throughout his career. He has done a great job. However, I was elected to come to the Halls and the floor of Congress to debate issues. It seems to me that the majority thinks that if we disagree on an issue that we are being unpatriotic. That is just not so. We disagree on one major issue and that is the major issue of the funding of counterterrorism. That is what the issue is here today.

My comments are basically about NSA. I happen to represent Maryland's

Second Congressional District. NSA is located in my district. I want to acknowledge General Hayden and all the members of NSA both in Iraq and Afghanistan and throughout the world that do a superb job. Unfortunately, the American people should know more about what they do, but we cannot really talk about that.

The bill also makes some reductions in several NSA programs that I believe are too deep. All of the affected programs are essential to NSA's overall technology modernization program, which is key to the future success of the agency. I hope that these reductions will be addressed in conference with the Senate.

Congress last year transferred the authority to review and approve NSA's acquisitions programs to the Under Secretary of Defense for Acquisition in the Defense Department. NSA and the Under Secretary are faithfully implementing this direction, and NSA is, in my judgment, making good progress in restoring confidence in its acquisition management capabilities.

I want to express again my appreciation to the gentleman from Florida. He is an honorable man. He has done a great job. We have a disagreement on an issue. Again, I ask the majority to understand, because we disagree does not mean we are being political. It means that we think this is in the best interests of the United States of America and its national security.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise to engage in a colloquy with the gentlewoman from California, the ranking member of the Permanent Select Committee on Intelligence.

I want to thank the gentlewoman for her steady leadership on so many issues that are very, very grave related to our national security. Let me just say that I appreciate this opportunity to discuss an issue very briefly that is of great importance, that is, ensuring that our Federal intelligence dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

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

Ms. LEE. I yield to the gentlewoman from California.

Ms. HARMAN. I thank the gentlewoman for yielding. I want to assure her that I understand and fully support the general principle reflected in her point and appreciate her intention in raising this issue. I also want to assure the gentlewoman that, as this bill moves forward, we will be mindful of the issue and will try to be helpful.

Ms. LEE. I thank the gentlewoman for her attention to this issue. I look forward to working with her.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of our committee who is probably better known as a world-class pilot.

Mr. CUNNINGHAM. I thank the chairman for yielding time. I am just an old man today.

Mr. Chairman, I would like to invoke two names: JACK MURTHA and IKE SKELTON. If you watched the defense bill go through here, both in authorization and appropriations, those gentlemen do not care who is President or who has the majority. They fight tooth, hook and nail for the military, for intelligence, and this Nation. I always felt that this committee that I serve on did the same thing, until, as it has been mentioned, last year, unfortunately in election year politics, the Democrat leadership has forced, I think, or at least led some of the more thoughtful members to be partisan. That is the saddest thing.

In the rule, I talked about the gentlewoman from California. During Ronald Reagan's burial, I had tears in my eyes. I could not hold them back. She reached over and took my hand to console me, patted my hand and said, "Duke, isn't it good to be friends?" I would tell the gentlewoman from California, we are good friends and the members on the committee I hunt and fish with, a lot of them. Some of the ladies I do not.

What is so disappointing, and I tell my friends on the other side, we could do this just like IKE SKELTON and JACK MURTHA and after sitting in the committee for several hours and watching the intentional partisanship, intent just to hurt the President, even though you know there were a couple of those amendments that I wanted to vote for, but there was no way I was going to vote for them after that and that is sad. I think that we can do better in this committee. We will have dinner together. We will hunt, we will fish, and we will cry together; but I just think it is sad at this.

PORTER GOSS is the finest chairman in defense that I have ever seen in 14 years. His experience at CIA and on this committee, sometimes during the committee I get upset, but the gentleman from Florida is levelheaded, sits there and meets with the ranking member and tries to work through these bills in a very bipartisan way. I think we do ourselves a disservice today in some cases.

I ask Members to vote for this bill.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I rise today in support of H.R. 4548. Am I the only one that finds it odd that my colleagues from the other side are in the position of saying, "Well, you know, I voted for this thing before I voted against it"? Every one of them voted for it yesterday in the Defense appropriations bill.

Nevertheless, I am proud to serve as a member of this Permanent Select Committee on Intelligence, and it is a distinct privilege to serve as a cross-over member on the House Committee on Armed Services. This bill takes the



lead in defense intelligence and fully supports the Secretary of Defense and his initiatives to transform the Department for the future. I think we have a large, but responsible, spending plan here, including the contingent emergency reserve fund; and the challenge will be to integrate these initiatives into baseline efforts for the purpose of fighting terrorism.

□ 1745

Mr. Chairman, I am disappointed, sincerely disappointed, that my friends on the other side did vote against this bill in committee. It is a sad departure from what we normally do in that committee. But it is a good bill. It properly supports intelligence.

I will submit my entire statement at this time in the RECORD.

Mr. Chairman, I rise today in support of H.R. 4548. I am proud to serve as a member of the Intelligence Committee, and it is a distinct privilege to serve as a crossover-Member on the House Armed Services Committee. I would like to commend the Chairman, Mr. GOSS, for bringing this bill to the floor at a time when it is needed most in our country's history.

H.R. 4548 addresses a critical need for the Intelligence Community and the Department of Defense's architectural strategy, integration, and information sharing among classic intelligence activities (like SIGINT and IMINT) and innovative or dynamic disciplines such as Measurement and Signatures Intelligence (MASINT), and Human Intelligence (HUMINT) that is being increasingly relied on, in our current global conflicts.

This bill takes the lead in Defense Intelligence and fully supports the Secretary of Defense and his initiatives to transform the Department for the future. I think we have a large, but responsible spending plan here, including the Contingent Emergency Reserve Fund, and the challenge will be to integrate these initiatives into baseline efforts for the fight against terrorism.

Mr. Chairman, I would however, also like to express my sincere disappointment on the decision of the minority Membership of the Committee not to vote for this bill. This is a bad departure from the strong tradition of bipartisan support for this legislation.

Mr. Chairman, I am pleased that this bill properly supports the Intelligence Community, and provides our best and first line of defense for America. I urge my colleagues to support H.R. 4548.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. HUNTER), who is actually known as the chairman of the House Committee on Armed Services, and otherwise known as our colleague and friend.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

And let me just say that when we put the defense bill together, put together with bipartisan support, passed the committee unanimously, we bolted on \$25 billion in supplemental for this next year. 2.2 billion of that, after consultation with the gentleman from Florida (Chairman GOSS), we put into

the intel side which went into his intel budget. That is only for a couple of months. It was understood that was just for a couple of months.

And I would say to the gentlewoman who said we have underfunded counterterrorism to hold on to her horses because we have got a supplemental coming up for 2005, which will have a large intel piece to it and she will be tired of voting for intel increases.

So there is no cut to the intel budget. This was always intended to be a bridge. And everybody, everybody, on both sides of the aisle, we passed this thing 60 to zero in the committee, an overwhelmingly vote in the full House. It was only be supposed to be for a couple of months at the end of this year so our intel people and the people that wear the uniform would have that bridge in the winter months of this year.

So I want to applaud the gentleman for everything he has done. We did this with total synchronization, total coordination, and we have got a great budget for the folks who carry out the intel duties for this Nation.

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

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

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

Ms. HARMAN. Mr. Chairman, I would point out to our last speaker that the DOD appropriations bill is a \$400 billion bill, a small fraction of which is for intelligence. In my view, that is not the place for this debate about fully funding counterterrorism intelligence. The intelligence bill is where we should make our stand. And I do appreciate the gentleman from California's (Mr. HUNTER) clarification, as he just said, that the additional counterterrorism funding in his bill is only for a couple of months.

That is the point we are trying to make, Mr. Chairman. We all are patriots. We all support the troops. We all support our intelligence personnel. We just think that the primary mission of the intelligence community ought to be funded in the base bill, the one we are voting on today.

Mr. Chairman, the Intelligence Authorization bill represents the culmination of many months of work by our community to provide the intelligence community with the resources it needs to safeguard our national security. It also presents an opportunity to lay down important oversight markers so that we can fulfill our constitutionally mandated duty to provide oversight of the intelligence community. The Intelligence Committees were created for precisely this reason, and if we simply become a rubber stamp for the administration, then we might as well cease to exist.

At the outset, let me commend our diligent staff on both sides of the aisle for their hard work and late nights,

and let me commend all members of our committee on both sides of the aisle for their focus and dedication to getting it right. Four of them, the gentleman from Florida (Chairman GOSS), the gentleman from Nebraska (Mr. BE-REUTER), the gentleman from North Carolina (Mr. BURR), and the gentleman from Georgia (Mr. COLLINS), will leave us this year, and I wish them fair winds. I also want to explain the gentleman from Florida's (Mr. HASTINGS) absence. Our thoughts are with him as he cares for his ailing mother.

Mr. Chairman, this debate has been very difficult, certainly for me. As everyone here knows, over five terms in Congress, I have voted for every intelligence authorization bill and every defense authorization bill, and I have often worked to try to plus-up amounts in those bills. The brave men and women of the intelligence community rely on us. Without us, they cannot do their job. I have traveled around the world and visited with them, and their bravery and courage speaks volumes about how much they love this country.

For all of these reasons, I stand here today with a heavy heart because I feel that unfortunately and needlessly, this bill could have and should have provided for stronger intelligence and stronger oversight.

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

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

Mr. HUNTER. Mr. Chairman, I just wanted to say to the gentlewoman the reason we bolted on \$25 billion, not \$50 billion, not \$75 billion, with a piece of that being carried for her committee was because we have a war in two theatres which is ebbing and flowing. We cannot see into the future. We may need more money in January and February than projected \$50 billion or even \$75 billion. So I would just say to the gentlewoman, there is plenty of money for current operations. Nobody is being short-changed in this year.

Ms. HARMAN. Mr. Chairman, reclaiming my time, if I could just respond to the gentleman, and I would be happy to yield again if I have any more time if he wants to respond to what I have to say, I appreciate that comment, but mine is a bit different. I understand that we may not fully know what we need. That is why we have supplementals. But in this case we do fully know what we need. We know what the agencies in the intelligence community need for counterterrorism because they have told us, and the amendments we wish had been in order had an unclassified piece, which basically says we should fully fund counterterrorism, and a classified piece, where we carefully allocated across the intelligence community all the money these agencies have told us they need. They told us it is hard to plan for their year without knowing for sure that they will get money.

And the last point I want to make to the gentleman, and I do appreciate what he is saying, is that I do not think we will pass another supplemental until sometime after the first quarter of next year. We will be gearing up in a new Congress, and if we pass the supplemental in next March or April, as I pointed out in my earlier remarks, we may have a gap in funding counterterrorism just at the time when we have the presidential inauguration and the Super Bowl, and those are huge events where maximum counterterrorism efforts are needed.

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

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

Mr. HUNTER. Mr. Chairman, let me just say to the gentlewoman that I too have looked at requirements. And intel requirements in those two war-fighting theatres, Afghanistan and Iraq, are as difficult for the intel experts to project as it is for our defense experts, our people who are leading uniformed troops, and there is plenty of money to carry this bridge. This is a bridge fund, and I might say 60 out of 60 people, Republicans and Democrats, agreed this was a good number, and this had the \$2.2 billion intel piece embedded in it when we passed it. So I can just tell the gentlewoman there is not going to be a gap.

The CHAIRMAN. The gentlewoman's time has expired.

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

First of all, I want to assure the gentlewoman that I associate myself with stronger intelligence. Her poster, I think, is excellent, and I am delighted that we all agree on that.

Second of all, I want to tell the gentlewoman that I totally agree that the form is not pretty. I do not like supplementals either. We work with what we have to work with. But the substance, I think, came out as well as it could. And I want to thank the distinguished chairman of the Committee on Armed Services for reaching out to help us with the bridge.

In a more direct answer to the gentlewoman's question a while ago about what requests were, and I am going to be very candid, these were the requests we were working with. And they are not for the whole year, but they are the requests to deal with the war on terror. And we actually come up with 32 percent more than what the CIA requested, 100 percent of what DIA requested, 39 percent more than what NSA requested, 88 percent more than NRO, and 19 percent more than NGA.

So we are way ahead in bridging. But obviously, her point is we have not gone for a whole year, and we all understand that. The question is will there be a short-change? And my answer is no. And the problem I have with her solution that she had proposed, somewhat belatedly, if I may say that, and I will come to that point if I have time, is that authorized

money without appropriated money behind it is monopoly money, as we all know, and that was part of the problem.

Now let me go to the gentleman from Missouri's (Mr. SKELTON) point, which I think was a very poignant point and I have huge regard for the gentleman from Missouri (Mr. SKELTON), as we all do: What happened this year? And the answer is that normally we do work out all of our differences before we bring our bill out. We get them done in committee. This year we are on a schedule. I thought we had all our differences worked out. I honestly did not know we were going to have some of these amendments that she came up with until a couple of hours before the meeting. I asked that they try to be worked out. Apparently they were.

Normally we need more than 2 or 3 hours to work out something as important as a budget. So I do not think there is any bad intention. What I think is that there is more work to be done, and there will be an opportunity between now and the conference.

I urge support for this bill because I think it is a great place to go forward.

Mr. HASTERT. Mr. Chairman, I rise today in support of this important Intelligence Authorization, and I urge my colleagues to support it.

First of all, I want to congratulate PORTER GOSS not only for his work on this legislation, but also for his distinguished career as a servant for the people.

Everyday, PORTER GOSS has come to work with one thought in mind: How do I make this country a better and safer place?

PORTER, we are going to miss you when you leave this House.

I had hoped that the Minority would give you the respect you deserve and work with you on this bill.

Instead, they want to play politics.

I have to hand it to the Minority. They have taken the strategy that the best defense is a good offense to its extreme.

They have no defense when it comes to their pathetic record on intelligence funding. So they try to cloud the issue by saying that we are not spending enough on intelligence.

What makes this strategy laughable is the fact that just yesterday, House Democrats voted overwhelmingly for intelligence funding in the Defense Appropriations bill.

Yesterday, the funding was just right. Today, they are simply shocked, shocked, that we don't spend enough.

Why the sudden change of heart? Politics, of course. Pure politics.

Throughout the 1990's, leading Democrats offered amendment after amendment to slash intelligence funding. They offered amendment after amendment in an effort to hamstring the C.I.A. And the Clinton White House not only ignored the Intelligence Community, they disdained it. Bill Clinton himself rarely allowed the CIA Director into the Oval Office.

Let's not kid ourselves. The left wing of the Democratic Party has a long tradition of hostility to the C.I.A. They have never been comfortable with the world of intelligence gathering.

Even after 9-11, many in the Minority have sought to decimate intelligence funding. These same Members who today claim the pending

bill is inadequate, voted against emergency supplemental intelligence funding last year.

For members of the Democratic Party to come to the House floor and say that they could do it better than PORTER GOSS is simply not believable.

Mr. Chairman, our intelligence community deserves better than partisan political stunts.

Without intelligence, we cannot win the war on terror.

Intelligence funding helped bring to justice Saddam Hussein and his evil sons, Qusay and Uday. And it has assisted in the death of or capture of 42 of the 55 most wanted criminals of the Saddam regime and of more than 2,700 Al-Qa'ida leaders and foot soldiers around the globe.

Perhaps most important, in the United States, nearly 200 suspected terrorist associates have been charged with crimes with the help of quality intelligence information.

We are doing the right thing with this authorization. Vote to make America safer. Vote for this Intelligence Authorization.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to several aspects of the legislation that we consider, H.R. 4548, the Intelligence Authorization Act for FY 2005. It is ridiculous that of eight quality amendments offered at the Rules \* \* \*

The most important of the eight amendments offered but not made in order, the Peterson-Cramer-Boswell amendment, would have fully funded the counterterrorism activities of the intelligence community at the amount that the intelligence agencies have suggested be requested. All nine Democrats who serve on the Permanent Select Committee on Intelligence voted unanimously to support this amendment at its markup.

Mr. Chairman, without this important amendment, our intelligence capabilities will be handicapped. The outlays called for in the Peterson-Cramer-Boswell amendment would have provided for additional oversight over intelligence, which is critical, especially in light of the state of confusion that we see in this Administration's intelligence program.

Like President Bush's request in his FY 2005 Budget, H.R. 4548 proposes to fund only a small fraction of the intelligence agencies' counterterrorism requirements. Only 20 percent of the funding requirements for the CIA Counterterrorism Center were called for in the Bush Budget. The fact that the administration then requested a supplemental allocation for the first quarter of FY 2005 evidences the dire need for these monies.

The intelligence community should not have to rely on supplemental funding to carry out its core functions! In the wake of 9/11 and new episodes of terrorism violence almost daily, it is not comforting to know that our intelligence community is operating on supplemental "crutches." While this nation sits in a vulnerable state, the Administration puts us on "ice" until November elections. Very scary.

The CIA Counterterrorism Center has had to wait for supplemental funding for 80 percent of its requirements! Reports from the Houston FBI's Field Intelligence Group (FIG), there have been several reports that one of Houston's major sources of vulnerability, either the airports, the Port of Houston, or the nuclear South Texas Project will be hit by al-Qaeda "sleepers." We need the most effective counterterrorism resources available to prevent such an occurrence. Waiting for supplemental funding will not keep our families safe,

especially with upcoming events that would attract a potential terrorist such as the Democratic and Republican National Conventions, the November elections, and Independence Day celebrations.

Mr. Chairman, it is important that, should this legislation pass, the conferees address the fact that less than one-third of what the intelligence agencies have suggested is provided in the proposal. Therefore, I would fully support a motion to recommit for purpose of incorporating the critical addition of outlays to counterterrorism that are needed to secure our homeland.

Mr. Chairman, I urge my colleagues to support a motion to recommit.

Mr. PAUL. Mr. Chairman, I rise in opposition to this legislation. Though I certainly recognize the legitimate national security role of our intelligence community, I have concerns about this authorization and the questionable role played by components of the intelligence community.

Specifically, I am concerned about our history of secret regime changes carried out by our intelligence apparatus. More often than not, we see many of the problems we face today were created as a result of this unwise practice of forcibly changing regimes in secret.

The stories of such activities are numerous. In 1953 the CIA overthrew Mohammad Mossadegh in Iran, installing the Shah as dictator. This led to increasing anti-Americanism, the overthrow of the Shah in 1979, the kidnapping of Americans, the establishment of a hardline Islamic regime hostile to the United States. In the 1980s the United States provided covert support to Saddam Hussein's Iraq in its war with Iran. Ten years later the United States went to war against Saddam Hussein and then 11 years after that the United States went to war again against Saddam's Iraq. In the 1980s the United States provided weapons and training to the Taliban and what later became al-Qaeda in Afghanistan as they sought to overthrow the communist government in power. Some 20 years later, that same Taliban and Osama bin Laden struck out against the United States. The United States then went to war against that Taliban government.

I am also concerned about the efficacy of our intelligence community. The intelligence budget seems to grow every year, but seldom do my colleagues ask what exactly we are getting for our constituents' money. It may be unfair that we only hear about the intelligence community's failures and shortcomings, but we cannot help but be concerned over so many such failures in recent years. Despite the tens of billions we spend on these myriad intelligence agencies, it is impossible to ignore the failure of the intelligence community to detect and prevent the September 11, 2001 attacks.

Additionally, as we now see so clearly, our intelligence community failed completely to accurately assess the nature of the Iraqi threat. We were told of weapons of mass destruction capable of reaching the United States. This proved to be false. We were told of Iraq's relationship with al-Qaeda. This proved to be false. The intelligence community relied heavily—perhaps almost exclusively—on Iraqi exile and convicted criminal Ahmad Chalabi to provide intelligence on Iraq and most of it turned out to be incorrect, perhaps intentionally misleading. Now we are told that Chalabi and his organization may have passed sensitive intel-

ligence to Iran. We have read reports of secret pseudo-agencies set up in the Pentagon and elsewhere whose role appears to have been to politicize intelligence in order to force predetermined conclusions. This does not serve the American people well. These are all by any measure grave failures, costing us incalculably in human lives and dollars. Yet from what little we can know about this bill, the solution is to fund more of the same. I would hope that we might begin coming up with new approaches to our intelligence needs.

I encourage my colleagues to reject this bill and instead begin looking for new ways to strengthen the legitimate functions of our intelligence community so as to better protect the borders and citizens of the United States.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 4548

*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 2005".

(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.

#### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

#### **TITLE III—GENERAL PROVISIONS**

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Assistant Director of Central Intelligence for Information Management.

#### **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

Sec. 401. Permanent extension of Central Intelligence Agency voluntary separation incentive program.

#### **TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

Sec. 501. National Security Agency Emerging Technologies Panel.

#### **TITLE VI—EDUCATION**

##### **Subtitle A—National Security Education Program**

Sec. 601. Provision for annual funding.

Sec. 602. Modification of obligated service requirements under the National Security Education Program.

Sec. 603. Improvements to the National Flagship Language Initiative.

Sec. 604. Establishment of scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program.

##### **Subtitle B—Improvement in Intelligence Community Foreign Language Skills**

Sec. 611. Assistant Director of Central Intelligence for Language and Education.

Sec. 612. Requirement for foreign language proficiency for advancement to certain senior level positions in the intelligence community.

Sec. 613. Advancement of foreign languages critical to the intelligence community.

Sec. 614. Pilot project for Civilian Linguist Reserve Corps.

Sec. 615. Codification of establishment of the National Virtual Translation Center.

Sec. 616. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

#### **TITLE I—INTELLIGENCE ACTIVITIES**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Department of Justice.
- (10) The Federal Bureau of Investigation.
- (11) The National Reconnaissance Office.
- (12) The National Geospatial-Intelligence Agency.
- (13) The Coast Guard.
- (14) The Department of Homeland Security.

##### **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, 2005, 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. 4548 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 2005 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions.

(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 2005 the sum of \$318,395,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2006.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 310 full-time personnel as of September 30, 2005. 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 2005 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2006.

(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, 2005, there are also 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 2005 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), \$29,811,000 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, 2006, and funds provided for procurement purposes shall remain available until September 30, 2007.

(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.

## **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 2005 the sum of \$239,400,000.

## **TITLE III—GENERAL PROVISIONS**

### **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

### **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### **SEC. 303. ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR INFORMATION MANAGEMENT.**

(a) **ESTABLISHMENT OF POSITION WITHIN THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.**—Subsection (e)(2) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) by striking subparagraph (G); and  
(2) by inserting after subparagraph (F) the following new subparagraph (G):

“(G) The Assistant Director of Central Intelligence for Information Management.”.

(b) **DUTIES.**—Section 102 of such Act (50 U.S.C. 403) is amended—

(1) by striking subsection (h); and  
(2) by inserting after subsection (g) the following new subsection (h):

“(h) **ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR INFORMATION MANAGEMENT.**—(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Information Management who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Director of Central Intelligence for Information Management is the chief information officer of the intelligence community.  
(2) Subject to the direction of the Director of Central Intelligence, the Assistant Director of Central Intelligence for Information Management shall—  
“(A) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;  
“(B) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;  
“(C) direct and manage all information technology-related procurement for the intelligence community; and  
“(D) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director of Central Intelligence for such architecture.”.

“(3) An individual serving in the position of Assistant Director of Central Intelligence for Information Management may not, while so serving, serve as the chief information officer of any other agency or department, or component thereof, of the United States.”.

(c) **REFERENCES.**—Any reference to the Assistant Director of Central Intelligence for Administration in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Assistant Director of Central Intelligence for Information Management.

## **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

### **SEC. 401. PERMANENT EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE PROGRAM.**

(a) **EXTENSION OF PROGRAM.**—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) **TERMINATION OF FUNDS REMITTANCE REQUIREMENT.**—(1) Section 2 of such Act (50 U.S.C. 403-4 note) is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note) is amended by striking “, or section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103-36; 107 Stat. 104)”.

## **TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

### **SEC. 501. NATIONAL SECURITY AGENCY EMERGING TECHNOLOGIES PANEL.**

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

“SEC. 19. (a) There is established the National Security Agency Emerging Technologies Panel. The panel is a standing panel of the National Security Agency. The panel shall be appointed by, and shall report directly to, the Director.

“(b) The National Security Agency Emerging Technologies Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances on encryption, and other topics.

“(c) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the National Security Agency Emerging Technologies Panel.”.

## **TITLE VI—EDUCATION**

### **Subtitle A—National Security Education Program**

#### **SEC. 601. PROVISION FOR ANNUAL FUNDING.**

(a) **IN GENERAL.**—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102-183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103-178; 107 Stat. 2037), is amended by adding at the end of section 810 the following new subsection:

“(c) **FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.**—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$8,000,000, to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).”.

(b) **CONFORMING AMENDMENT.**—Section 802(a)(2) of such Act (50 U.S.C. 1902(a)(2)) is amended in the matter preceding subparagraph (A) by inserting “or from a transfer under section 810(c)” after “National Security Education Trust Fund”.

#### **SEC. 602. MODIFICATION OF OBLIGATED SERVICE REQUIREMENTS UNDER THE NATIONAL SECURITY EDUCATION PROGRAM.**

(a) **IN GENERAL.**—Subsection (b)(2) of section 802 of title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102-183; 105 Stat. 1273), as amended by section 925(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1578), is amended by striking subparagraphs (A) and (B), and inserting the following:

“(A) in the case of a recipient of a scholarship, as soon as practicable but in no case later than three years after the completion by the recipient of the study for which scholarship assistance was provided under the program, the recipient shall work for a period of one year—  
“(i) in a national security position that the Secretary certifies is appropriate to use the unique language and region expertise acquired

by the recipient pursuant to such study in the Department of Defense, in any element of the intelligence community, in the Department of Homeland Security, or in the Department of State; or

“(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); or

“(B) in the case of a recipient of a fellowship, as soon as practicable but in no case later than two years after the completion by the recipient of the study for which fellowship assistance was provided under the program, the recipient shall work for a period equal to the duration of assistance provided under the program, but in no case less than one year—

“(i) in a position described in subparagraph (A)(i) that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study; or

“(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); and”.

(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out the amendment made by subsection (a). In prescribing such regulations, the Secretary shall establish standards that recipients of scholarship and fellowship assistance under the program under such section 802 are required to demonstrate to satisfy the requirement of a good faith effort to gain employment as required under subparagraphs (A) and (B) of subsection (b)(2) of such section.

(c) **APPLICABILITY.**—(1) The amendment made by subsection (a) shall apply with respect to service agreements entered into under the David L. Boren National Security Education Act of 1991 on or after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not affect the force, validity, or terms of any service agreement entered into under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act that is in force as of that date.

#### **SEC. 603. IMPROVEMENTS TO THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.**

(a) **INCREASE IN ANNUAL FUNDING.**—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102-183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103-178; 107 Stat. 2037) and by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2397), is amended by striking section 811 and inserting the following new section 811:

#### **“SEC. 811. FUNDING FOR THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.**

“(a) **AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2003 and 2004.**—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, \$10,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

“(b) **FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.**—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$12,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

“(c) **AVAILABILITY OF APPROPRIATED FUNDS.**—Amounts made available under this section shall remain available until expended.”.

(b) **REQUIREMENT FOR EMPLOYMENT AGREEMENTS.**—(1) Section 802(i) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(i)) is amended by adding at the end the following new paragraph:

“(5)(A) In the case of an undergraduate or graduate student that participates in training in programs under paragraph (1), the student shall enter into an agreement described in subsection (b), other than such a student who has entered into such an agreement pursuant to subparagraph (A)(ii) or (B)(ii) of section 802(a)(1).

“(B) In the case of an employee of an agency or department of the Federal Government that participates in training in programs under paragraph (1), the employee shall agree in writing—

“(i) to continue in the service of the agency or department of the Federal Government employing the employee for the period of such training;

“(ii) to continue in the service of such agency or department employing the employee following completion of such training for a period of two years for each year, or part of the year, of such training;

“(iii) to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee if, before the completion by the employee of the training, the employment of the employee by the agency or department is terminated due to misconduct by the employee or by the employee voluntarily; and

“(iv) to reimburse the United States if, after completing such training, the employment of the employee by the agency or department is terminated either by the agency or department due to misconduct by the employee or by the employee voluntarily, before the completion by the employee of the period of service required in clause (ii), in an amount that bears the same ratio to the total cost of the training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service under clause (ii).

“(C) Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

“(D) The head of an element of the intelligence community may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.”.

(2) The amendment made by paragraph (1) shall apply to training that begins on or after the date that is 90 days after the date of the enactment of this Act.

(c) **INCREASE IN THE NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS.**—The Secretary of Defense shall take such steps as the Secretary determines will increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative to establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(d) **CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD.**—Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign languages that are critical to the national security of the United States.

#### **SEC. 604. ESTABLISHMENT OF SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.**

(a) **SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITI-**

**ZENS OF THE UNITED STATES.**—(1) Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

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

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

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

“(E) awarding scholarships to students who—

“(i) are United States citizens who—

“(I) are native speakers (commonly referred to as heritage community residents) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

“(II) are not proficient at a professional level in the English language with respect to reading, writing, and interpersonal skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

“(ii) enter into an agreement to work in a national security position or work in the field of education in the area of study for which the scholarship was awarded in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).”.

(2) The matter following subsection (a)(2) of such section is amended—

(A) in the first sentence, by inserting “or for the scholarship program under paragraph (1)(E)” after “under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)”;

(B) by adding at the end the following: “For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.”.

(3) Section 803(d)(4)(E) of such Act (50 U.S.C. 1903(d)(4)(E)) is amended by inserting before the period the following: “and section 802(a)(1)(E) (relating to scholarship programs for advanced English language studies by heritage community residents)”.

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

#### **“SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR CERTAIN HERITAGE COMMUNITY RESIDENTS.**

“(a) **FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$4,000,000, to carry out the scholarship programs for English language studies by certain heritage community residents under section 802(a)(1)(E).

“(b) **AVAILABILITY OF FUNDS.**—Amounts made available under subsection (a) shall remain available until expended.”.

#### **Subtitle B—Improvement in Intelligence Community Foreign Language Skills**

#### **SEC. 611. ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR LANGUAGE AND EDUCATION.**

(a) **IN GENERAL.**—Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) by adding at the end the following new subsection:

“(i) **ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR LANGUAGE AND EDUCATION.**—(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of

Central Intelligence for Language and Education who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The Assistant Director of Central Intelligence for Language and Education shall carry out the following duties:

“(A) Overseeing and coordinating requirements for foreign language education and training of the intelligence community.

“(B) Establishing policy, standards, and priorities relating to such requirements.

“(C) Identifying languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

“(D) Monitoring the allocation of resources for foreign language education and training in order to ensure the requirements of the intelligence community with respect to foreign language proficiency are met.”.

(2) In subsection (d)(2) by adding at the end the following:

“(E) Through the Assistant Director of Central Intelligence for Language and Education, ensuring the foreign language education and training requirements of the intelligence community are met.”; and

(3) in subsection (e)(2)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following new subparagraph (H):

“(H) The Assistant Director of Central Intelligence for Education and Language.”.

(b) **REPORTS.**—Not later than 1 year after the date on which the Assistant Director of Central Intelligence for Language and Education is first appointed under section 102(i) of the National Security Act of 1947, as added by subsection (a), the Assistant Director shall submit to Congress the following reports:

(1) A report that identifies—

(A) skills and processes involved in learning a foreign language; and

(B) characteristics and teaching techniques that are most effective in teaching foreign languages.

(2)(A) A report that identifies foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

(B) For purposes of subparagraph (A), the term “foreign language heritage community” means a community of residents or citizens of the United States—

(i) who are native speakers of, or who have fluency in, a foreign language; and

(ii) who should be actively recruited for employment by Federal security agencies with a need for linguists.

(3) A report on—

(A) the estimated cost of establishing a program under which the heads of elements of the intelligence community agree to repay employees of the intelligence community for any student loan taken out by that employee for the study of foreign languages critical for the national security of the United States; and

(B) the effectiveness of such a program in recruiting and retaining highly qualified personnel in the intelligence community.

**SEC. 612. REQUIREMENT FOR FOREIGN LANGUAGE PROFICIENCY FOR ADVANCEMENT TO CERTAIN SENIOR LEVEL POSITIONS IN THE INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended by adding at the end the following new subsection:

“(i) **REQUIREMENT FOR FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.**—(1) An individual may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of

Operations of the Central Intelligence Agency unless the Director of Central Intelligence determines that the individual—

“(A) has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level on such other indicator of proficiency as the Director determines to be appropriate; and

“(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

“(2) The Director shall carry out this subsection through the Assistant Director of Central Intelligence for Language and Education.”.

(b) **CONFORMING AMENDMENT.**—Subsection (i) of section 102 of the National Security Act of 1947 (50 U.S.C. 403), as added by section 611(a), is amended in paragraph (2) by adding at the end the following new subparagraph:

“(E) Making determinations under section 104(i).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act.

(d) **REPORT ON EXCEPTIONS.**—The Director of Central Intelligence shall submit to Congress a report that identifies positions within the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency that should be exempt from the requirements of section 104(i) of the National Security Act of 1947, as added by subsection (a), and that includes the rationale for the exemption of each such position identified by the Director.

**SEC. 613. ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY.**

(a) **IN GENERAL.**—Title X of the National Security Act of 1947 (50 U.S.C.) is amended—

(1) by inserting before section 1001 (50 U.S.C. 441g) the following:

**“Subtitle A—Science and Technology”;**

and

(2) by adding at the end the following new subtitles:

**“Subtitle B—Foreign Languages Program**

**“PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY**

**“SEC. 1011. (a) ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense and the Director of Central Intelligence may jointly establish a program to advance foreign languages skills in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States (hereinafter in this subtitle referred to as the ‘Foreign Languages Program’).

**“(b) IDENTIFICATION OF REQUISITE ACTIONS.**—In order to carry out the Foreign Languages Program, the Secretary of Defense and the Director of Central Intelligence shall jointly determine actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States to meet the long-term intelligence needs of the United States.

**“EDUCATION PARTNERSHIPS**

**“SEC. 1012. (a) IN GENERAL.**—In carrying out the Foreign Languages Program, the head of an element of an intelligence community entity may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study of foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States in educational institutions.

**“(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL PARTNERSHIP AGREEMENTS.**—Under

an educational partnership agreement entered into with an educational institution pursuant to this section, the head of an element of an intelligence community entity may provide the following assistance to the educational institution:

“(1) The loan of equipment and instructional materials of the element of the intelligence community entity to the educational institution for any purpose and duration that the head determines to be appropriate.

“(2) Notwithstanding any other provision of law relating to transfers of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

“(A) commonly used by educational institutions;

“(B) surplus to the needs of the entity; and

“(C) determined by the head of the element to be appropriate for support of such agreement.

“(3) The provision of dedicated personnel to the educational institution—

“(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States; or

“(B) to assist in the development of such courses and materials for the institution.

“(4) The involvement of faculty and students of the educational institution in research projects of the element of the intelligence community entity.

“(5) Cooperation with the educational institution in developing a program under which students receive academic credit at the educational institution for work on research projects of the element of the intelligence community entity.

“(6) The provision of academic and career advice and assistance to students of the educational institution.

“(7) The provision of cash awards and other items that the head of the element of the intelligence community entity determines to be appropriate.

**“VOLUNTARY SERVICES**

**“SEC. 1013. (a) AUTHORITY TO ACCEPT SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, and subject to subsection (b), the Foreign Languages Program under section 1011 shall include authority for the head of an element of an intelligence community entity to accept from any individual who is dedicated personnel (as defined in section 1016(3)) voluntary services in support of the activities authorized by this subtitle.

**“(b) REQUIREMENTS AND LIMITATIONS.**—(1) In accepting voluntary services from an individual under subsection (a), the head of the element shall—

“(A) supervise the individual to the same extent as the head of the element would supervise a compensated employee of that element providing similar services; and

“(B) ensure that the individual is licensed, privileged, has appropriate educational or experiential credentials, or is otherwise qualified under applicable law or regulations to provide such services.

“(2) In accepting voluntary services from an individual under subsection (a), the head of an element of the intelligence community entity may not—

“(A) place the individual in a policymaking position, or other position performing inherently government functions; or

“(B) except as provided in subsection (e), compensate the individual for the provision of such services.

**“(c) AUTHORITY TO RECRUIT AND TRAIN INDIVIDUALS PROVIDING SERVICES.**—The head of an element of an intelligence community entity may recruit and train individuals to provide voluntary services accepted under subsection (a).

**“(d) STATUS OF INDIVIDUALS PROVIDING SERVICES.**—(1) Subject to paragraph (2), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), an individual shall be considered to



be an employee of the Federal Government only for purposes of the following provisions of law:

“(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

“(B) Section 552a of title 5, United States Code (relating to maintenance of records on individuals).

“(C) Chapter 11 of title 18, United States Code (relating to conflicts of interest).

“(2)(A) With respect to voluntary services accepted under paragraph (1) provided by an individual that are within the scope of the services so accepted, the individual is deemed to be a volunteer of a governmental entity or nonprofit institution for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

“(B) In the case of any claim against such an individual with respect to the provision of such services, section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply.

“(3) Acceptance of voluntary services under this section shall have no bearing on the issuance or renewal of a security clearance.

“(e) COMPENSATION FOR WORK-RELATED INJURIES.—For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5, United States Code, to an individual providing voluntary services accepted under subsection (a), the monthly pay of the individual for such services is deemed to be equal to the amount determined by multiplying—

“(1) the average monthly number of hours that the individual provided the services, by

“(2) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

“(f) REIMBURSEMENT OF INCIDENTAL EXPENSES.—(1) The head of an element of the intelligence community entity may reimburse an individual for incidental expenses incurred by the individual in providing voluntary services accepted under subsection (a). The head of an element of the intelligence community entity shall determine which expenses are eligible for reimbursement under this subsection.

“(2) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

“(g) AUTHORITY TO INSTALL EQUIPMENT.—(1) The head of an element of the intelligence community may install telephone lines and any necessary telecommunication equipment in the private residences of individuals who provide voluntary services accepted under subsection (a).

“(2) The head of an element of the intelligence community may pay the charges incurred for the use of equipment installed under paragraph (1) for authorized purposes.

“(3) Notwithstanding section 1348 of title 31, United States Code, the head of an element of the intelligence community entity may use appropriated funds or nonappropriated funds of the element in carrying out this subsection.

#### “REGULATIONS

“SEC. 1014. (a) IN GENERAL.—The Secretary of Defense and the Director of Central Intelligence jointly shall promulgate regulations necessary to carry out the Foreign Languages Program authorized under this subtitle.

“(b) ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Each head of an element of an intelligence community entity shall prescribe regulations to carry out sections 1012 and 1013 with respect to that element including the following:

“(1) Procedures to be utilized for the acceptance of voluntary services under section 1013.

“(2) Procedures and requirements relating to the installation of equipment under section 1013(g).

#### “DEFINITIONS

“SEC. 1015. In this subtitle:

“(1) The term ‘intelligence community entity’ means an agency, office, bureau, or element referred to in subparagraphs (B) through (K) of section 3(4).

“(2) The term ‘educational institution’ means—

“(A) a local educational agency (as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))),

“(B) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) other than institutions referred to in subsection (a)(1)(C) of such section), or

“(C) any other nonprofit institution that provides instruction of foreign languages in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

“(3) The term ‘dedicated personnel’ means employees of the intelligence community and private citizens (including former civilian employees of the Federal Government who have been voluntarily separated, and members of the United States Armed Forces who have been honorably discharged or generally discharged under honorable circumstances, and rehired on a voluntary basis specifically to perform the activities authorized under this subtitle).

#### “Subtitle C—Additional Education Provisions

##### “ASSIGNMENT OF INTELLIGENCE COMMUNITY PERSONNEL AS LANGUAGE STUDENTS

“SEC. 1021. (a) IN GENERAL.—The Director of Central Intelligence, acting through the heads of the elements of the intelligence community, may assign employees of such elements in analyst positions requiring foreign language expertise as students at accredited professional, technical, or other institutions of higher education for training at the graduate or undergraduate level in foreign languages required for the conduct of duties and responsibilities of such positions.

“(b) AUTHORITY FOR REIMBURSEMENT OF COSTS OF TUITION AND TRAINING.—(1) The Director may reimburse an employee assigned under subsection (a) for the total cost of the training described in subsection (a), including costs of educational and supplementary reading materials.

“(2) The authority under paragraph (1) shall apply to employees who are assigned on a full-time or part-time basis.

“(3) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

“(c) RELATIONSHIP TO COMPENSATION AS AN ANALYST.—Reimbursement under this section to an employee who is an analyst is in addition to any benefits, allowances, travels, or other compensation the employee is entitled to by reason of serving in such an analyst position.”.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 1001 and inserting the following new items:

##### “Subtitle A—Science and Technology

“Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

##### “Subtitle B—Foreign Languages Program

“Sec. 1011. Program on advancement of foreign languages critical to the intelligence community.

“Sec. 1012. Education partnerships.

“Sec. 1013. Voluntary services.

“Sec. 1014. Regulations.

“Sec. 1015. Definitions.

##### “Subtitle C—Additional Education Provisions

“Sec. 1021. Assignment of intelligence community personnel as language students.”.

#### SEC. 614. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) PILOT PROJECT.—The Director of Central Intelligence shall conduct a pilot project to establish a Civilian Linguist Reserve Corps composed of United States citizens with advanced

levels of proficiency in foreign languages who would be available upon a call of the President to perform such service or duties with respect to such foreign languages in the Federal Government as the President may specify.

(b) CONDUCT OF PROJECT.—Taking into account the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2393), in conducting the pilot project under subsection (a) the Director of Central Intelligence shall—

(1) identify several foreign languages that are critical for the national security of the United States;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a); and

(3) implement a call for the performance of such services and duties.

(c) DURATION OF PROJECT.—The pilot project under subsection (a) shall be conducted for a three-year period.

(d) AUTHORITY TO ENTER INTO CONTRACTS.—The Director of Central Intelligence may enter into contracts with appropriate agencies or entities to carry out the pilot project under subsection (a).

(e) REPORTS.—(1) The Director of Central Intelligence shall submit to Congress an initial and a final report on the pilot project conducted under subsection (a).

(2) Each report required under paragraph (1) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(3) The final report shall be submitted not later than 6 months after the completion of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of Central Intelligence for each of fiscal years 2005, 2006, and 2007 in order to carry out the pilot project under subsection (a) such sums as are specified in the classified Schedule of Authorizations referred to section 102.

#### SEC. 615. CODIFICATION OF ESTABLISHMENT OF THE NATIONAL VIRTUAL TRANSLATION CENTER.

(a) IN GENERAL.—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:

##### “NATIONAL VIRTUAL TRANSLATION CENTER

“SEC. 119. (a) IN GENERAL.—There is an element of the intelligence community known as the National Virtual Translation Center under the direction of the Director of Central Intelligence.

“(b) FUNCTION.—The National Virtual Translation Center shall provide for timely and accurate translations of foreign intelligence for all other elements of the intelligence community.

“(c) FACILITATING ACCESS TO TRANSLATIONS.—In order to minimize the need for a central facility for the National Virtual Translation Center, the Center shall—

“(1) use state-of-the-art communications technology;

“(2) integrate existing translation capabilities in the intelligence community; and

“(3) use remote-connection capacities.

“(d) USE OF SECURE FACILITIES.—Personnel of the National Virtual Translation Center may carry out duties of the Center at any location that—

“(1) has been certified as a secure facility by an agency or department of the United States; and

“(2) the Director of Central Intelligence determines to be appropriate for such purpose.”.

(b) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after

the item relating to section 118 the following new item:

"Sec. 119. National Virtual Translation Center."

**SEC. 616. REPORT ON RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS OF THE DEFENSE LANGUAGE INSTITUTE.**

(a) *STUDY.*—The Secretary of Defense shall conduct a study on methods to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute. In conducting the study, the Secretary shall consider, in the case of a foreign language instructor who is an alien, to expeditiously adjust the status of the alien from a temporary status to that of an alien lawfully admitted for permanent residence.

(b) *REPORT.*—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the study conducted under subsection (a), and shall include in that report recommendations for such changes in legislation and regulation as the Secretary determines to be appropriate.

(2) *DEFINITION.*—In this subsection, the term "appropriate congressional committees" means the following:

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

(B) The Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

The CHAIRMAN. No amendment to the substitute is in order except the amendments printed in House Report 108-561. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to be a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108-561.

AMENDMENT NO. 1 OFFERED BY MR. GOSS

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Goss:

In section 104(e)(1), strike "\$29,811,000" and insert "\$37,811,000".

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Florida (Mr. Goss) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. Goss).

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

The purpose of this amendment is very simple. It restores the funding for the National Drug Intelligence Center to the levels contained in the President's fiscal year 2005 budget request. In fact, a number of actions were taken in committee regarding NDIC this year in response to an ongoing investigation into activities there. This amendment does nothing to affect these investigations that are ongoing in any way. It

does not change in any reporting requirements nor does it lift any fences that were put in place. But what it does do is it restores the authorization level to include \$8 million that had been cut from the President's fiscal year 2005 budget request.

I am doing this to address the concern that the cut might significantly impact the important mission of the National Drug Intelligence Center, and the reason I have brought the amendment forward is because I wanted to have the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. MURTHA), who I felt has actually been the person who is most instrumental in this particular program, have as much time as he wanted to address this issue. I wanted to make sure he had the opportunity.

In any event, I am assuming he would support the amendment. In the absence of knowing nothing beyond that, I am going to suggest that this amendment be adopted.

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

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I ask to control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. HARMAN) may control the time.

There was no objection.

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

Mr. Chairman, I support the Goss amendment to restore the level of funding requested for NDIC, the National Drug Intelligence Center. I was concerned to learn that these funds had been cut, as have others for key satellite programs, and I am pleased that the chairman has now decided to restore the level of funding the Center needs to carry out its important counternarcotics mission. Hopefully we will address other shortfalls that some on our side have identified in the conference.

Mr. Chairman, I would just like to make an additional comment about a subject the chairman raised at the end of general debate, and that was when he called additional budget authority monopoly money. I certainly share his view that we should appropriate the funds that we authorize. That is why this side wants to authorize additional funds and then hopefully to get them appropriated. I have spoken to the highest levels of this administration about my keen view that the amount of money to fully fund counterterrorism for fiscal year 2005 is not so great.

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It is not a big budget buster, certainly not as big as many other requests made by this administration.

I see the gentleman from California (Mr. LEWIS) in the room, for whom I have high regard. It would be my hope that sometime soon, even perhaps in the defense appropriations bill that comes out of conference, we will increase the funding for counterterrorism for fiscal year 2005.

Mr. Chairman, I support the Goss amendment.

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

Mr. GOSS. Mr. Chairman, pending the arrival of the gentleman from Pennsylvania (Mr. MURTHA), if he is able to be here, I would be very happy to yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the man with whom our committee works very closely. He is the appropriator for our business, and we are indeed indebted and grateful for the kind attention and the generosity that he bestows on the intelligence community.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman very much for yielding, and I appreciate the comments of the ranking member as well.

It was my privilege to serve on the Permanent Select Committee on Intelligence for some years, and I have great respect for the work you are about.

I must say that while the gentleman from Pennsylvania (Mr. MURTHA) and I have discussed this amendment and I know of his concerns and I am very supportive of his concerns, in the meantime, I really asked for the time because I am a bit disconcerted about what I sensed from the general debate as I was watching it over C-SPAN from my office.

There appears to be developing here a level of kind of partisanship that I am not used to seeing when we discuss intelligence. There is absolutely no question that intelligence work does not know a partisan divide, if things are happening as they should, and to see that developing in the committee is most disconcerting to this Member.

Over the years, we all know that intelligence funding was way, way below where it should be. The development of that lack of funding took place as the Congress some years ago was radically reducing defense spending. In those days, I used to say as defense spending is coming down, intelligence spending should go up, because the Commander-in-Chief needs better and more information at such a time, rather than less.

In the meantime, there is little doubt that during the 1990s, there were significant impacts that were negatively affecting our intelligence programming. In recent years, we have seen a movement in the other direction.

In the bill that came off the floor yesterday, there was a reflection of all of our concern. Indeed, within the base bill, the appropriations for defense, we spent more than was in the President's budget. And in the Committee's action on the amendment that came from the administration for some \$25 billion, we provided substantial amounts of additional funding for intelligence work.

There is little doubt of the priority of this president, this administration, in making sure we have adequate funding, and I feel very strongly that we should know that especially the Commander-

in-Chief does not see partisan value in this work.

The committee is a great committee, but there is a divide here that, I must say, reflects more than normally membership divide. If, at the staff level, we have people who are reacting for purely partisan purposes or their own biases, that is disconcerting to me. It is not healthy for the community, it is not healthy for our national defense, it clearly is not healthy for our intelligence community.

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

Mr. Chairman, I would urge support for the amendment. Not knowing that there would be a contrary wish from the gentleman from Pennsylvania (Mr. MURTHA), whose guidance I would follow very closely on this, I am going to make that assumption. I hope that is a correct assumption and has the support of the other side, as we have heard expressed.

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

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

Ms. HARMAN. Mr. Chairman, it has our support.

Mr. GOSS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 108-561.

AMENDMENT NO. 2 OFFERED BY MR. GALLEGLY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GALLEGLY:

Add at the end the following new title:

# **TITLE VII—REFORM OF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS**

## **SEC. 701. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “Subject to paragraphs (5) and (6), a” and inserting “A”; and

(B) by striking “for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)” and inserting “until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)”;

(2) by striking subparagraph (B) and inserting the following:

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period

begins 2 years after the date on which the designation was made; or

“(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

“(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

“(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

“(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).”; and

(3) by adding at the end the following:

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 6-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.”.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) AMENDMENTS TO A DESIGNATION.—

“(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

“(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

“(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking “subsection (b)” and inserting “subsection (c)”;

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking “or a redesignation made under paragraph (4)(B)” and inserting “at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)”;

(ii) in clause (i), by striking “or redesignation”;

(C) in paragraph (7), by striking “, or the revocation of a redesignation under paragraph (6),”; and

(D) in paragraph (8)—

(i) by striking “, or if a redesignation under this subsection has become effective under paragraph (4)(B),”; and

(ii) by striking “or redesignation”; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “of the designation in the Federal Register,” and all that follows through “review of the designation” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review”;

(B) in paragraph (2), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”;

(C) in paragraph (3), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”; and

(D) in paragraph (4), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation” each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term “designation”, as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

## **SEC. 702. INCLUSION IN ANNUAL DEPARTMENT OF STATE COUNTRY REPORTS ON TERRORISM OF INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.**

(a) INCLUSION IN REPORTS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting “any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,” after “during the preceding five years.”; and

(B) by inserting “any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration

and Nationality Act (8 U.S.C. 1189)," after "Export Administration Act of 1979,";

(2) in subsection (b)(1)(C)(iii), by striking "and" at the end;

(3) in subsection (b)(1)(C)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following new clause:

"(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups; and"; and

(4) in subsection (b)(2)—

(A) by redesignating subparagraphs (C), (D), and (E) as (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) efforts by those groups to obtain or develop weapons of mass destruction;"

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), submitted more than one year after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

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

Mr. Chairman, my amendment is very important to the question of how our government spends its resources fighting international terrorism. The amendment streamlines the very burdensome and time-consuming procedure for redesignating a group as a foreign terrorist organization, thereby allowing the Federal Government to focus on actually fighting terrorism and preventing new attacks.

Under existing law, the U.S. Government must devote significant amounts of its counterterrorist resources to the terrorist organization redesignation effort. This bureaucratic process must take place every 2 years, even though the vast majority of these groups do not even dispute their designation. And, as we all know, some groups, such as al Qaeda, openly boast of their terrorist activity.

This amendment would make two principle changes to the law. First, it would replace the requirement to formally redesignate terrorist organizations every 2 years with a procedure that allows the groups to petition the Secretary of State at 2-year intervals to have their designation revoked. It would also require the Secretary to review each group's designation every 6 years.

Let me be clear. This amendment does not change the procedure for placing a group on the foreign terrorist organization list. The government must still undergo the same lengthy process that exists today.

What changes under the amendment is the every 2 year redesignation process. Currently, the burden is on the State Department and other agencies

to demonstrate that a group should stay on the list. This amendment shifts the burden to the terrorist organization to petition the government to be removed from the list. A terrorist group can petition the government every 2 years. Even if a terrorist group does not petition for formal removal from the terrorist list, the government must still review the designation every 6 years.

By streamlining the process, the State Department and other agencies, including our intelligence services, can focus on designating new groups as terrorist organizations and focus on preventing new attacks.

For example, last year, 29 of the 37 organizations on the foreign terrorist list were due for redesignation. As a result, the State, Justice, Treasury and the intelligence community spent thousands of hours in preparing a detailed administrative record for each of these groups.

Meanwhile, back in March, the State Department designated for the first time the group, Ansar al-Islam, as a foreign terrorist organization based in north Iraq. The group has been linked to al Qaeda and is known to have participated in attacks on both U.S. troops and Iraqi civilians. The designation of Ansar al-Islam took longer than it should have, because over the preceding 6 months, Federal counterterrorism groups were bogged down in the redesignation of large numbers of terrorist groups.

The modified redesignation requirement proposed by the amendment will still provide designated terrorist groups with plenty of procedural safeguards. For example, a group can still request a court review of designation within 30 days after its first designation. In addition, the amendment allows organizations to petition the Secretary every 2 years to revoke its designation. If that review is not to the group's satisfaction, the designation can still be challenged in court.

The amendment also establishes a new, expedited procedure for handling the situation in which a terrorist group changes its name or uses new aliases.

The language on foreign terrorist organizations is identical to the provisions contained in an en bloc amendment to the Department of State authorization bill that was passed by a voice vote here on the floor.

Given the importance of this measure, I introduced it as a separate bill. It was approved by the Subcommittee on International Terrorism, Nonproliferation and Human Rights on March 17. In addition, this provision has the support of both the State Department and the Department of Justice.

Lastly, section 702 of my amendment requires that the State Department's annual report on terrorism include information on countries and terrorist groups that are seeking to obtain weapons of mass destruction. Experts on terrorism, both within and outside

the government, agree that the nexus between terrorism and weapons of mass destruction is the most dangerous security threat faced by the United States and our allies. Therefore, it makes absolute sense to have the State Department's main report on terrorism discuss this linkage.

Mr. Chairman, I urge passage of this important amendment.

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

Ms. HARMAN. Mr. Chairman, I do not oppose this amendment, but I will control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, I want to support the author of this amendment for his carefully crafted amendment and excellent remarks. I believe it is imperative that we maintain an effective and efficient process for designating foreign terrorist organizations and understand better the threat posed by those terrorist organizations and their links to weapons of mass destruction.

I understand, as the gentleman said, that the Committee on the Judiciary and the Committee on International Relations have been working on a stand-alone bill to require the Secretary of State to review designations every 4 years, not every 6, as this amendment provides.

I think this additional flexibility would be a good thing and would suggest, for example, that a bill, which I assume will be taken up at another time, should include a provision allowing the Secretary of State to remove groups from the list of foreign terrorist organizations if they renounce terrorism. This is one way of using our soft power instead of relying solely on military power to influence groups on the list. I would hope that these details and others could be worked out separately, or in the conference on this bill.

Mr. Chairman, I would just like to add that from 1999 to 2000, I served as a member of the so-called Bremer Commission on Terrorism, headed by former Ambassador L. Paul Bremer, who now serves as civil administrator in Iraq. The issue of listing groups and states as terrorist actors was something we considered carefully. In fact, we spoke out about one such state.

I think this is an excellent tool to help defeat the threats we face. I really want to commend the gentleman from California (Mr. GALLEGLY) for offering this improvement to our intelligence authorization bill.

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

Mr. GALLEGLY. Mr. Chairman, I yield 2½ minutes to my good friend, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I want to thank my friend, the gentleman from California (Mr. GALLEGLY) for offering this amendment.

In 1996, following a series of terrorist attacks throughout the world, Congress acted to make clear that this country is not to be used as a staging ground for those who seek to commit acts of terrorism against persons in other countries.

One of the components in the Committee on the Judiciary's 1996 anti-terrorism legislation was to authorize the Secretary of State to designate foreign terrorist organizations, or FTOs, that threaten U.S. residents or the national security of the United States.

Seven years of experience with the designation process has shown that it is needlessly burdensome, draining resources that are needed in the war on terrorism. There are now some 37 designated FTOs, and the redesignation of each requires intensive interagency review and the preparation of a voluminous administrative record. Which can take months, of course.

Few of the designated FTOs ever challenge their designation. For example, it is unlikely that al Qaeda will seek judicial review of the Secretary's designation of them as FTOs in the D.C. Circuit Court. Nevertheless, every 2 years the Federal Government must compile the record against them.

State and Justice Department officials have informed the Committee on the Judiciary that the cost of repeatedly proving that FTOs have retained their terrorist characteristics diverts resources from other pressing counterterrorism work, including pursuit of additional designations.

Mr. Chairman, the amendment offered by the gentleman from California (Mr. GALLEGLY) addresses each of these concerns in a way that still assures appropriate review. The text of this amendment tracks language in a bill that has been reviewed by the Committee on the Judiciary. This amendment would free up critical anti-terrorism resources that are now expended on the onerous and, for most groups, largely pointless task of redesignation, while assuring that affected groups have the opportunity to seek appropriate review.

I urge my colleagues to support this amendment.

Ms. HARMAN. Mr. Chairman, I reiterate my support for this amendment, and I yield back the balance of my time.

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

Mr. Chairman, I would like to thank my friend, the gentlewoman from California (Ms. HARMAN), for her positive comments and for the support.

Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3 printed in House Report 108-561.

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOEHLERT:

At the end of title III (page 11, after line 8), insert the following new section:

**SEC. 304. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.**

(a) FINDINGS.—The Congress finds the following:

(1) Libya has been listed as a state sponsor of terrorism by the Department of State each year since 1979.

(2) A German court found the Libyan Government guilty of the East Berlin La Belle disco bombing of 1986, in which two US servicemen were killed.

(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya quietly approached members of the intelligence services of the United States and United Kingdom and indicted a willingness to discuss Libya's weapons of mass destruction programs.

(6) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(7) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(8) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(9) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(10) Documents relating to those programs indicate that Libya had purchased a virtual "turnkey facility" to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(11) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(12) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in making illegal weapons, and a plan for destroying any banned materials.

(13) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(14) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(15) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced "the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions".

(16) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(17) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(18) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an "international supermarket" for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(19) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(20) Libya's decision to shed its pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(21) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

(B) severed all links to and support for acts of international terrorism;

(C) ceased all support for insurgency groups which have destabilized countries in Africa;

(D) demonstrated respect for human rights and the rule of law;

(E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and

(F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them;

(2) this would not have been possible if not for the demonstrated resolve of the United

States in the global war on terror and in the liberation of Iraq by United States and Coalition Forces;

(3) the President should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and

(4) other countries such as Iran, Syria, and North Korea, should follow Libya's example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

□ 1815

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

MODIFICATION TO AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. BOEHLERT:

At the end of title III (page 11, after line 8), insert the following new section:

**SEC. 304. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.**

(a) FINDINGS.—The Congress finds the following:

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(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) "As a result of Libya's support for international terrorism and its destabilizing role in the international community, the United States maintained a comprehensive economic embargo on Libya for more than two decades, which was aided by multilateral sanctions imposed by United Nations Security Council Resolutions 731 and 742 in 1992, and which together hobbled the development of the Libyan economy."

(6) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya once again quietly approached members of the intelligence services of the United States and United Kingdom and indicted a willingness to discuss Libya's weapons of mass destruction programs, as it had previously in the 1990's.

(7) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(8) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(9) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(10) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(11) Documents relating to those programs indicate that Libya had purchased a virtual "turnkey facility" to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(12) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(13) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in making illegal weapons, and a plan for destroying any banned materials.

(14) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(15) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(16) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced "the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions".

(17) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(18) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(19) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an "international supermarket" for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(20) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(21) Libya's decision to shed its pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to decades of United States and multilateral economic sanctions against Libya,

the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(22) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

(B) severed all links to and support for acts of international terrorism;

(C) ceased all support for insurgency groups which have destabilized countries in Africa;

(D) demonstrated respect for human rights and the rule of law;

(E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and

(F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them;

(2) this would not have been possible if not for decades of United States and multilateral sanctions against Libya, the demonstrated resolve of the United States in the global war on terror and the liberation of Iraq by United States and Coalition Forces;

(3) the President and previous Administrations should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and

(4) other countries such as Iran, Syria, and North Korea, should follow Libya's example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the modified amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Ms. HARMAN. Mr. Chairman, reserving the right to object, though I will not object, I want to be sure that the language that has not been read is consistent with the language I just reviewed.

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

Ms. HARMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I can assure the gentlewoman that that is the case.

Ms. HARMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from New York?

There was no objection.

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



Let me tell my colleagues a little bit about the genesis of this amendment. Early in February, as a senior member of the Permanent Select Committee on Intelligence, I was asked to lead a delegation for a mission to Iraq and Afghanistan. That delegation included the distinguished gentlewoman from California (Ms. HARMAN), the ranking member of the committee, and there were four others. There were six of us. We planned a most ambitious schedule for 6 days: six countries, 6 days.

Our purpose was not to determine the progress on the Constitution, important though that was; not to check on the morale of the troops, important though that always is; not to check on how we were spending our money on the reconstruction, and that too is very important. Our purpose as members of the Permanent Select Committee on Intelligence was to meet with members of the intelligence community on-site in that war zone to hear from them in their own words their assessment of the situation. I want to compliment all of the members of that delegation for the outstanding contribution they made to that mission.

But before we were going and still in the planning stages, I had a call from the State Department, Ambassador Burns, who directs the Near East desk. He said, Mr. Chairman, I would like you and the delegation to consider making an addition to your trip, another stop. I said, have you looked at our schedule? Six countries in 6 days. We do not have time to wind our watch. He said, let me talk to you about it. Then he came up to Capitol Hill; and in the secure sanctuary of the Permanent Select Committee on Intelligence rooms on the fourth floor of the Capitol, he said, We would like you to go to Libya. We would like your delegation to meet with Colonel Qadhafi. I said, Are you kidding? Are you serious? Libya is engaged in state-sponsored acts of terrorism against American citizens. It has endured U.N. sanctions; that has been going on for 20 years; disregarded world condemnation, and dismissed diplomatic settlements. What has changed? And he said, in the secure sanctuary of the Permanent Select Committee on Intelligence quarters on the fourth floor of the Capitol, There is movement; There is progress. We think it would be very valuable for your bipartisan delegation to go to Libya to meet Colonel Qadhafi, because we want to demonstrate in tangible form that if he begins to cooperate with us, we will cooperate with him.

After checking with the gentlewoman from California (Ms. HARMAN), she agreed. She thought it would be a good idea, and off we went. We spent 8 hours in the country, the final 2 hours in a tent in the middle of the Libyan desert outside of Surt, Colonel Qadhafi's hometown. We talked about weapons of mass destruction. We talked about the war on terrorism. We talked about the shooting down of Pan Am Flight 103, which has a searing impact

on my soul forever more because there were 35 students from Syracuse University on that flight. We talked about all of the gut-wrenching issues that are so important to our security and the security of the Free World, and it was a meaningful discussion. And the gentlewoman from California (Ms. HARMAN) can characterize it from her standpoint what she thought of it.

Then we completed the rest of our mission. We went to Jordan, we went to Iraq, we went to Afghanistan, we went to Turkey. This was a world-wind visit of the Permanent Select Committee on Intelligence, very serious business, doing very important work. As a matter of fact, 3 of the 6 days, we did not even sleep in a hotel; we slept in the airplane. We got back home, and we reported everything to the committee and to the State Department.

Since then, there has been a great opening up with Libya. Colonel Qadhafi, I do not think he went to bed one night and suddenly woke up and said, Hey, those guys are right and I have been wrong. I am going to change my ways. I think he looked around at the world and he said, the war on terrorism could negatively impact him like it negatively impacted his neighbor to the north, who is now behind bars, Saddam Hussein. I think he said that he wants to be concerned about his legacy and in what shape he was going to leave that country. I think he decided that it would be best to cooperate.

What has happened since then? He has turned over the weapons of mass destruction, he has made his country open for inspection, and he is cooperating fully.

Does that mean we can clap our hands and say, boy, is this not a great victory? Although it is a great victory as far as it goes, and it does prove that leadership really results in something positive if we work together. But the fact of the matter is, we have to continue to be cautious, but we have to be very deliberate.

That country is moving in the right direction. Let us hope they continue that movement. We want signals to be sent to others. We want Iran and North Korea and other nations, others who are on the list of countries that sponsor state terrorism, to get the message; and we think that this amendment that I am offering, this sense of the Congress amendment, will do the right thing in the appropriate way.

Let me add that there are a number of Members on both sides of the aisle that have worked very cooperatively on this. The gentleman from California (Mr. LANTOS) had some suggestions for language. That is what my modifying amendment includes, the suggestions he made. That is the way we work best together, when we reach across the center aisle and find common ground.

So I would urge the adoption of my amendment.

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

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will

control the time on this side; and I yield myself such time as I may consume.

I want to commend the gentleman from New York (Mr. BOEHLERT) not only for the amendment but for, as he said, engaging the gentleman from California (Mr. LANTOS) in a constructive effort to improve the amendment, and I think it is a lot better. Frankly, I wish that our bill that we are considering and voting on today had engaged the minority more constructively at an earlier stage; I think it would have been a lot better.

I do support the Boehlert amendment. I fondly remember our trip, six countries, 6 days. I think the gentleman left out Sicily, so we might add 7 countries in 6 days.

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

Ms. HARMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. The only reason we left out Sicily, because the initial was 6 countries in 6 days; but as the gentlewoman will recall, when we added Libya, there were requirements on the pilots in that they could not fly a certain amount of time beyond their standard time, so we could not go any farther than Sicily. We had to exit Libya, but we could not go any farther than Sicily, so we stayed overnight and got up the next morning and off we went.

Ms. HARMAN. Mr. Chairman, reclaiming my time, I thought our Sicily stop was outstanding, which is why I brought it up.

But I think that the improvements made to this amendment by the gentleman from California (Mr. LANTOS) are noteworthy. What he did, as I understand it, was to insert a bit of the history here, the role of sanctions initiated by President Reagan, the role of international legal negotiations to get Libya to renounce terrorism and turn over terrorism suspects to international courts, and the role of diplomacy in previous administrations and by the British and others before the beginning of this administration. Though this administration did play a role, and I commend it, in President Qadhafi's stunning decision to do the right thing, that should be reflected, and is, in this amendment.

Mr. Chairman, I will put two very important articles on this subject in the RECORD. One is by Dr. Flynt Leverett entitled "Why Libya Gave Up the Bomb" from the January 23, 2004, New York Times; and the second is a Middle East Institute Policy Brief by two former assistant Secretaries of State and former ambassadors, Martin Indyk and Edward S. Walker entitled "What Does Libya's Disarmament Teach About Rogue States?" dated April 7, 2004.

Finally, let me make two other points. We have seen in recent days troubling allegations that Colonel Qadhafi was himself involved in ordering assassinations of Saudi leaders. These

are, of course, press reports. But these stories remind us that the success of our policies toward Libya remain an open question, and I am sure the gentleman from New York (Mr. BOEHLERT) agrees with me that we need to be clear-eyed and diligent to make certain that these promises by Colonel Qadhafi are kept, and that in other respects, he does not convert to any of his old habits.

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

Ms. HARMAN. I yield to the gentleman from New York, the sponsor of the amendment.

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for yielding. Let me stress we have to be cautious, but deliberate. But as a favorite son of the gentlewoman's State, the great President that we just lost, I am reminded of his admonition: trust, but verify.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for those comments and strongly agree with them.

In closing, Mr. Chairman, let me just mention that on that trip that was described, we did spend a day and evening in Baghdad. It was my second visit. We met with troops, but we also met with all of our intelligence personnel at the scene in addition to the leaders of the CPA. What is troubling about that, and I believe the gentleman from Florida (Chairman Goss) has commented on this in another appearance, our appearance yesterday in the Committee on Rules, because the timing of our trip was February 2004. While we were in Baghdad, General Taguba was doing his investigation of prison abuse and so forth in Baghdad, and we were never told by these intelligence leaders that that investigation was ongoing. That was wrong. That diminishes our oversight, and those folks whom we support as robustly as we can need to be fully candid with our committee, especially when we are seeking them out to try to help them.

Mr. Chairman, I would conclude by saying that I support the gentleman's amendment as improved by the gentleman from California (Mr. LANTOS).

[From the New York Times, 23 January 2004]

#### WHY LIBYA GAVE UP ON THE BOMB,

(By Flynt Leverett)

WASHINGTON.—As President Bush made clear in his State of the Union address, he sees the striking developments in relations with Libya as the fruit of his strategy in the war on terrorism. The idea is that Col. Muammar el-Qaddafi's apparent decision to renounce weapons of mass destruction was a largely a result of the overthrow of Saddam Hussein, which thus retroactively justifies the war in Iraq and holds out the prospect of similar progress with other states that support terrorists, seek weapons of mass destruction and brutalize their own people.

However, by linking shifts in Libya's behavior to the Iraq war, the president misrepresents the real lessons of the Libyan case. This confusion undermines our chances of getting countries like Iran and Syria to follow Libya's lead.

The roots of the recent progress with Libya go back not to the eve of the Iraq war, but

to the Bush administration's first year in office. Indeed, to be fair, some credit should even be given to the second Clinton administration. Tired of international isolation and economic sanctions, the Libyans decided in the late 1990s to seek normalized relations with the United States, and held secret discussions with Clinton administration officials to convey that message. The Clinton White House made clear that no movement toward better relations was possible until Libya met its responsibilities stemming from the downing of Pan Am Flight 103 over Lockerbie, Scotland, in 1988.

These discussions, along with mediation by the Saudi ambassador to the United States, Prince Bandar bin Sultan, produced a breakthrough: Libya turned over two intelligence officers implicated in the Pan Am 103 attack to the Netherlands for trial by a Scottish court, and in 1999 Washington acquiesced to the suspension of United Nations sanctions against Libya.

Then, in the spring of 2001, when I was a member of the State Department's policy planning staff, the Bush administration picked up on those discussions and induced the Libyans to meet their remaining Lockerbie obligations. With our British colleagues, we presented the Libyans with a "script" indicating what they needed to do and say to satisfy our requirements on compensating the families of the Pan Am 103 victims and accepting responsibility for the actions of the Libyan intelligence officers implicated in the case.

We also put an explicit quid pro quo on the table: if Libya met the conditions we laid out, the United States and Britain would allow United Nations sanctions to be lifted permanently. This script became the basis for three-party negotiations to resolve the Lockerbie issue.

By early 2003, after a Scottish appeals court upheld the conviction of one of the Libyan intelligence officers, it was evident that our approach would bear fruit. Indeed, Washington allowed the United Nations sanctions against Libya to be removed last summer after Libya reached a compensation agreement with the Pan Am 103 families and accepted responsibility for its officials' actions.

But during these two years of talks, American negotiators consistently told the Libyans that resolving the Lockerbie situation would lead to no more than elimination of United Nations sanctions. To get out from under the separate United States sanctions, Libya would have to address other concerns, particularly regarding its programs in weapons of mass destruction.

This is the content in which Libyan officials approached the United States and Britain last spring to discuss dismantling Libya's weapons program. The Iraq war, which had not yet started, was not the driving force behind Libya's move. Rather, Libya was willing to deal because of credible diplomatic representations by the United States over the years, which convinced the Libyans that doing so was critical to achieving their strategic and domestic goals. Just as with Lockerbie, an explicit quid pro quo was offered: American officials indicated that a verifiable dismantling of Libya's weapons projects would lead the removal of our own sanctions, perhaps by the end of this year.

The lesson is incontrovertible: to persuade a rogue regime to get out of the terrorism business and give up its weapons of mass destruction, we must not only apply pressure but also make clear the potential benefits of cooperation. Unfortunately, the Bush administration has refused to take this approach with other rogue regimes, notably Iran and Syria. Until the president is willing to employ carrots as well as sticks, he will make

little headway in changing Iranian or Syrian behavior.

The president's lack of initiative on this point is especially disappointing because, in the diplomatic aftermath of the Sept. 11 attacks, the administration has a singular opportunity to effect strategic realignments by both Iran and Syria. Well-placed Iranians, including more pragmatic elements of Iran's conservative camp, have indicated through diplomatic channels and to former officials (including myself) their interest in a "grand bargain" with the United States. Basically, Tehran would trade off its ties to terrorist groups and pursuit of nuclear weapons for security guarantees, a lifting of sanctions and normalized relations with Washington.

Likewise, senior Syrian officials—including President Bashar al-Assad himself, in a conversation in Damascus last week—have told me that they want a better strategic understanding with the United States. To achieve this, however, Washington needs to be willing to spell out what Syria would get in return for giving up its ties to terrorists and its chemical weapons and ballistic missiles. As Mr. Assad told me, Syria is "a state, not a charity"—if it gives up something, it must know what it will gain in return.

One reason the Bush administration was able to take a more constructive course with Libya was that the White House, uncharacteristically, sidelined the administration's neoconservative wing—which strongly opposes any offer of carrots to state sponsors of terrorism, even when carrots could help end such problematic behavior—when crucial decisions were made. The initial approach on the Lockerbie case was approved by an informal coalition made up of Condoleezza Rice, the national security adviser, and Secretary of State Colin Powell. Likewise, in the lead up to the negotiations involving Libyan weapons of mass destruction, the neoconservatives at the Pentagon and in the shop of Under Secretary of State John Bolton were left out of the loop.

Perhaps a coalition among members of the State Department's bureau of Near Eastern affairs and the National Security Council's more pragmatic elements can chart a similar course involving Iran and Syria. However, until the administration learns the real lessons of the Libyan precedent, policy toward other rogue regimes is likely to remain stuck in the mind of ideology.

Flynn Leverett, a visiting fellow with the Saban Center for Middle East Politics at the Brookings Institution, was senior director for Middle Eastern affairs at the National Security Council from 2002 to 2003.

[From the Middle East Institute, April 7, 2004]

#### WHAT DOES LIBYA'S DISARMAMENT TEACH ABOUT ROGUE STATES?

(By Ambassador Martin S. Indyk;  
Ambassador Edward S. Walker)

Summary. Ambassadors Martin Indyk and Edward Walker discussed the bilateral negotiations begun in 1999 between the United States and Libya that led to Libyan leader Colonel Mu'ammar Qadhafi's radical change in foreign policy. These talks began during the Clinton Administration as part of a broader strategy that sought to "graduate" rogue states into the international community and establish normal relationships with the United States. Although initially wary of the process, the Bush Administration successfully forged ahead with the secret negotiations bringing about the recent rapprochement between the two countries.

Brief. When the secret US-Libyan negotiations began in 1999, Libya was engaged in an effective campaign in the United Nations to cease the multilateral sanctions imposed on

it by the international community. The United States was in a difficult position because it was the only member that refused to lift the sanctions and therefore was in danger of becoming isolated in the Security Council. Had the United States merely vetoed a new UN resolution to lift the sanctions, the international consensus that made the sanctions regime effective would have eroded, and this potentially would have led to the failure of the US objectives regarding Libya: the halting of state sponsorship of terrorism, an admission of responsibility for the bombing of Pan Am Flight 103 over Lockerbie, Scotland, and the payment of compensation to families of Pan Am Flight 103's victims.

A New Strategy. The United States' primary short-term goal in the negotiations was to maintain the sanctions. At the same time, the US was pursuing a new strategy that went considerably beyond a policy of containment. The goal of this broader strategy was to try to change the behavior of rogue states and "graduate" them into the international community and normalize relations with the United States. Libya was a good test case for this new strategy because the broad international consensus that Colonel Qadhafi's actions were unacceptable provided the US with more flexibility. As for the Libyan goals, Qadhafi, having abandoned his pan-Arab aspirations, made a deliberate tactical decision to normalize relations with America.

The Negotiations. The negotiations began in May 1999, with Musa Kusa, Colonel Qadhafi's head of intelligence services, leading the Libyan delegation. Crown Prince Abdullah of Saudi Arabia and President Hosni Mubarak of Egypt strongly backed the process and at times even provided logistical support. The US put forth two initial conditions which Colonel Qadhafi fulfilled immediately: first, that Libya halt all efforts in the UN to have the sanctions lifted; and second, that the bilateral dialogue be kept secret. Surprisingly, Libya was prepared to accept subsequent US requirements with little negotiation. Among the additional requirements were the closure of all terrorist camps in the country, acknowledging responsibility for the Pan Am Flight 103 terrorist operation, paying compensation to families of the victims, and disclosing weapons of mass destruction (at the time only consisting of chemical weapons, as Libya had yet to begin a nuclear weapons program).

Ambassador Indyk suggested these negotiations could have proceeded more quickly, possibly concluding prior to the 2000 election season, had the United States not periodically instituted new demands to ensure Colonel Qadhafi's consistency and compliance. Another complicating factor was a strong and vocal anti-Libyan constituency among the families of Pan Am Flight 103 victims who slowed down the reconciliation. The negotiations were also put on hold for the 2000 American presidential elections out of concern that the process would be leaked to the press and result in a scandal. Once elected, although initially wary of the process, the Bush Administration resumed talks in a more public forum and "took them to their natural conclusion," which has led to the recent public US-Libyan rapprochement.

Although this has been a success story for this new strategy, it is not necessarily applicable to all rogue states. There were specific conditions with regard to Libya that made the process work. First, the international community was united in condemning Libya's terrorist actions. Though the United Nations contemplated lifting sanctions, the international consensus against Libya was largely still intact. Second, the United States had shown previously that it was will-

ing to use military force against Libya, after the 1986 West Berlin nightclub bombing. Finally, Qadhafi had a change of heart. He decided that he wanted American companies specifically to develop Libya's oil fields and this strongly influenced his decision-making. The United States was able to use the carrot and the stick effectively throughout the process, and Colonel Qadhafi consistently reinforced his willingness to comply with US demands.

The Ambassadors added that one way to improve this type of strategy in the future would be for the US Administration to articulate from the outset the final goals of the engagement and identify concrete steps for compliance. On a final note, both Indyk and Walker believe that the new approach has been very effective and extend credit to the George W. Bush Administration for seeing this unusual policy to its conclusion.

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

Mr. BOEHLERT. Mr. Chairman, I will complete the balance of my time by just once again emphasizing that all is not over, all is not hunky-dory, as the phrase goes; but there has been significant movement in the right direction, thanks to good intelligence, thanks to firm and decisive leadership. But we have to go forward with the admonition that we trust, but verify.

So I would urge strong support of this amendment for all the reasons that have just been enumerated by the gentlewoman from California (Ms. HARMAN) and this gentleman, and I would urge a "yes" vote on my amendment.

Mr. SHERMAN. Mr. Chairman, I voted against the Boehlert Amendment to the Intelligence Authorizations bill for 2005, H.R. 4548, due to the language which suggested that the war against Iraq and the policies of our commander-in-chief were the major factors in Libya's change with respect to the development of nuclear and other weapons of mass destruction. It was, in fact, concerted multilateral economic and diplomatic pressure which brought Libya's leader, Col. Qaddafi, to his senses to cut a deal to end U.S. and multilateral sanctions and relieve Libya's diplomatic isolation. I agree with the Ranking Member of the International Relations Committee, who insisted that language be added noting the effect sanctions had on the Libyan leader's policies. However, I cannot support legislation which suggests that the President's policy in Iraq played the major role in affecting policy in Tripoli.

I also voted against the Rogers Amendment. Though I agree with many of its provisions, I cannot support its partisan tone.

Mr. VAN HOLLEN. Mr. Chairman, this amendment represents another example of the Republican leadership playing politics with important matters of national security. The decision of Libya to renounce its program to develop weapons of mass destruction represents an important victory for U.S. diplomatic and foreign policy efforts. However, the attempt to directly tie that success to the war in Iraq is not supported by the facts. Consequently, while I agree with much that is contained in this amendment, I will not engage in this politically motivated farce.

Mr. BOEHLERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by

the gentleman from New York (Mr. BOEHLERT).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 108-561.

AMENDMENT NO. 4 OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. 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. SAM JOHNSON of Texas:

At the end of title III (page 11, after line 8), insert the following new section:

**SEC. 304. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.**

(a) FINDINGS.—The Congress finds the following:

(1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS Cole in 2000.

(2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.

(3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organizations being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Texas (Mr. SAM JOHNSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment is pretty simple. It expresses the sense of Congress that the apprehension, detention, and legal interrogation of terrorists is imperative to winning the war on terrorism and stopping the barbarians.

The terrorist thugs that we are fighting today are well-organized, well-financed forces who have publicly declared war on the United States of America and the Free World. They have a global network of hide-outs and cells, set up solely to wage war on the United States and kill innocent American citizens.

□ 1830

They have carried out attack after attack on Americans. They attacked the USS *Cole*. They attacked our barracks. They attacked our embassies, and we will always remember the highly coordinated attacks of September 11 on our own land.

This Congress has authorized the President to use all necessary and appropriate means to defeat terrorism. On numerous occasions since September 11 and throughout the global war on terror, the interrogation of detainees has yielded valuable intelligence. This intelligence has saved the lives of American military personnel and American citizens at home and abroad. The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations and their target selection process and the identities of key operational and logistical personnel who were previously unknown.

The reported abuses against detainees at the Abu Ghraib prison in Iraq has led some to question our interrogation policy. Make no mistake. What happened at Abu Ghraib was not part of U.S. policy, not keeping with the finest traditions of the United States military.

The careers of those people are over. They are being punished. However, the

deplorable actions of some should not jeopardize the use of interrogation by our armed services, and we should not let it tarnish the sterling representation of our military.

The loss of interrogation-derived information would have a disastrous effect on our Nation's intelligence, collection and counterterrorism efforts. It would constitute a damaging reversal in the global war on terror at this critical time.

Support this amendment for the safety of our troops for Americans all over the globe, and for the war on terror. It is imperative that lawful interrogation of detainees continue, and this Congress ought to support it.

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

The CHAIRMAN. Who seeks to control the time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will control the time on our side.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

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

Mr. Chairman, I will support the amendment, though I wish it had included a clear statement about the importance of U.S. obligations to adhere to international laws, conventions and treaties to prevent torture, cruel, inhumane and degrading treatment of human beings.

Mr. Chairman, one of the most troubling aspects of this whole detainee issue, besides the absolutely reprehensible abuse of prisoners, is the all-out assault on the rule of law that is clearly revealed in legal memos that seem to justify abuse and even torture of detainees.

None of us is naive here, and as a member of the Permanent Select Committee on Intelligence, I strongly believe in the importance of interrogations and understand that interrogations can yield information that protect thousands or millions of Americans. We have to interrogate prisoners, but over the many years of our country's history, we have always done those interrogations consistent with the rule of law, and only recently have some very troubling memoranda surfaced at the highest levels of the Justice Department and the Defense Department that raise questions and that actually assert that the President of the United States in his role as commander in chief could actually be above the law.

I thought, Mr. Chairman, that we had defeated that idea at Runnymede centuries and centuries ago and that our country was built on a foundation of the rule of law, and I worry, Mr. Chairman, that if we do not observe the rule of law, not only do we undercut our moral authority, but we endanger our troops who might be treated just the way some of our people are treating other troops.

Now, let me add quickly that the beheading of Americans and other nationals is absolutely outrageous, and nowhere do I think that behavior is consistent with even rational or humane behavior. It is abhorrent and appalling, and I strongly condemn it.

But in conclusion, I think it is important that we support this amendment, but I think it is also important that as we do support this amendment, we think about the fact that the rule of law must always apply as we treat detainees and proceed with the important work of interrogations.

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

Mr. SAM JOHNSON of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. HARMAN) for her comments, and I agree that it is barbarous what is going on over there.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I thank the gentleman from Texas (Mr. JOHNSON) for bringing this amendment forward and for yielding me the time.

As my ranking member has said, the use of interrogation is absolutely critical. It is a very important tool in the war on terrorism. Getting information timely, not only saves lives for our forces, but in the type of unconventional war we are fighting today, it is critical to know where the next bad surprise is going to come from, because these folks do not fight fair, as you say.

Equally, in order to protect the tool that we have, the proper use of interrogation, we need to prevent the abuse of interrogation. We all understand that, and unfortunately, I think that those of us who understand it and have looked into it are a little puzzled by the fixation that the liberal media has assigned to some of this, what I would call, aberration problem that took place at Abu Ghraib, which was admittedly terrible, but I believe it is an aberration.

I would like to point out to the American people that our committee does have oversight over interrogation, and we have looked into what has happened in the intelligence aspects, the interrogation aspects. We have had numerous briefings, and we had a rather full-scale day of hearings settled for, I guess it was last Friday. Unfortunately, that was preempted by the sad events with President Reagan's, the national day of mourning for State ceremony for former President of the United States, Ronald Reagan. So the government was closed, and obviously we have had to postpone.

But we are on top of the hearings in keeping up with this, and we have reams of material and reports, and we are obviously going to have more, because more reports are taking place.

I think the purpose of the gentleman's amendment is very, very important. We must not lose sight that interrogation is a critical tool, and despite the hype and the sensationalism that the liberal media is fixing on, and it is a shame they do not talk more about the cruelty and the barbarity, as the gentleman has alluded to, of the enemy than they do of some people who got out of control on our team.

I would also like to say that for the record, it is my understanding, and we do not know all of the facts yet, that perhaps the reason that the gentleman did not get an intelligence briefing in February while she was in Iraq is because the prisoners that were involved, we are finding out, were prisoners of crimes, of murder and rape and so forth, and not necessarily subjects of intelligence interest.

Now, that needs to be pursued further, but you can understand that if they are just criminals, that there would not be a huge reason to go out and get the Permanent Select Committee on Intelligence involved, its abuse of prisoner handling, if that is the issue.

So we have got an area of jurisdiction there where we will sort out. I do think that it is extremely important that we support this amendment. And I thank the gentleman for bringing it forward. I think it is a huge improvement to our bill, and I will be very happy to accept it from our perspective.

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

Mr. Chairman, I would say to the gentleman from Texas that I appreciate his comments welcoming my comments. That, again, is in the spirit of bipartisanship. We all do better when we are bipartisan.

I would just also make a comment to the gentleman from Florida (Mr. Goss). I certainly agree that a lot of material is in our committee spaces, but we will consider an amendment later this afternoon on this subject of the committee's ability to oversee the detainee problem. Some of us remain skeptical that our committee has gotten all the material we need and certainly skeptical that we have gotten adequate candid testimony from administration officials.

I would also point out to the gentleman from Florida (Mr. Goss) that while we were in Baghdad, we should have been told about some issues directly relevant to our jurisdiction, such as this issue of ghosting of detainees as described by General Taguba in his report, and that is the placing of detainees without revealing their numbers or their identity in prisons so that, as I understand it, the International Red Cross and other outside observers would not be aware of their existence. This is a serious issue directly relevant to our jurisdiction. I believe that it was known to those we met with in Baghdad and they should have informed us; at least that is my personal opinion.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), another member of our committee to comment on the Johnson amendment.

Mr. HOLT. Mr. Chairman, the amendment by our colleague from Texas indeed states a correct proposition that the detention and lawful interrogation of terrorists is fundamental to our national security. The key word, of course, is "lawful." And perhaps the amendment could have been improved by spelling out more explicitly the importance of adhering to international convention, international law, international standards.

There is no doubt that the gentleman from Texas has the admiration and appreciation of every Member here in this body for his service, and no one knows better than he, he has very personal and strong reasons for caring about the treatment of detainees and prisoners. And, in fact, I just wanted to underscore the point that I am sure the gentleman knows better than I, that the reason we do adhere to international standards, is for the protection of our own servicemen and women who may indeed become prisoners themselves.

We certainly deplore the barbaric treatment of Americans, Koreans and others by the terrorists. We understand that non-state terrorists sometimes do not feel bound by the international standards, but the gentleman's legislation with an emphasis on the word "lawful" makes a good point.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I wanted to make a point about the fact that the gentleman from Florida (Chairman Goss) had invited several of us on the committee to go to Guantanamo on two different occasions. We spent 2 full days on two separate occasions touring and observing and paying attention. And there is absolutely no question the work that goes on there is absolutely critical to our ability to win the war on terror. And it is absolutely critical to our work and the work of law enforcement people in this country to find those people that are still here in America, trying to hurt our country and trying to hurt our system.

And that is why the amendment of the gentleman from Texas is so important because it does point up the importance of the work that goes on. And the work that goes on in the Guantanamo is very professional work. It is done by the book. It is done in a way that, I think, has elicited the kind of information that has really helped those in this country and around the world get the information they need.

And so I support the amendment and I support those that are doing the hard work in Guantanamo because it will make a difference in our ability to win the war on terror.

Ms. HARMAN. Mr. Chairman, I see no additional speakers on our side. I

support the amendment, and I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I advocate lawful and legal interrogation, and it must continue because it does save lives on our side. And I would also like to point out that the Bush administration has recently declassified and released hundreds of pages of internal documents that show that torture against detainees has never been authorized and will never be authorized by our Nation.

Mr. BLUMENAUER. Mr. Chairman, I voted against the amendment because while the Abu Ghraib prison abuses should not be part of the United States' policy, the evidence is not clear that it was not part of the policy of the Bush administration. Given the disturbing documents that are coming to light, this amendment seemed to be partisan wishful thinking rather than a clear expression of policy supported by objective analysis.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

It is now in order to consider amendment number 5 printed in House Report 108-561.

□ 1845

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

At the end of title III (page 11, after line 8), insert the following new section:

**SEC. 304. SENSE OF CONGRESS ON SUPPORT FOR THE EFFORTS OF THE INTELLIGENCE COMMUNITY.**

(a) FINDINGS.—The Congress finds the following:

(1) The men and women of the intelligence community are the backbone of the Nation's efforts to gather and collect the intelligence which is vital to the national security of the United States.

(2) The men and women of the intelligence community are great patriots who perform their jobs without fan fair and all too often without receiving the proper credit.

(3) The men and women of the intelligence community are combating vastly different threats to the Nation's security compared to their Cold War colleagues.

(4) Threats to the United States have evolved through the use of technology and non-state actions, demanding alternatives to traditional diplomatic actions.

(5) The 1995 "Deutch Guidelines" regarding the recruitment of foreign assets impeded human intelligence collection efforts and contributed to the creation of a risk averse environment. Despite repeated efforts by the intelligence oversight committees of Congress to convince the Director of Central Intelligence to drop the guidelines, these guidelines stood until formally repealed in 2001 by an Act of Congress.

(6) The President's budget request for the intelligence community fell by 11 percent from 1993 to 1995.

(7) Congress cut the President's budget request for the intelligence community each year from 1992 through 1994.

(8) The cutbacks in resources and political support during the middle of the previous decade has caused nearly irreversible damage.

(9) Widespread risk aversion in clandestine HUMINT collection and intelligence analysis resulted from lack of resources and, more importantly, of political support for the mission during the middle of the previous decade.

(10) Unnecessarily cumbersome legal impediments to the clandestine HUMINT collection mission were raised during the middle of the previous decade, leaving our intelligence officers unable to penetrate legitimate target organizations, such as terrorist groups.

(11) Congress and the current President have worked cooperatively to restore funding, personnel levels, and political support for intelligence.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should be revitalized by investing in the missions, people, and capabilities of the community; and

(2) the efforts of the men and women of the intelligence community should be recognized and commended.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I might consume.

I rise today, and I am not one that normally comes to the floor; but given my time as a special agent with the FBI and watching the intelligence community get really abused in the 1990s and to see this very partisan debate engaged in this Intelligence authorization, I felt compelled to come to the floor, at least to try to interject some common sense and some plea that we could get back to the serious work of protecting the United States of America. One way we do that is we stand tall and we stand together and we commend those who are risking their lives every day in what is an art, a skill, to some degree a science, of collecting intelligence around the world.

The 1990s was brutal to intelligence collection. Funding was reduced. As a matter of fact, the number of intelligence operatives declined by 27 percent from 1992 to 1999. From 1991 to 1997, the number of stations declined by 30 percent. The number of assets de-

clined by 40 percent. The intelligence reporting declined by approximately 50 percent. As a matter of fact, George Tenet said in front of the commission, When I became DCI, I found a community and a CIA whose dollars were declining and whose expertise was ebbing.

There was a feeling in the community of intelligence that they were the stepchild; they were the sinister folks who we did not need to spend money on anymore, who had passed their prime after the close of the Cold War. They became the great awful folks that we wanted to blame for a lot of things.

As a matter of fact, in the Deutch guidelines of 1995, they basically said that CIA operatives around the world could not associate with unsavory characters. I have to tell my colleagues that as an agent of the FBI, if you were not dealing with some unsavory characters, you were not catching bad guys. That is exactly what we needed to do. My colleagues can imagine the morale and the confusing message that we send to somebody who is risking their life in some remote corner of the world, dealing with somebody who would just as soon slit your throat as to say hi, and say to them, boy, you cannot deal with unsavory characters to save and defend the United States of America; it might embarrass us somewhere along the way.

Well, if we are going to defeat terrorism, we need to deal exactly with those unsavory characters. The gentlemanly days of Ivy League spies are over. The threat today are those who behead their hostages. The threat today are those who use illegal operations and criminal enterprise to conduct horrible acts against the United States, including flying airplanes into buildings.

So what we do by this amendment is say, yes, we have made some mistakes; yes, we did not hold you in high regard in the last decade, but we do today and we appreciate your work. You will not be on TV. You probably will not write a book. You probably will not be famous, but you are risking your life every single day for the defense of the United States.

I talked to a CIA station chief just this weekend who said our business is really to steal secrets, and all we want is the appreciation of what we do, the art of getting to them before they get to us.

These are great Americans, and when we tell them not to do something, they will not do it. When we tell them that we care and believe in them, they are going to do it. So this amendment is exactly that. It is us standing together, trying to set aside our partisan differences on what should never be a partisan issue, the safety and security of the United States of America.

So, to every FBI agent who gets up in the morning and worries that on their watch something bad is going to happen, to every CIA agent, to every other intelligence operative that we have employed by the United States of

America who stands tall as a patriot for their Nation, we ought to say today, we recognize we did not treat you well, but we understand how valuable you are today, and we will stand with you. We will stand with you all the way. We are going to give you the resources you need, and we are going to give you the respect that you should command.

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

The CHAIRMAN. Who seeks to control the time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I rise in opposition to this amendment, and I will control the time on our side.

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) is recognized for 10 minutes.

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

Let me just say to the sponsor of the amendment that all of us in this House, on a bipartisan basis, recognize and respect and honor the heroism and sacrifice of the men and women in the intelligence community. I have spoken to it two or three times already today. That is not the issue. The issue is additional language in this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER), our rookie.

Mr. RUPPERSBERGER. Mr. Chairman, I thank the gentlewoman from California (Ms. HARMAN) for the time.

First, we appreciate the gentleman from Michigan's (Mr. ROGERS) service, and I agree with a lot of the comments he made about coming together and supporting our men and women who really toil in the intelligence community. They toil tirelessly in the shadows for sake of our Nation's security.

Today, we have heard complaints about our side being involved in partisan politics when, in fact, we are just trying to debate an issue that we disagree on; but I believe that certain parts of this amendment deal with a lot of politics, and I think it is important when we deal with the issue of politics that we then follow the facts because we need to be bipartisan as it relates to intelligence.

The problem with this amendment, basically, is that the facts are as follows: first, the cuts in the Intelligence budget began after the first Bush administration. The first President Bush ordered a 17.5 across-the-board cut in intelligence staffing from 1991 to 1997.

Now, let us talk about the reasons for some of these cuts. It was the end of the Cold War. The entire intelligence community was going through a transition that we are still going through today. So let us follow the facts.

House Republicans supported a 6 percent cut in President Clinton's Intelligence budget by voice vote in 1992. The Republicans have controlled the Congress in the last 10 years, which includes the purse strings. In 1996, Dr. Paul Wolfowitz, Under Secretary of Defense; the gentleman from Florida (Mr.



Goss), chairman of the Permanent Select Committee on Intelligence; and Senator WARNER were cosigners of the Brown-Rudman report calling for further staffing reductions in intelligence, 3 years after the World Trade Center bombing in 1993.

Senate Republicans cut \$400 million from President Clinton's Intelligence budget in 1998, and these cuts were later restored.

In 1999, President Clinton's CIA Director, George Tenet, secured the largest single increase in intelligence funding in 15 years.

House Republicans increased President Clinton's fiscal year 2000 budget by just 1 percent.

From 1990 to 2003, overwhelming bipartisan majorities have supported every intelligence budget by a roll call or voice vote.

I think we all recognize what this amendment really is. Let us get back to national security, and let us get away from the politics.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS), whose service in the CIA has been unparalleled, and his service to his country is unmatched.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for the time.

I rise in support of the amendment. As my colleague from Michigan mentioned, I spent 10 years in the Central Intelligence Agency. For all of those 10 years, I was a case officer. Five of those 10 years I served abroad on what I feel are difficult and dangerous missions. We have people today overseas serving under similarly difficult and dangerous conditions.

The life of a CIA officer operating undercover overseas is not easy. They are required to penetrate a host government, a terrorist organization, or some other entity that may do harm to our Nation. Of definition, you are going to be dealing with unsavory characters. Of definition, you are going to have to do things that you would not normally do to accomplish your mission.

This is stressful and this is dangerous, and so you can imagine what it must be like to operate in this environment when the DCI in 1995 issues the Deutch Guidelines, where cumbersome legal impediments are placed upon the clandestine operative in his or her effort to accomplish their mission.

I think this resolution correctly points out some of the difficulties that we have encountered over the last 3 years, and I would argue that some of those difficulties were encountered on both sides of the aisle, no question about it.

But I think it is also incumbent that we use this opportunity, this Intelligence authorization bill to discuss some of these issues so the American people better understand how regulations like the Deutch regulations, which sound good on the surface, which restrict us from dealing with unsavory characters, in fact, work to defeat the

fundamental mission of our intelligence men and women operating undercover overseas.

I thank the gentleman for his amendment.

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

I want to agree with the comments of the last speaker and commend his service as part of the Central Intelligence Agency. He brings great expertise to this House, and I as one Member value it enormously.

He may not know that the Bremer Commission on which I served recommended that the Deutch Guidelines not apply in the case of recruitment of terrorist spies. We, too, found that, though well-intended, and I believe they were well-intended, those guidelines inhibited the aggressive recruitment of people who had the qualifications to penetrate the worst terrorist organizations, which we need them to do. Yes, these are unsavory characters, and yes, we need them, provided that they are reasonably vetted so that we know that they are reliable, but nonetheless, yes, we need them. I do not want to be heard to be ambivalent about this at all.

A few years ago, our committee found that those guidelines had not been rescinded; and on a bipartisan basis, we directed that the DCI rescind them and replace them, and that was done at our direction. That was one of our impressive bipartisan actions, and so I would just point out that, while the language of this amendment commending our people in the field who take risk on our behalf is excellent, the problem we are having on this side is with the findings that very narrowly focus on a very few years of history.

The history is longer, and let me say in the spirit of bipartisanship that we all got it wrong after the Cold War. We all thought the world would be more peaceful. We all thought there would be a peace dividend. That is why the 41st President, President Bush, began to draw down both the Defense and Intelligence budgets, anticipating a more peaceful world, which obviously did not come to pass.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, well, I know that we like to have it both ways around here, all of us do; but you cannot have it both ways. You cannot come to the floor tonight and say that we are not doing enough and then vote against this amendment.

This amendment says that in the 1990s we did not put enough money in. You all know that. The cash cow when Clinton came into office was Defense and Intelligence, and what he did was he took the cash cow and he used the money for a lot of other things as all of you supported over there.

So the idea that we are not doing enough but they did enough sort of be-

lies belief here, and what the gentleman's amendment talks about is the fact that in the 1990s they took the cash cow, which was Intelligence and Defense, emasculated it, drew it down as far as they could and used it on a lot of other things. These charts prove that.

Then the idea that the former head of the CIA, President Herbert Walker Bush, did not do that, that is fiction, too. You all know that. So you cannot come here and have it both ways. You cannot say you are saying that the chairman did not put a good mark up here because he did not fund fully the things that you want and yet during the 1990s they did. You know what, it does not work that way, but I guess it does work that way because you can come here and say anything you want; but the facts are the facts.

The gentleman has a good amendment, and you all ought to be supporting that.

Ms. HARMAN. Mr. Chairman, how much more time do we have?

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) has 5 minutes remaining. The gentleman from Michigan (Mr. ROGERS) has 2½ minutes remaining. The gentlewoman from California has the right to close.

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

I would just point out to the gentleman from Illinois (Mr. LAHOOD) that the findings section of this amendment claims there was a funding reduction in the Intelligence budget of 11 percent between 1993 and 1995. This narrow period matches a period when President Clinton was in office and Democrats still controlled the Congress.

□ 1900

But the decline commenced in the first Bush administration, in 1990, as the Soviet empire was collapsing. And the trend continued through the 6-year period of Republican control of Congress until 9-11.

It is good that we have increased the budget. I hope everyone in this House supports those increases. Certainly those of us on this side of the debate are talking about full funding of counterterrorism, because it turns out that the world was not more peaceful after the fall of the Berlin Wall. The world was more dangerous, and all of us underestimated the lethality of the threats we faced.

In hindsight, we all, over three administrations, should have done a lot more. In foresight, hopefully together on a bipartisan basis, we will.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, the rhetoric of this debate is not without its dangers. While this evening's discussion is ostensibly about the intelligence reauthorization, and I welcome

the more temperate approach tonight has, on other days the vituperative words here and also on the campaign trails, I believe, may have harmful consequences that demand our attention.

We may be responsible for giving weapons of intelligence to the terrorists themselves. In World War II, the Germans launched V2 rockets towards England and waited to learn where they fell. Newspaper and radio accounts of the damage could help the Nazis adjust their fire accordingly.

Now, you do not have to be a psychologist to understand the behavior of terrorists towards us is based upon the feedback they get from us. Are they getting their ideas and marching orders from the evening news?

Politicians look to incite anger and blame over gas prices. Does this lead to bombing of refineries?

Politicians raise doubt about Iraqi security strength. Is that why they attack police barracks?

Politicians questioned if Iraqi leaders were ready to take over. Did that contribute to assassinations of Iraqi leaders?

Politicians screamed about enemy prisoner abuse. Did that contribute to the capture, torture, and decapitation of American citizens?

And politicians questioned if Americans could tolerate casualties of our soldiers. Could that be encouraging attacks on our troops?

Terrorists watch the evening news for our reactions to their crimes, listen to our speeches, listen for calls to run away, watch the polls, and are emboldened by any sign we are weakening, and are thwarted by signs we remain steadfast. We tell them where, how, and how severe to strike next. Our intelligence is important here.

After U.S. politicians began to apply the words "Vietnam" and "quagmire" in Iraq, al Qaeda added the same words to their daily lexicon.

Terrorists are looking for ways to sway public opinion. Look at Madrid. And now the ultimate question before them is: How will a direct attack on the U.S.A. affect our fall elections?

I believe these concerns are real. But even if only a remote chance of a link, should we not stop, think, and ask where we must draw the line.

And while we deliberate the intelligence bill tonight, let us stop aiding the enemies of freedom through politicized debate here or on the campaign trails. Unless we do, we risk having the blood of Americans on our hands. I say support the amendment.

Ms. HARMAN. Mr. Chairman, how much time is remaining on our side?

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) has 4 minutes remaining, and the gentleman from Michigan (Mr. ROGERS) has ½ minute remaining.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of our committee.

Mr. HOLT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I would subscribe to the comments of the gentleman from Connecticut (Mr. SIMMONS), and I would like to point out the problem with this amendment. It says it is the sense of Congress that the intelligence community should be revitalized by investing in its missions, people, and capabilities of the community. And, of course, that the efforts of the men and women of the intelligence community should be recognized and commended.

This is commendable. This is what we would like to do. But if you read the findings of this, you find out what is really at play here. It is a gratuitous swipe at an administration that has long been out of office.

If, in fact, we want to revitalize the community by reinvesting in its missions, we should be doing exactly what we have been talking about today, funding counterterrorism at something more than 30 percent of what the community, these people, say they need to carry out their missions and the capabilities that they need. Yes, we should revitalize by reinvesting. That is what we are asking to do today.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume just to clarify and point out that in fiscal year 1993, President Bush requested a 4 percent increase, and the Democrat Congress that year cut the request by 10 percent, effectively reducing the funding by 5 percent from the 1992 appropriation.

I understand the politics of being a convert to intelligence. Thank you. Let us stand together and say, okay, that time has gone, we are going to move forward, we are going to stand with the intelligence community.

Mr. Chairman, I yield the remainder of my time to the gentleman from Florida (Mr. GOSS), the chairman of the committee.

Mr. GOSS. Mr. Chairman, I actually urge support of this. When something bad is going to happen, we want to make sure that it is the bad guys that get us and not the good guys. And we are concerned that we have not, in our own country, focused enough on that subject.

I think this amendment helps the good guys and hurts the bad guys, so I urge its support.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume. I do not think we have any further speakers on this amendment, but I would like to enter into a dialogue with the amendment's sponsor to suggest to him that we might agree by unanimous consent that the sense of Congress in his resolution be the entire resolution.

We strike the findings, because our side feels that they are not complete and that some of them may be misleading. And that, as I said, on a bipartisan basis we all were wrong in 1990 when the wall came down and we expected a more peaceful world.

Would the gentleman be amenable to striking the findings and having his

resolution be the Sense of Congress, as he has drafted it, which I would predict would be adopted unanimously?

Mr. ROGERS of Michigan. Mr. Chairman, will the gentlewoman yield?

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

Mr. ROGERS of Michigan. Mr. Chairman, facts are very stubborn things. Given the sense of where the intelligence community is today, they are beleaguered at every corner. For years, their hands were tied behind their back. And now you have commissions coming out and say, gee, we tied your hands and now we are faulting you for not being super heroes and doing super work without the funding and resources.

I think it is accurate, and I think we should make that statement that we all recognize those shortcomings of 1990s, but we will stand with you today. It is an important commitment for the morale of the intelligence officers in the field.

Ms. HARMAN. Well, reclaiming my time, Mr. Chairman, I am disappointed in that answer only because I think there is plenty of blame to go around over three or four administrations and findings that made that clear, I think, would be more helpful.

Let me reiterate my strong view, and the view of everyone that I can imagine on our side, that we support the men and women of the intelligence community. That is something I have said over and over and over again in our committee briefings, hearings, and travels. Everywhere we go around the globe, and the gentleman from Florida (Mr. GOSS) and I and others have traveled to places like Pyongyang, and Baghdad and Kabul and Libya and elsewhere. We have always thanked the men and women of the intelligence community with whom we have met.

I wish that this would have been drafted on a bipartisan basis with what we would view as a fairer statement of findings over a longer period of time. I think that that would do more honor to the capable men and women who are now in harm's way. So I regrettably urge a "no" vote on this amendment.

Mr. OXLEY. Mr. Chairman, I stand in strong support of the Rogers Amendment recognizing the vital, groundbreaking work of our intelligence community.

As a former FBI special agent, I well understand the importance of human intelligence gathering. The patriots of our intelligence community are frequently unsung heroes, not receiving due credit for their tireless efforts. Due to the nature of their work, they don't make the headlines, but their work will continue to derail terrorist activities and thus prevent headlines from being made.

Mr. Chairman, we're facing significant new threats in the post-Cold War era, and certainly since September 11, 2001. New hot spots have emerged throughout the world, and new havens for terrorists and their supporters. The threats we encounter are no longer solely state-based, and require new methods to combat them.

Unfortunately, changing our Cold War ways has not kept pace with these new threats. It

has taken too long to reverse the Church Commission's outdated and overreaching reforms that crippled our intelligence abilities, restricting human intelligence and limiting people from getting out in the field. The 2002 Joint Inquiry into the Terrorist Attacks confirmed that the lack of reliable human sources in al Qaeda "significantly limited the [intelligence] community's ability to acquire intelligence that could be acted upon before the September 11 attacks."

While human intelligence can be the force multiplier in many instances, our intelligence community has not received the funding or the support it requires to conduct operations. Through the leadership of Chairman GOSS and others, we're continuing to work toward revitalizing the community, giving our operatives what they need to continue their work and respond to the new threats we face. Their work stands at the center of our global war on terrorism.

I salute MIKE ROGERS for introducing this amendment to recognize the dedication and importance of our intelligence community, and thank Chairman GOSS for crafting this authorization to meet our current and future threats.

Ms. HARMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

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

Mr. ROGERS of Michigan. 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 Michigan (Mr. ROGERS) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 108-561.

AMENDMENT NO. 6 OFFERED BY MR. ACKERMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ACKERMAN:

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

**SEC. 304. REPORTS ON PAKISTANI EFFORTS TO CURB PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND TO FIGHT TERRORISM.**

(a) IN GENERAL.—The Director of Central Intelligence shall submit to the appropriate committees of Congress classified reports on the following matters:

(1) The efforts by the Government of Pakistan, or individuals or entities in Pakistan, to acquire or transfer weapons of mass destruction and related technologies, or missile equipment and technology, to any other nation, entity, or individual.

(2) The steps taken by the Government of Pakistan to combat proliferation of weapons of mass destruction and related technologies.

(3) The steps taken by the Government of Pakistan to safeguard nuclear weapons and related technologies in the possession of the Government of Pakistan.

(4) The size of the stockpile of fissile material of the Government of Pakistan and whether any additional fissile material has been produced.

(5) The efforts by the Government of Pakistan to fight Al Qaeda and the Taliban as well as to dismantle terrorist networks operating inside of Pakistan.

(6) The efforts by the Government of Pakistan to establish and strengthen democratic institutions in Pakistan.

(b) DEADLINE FOR SUBMITTAL OF REPORTS.—(1) The Director of Central Intelligence shall submit the first report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(2) The Director shall submit subsequent reports required under subsection (a) on April 1 of 2005, 2006, 2007, 2008, and 2009.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the following:

(A) The Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(2) WEAPONS OF MASS DESTRUCTION.—The term "weapons of mass destruction" has the meaning given such term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996. (Public Law 104-201).

(3) MISSILE EQUIPMENT AND TECHNOLOGY.—The term "missile equipment and technology" has the meaning given such term in section 74(a)(5) of the Arms Export Control Act (22 U.S.C. 2797c(a)(5)).

The CHAIRMAN. Pursuant to House Resolution 686 the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ACKERMAN).

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

Last year, Mr. Chairman, President Bush announced a 5-year, \$3 billion aid package for Pakistan in return for Pakistan's continued cooperation in the global war on terrorism. At that time, the President, through his spokesman, said that Congress would be looking closely at Pakistan's efforts on nuclear nonproliferation, on combating al-Qaeda, the Taliban, and other terrorist groups, and the reestablishment of democracy.

Without question, Pakistani cooperation in the war on terrorism will be key to our success. Yet since the President's announcement, the media has been filled with reports of Pakistan's A.Q. Khan's nuclear network, where it turns out two-thirds of the axis got their nuclear technology and that Khan's agents tried to sell it to the other third.

In addition, there have been recent reports of uneven cooperation from Pakistan with regard to terrorism generally, and al-Qaeda in particular. These reports reach to the very heart of the administration's justification for supporting Pakistan.

Lastly, I do not think anyone can credibly say that the so-called referendum on General Musharraf's rule, or the parliamentary elections held last year, were either fair or free. Real democratization in Pakistan just does

not seem to be high on General Musharraf's list, and we must do much more than to pretend it is high on ours.

My amendment would require the Director of Central Intelligence to issue a classified, that is classified report to the appropriate committees of Congress regarding, one, the efforts of any Pakistani entity or individuals to acquire or transfer weapons of mass destruction and related technologies or missile equipment and technology to any other nation, entity, or individual; two, Pakistan's efforts to curb proliferation of weapons of mass destruction and the means to deliver them; three, Pakistani steps to ensure that their own nuclear weapons are secure; four, Pakistani efforts to dismantle terrorist networks operating inside Pakistan, including but not limited to al-Qaeda and the Taliban; and, finally, five, Pakistani steps to restore democracy.

The point, Mr. Chairman, of my amendment, is to help Members establish, on a classified basis, some of the facts about Pakistan's efforts and cooperation on all of these subjects. We will all be asked to support substantial military and economic assistance to Pakistan over the next several years, and I strongly support that proposition, but I believe that Members should understand the whole picture as they are being asked to approve this substantial assistance.

While I understand that executive agencies generally do not like reporting requirements, we are a coequal part of government, and we have to learn the facts and the truth, we have to authorize and appropriate the money, and we must be informed. I have personally, as well as others have personally, tried to get the information from the administration, particularly regarding A.Q. Khan, and those efforts have been rebuffed.

I do not believe my amendment would be unduly burdensome to the CIA, since they are supposed to be following the events in Pakistan anyway. I am merely asking that they put their information into some useful form for Members.

Mr. Chairman, the administration has said repeatedly and properly that weapons of mass destruction and the possibility that they may be acquired by terrorists is the single biggest threat facing the United States, and in Pakistan, we have the epicenter of both of those threats. Our relationship with Pakistan is a complicated one and presents the United States with one of its most difficult near-term foreign policy challenges. I think the Members must make intelligent decisions regarding Pakistan, and we should have as much information on a classified basis as possible.

Mr. Chairman, I urge Members to support the amendment.

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

Mr. GOSS. Mr. Chairman, I rise in opposition, and I yield myself such time as I may consume.

Mr. Chairman, I do not have huge heartburn over this at all, but I am a little concerned on a couple of points.

The first is that Pakistan is one of our strongest allies in a very delicate part of the world with this global war of terrorism. I think it is important to remember that Pakistan's stability and continued cooperation in the war on terror is of paramount importance to the United States' national interest at this time, and we all know it. Without Pakistan's help, the war on terror would be much more difficult to fight and to win.

Anyone who doubts Pakistan's commitment need only see last week's report that Pakistani forces killed one of the country's best known, most wanted pro al-Qaeda militants, that would be Nek Mohammed, in a missile strike. Pakistani security forces have killed or captured dozens of al-Qaeda operatives since 9-11 and have sustained significant casualties in so doing, and considered high-level casualties there, too, I am sorry to say.

President Musharraf, moreover, is walking a political tightrope in helping us, as all of us who have been in that country know, yet he believes that the war on terror must be won, and is willing to take significant political, and I would say personal risk on his part to do it.

The stories about A.Q. Khan's proliferation exploits were not a surprise to the intelligence community. This was an example of very good work, and it is work that is continuing.

□ 1915

The intelligence community and State Department are working diligently, constructively, carefully and quietly on the sensitive matters referred to in this amendment. The committees of jurisdiction are being kept well informed about the status of things.

The amendment offered by the gentleman from New York, I know the motivation is good, but nevertheless this requires the Director of Central Intelligence to report to eight congressional committees on Pakistan's efforts to curb WMD proliferation, fight terrorism, safeguard nuclear weapons, strengthen Pakistan's democratic institutions, and disclose the size of Pakistan's fissile material stockpile. Actually that is happening. I think that is all going on. I do not have any problem reiterating it, but I am a little concerned the amendment might be misconstrued by some, given the sensitive state of affairs in the region; and frankly I do not think it is helpful to U.S. interests.

As I say, I think much of the oversight noted in what he is trying to accomplish is already being done by the committees of jurisdiction. As I say, I do not have huge heartburn over this, but I am worried that it could upset a delicate balance.

Mr. ACKERMAN. Mr. Chairman, I am glad that the gentleman does not have

heartburn. I appreciate his sentiments. Nobody is suggesting that we oppose aid to Pakistan.

Mr. Chairman, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time and commend him for this amendment and rise in support.

I do agree with Chairman GOSS that our committee is already studying these issues. I also agree with Chairman GOSS that these are touchy issues because we certainly want to communicate our strong support for the Government of Pakistan which has, after all, been an ally of ours in this very, very difficult global war on terror and which continues to take major risks on our behalf. So, yes, that is true.

On the other hand, I believe it is important to run to ground key questions, including the breadth and scope of the proliferation headed by A.Q. Khan, the number of customers, the degree of cooperation with other rogue states, and whether at any level there was complicity of the Pakistani Government. These are tough questions, and I think that what is requested in this amendment, which is a report on these questions, will certainly burden the agencies. Yes, it will. On the other hand, it will give us some answers that we need.

On balance, I think it is commendable that we focus additional attention on the damage done with respect to proliferation around the world by A.Q. Khan and his network and we recognize that there is a place, I think the place is now, in our consideration of these issues to get the clear answers we deserve.

I support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 108-561.

AMENDMENT NO. 7 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be read. It is short.

The CHAIRMAN. Without objection, the amendment will be read in full.

There was no objection.

The Clerk read as follows:

Amendment No. 7 offered by Mr. SHAYS:

At the end of title III (page 11, after line 8), insert the following new section:

**SEC. 304. SENSE OF CONGRESS.**

It is the Sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available upon a request from a committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, any informa-

tion and documents in the possession or control of such element in connection with any investigation of that Office by such a committee.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I obviously move the adoption of the amendment.

Mr. Chairman, I yield 4½ minutes to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Connecticut for yielding me this time.

Mr. Chairman, before you came to Congress doing business, were you ever ripped off? Just plainly and simply ripped off? Mr. Chairman, this oil-for-food program is a rip-off to trump any scheme or action perpetrated on any member of any country anytime anywhere. This oil-for-food program got hijacked, pure and simple.

The way it worked was, Iraq complained about not having enough money to buy food or medicine for its people, so the United Nations frankly in what turned out to be a moment of great generosity set up a program whereby a limited amount of Iraqi oil could be brought to market and sold to willing buyers for the purpose of generating revenue that Iraq could then use through the United Nations to buy food and medicine for its people.

Lo and behold, the grand bazaar of Baghdad turned out to be a rip-off of all rip-offs. Saddam Hussein hijacked this program, arguably with the knowledge beforehand of certain members of the United Nations staff responsible for oversight to make sure this did not happen and lined his pockets with up to \$10 billion of surcharges and levies on this program. Over the course of the oil-for-food program, \$67 billion worth of oil was sold. Half of that \$67 billion in turn was used to purchase food and medicine and other supplies for the benefit of the Iraqi people. Keep in mind that under the United Nations resolution that set this program up, the purpose of these oil sales was to provide food and medicine to the starving and unhealthy population in Iraq.

However, let me tell my colleagues what the dictator of Baghdad purchased for the people of Iraq in part. The people of Iraq were asked to consume 1,500 ping-pong tables. They were provided with all sorts of soft ice cream machines. They purchased overpriced dental chairs from China. They even were able to acquire a warehouse full of undelivered wheelchairs and cigarettes. They paid \$2 billion for presidential palaces. They bought 300 Mercedes-Benz sedans. They paid for a \$200 million Olympic stadium. They bought limos. They even bought defective ultrasound machines from Algeria to feed their people with.

The purpose of the gentleman from Connecticut's amendment is to harness

the energies and talents of America's agencies to help us get to the bottom of this. There is absolutely no rationale for allowing this kind of a rip-off to occur. The gentleman from Connecticut's amendment directs American agencies to cooperate with the different committees of Congress to get to the bottom of this.

I would close, Mr. Chairman, by, in effect, pardon my phrase, throwing back at the Secretary-General his words. Secretary-General Kofi Annan said, "I want to get to the truth and I want to get to the bottom of this." Mr. Chairman, we want the truth as well. We want some answers. We want to know, what was the purpose of Cotecna in this dynamic process? How come we had to send stuff through Jordan at discounts of upwards of 67 percent to true value? How come we were able to ship stuff through Syria for only a 33 percent discount? This thing begs for an investigation. Interestingly enough, between Benon Sevan and Kojo Annan and the people who were responsible for this, the future holds answers that are just going to fascinate us all.

I urge adoption of this amendment.

The CHAIRMAN. Who claims time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will control the time on this side.

The CHAIRMAN. Without objection, the gentlewoman from California is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, as a strong supporter of congressional oversight, I believe that information should be readily available to those congressional committees of jurisdiction conducting investigations, including investigations of the U.N. oil-for-food program. Therefore, I am happy to support the amendment offered by the gentleman from Connecticut and feel it is very constructive.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER), a member of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, one of the issues we have been debating today is the issue of oversight with respect to the Permanent Select Committee on Intelligence. I am a member of that committee, but I am also a member of the Subcommittee on National Security of the Committee on Government Reform of which the gentleman from Connecticut (Mr. SHAYS) is our chairman. I support this amendment. I find that the gentleman from Connecticut is taking his responsibility for oversight very seriously. Not only has he ruled and really been in charge of this committee and trying to seek and follow the facts but he has gone to Iraq. He has done his investigation. It is important that we follow the facts and that we move forward because this oil-for-food program is a rip-off. People were taken advantage of.

Our citizens were taken advantage of, as were the Iraqi citizens. We must follow this investigation.

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

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

Mr. OSE. The gentleman from Maryland is very accurate in terms of talking about the oil-for-food program. I just want to highlight one thing. Some of the revenues that were used in this program in effect were used to buy food that had spoiled. We paid people to deliver food under this program that was spoiled. And Saddam collected commissions or levies or tariffs or something on it. We need to get to the bottom of this. I cannot tell the gentleman how pleased I am to have both sides interested in making this happen.

Mr. RUPPERSBERGER. Reclaiming my time, there is also an issue of Mr. Chalabi, who made allegations that he had evidence concerning this issue. We had under oath certain representatives representing Mr. Chalabi that were going to come forward with evidence. That did not occur. It is important that we move forward in a bipartisan way and follow the facts.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume. I do not think I need to use the whole debate, particularly given the gracious support of both sides of the aisle, the chairman of the full committee and ranking member, and say that they have always been a pleasure to work with. I thank the gentlewoman from California so much for all the work that she does and the gentleman from Florida. The gentleman from Maryland (Mr. RUPPERSBERGER) has been a tremendous supporter for our efforts. The gentleman from California (Mr. OSE) has really brought out a lot in the hearing that we had.

We know that we could not allow the sanctions to deprive Iraqi citizens of food and medicine. The problem was they did not get the food they paid for and they did not get the medicines they paid for, because Saddam Hussein was basically allowed to run the program with the oversight of the U.N. that chose not to provide oversight, particularly the Chinese and the Russians who did not believe that there should even be sanctions and did not go out of their way to make this system work.

So we had countries that knowingly allowed Saddam to rip off his own people. He undersold oil and then got huge kickbacks, and he overpaid for commodities and got huge kickbacks, \$4.4 billion in the overcharges, the surcharges for the oil and the kickbacks on humanitarian purchases and an estimated \$5.7 billion going through Syria. The Syrians and the Russians and, frankly, the French were not helpful in this process.

What I rejoice in was that this story was really outed by the free press in Iraq. We all knew that this was a corrupt program; but what happened was

the Iraqi Governing Council, some in it, leaked information to their now free press that printed the names of almost 300 people. Well over 200. They were high-ranking government officials including, frankly, Kofi Annan's son allegedly involved, Benon Sevan in charge of the program, and so we have now an investigation of the U.N.

But Mr. Volker will tell you, it is kind of like being in the Senate. It is unanimous consent. He has to get the cooperation of everyone. He does not have the ability to just say, I want this information. If I don't get it we're going to subpoena it. So he is first looking at the U.N. and what they are doing to try to, in my judgment, go carefully to build credibility so he can go after what he thinks are more serious problems. The bottom line is we need to encourage much more aggressive activity on the part of the U.N. We can only do that if we get the information, information from the Permanent Select Committee on Intelligence and our criminal justice system. I want to also compliment the Committee on International Relations. They are working so well with our subcommittee and our subcommittee is working so well with them.

□ 1930

We are trading information. There is more than any one committee can do, and ultimately I think we will get to the truth of it. I just would say that the gentleman from California (Mr. OSE) was absolutely correct when he said that this is one of the largest rip-offs to any country, and it was a community rip-off by other nations. They allowed Saddam to make billions of dollars at the expense of his own people.

And it really suggests why in some cases some countries may not have been interested in our allowing the Iraqis to overthrow Saddam, getting this information that will expose him. I think they all thought it would just be quiet and that this program would continue ad infinitum.

I have spoken longer that I have chosen. I do not really have anything else to say other than to thank my colleagues and to them on a bipartisan basis we are going to get at the truth.

From its inception in 1996, the United Nations' Oil-for-Food Program (OFF) was susceptible to political manipulation and financial corruption. Trusting Saddam Hussein to exercise sovereign control over billions of dollars of oil sales and commodity purchases invited the illicit premiums and kickback schemes now coming to light.

But much is still not known about the exact details of Oil-for-Food transactions. That is one reason my Subcommittee on National Security, Emerging Threats, and International Relations convened a hearing on April 21st: to help pierce the veil of secrecy that still shrouds the largest humanitarian aid effort in history.

This much we know: The Hussein regime reaped an estimated \$10.1 billion from this

program: \$5.7 in smuggled oil; \$4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-for-Food Program. There is no innocent explanation for this.

At the hearing, the Subcommittee heard the program, while successful in many ways, was riddled with corruption and the independent efforts of the Iraqis to investigate the fraud was being stifled by the Coalition Provisional Authority.

We want the State Department, the CPA, the intelligence community, and the U.N. to know there has to be a full accounting of all Oil-for-Food transactions, even if that uncustomed degree of transparency embarrasses some members of the Security Council.

Two months ago, U.N. Secretary General Kofi Annan assured me he wants to get to the bottom of this scandal and restore faith in the ability of the U.N. to do its job. Subsequently, the Secretary General appointed Paul Volcker to lead an independent panel to look into the Oil-for-Food Program.

While Mr. Volcker brings expertise and prestige to the task, we are concerned about the slow pace of the U.N. investigation. The Volcker panel has just announced the hiring of senior staff. Nevertheless, they continue to say an interim report, possibly this summer, will address the conduct of U.N. employees and allegations about the Secretary General's son involvement.

But we also need to know more than what just happened at the U.N. We also need to know what happened at the U.S. Mission. We need to know what our intelligence community knew and knows.

Many of the allegations are true, we just don't know which ones yet. We should be long past asking whether something went wrong in OFF. It's time to find out exactly what went wrong and who is responsible.

Our staff has been through the minutes of the U.N. "661 Committee" of Security Council members responsible for sanctions monitoring and oversight of OFF. Those minutes tell a story of diplomatic obfuscation and an obvious, purposeful unwillingness to acknowledge

the program was being corrupted. Questions about oil or commodity contracts were dismissed as dubious media rumors beneath the dignity of the U.N. to answer, while Saddam was given the undeserved benefit of every doubt.

We cannot ignore the profoundly serious allegations of malfeasance in the Oil-for-Food Program. To do so would be to deny the Iraqi people the accounting they deserve and leave the U.N. under an ominous cloud. This is the Iraqi's money we're talking about, so the Iraqi Governing Council and its successor should get cooperation from the CPA and the State Department in conducting its inquiries.

In Iraq, and elsewhere, the world needs an impeccably clean, transparent U.N. The dominant instrument of multilateral diplomacy should embody our highest principles and aspirations, not systematically sink to the lowest common denominator of political profiteering.

This emerging scandal is a huge black mark against the United Nations and only a prompt and thorough accounting, including punishment for any found culpable, will restore U.N. credibility and integrity.

That is why it is critical to get to the bottom of the corruption. In order to do that we need for the intelligence community to better assist the Congress in its investigations.

Mr. Chairman, this Sense of Congress will help address the difficulties many committees have had obtaining information and documents—especially from the intelligence community—pertaining to the Iraq Oil-for-Food Program. This amendment should reinforce the importance Congress places on the Oil-for-Food investigations.

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

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

As I have stated earlier and others on our side have stated, we support this amendment. We think congressional oversight matters. Committees can make a big difference, and on a bipartisan basis we think this amendment

should be supported by the whole House.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. 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 Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 108-561.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH:

At the end of title III (page 11, after line 8), insert the following new section:

**SEC. 304. INSPECTOR GENERAL REPORT ON EVIDENCE OF RELATIONSHIP BETWEEN SADDAM HUSSEIN AND AL-QAEDA.**

(a) **AUDIT.**—The Inspector General of the Central Intelligence Agency shall conduct an audit of the evidence of any relationship, existing before September 11, 2001, between the regime of Saddam Hussein and al-Qaeda, referenced in all intelligence reporting of the Central Intelligence Agency, including products, briefings and memoranda, distributed to the White House and Congress.

(b) **REPORT TO CONGRESS.**—Not later than one 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).

## NOTICE

*Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.*

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8722. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General James E. Cartwright, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8723. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Former Yugoslav Republic of Macedonia (Transmittal No. 02-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8724. A letter from the Director, Defense Security Cooperation Agency, transmitting

reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8725. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with France, Belgium, Germany and the United Kingdom (Transmittal No. DDTC 037-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8726. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumula-

tion of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8727. A letter from the Secretary, Department of Education, transmitting the thirtieth Semiannual Report to Congress on Audit Follow-Up, covering the six-month period ending March 31, 2004 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8728. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Institution's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.