Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. ROGAN]. The question is on the resolution.

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

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 425, nays 2, not voting 7, as follows:

[Roll No. 252]

YEAS—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Bonior
DeFazio

NOT VOTING—7

Cox
Edwards
Hall (OH)
Hastert
Neumann
Roukema
Schiff

☐ 1419

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERING AS PRINTED TRAFICANT AMENDMENT INADVERTENTLY OMITTED FROM PRINTING IN THE RECORD

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that an amendment that I have placed at the desk that was submitted and inadvertently omitted from the RECORD be considered as though it had been printed in the RECORD.

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

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, it was necessary for me to be out of the country yesterday, preventing me from voting on rollcall numbers 246, 247, 248, 249, and 250. Had I been able to vote, I would have voted ''aye'' on each of those measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1060

Mr. BURR of North Carolina. Mr. Speaker, due to a clerical error, I ask unanimous consent to remove the name of the gentlewoman from New York [Mrs. MALONEY] from my bill, H.R. 1060. Her name was mistakenly entered as a cosponsor instead of the gentleman from Connecticut [Mr. MALONEY].

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 179 and rule XXIII, 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. 1775.

☐ 1421

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. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] will each 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 would like to thank the members of the House Intelligence Committee who have worked so hard in putting this bill together. In particular, I appreciate the very fine work of the gentleman from California [Mr. LEWIS] and the gentleman from Florida [Mr. MCCOLLUM], our subcommittee chairmen.

But I also have to point out that the gentleman from Washington [Mr. DICKS], the committee's ranking Democrat, and other Democratic members of the committee have played an extraordinarily constructive and helpful role in the formulation of this legislation. It is truly bipartisan.

Finally, I would like to say to the staff on both sides of the aisle, ''Thank you for a job well done.'' They are a dedicated, talented, and professional group who have very special knowledge that serves the United States of America extremely well.

This bill, which the committee reported out unanimously, is the product of a lot of work, intensive deliberation, and cooperation. The committee held seven full committee and two subcommittee budget hearings. In addition, there were over 100 staff and member briefings on programs, specific activities, and budget requests.

H.R. 1775 authorizes the funds for fiscal year 1998 for all of the intelligence and intelligence-related activities of the U.S. Government. The National Security Act requires that spending for intelligence be specifically authorized. This is the only route we have.

The intelligence budget has three major components: the national foreign intelligence program, known as NFIP; the tactical intelligence and related activities program, known as TIARA; and the joint military intelligence program, known as JMIP.

NFIP funds activities providing intelligence to national policymakers and includes programs administered by such agencies as the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency. TIARA, or Tactical Intelligence Activities, reside exclusively in the Department of Defense. They consist in large part of numerous reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information in support of military operations. The Joint Military Intelligence Program provides military intelligence principally to defensewide or theater-level consumers.

Although our committee has jurisdiction over these three intelligence programs, we must work closely with the Committee on National Security, particularly in the oversight and authorization of the TIARA and JMIP programs where we share jurisdiction. I would like to publicly acknowledge and personally thank the gentleman from South Carolina [Mr. SPENCE] for the extraordinary cooperation that we received from him, the members of his committee and the members of his committee staff.

I would be remiss if I did not also mention the cooperation we have received from the Committee on Appropriations, particularly and most importantly from my colleague on this committee, the gentleman from Florida [Mr. YOUNG], who also chairs the Subcommittee on Defense Appropriations and sits, of course, on HIPCE.

Due to the classified nature of much of the work of the Committee on Intelligence, I cannot discuss many of the specifics of the bill before the House except in the broadest terms. In order to understand those specifics, I strongly urge those Members who have not already done so to read the classified annex to this bill. The annex is available in the committee office in the Capitol. It is about a 2-minute walk from here, for those who are interested, and I hope all are interested.

Despite classification restrictions, there are several major elements of the bill that I can discuss here today. In this year's budget review, the committee continued to place heavy emphasis on understanding and addressing the future needs of the intelligence community, preparing for those needs and the several distinct roles that intelligence is going to play in our national security in what is, in fact, a different world situation today.

Based on the threats we believe the United States will confront in the future, the committee's budget review focused on two specific areas. First, we looked at which intelligence programs are properly structured and sufficiently prepared to meet future needs and requirements. Second, we looked at the intelligence community's collection and analytical shortfalls.

Unfortunately, the committee review revealed few areas where the intelligence community is well situated for the future, and an overabundance of shortfalls were found. These shortfalls are due, in part, to the fact that intelligence resources are stretched too thin while handling an ever-increasing multitude of issues.

I would like to point out that this is not any kind of a shock to the intelligence community. It is realizing the fact that we are stretched thin and need to deal with it. Nonetheless, the committee is concerned that the intelligence community is not moving fast enough in some of the areas to address the threats of the future.

Given these concerns, the committee has begun to address the shortfalls we see in the intelligence community's budgeting and responsibilities. In this year's mark the committee has specifically addressed the following issues:

First, we have taken actions to help the intelligence community improve its analytic depth and breadth through improved training, targeted hiring, and the use of analytic tools. There is no point to have information if you cannot value enhance with the proper analysis.

Second, the intelligence community places too much emphasis on intelligence collection at the expense of downstream activities. Downstream activities are processing the information we get, analyzing, disseminating, and so forth. We have to get a better balance. If we spend all our money collecting and none for analyzing, we will be awash in information that is not going to do us much good.

Third, our espionage capabilities are limited and dependent on ad hoc funding. We have taken steps to tie funding for clandestine operations to the long-term needs of analysts, policymakers, and the military. That is putting it where we need it. I think that is almost the most critical part of this whole bill, from my personal perspective.

Fourth, we have pushed the intelligence community toward developing, acquiring, investing in, and deploying more flexible technological capabilities in order to collect key information on the highest priority targets.

Finally, we have continued our efforts from the last Congress to make the intelligence community work corporately across traditional bureaucratic boundaries and to enhance flexibility. The committee believes that such efforts are absolutely essential if the intelligence community is to succeed in dealing with increasingly complex threats to U.S. national interests.

Very clearly, turf wars have no place in national security. Again, I congratulate the gentleman from California [Mr. THOMAS], the former chairman, and the gentleman from Washington [Mr. DICKS] for the work they did to bring this matter forward in the previous Congress, and we are following forward on that.

□ 1430

Those threats and concerns are broader and more diverse to our national security than they ever have been. Among them are those issues that have been called the transnational threats. Those include terrorism, the proliferation of advanced weapons and weapons of mass destruction, narcotics trafficking and global criminal racketeering. Such problems demand that the intelligence community have a worldwide view and a highly flexible set of resources. Given the nature of these threats, our intelligence eyes and ears and brains are more important than they ever have been.

As an example, in the realm of counterterrorism, we are aware of the recent success our intelligence community has had in locating international terrorists so as to allow law enforcement agencies to apprehend them and bring them to justice. Less well known, however, because we must guard against revealing intelligence methods, are the numerous successes intelligence has had in recent months in detecting terrorist activities in advance

and foiling them, so Members did not read about them in the paper. U.S. facilities that would have been destroyed are intact today. American lives that could have been lost have been saved.

As another example, in the area of counterproliferation, I would direct my colleagues' attention to this unclassified report which has been prepared by the CIA which describes the role of various countries in providing technologies and material for the development of weapons of mass destruction and their delivery systems by various rogue regimes around the world. This report, entitled ''The Acquisition of Technology Relating to Weapons of Mass Destruction Advanced Conventional Munitions,'' put out by the Director of Central Intelligence, covers the time between July and December 1996 at the request of this committee. It is a very important report. The media has picked it up. It is unclassified. It tells us the world is real, the world is dangerous and there are people involved in serious mischief. It has received a great deal of attention in the press because of its rather extraordinary findings. When we read the classified evidence that is behind that report, we find it is even more extraordinary. That includes a great deal of specific and reliable intelligence that has given our policymakers and our military excellent insights into the activities of various countries and what we must do in response. Anyone who does not see the immense value to our national security to such work by the intelligence community I think is probably living in blissful ignorance of the dangers growing around us from rogue regimes that are getting closer and closer to being able to threaten Americans anywhere in the world with terrible weapons of extraordinary power.

In closing, I strongly urge all Members to support this authorization. It is the unanimously accepted product of a bipartisan committee. It makes significant improvements, measured by over 200 cuts, yes, I said cuts, and some additions to the President's budget request, and yet it comes in at less than 1 percent above the President's request when all is said and done. I am convinced that in supporting it, we are supporting the development of critically important intelligence capabilities that will make us all safer and will surely save the lives of many Americans, whether they be soldiers in the field, tourists on their vacation abroad, common Americans at home going about their business and their lives, all of this for today and for the years ahead.

Mr. Chairman, before I close, I would like to take one more moment to acknowledge an individual who is, I am sure, celebrating his last authorization process on the Permanent Select Committee on Intelligence. I said we had extraordinarily good staff. We do. But this year an individual, Mr. Ken Kodama, the senior substantive expert on the minority side, is retiring later this year after 9 years on the committee. Mr. Kodama represents the finest level of professionalism that other staff should emulate. His service to the full committee has been invaluable as well as to the subcommittee. In fact, Mr. Chairman, the reason that I could make some of the comments that I did at the beginning of this statement was in large part due to our ability to interact with Mr. Kodama in a truly bipartisan nature. To put it simply, he will be sorely missed. We wish him the best in his future endeavors, and I personally want to thank him for his assistance.

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

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the pending legislation.

Mr. Chairman, first of all, let me say that I really agree with what the chairman has just mentioned. Ken Kodama has served this committee extraordinarily well. He has been a part of our senior Democratic staff and just one of the most professional people we have. We wish him and his family well in his future endeavors and compliment him again on his outstanding work.

I want to congratulate the gentleman from Florida [Mr. GOSS], the chairman, for the effort he has made to ensure that the committee functions in a bipartisan fashion as much as possible. This bill reflects this effort. He is to be commended for it. Few legislative products can achieve total harmony, and we do have some differences with the majority on this measure. Those differences, while relatively few in number, do concern some important matters. But I very much appreciate the determination of the gentleman from Florida [Mr. GOSS] that the issues on which we could not reach agreement within the committee would have a substantive rather than a political basis. I also want to applaud the committee staff for their outstanding work and professionalism on this bill and on the other work of the committee.

H.R. 1775 provides for a slight increase in funding over the amounts authorized by the Congress for intelligence and intelligence-related activities in fiscal year 1997 and the amounts requested by the President for fiscal year 1998. Although these increases are small, 1.7 percent above the amount authorized by Congress last year, and 0.7 percent above the amount requested by the President this year, I recognize that there are some who believe that we are already spending too much money on intelligence. I would say to those holding that view that the provision of accurate and timely intelligence to policymakers and military commanders is absolutely critical to our national security. The collection, processing, analysis and dissemination of intelligence is in many cases reliant on technologies which are both rapidly changing and quite expensive. The alternative to making the investments necessary to maintain superiority in these areas is to accept an increased risk of not obtaining that critical information which might make a difference in a trade negotiation, disrupt the plans of a terrorist or permit the tracking of chemical warfare agents.

In my judgment, the authorization levels in this bill are adequate to ensure that the intelligence agencies continue to provide the kind of information essential to sound policy determinations and successful military operations. I do not believe that a reduction in those amounts would be wise.

Although it is important that intelligence activities be adequately funded, it is equally important that the available funds be used in ways which maximize their impact. Spreading resources too thinly by trying to cover everything is a good way of ensuring a general level of inadequate performance.

We should remember that, although intelligence is information, not all information used by policymakers or military commanders is provided appropriately by intelligence agencies. In my judgment, the intelligence community best performs its function when it concentrates on providing information unobtainable by other means. It is essential that intelligence agencies not be tasked either by others or by themselves to acquire information which is more readily available from other parts of Government or is of little utility.

The gentleman from Florida [Mr. GOSS], the chairman, has described the bill, but I want to note my concern with section 608, which would terminate the Defense Airborne Reconnaissance Office [DARO]. I believe it is clear that changes are coming to the Office of the Secretary of Defense and support offices generally in the Pentagon. These offices can and should be streamlined. But that result should be the product of decisions made after all available evidence is gathered rather than before. In the case of section 608, the committee took action without a single hearing. In fact, the only evidence formally presented to the committee was laudatory of DARO and strongly advocated its continuation. I expect that we will use some of the time before conference to better explore DARO's role and its future. I also expect that we will review some of the other actions taken in the bill on certain National Reconnaissance Office programs. Changes in the direction of highly complex activities should be undertaken with a clear understanding of their likely consequences.

Mr. Chairman, despite these areas of reservation and disagreement, this is on balance a good bill, which I intend to support. It can be made better in conference, and I shall work with the gentleman from Florida [Mr. GOSS], the chairman, toward that end. The bill deserves the support of the House today, however, and I urge that it be approved.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI] for the purpose of a colloquy with the chairman because of her responsibilities as the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

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

Ms. PELOSI. I thank the distinguished ranking member for yielding me this time and for his leadership on this important committee.

Mr. Chairman, I rise to engage the gentleman from Florida, chairman of the committee, in a colloquy concerning section 305 of the bill.

As the chairman knows, this section of the bill extends for 1 year the authority of the President to delay the imposition of a sanction upon a determination that to proceed with the sanction would risk a compromise of an ongoing criminal investigation or an intelligence source or method. My first question, Mr. Chairman, is whether the legislative history of this provision, enacted in 1995, would be applicable to this extension of the authority for 1 more year?

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

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

Mr. GOSS. I would assure the gentlewoman from California that it is the intent of the committee that the legislative history of this provision as it was developed in the debate in 1995 is applicable to the exercise of this authority. Indeed, the report to accompany H.R. 1775 reiterates the joint explanatory statement of the committee of conference on the Intelligence Authorization Act for Fiscal Year 1996 to make completely clear that the original legislative history of this provision continues to govern its implementation.

Ms. PELOSI. Mr. Chairman, is it then the case that the committee intends this provision will be narrowly construed and only used in the most serious of circumstances, when a specific sensitive intelligence source or method or criminal investigation is at risk?

Mr. GOSS. That is certainly the intent of the committee.

Ms. PELOSI. Is it also the case that the law requires the intelligence source or method or law enforcement matter in question must be related to the activities giving rise to the sanction, and the provision is not to be used to protect generic or speculative intelligence or law enforcement concerns?

Mr. GOSS. That is also the case.

Ms. PELOSI. Finally, Mr. Chairman, does the committee expect that reports concerning a decision to stay the imposition of a sanction shall include a determination that the delay in the imposition of a sanction will not be seriously prejudicial to the achievement of the United States' nonproliferation objectives or significantly increase the threat or risk to U.S. military forces?

Mr. GOSS. Yes, it does.

Ms. PELOSI. Mr. Chairman, I thank the chairman of the committee for engaging in this colloquy, and for his confirmation of the understanding that we had when this provision was first enacted.

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

Ms. PELOSI. I yield to the gentleman from Washington.

Mr. DICKS. I wanted to just say that I concur in all the statements made by the chairman. This is also the understanding that I have of this provision.

Ms. PELOSI. I appreciate the ranking member's cooperation in that.

Mr. Chairman, I rise in support of an amendment to be offered by the gentleman from Florida [Mr. MCCOLLUM]. I have been concerned for some time about the coordination of our Government's response to any intelligence activities which may be undertaken by the People's Republic of China, including those in the United States. The McCollum amendment will contribute to our ability to respond appropriately to any Chinese espionage activities which may occur. I urge its adoption and commend his leadership for bringing it to the floor.

Mr. Chairman, I strongly support the amendment.

I have been concerned for some time about the coordination of our Government's response to any intelligence activities which may be undertaken by the People's Republic of China. The United States presents a tempting target for any nation seeking economic, diplomatic, or technological advantage. One of the chief responsibilities of our intelligence agencies is to counter efforts by foreign intelligence services to improperly acquire information in these areas. The extent to which foreign governments are engaged in such practices ought to be evaluated by our Government and business leaders in determining the type of relationship the United States should have with those governments. Those determinations can not be made, and the effectiveness of the efforts by the intelligence community to provide the information necessary to support them can not be judged, unless they are periodically reviewed in a comprehensive fashion.

The reports required by this amendment will help in that review. They will assist the Congress and the public in evaluating the extent of the threat posed by the intelligence activities of the People's Republic of China and will better ensure that the United States is positioned properly to respond to it. By requiring the reports to be submitted jointly by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, the amendment recognizes the division of responsibility which exists between those intelligence activities of the United States primarily conducted overseas and those primarily conducted within our borders. I do not favor a blurring of those areas of responsibility and expect that the wording of the amendment is clear enough to ensure that does not occur.

Mr. Chairman, countries spy on one another. That has been a fact of life on this planet since people began to live behind national boundaries. The bill we consider today is a reflection of that fact. It seeks to ensure that the United States is effective at spying on others and preventing others from spying on us. This amendment will contribute to our ability to respond appropriately to any Chinese espionage activities which may occur, and I urge its adoption.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. SHUSTER. Mr. Chairman, we should not be beguiled into thinking that because the cold war is over that we face a safer world in which we live, because in many respects it is just as dangerous or even more dangerous. Two threats that I want to focus on are the twin evils of illegal drugs and terrorism and the relationship to our intelligence activities. When I had the privilege of serving as the ranking member of the Permanent Select Committee on Intelligence, I was deeply involved in the creation of the counternarcotics center out at the Central Intelligence Agency. Today that center is known as the crime and counternarcotics center. It indeed has matured into one of the most effective of the DCI centers. In fact, some of its successes have been published but many of its successes still must remain classified.

□ 1445

Some of us are concerned, however, about the number and functions of Federal counternarcotics intelligence programs, and therefore in this year's authorization we have asked that the intelligence community, in coordination with the Office of National Drug Control Policy, develop a new drug intelligence architecture based on an assessment of the effectiveness of the national security and law enforcement drug intelligence systems, the drug intelligence architecture.

Indeed, Mr. Chairman, this year's Intelligence Authorization Act also authorizes the National Drug Intelligence Center. It was chartered in 1991. It became a reality largely because of the strong support envisioned of the gentleman from Pennsylvania [Mr. MURTHA]. The National Drug Intelligence Center was included in the intelligence budget last year, and I am pleased to report that this year's intelligence authorization continues to provide support for the program. This center provides strategic drug analysis to policymakers.

With regard to terrorism, Mr. Chairman, it is a growing concern because of the growing access which terrorists have to weapons of mass destruction, and in fighting terrorism the capability of our human intelligence assets is of extraordinary importance; and indeed I am fearful that our clandestine service is in danger of being destroyed,

in danger of being destroyed by an atmosphere of risk aversion, an atmosphere which permeates from the highest levels and filters down into the Central Intelligence Agency and other intelligence agencies.

Indeed, the case officers in our intelligence service who handle the agents around the world are involved in very risky business. It is risky business, and it is dangerous business, and it takes years to develop a productive agent, particularly in hostile places of the world.

So I would urge my colleagues to support this legislation, to recognize the successes of our intelligence service and to also recognize the problems we face.

Mr. DICKS. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DIXON] who has been one of the most attentive, hardworking members of our committee.

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time, and, Mr. Chairman, I would like to take this time to make a report to the body on the CIA contra crack cocaine investigation being conducted by the Permanent Select Committee on Intelligence.

As all of my colleagues may recall beginning last August 18, the San Jose Mercury News published a three-part series alleging that Nicaraguan drug traffickers introduced, financed, and distributed crack cocaine into the African-American community of Los Angeles. The article further stated that the profits from the drug sales were used to provide lethal and nonlethal assistance to the Nicaraguan contras to support their struggle against the Sandinista government. Lastly the article implied, and very seriously implied, that the CIA either backed or condoned the drug activities.

In September 1996, the House Permanent Select Committee on Intelligence initiated a formal investigation into the charges levied in the San Jose Mercury articles. The scope of our investigation is as follows:

First, we are asking the question and investigating whether there were any CIA operatives or assets involved in the supply of sales or drugs in the Los Angeles area; second, if CIA operatives or assets were involved, did the CIA have knowledge of the supply or sale of drugs in the Los Angeles area by anyone associated with the agency; third, did any other U.S. Government agency or employee within the intelligence community have knowledge of the supply or sale of drugs in the Los Angeles area between 1979 and 1996; fourth, were any CIA officers involved in the supply or sale of drugs in the Los Angeles area since 1979; fifth, did the Nicaraguan contras receive any financial support through the sale of drugs in the United States during the period when the CIA was supporting the contra effort? If so, were any CIA officials aware of this activity? And finally, sixth, what is the validity of the allegations in the San Jose Mercury News?

The Justice Department Inspector General and the CIA Inspector General have both launched probes into the allegations contained in these newspaper articles. At the beginning of their investigation, both inspector generals expected to have their investigations completed by the fall of this year. The committee has received periodic updates on the status of the two reviews and at this point it is expected that the inspector generals will complete their task this fall and will issue reports.

The House Permanent Select Committee on Intelligence has a practice of not completing its investigation of a matter until the committee has had the opportunity to review the work of the inspector general. We will not complete our investigation until we have an opportunity to review the results of the inspector generals' reports as part of the committee's inquiry into this very important and relevant matter.

Reviewing the conclusions of the inspector generals' reports as part of the committee's investigation should not be construed by anyone as though we are relying on the results of the inspector general. Quite the contrary. Since the beginning of the committee's investigation, the committee has made trips to Los Angeles and Managua, Nicaragua to interview individuals allegedly possessing information on these allegations. Additionally, the committee has had one witness brought to Washington for the purpose of conducting an interview. Committee staff is in the process of reviewing over 6 feet of documents compiled by the CIA pertaining to this issue. Additionally, the Drug Enforcement Agency has briefed staff and provided information on certain aspects of this investigation.

The Congressional Research Service, pursuant to the request of the committee, is compiling background data on the Iran-contra investigations, and Iran-contra documents have been retrieved from the National Archives and reviewed to determine what light they may shed on this matter.

Finally, the committee attended and participated in two town hall meetings in south central Los Angeles where citizens expressed their concerns and views of this case. Last year when the fiscal year 1997 Intelligence Authorization Act was being considered on the floor, members of the committee pledged to our colleagues and to the American public that a full and thorough investigation into these allegations would be conducted. On March 12 of this year, the committee reviewed and ratified its ongoing inquiry into the San Jose Mercury News allegations. This year for the 105th Congress, the committee ratified the scope of this investigation.

While many may have differences of opinions and draw different conclusions from our committee's report when it is finally made, I hope that we will all agree on its thoroughness, its professionalism, and the bipartisanship that has surrounded the investigation.

I want to once again assure the American public and all of my colleagues that this investigation is moving in a detailed and thorough manner.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today because of the concerns that I have, given the bill that is on the floor before us, and certainly one that I intend to vote on. I have several questions especially pertaining to the report that the gentleman from California [Mr. DIXON] has just articulated, and I am sorry I came in on the tail end.

As my colleagues very well know, my district was the hardest hit with reference to the drug proliferation and the drug trafficking and the allegations that the CIA was involved in that. As my colleagues know, my district represents that of Watts in south central California as well as Compton. Since that time, I have called for investigations, that of the Department of Justice as well as the Central Intelligence Agency, and I have been in conversations with the gentleman from California [Mr. DIXON] on what the Select Committee on Intelligence is all about and what they are doing.

The questions that I have for either the chairman, the ranking member, or the gentleman from California [Mr. DIXON] is what is going on in terms of the hearings, or are there hearings in terms of a select committee on intelligence?

Is the intelligence community cooperating with this committee by any means?

And what is the timetable for getting a report to us so that I can articulate that to my community with reference to the ongoing investigation, if in fact they have begun to do that?

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

Ms. MILLENDER-MCDONALD. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, first of all I would like to compliment the gentlewoman for her participation. As I indicated in my remarks, there have been two hearings in Los Angeles, both of them coordinated by her and her office, one with the director of the Central Intelligence Agency and one with the inspector general from the Justice Department. Both, hearings, gave an opportunity to see the people that would be conducting the investigations from Justice and the CIA and give the community a chance to have some input.

As it relates to hearings, no decision has been made but I do think that there will be a discussion about the appropriate hearings that could be conducted. But it really will be based on the conclusions that the committee comes to.

Certainly I think that the committee will have called before it and examined the reports of the CIA respectively and the Justice Department as to the findings that the inspector generals make.

And as it relates to a timetable, I would think that no earlier than October-November would we be prepared to make a report to the House. Perhaps even longer. I think it is more important, rather than being on a timetable, but to be thorough and cover each base of these serious allegations.

Ms. MILLENDER-MCDONALD. And upon the report that the gentleman is talking about, will he then return back to my community, as was suggested at the hearing when the director came to south central? Will he then bring that report to the community that has been devastated by the drugs when that report is completed?

Mr. DIXON. It is my personal view, and I cannot speak for the committee, but there must be some public document on this issue that is released to the community. Whether or not there will be another hearing in Los Angeles I think will be a committee decision that the chairman and ranking member certainly will have input into.

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

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would respond, if the gentlewoman will yield, that it is very much my intention to make sure that where taxpayers' dollars are used there is an appropriate accounting; if there is anything classified that justifies classification, we will have to deal with that. But it is not my intent to do that. It is my intent to report back what we find. That is the purpose of the investigation, and we will be dealing with the work of not only our own investigation but the investigation, as the gentleman from California [Mr. DIXON] has said, with the other IG's that are doing work, and frankly there is another committee in the other body working also.

So I believe we do not know all of the answers yet, but I think the gentlewoman can go forward in good faith, understanding we are going to do our best to be fully accountable.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I look forward to the gentleman's continuous dialog with me.

Mr. GOSS. Assuredly.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM] my colleague who serves us well on the committee and serves well on the Committee on the Judiciary as well.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the Intelligence Authorization Act for fiscal year 1998. As chairman of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I am pleased to report that this year's authorization bill identifies and corrects some of the fundamental shortfalls in the investments we must make to ensure that this Nation will have an intelligence community that can take the national security challenges of this country into the 21st century.

□ 1500

Particularly, this authorization bill makes the investments in human intelligence, in analysis, and in counterintelligence that will be necessary to future efforts against narcotics, terrorism, proliferation, and other transnational threats, areas that require human interaction on the ground to answer some of our most vexing questions.

I think complacency is probably much greater today than it should be in the minds of most Americans. Since the fall of the Berlin Wall and the dismantling of the Soviet Union, most Americans think we are a more secure world. I, quite frankly, having viewed matters daily from the purview of the Committee on Intelligence, question that we are in a more secure world. We are in a less stable world. We are in a world where intelligence is more necessary than ever.

We have in Russia KGB, former KGB members, who are engaged in organized crime. We have the potential threat of proliferation and movement of nuclear, biological, and chemical weapons that once were fairly secure. At least we knew where they were going to be, over in Russia. They may go anywhere now: into the Middle East, into the hands of terrorists, into the seven terrorist states that we have to be involved with and concerned with, from Iran and Iraq, North Korea, Libya, Sudan, Syria, all of those; Cuba. Then there is China, the question of what happens in the future. We have continuing, ongoing concerns in drug trafficking, and so on goes the list.

Mr. Chairman, no technology can replace the critical role of the human collector of intelligence on the plans and intentions of our adversaries and terrorists, traffickers, and proliferators. I am happy to report that the collectors of human intelligence, or human as we call them in the CIA and elsewhere in the intelligence community, are hard-working, and they are working hard against the high priority targets we have set.

In the budget request, however, the committee found a significant shortfall in technical and other supports these collectors will need in future years to continue their fine efforts to gather human intelligence to these threats. We cannot expect the collectors to overcome high technology employed by drug traffickers, for example, without technology of their own.

The committee also found a lack of long-term planning in the focus and funding of collection operations. We cannot expect human collectors to perform well when funded on an ad hoc basis year to year. I am pleased to report that this authorization bill does indeed provide adequate support for the eyes and ears of the intelligence community upon which so much of the knowledge about national and transnational threats depend.

We have directed the community to develop a system for projecting the long-term funding needs of these vital collection efforts so we may continue to provide these efforts with adequate support. The all-source analyst stands at the center of the planning of this committee and the intelligence community for the needs of the policymakers of the next century.

We will look at the all-source analyst to anticipate future needs for intelligence, and to provide support to the policymakers and to the military: Where will the next Iraq or Somalia be? What are the terrorist threats in a specific country? What successes is a rogue regime having in developing chemical or biological weapons?

We will also look to that analyst for direction in what information about these crises we may obtain through open sources and what we must obtain through human or technical clandestine collection. In that light, Mr. Chairman, the authorization bill directs and begins to fund the restoration of an analyst cadre pared too lean over the past couple of years to cover the projected needs of policymakers.

As our report makes clear, this committee will remain engaged in that restoration and will look to the all-source analyst to guide the intelligence community.

Finally, Mr. Chairman, I note with grim satisfaction that during the past 2 months we have seen the final sentencing phase of the successful prosecutions of an FBI agent and a CIA officer arrested for spying on behalf of the Soviet Union and Russia. The success of both prosecutions depended first of all upon the counterintelligence officers within the FBI and the CIA who were able to do and to think the unthinkable; that is, that an American agent, an officer, could engage in such treachery, and to pursue investigations to such a conclusion. Success depended as well upon the willingness on the part of the leadership of the FBI and the CIA to make the sacrifices that would have been necessary to prosecute these cases through a course to full trial.

Mr. Chairman, I am pleased to report that the authorization bill as reported reflects recognition of this committee of the efforts of the counterintelligence officers, and supports the means by which their vigilance may be continued.

In sum, this authorization bill acknowledges and supports the focused efforts of the human intelligence collector, the crucial role of the analyst, and the difficult but necessary role of the counterintelligence officer. The bill makes surgical cuts and strategic adds that are necessary to the effectiveness of the intelligence community in providing the support to policymakers we need well into the next century.

I want to thank Chairman GOSS for the direction and guidance he has given to both this committee and to the subcommittee, and I conclude my remarks by saying I certainly support this bill.

Mr. DICKS. Mr. Chairman, I yield 5½ minutes to the gentlewoman from California, Ms. JANE HARMAN, a very outstanding member of our committee and a member of the Committee on Armed Services.

Ms. HARMAN. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, it is an honor to serve as a new member of the Committee on Intelligence. I commend our chairman and the ranking member and the staff for their bipartisanship and professionalism.

I sought appointment to this committee during two terms of Congress because I have a keen interest in issues relating to technology and satellite architecture. I often boast that I represent the aerospace center of the universe, the 36th district in California. Surely it is the satellite center of the universe. Also, as the ranking member said, I serve on the Committee on National Security, which gives me some additional insight into the defense functions served by our intelligence agencies.

I rise in support of this bill, although I would like to share with our colleagues several reservations. My reservations concern a comment made by our chairman as part of his opening remarks. He said, in part, and I quote, ''We have pushed the intelligence community toward developing, acquiring, investing in, and deploying more flexible technological capabilities in order to collect key information on the highest priority targets.''

I certainly agree that we should push technology and that we should do collection on the highest priority targets, but I would also suggest that the consequences of doing this could lead to some bad results: First, program instability, and, second, proceeding with change without a full understanding of its consequences. This is a point made by the gentleman from Washington [Mr. DICKS] in his opening remarks. It seems to me that our goal here is to make the right choices and the right changes among competing technologies.

As to levels of funding, I support the level in this bill, the product of a thoughtful and professional exercise. Could we spend some dollars better? Sure, and we should. But let us do that, rather than mandate across-the-board cuts which may result in limiting our technological options.

As I said in debate on this bill in the last Congress, intelligence funding is intelligent funding. Better information earlier is better offense and better defense. Our judgments about our worldwide geopolitical options and our defense strategic options on a particular battlefield depend in substantial part on good intelligence. To shortchange intelligence funding is to shortchange U.S. national security.

Finally, I just want to comment on the colloquy we just had between the gentleman from California [Mr. DIXON], the gentlewoman from California [Ms. MILLENDER-MCDONALD] and our chairman. I support what the committee is doing to thoroughly understand and study whether or not the CIA played any role in drug trafficking in California.

I would tell our colleagues that this issue is of intense interest in the Los Angeles community, and I hope that we share whatever we can appropriately share with the affected communities as soon as we can appropriately do so.

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

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

Mr. DICKS. Mr. Chairman, I want to commend the gentlewoman on her statement. One of the things that I hope as we go through the rest of this process is that we can blend together our great respect for the all-source analyst, but also recognize that we have the finest national technical means in the world in terms of gathering intelligence. That should not be undervalued. In fact, I think what we need to do is blend these capabilities of human intelligence and our national technical means, and remember the gulf war, where we had a very major problem in the dissemination of imagery.

I just made a visit to Molesworth in England and saw the improvements in dissemination of imagery to the people who are serving us so well in Bosnia. I have been to the CAOC, the all-source center in Italy, have seen the combination of all these intelligence sources, from satellites to UAV's, human, everything coming into one room, and then being made immediately available to the battlefield commander in Bosnia.

So I just want the House to know that a lot of very important improvements have been made. I just want to make certain that we do not, in the rush to cut various programs, cut some of these things that are crucial both in signals and in imagery to giving us the kind of advantage that our military commanders need. This is very, very important to keep a balanced approach.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for his comments. I think all of us on the committee would agree that the revolution in military affairs for the future contains a huge technology component.

I was just urging that as we proceed to push the envelope, we not throw out technologies that function well in pursuit of some future technology.

Mr. Chairman, I also want to complete my comment about the importance of disseminating information to Los Angeles residents. As I think everyone on our committee knows, certainly the gentleman from Washington [Mr. DIXON] knows, and other Members from Los Angeles know, this issue has garnered intense interest.

If this committee can put it to rest finally by virtue of a very careful and thorough study, we need to communicate the results of that study to the residents of Los Angeles. I would urge us to do that as soon as possible.

Mr. GOSS. Mr. Chairman, I yield myself 15 seconds to assure the gentlewoman from California that I am interested in the truth. All of the resources and assets that we have and are bringing to bear on this are designed to bring the truth to the people of the United States of America, and particularly to those who are affected in Los Angeles.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], a member of the committee who is not only my great friend, but has shown me the way forward on some of these issues. I think we are going to hear about that.

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

Mr. BOEHLERT. Mr. Chairman, the bill before us today provides the necessary, and I emphasize necessary, funding for the operations of our Nation's intelligence functions. It also provides continuing support, in keeping with the committee's work over the previous 2 years in building the intelligence community for the 21st century.

This bill makes major improvements to the President's budget request by taking some critically needed steps forward, particularly in the areas of building up human intelligence capabilities and analysis and improving technical collection abilities. It puts some needed logic in the area of unmanned aerial vehicle management, and it builds on some existing directions forged last year in such areas as the national reconnaissance program.

Mr. Chairman, to do all of this the bill increases the President's budget by only about seven-tenths of a percent, so I want to congratulate the chairman of the committee and the ranking member for the outstanding work and guidance they have provided.

The worldwide scene and many of our national interests have changed, Mr. Chairman, since the dissolution of the Soviet empire. However, the world is not necessarily a significantly safer place since the end of the cold war. This bill recognizes the fact that despite the very real lessening of a threat to our national being, several rogue states, radical movements, and transnational threats such as terrorism, organized crime, and the proliferation of weapons of mass destruction continue to clearly present a danger to our Nation and our people.

It is important to understand that the focus of our intelligence community in peacetime is to maintain a knowledge level of the world that allows us to maintain that peace we so dearly cherish. Our intelligence services are, for example, fully employed now around the world helping to ensure that we are not caught by some surprise in places such as Bosnia or the

Persian Gulf or the Korean Peninsula. This bill focuses on right-sizing and right-equipping our intelligence services, both civilian and military, to perform their critical functions to preserve that peace.

Mr. Chairman, it should be noted that during the preparation of this bill each budgetary line item in the President's request was valued on its individual merits in relation to the whole of the U.S. intelligence efforts. The committee did not work to a specific or artificially developed top line number. Instead, the committee added funding as necessary to critical programs and made some cuts to programs that it considered overfunded. The resulting authorization is therefore highly defensible in the aggregate and in a line-by-line analysis. This is a view I am sure is shared by those Members of the House who have examined the classified annex wherein each budgetary line is explained in detail.

Mr. Chairman, this is a good product brought forward by a committee that has worked cooperatively, and it is a pleasure for me and a privilege to be a new member of the committee and watch the high degree of professionalism that exists in all its deliberations, not only high degree of professionalism, but a high degree of bipartisanship.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Georgia, MR. SANFORD BISHOP, a new member of the committee and a person who has spent considerable time and effort on intelligence matters.

Mr. BISHOP. Mr. Chairman, I rise in strong support of H.R. 1775, the Intelligence Authorization Act for fiscal year 1998. I also stand before the Members today to commend and congratulate Chairman GOSS and the ranking Democratic member, the gentleman from Washington [Mr. DICKS], for their efforts in producing a bipartisan measure that enhances our Nation's intelligence collection, analytical, and dissemination processes.

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Mr. Chairman, one only has to look at any one of our Nation's major newspapers on any given day to learn of the unstable and unpredictable world in which we now live. Just last weekend Cambodia erupted in violence as forces loyal to Cambodia's two prime ministers took to the streets of Phnom Penh and engaged in armed clashes. This year alone we have witnessed the spread of civil strife in a number of countries, including Albania, Kenya, Congo, Sierra Leone, Rwanda, to name just a few.

When violence erupts in these countries, it is the intelligence community that is called upon to sort out what the threat is to U.S. persons, what the facts are, who the players are, what the likely outcome is, and what ramifications such actions may have for the region and most importantly for our Nation's security.

We need to consider whether a shortage of qualified intelligence analysts exists in many regions of the world that have been inflicted with unexpected violence that threatens the stability of that region. H.R. 1775 addresses this problem by providing additional resources to be directed and enhancing and expanding the analytical talent pool throughout the intelligence community. This is especially important to our military personnel who are often called upon to perform noncombatant evacuations of U.S. citizens from regions that are beset with violence.

Prior to the military conducting an evacuation, intelligence must be collected and analyzed so as to protect our military forces who perform these important and valuable missions. Additionally, the military has in the past and will in the future be called upon as part of the U.N. peacekeeping force. The Department of Defense needs qualified analysts for force protection, counterterrorism and to assess the plans and intentions of hostile forces. Let us not forget that the military has drawn down more than any other Federal agency, and the reduction in personnel in dollars continues today.

Intelligence acts as a force multiplier. And if we are to continue on a downward path in funding our Nation's armed services, which concerns me greatly, then we certainly need to take every step to ensure that our intelligence capabilities are sufficient to provide policymakers with the necessary information they need to make key decisions affecting our national security.

In addition to the ever-increasing number of contingencies that await us in the future, old enemies combined with the explosion of technology create new challenges for our intelligence communities. Russia, China, Iran, Iraq, the Korean peninsula, Bosnia, terrorism and proliferation of weapons of mass destruction continues to pose a threat to the national security of the United States.

The measure before us this afternoon provides funding for our country to aggressively collect intelligence against those important targets. One of the best methods used to collect intelligence on these targets is human intelligence.

I am pleased to report that this measure before us enhances the human intelligence collection capabilities throughout our intelligence community. Technology provides us a window into areas that are often hidden and protected against physical intrusion. While technical means of collecting intelligence may shed light on a number of programs, including proliferation activities, human intelligence is one sure-fire way of gathering information on plans and intentions as well as timetables. We must retool our human officer cadre to provide them with the skills and the tools necessary to accomplish their mission in the next century. This bill provides the requisite tools and enhances training to meet these future challenges.

Mr. Chairman, let me again thank the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] for their leadership in fashioning a bill that provides critical support to our intelligence community.

I urge my colleagues to support this measure and in doing so to support the men and women of the U.S. intelligence community, our military forces and our diplomatic corps around the globe. They are the people who sacrifice often in far-away places that we who live in America can always enjoy a safe, secure, and high quality of life. We owe them and the people of our Nation no less.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nevada [Mr. GIBBONS], a new member of our committee who has brought a wealth of value and experience.

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

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

Mr. Chairman, I also rise today in support of the Intelligence Authorization Act. As a new member of this intelligence committee, I have had the unique privilege to participate in the development of this act. The gentleman from Florida [Mr. GOSS], chairman, and the ranking minority member, the gentleman from Washington [Mr. DICKS], are both to be commended for their incredibly hard work and leadership. Their efforts and stewardship of the committee as a whole and especially the fine work of the committee staff have resulted in an act which provides the United States an intelligence community which is properly equipped, properly funded and properly supervised for the difficult intelligence tasks confronting this Nation well into the future.

This is no easy task, Mr. Chairman. Many people think the United States no longer faces the worldwide threat that we once did during the cold war era. However, it would be foolhardy to say that the threats to this Nation have gone away. In fact, one could say that the number of threats has actually increased. The post-cold war proliferation of relatively cheap weapons of mass destruction, the increase of fanatical terrorism and the rise of transnational threats such as drug cartels dictate that we have a stronger, not weaker intelligence capability.

It could easily be debated that such threats are more diverse and more difficult to monitor and defend against than was the single major threat we faced during the cold war years.

Mr. Chairman, this act works toward an intelligence capability and community that is better postured to deal with these new and diverse threats. There are those who say we spend too much for the Nation's intelligence

services and capabilities. Because of security interests, I cannot speak for the specific dollar amount this authorization act recommends for intelligence activities; however, I can say that the security of the Nation does not come cheap.

Intelligence is the foundation for maintaining that security, and it has often been said that an ounce of prevention is worth a pound of cure.

I would submit that a relatively small investment in our intelligence, understanding of the threats to our country, is what is worth much more than the cost of recovering from the damage.

Knowledge of our potential foes is without question worth the investment. Is that investment large in terms of real dollars? Yes, of course it is. But again, an ounce of prevention, the same old adage.

Mr. Chairman, I would like to close with a thought about the future. Specifically with respect to intelligence technology development that this act supports, the Nation's policymakers require valid, useful and up-to-date intelligence on national and transnational threat issues, as I have mentioned. In order to maintain such information in an increasingly complex world, the intelligence community must invest in modern and equally complex technology.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. TRAFICANT], my friend and distinguished colleague who was mentioned on the Imus show this morning.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes and 30 seconds.

Mr. TRAFICANT. Mr. Chairman, I do not have as much confidence as everybody else who is here. I may give it a chance. I have respect for the gentleman from Florida [Mr. GOSS] and for the gentleman from Washington [Mr. DICKS]. But quite frankly, we heard about the collapse of the Soviet Union on CNN. We learned about the fall of the Berlin Wall on CNN. We learned about the invasion of Kuwait on CNN. I honest to God believe we might save a lot of money by getting rid of our intelligence community and giving the money to CNN.

There is an issue that concerns me, and I know it will be ruled nongermane, but during the Vietnam war we had 450 commandos, South Vietnamese, to perform espionage services. They were captured by the North Vietnamese. The CIA lived up and the DIA and our intelligence community kept their payments and compensation to their families up until 1965, until they were listed as missing. Then they cut off those payments. Even though the Congress of the United States passed $20 million in compensation for those commandos who helped us during Vietnam, the CIA has said, no, and they cite the Totten doctrine, an 1876 Supreme Court ruling, Totten versus the United States, as the grounds for not in fact meeting that compensation level. The Totten doctrine simply bars enforcement of secret contracts making them nonenforceable and not eligible to be adjudicated in a court of law. The Traficant amendment would simply create a three-member panel appointed by the Supreme Court that would rule whether or not these secret cases may be eligible for adjudication and could set them up in camera.

Let me say one last thing. The quality of our field operatives is evidently very bad when we are hearing about all these revolutions on CNN. Word is getting out that if our intelligence community is not going to toe the line and take care of their field operatives, what type of an intelligence community do you have without good street people? In America we call them snitches in the police departments. To the intelligence community we call them spies. Evidently from the amount of spying we have going on, we can use a little more fairness in this whole situation.

I understand this has a bearing and naturally it is more within the purview and jurisdiction of the Committee on the Judiciary.

But listen very carefully, a three-member panel appointed by the Supreme Court that would simply review these cases for cause and then have the option of making them eligible for adjudication and if they did it could be in camera. I think this has much to do with the camaraderie, much to do with the ability of our field operatives or we will have no field operatives. So when that debate comes up, I ask my colleagues to listen, especially Committee on the Judiciary members.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from New Hampshire [Mr. BASS] a member of the committee.

Mr. BASS. Mr. Chairman, I thank the gentleman from Florida for yielding me the time. I rise in support of the intelligence committee authorization. I would make a couple of points.

First of all, this is not a fat budget. This is a lean budget. It represents a less than 1 percent increase over what the President's request was. I would point out that as we heard the chairman of the Committee on National Security talk last week, the defense budget in this country has gone down for 13 successive years and the intelligence budget as well has suffered from these declines.

I would point out that the Intelligence Committee has spent a considerable amount of time in the last 4 to 5 months examining the priorities in the Intelligence Committee. You have heard other speakers this morning talk about the need for better exploitation of all the information that we are receiving from our various collectors.

Second, the need to pay more attention to the issue of human intelligence and the need to develop better human intelligence around the world, I believe that intelligence is important to this country. It has been important to this country ever since it was founded.

Let me remind my colleagues that when Paul Revere road out of Boston to warn the patriots that the British were coming, he did not do it because the British told him they were coming. It was because he had a spy at the top of the Old North Church.

Intelligence was important in the Civil War. Intelligence was important in the First and Second World Wars. Indeed, the Air Force was founded as a result of the need to get behind enemy lines to understand what was going on.

Indeed, Mr. Chairman, intelligence in this country saves lives. It makes it possible for leaders in this country to make informed decisions about what needs to be done. It protects the national security of this Nation. It saves money in the rest of the defense budget and it strengthens this country as we move forward into the 21st century. I am pleased to be a member of this important committee. I am pleased to support this authorization.

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

I think Members who are watching well understand that we have a very rich and diverse committee that has worked very hard with the other appropriate committees, the Committee on National Security and the Committee on Appropriations. We take our job very seriously. Everybody has something thoughtful to say and to add. The cold war is over but the danger is not gone. We are doing our best to make sure every intelligence dollar is spent well. Obviously that is a never-ending task.

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Quite seriously, those who read the newspaper are not getting the full story, and those who wish to speak, I would hope, would go and read the classified annex so they are dealing with the same support level of fact that we are on the committee.

And, finally, I would simply say I agree with my distinguished colleague, the ranking member, and the gentlewoman from California [Ms. HARMAN], who spoke about the need for balance, the proper balance between collection, technology, and all of that. We strive for that proper balance. It is a moving target, it is a moving world, and we will be doing this in a moving way for many years to come. I hope we have it right for now. If we do not, we have a conference ahead of us where we will have a chance to do things again. I urge full support of this bill, Mr. Chairman.

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

Mr. DICKS. Mr. Chairman, Mr. TRAFICANT has offered a similar provision in years past with a goal of ensuring that the intelligence community maximizes its purchase of American-made products. That is a goal I support.

We have worked with the gentleman from Ohio on other occasions to preserve the spirit of his amendment in conference even though the committee is aware that the record of the intelligence community on the procurement of U.S. products is exemplary. We will do so again this year and we are pleased to accept the amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read. No amendment to the committee amendment in the nature of a substitute is in order unless printed in the CONGRESSIONAL RECORD.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1998''.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, 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. 1775 of the 105th 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 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $147,588,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 313 fulltime personnel as of September 30, 1998. Such personnel may be permanent employees of the Community Management Account elements or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—In addition to amounts authorized to be appropriated by subsection (a) and the personnel authorized by subsection (b)—

(1) there is authorized to be appropriated for fiscal year 1998 such amounts, and

(2) there is authorized such personnel as of September 30, 1998,

for the Community Management Account, as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 304 of this Act), during fiscal year 1998 any officer or employee of the United States or member of the Armed Forces who is detailed to an element of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis; except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and engineering purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the 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 Center.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

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 1998 the sum of $196,900,000.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

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. ADMINISTRATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Subsection (e) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following new paragraph:

''(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.''.

SEC. 304. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM.

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

''DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

''SEC. 113 (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

''(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed 1 year when the heads of the parent and host agencies determine that such extension is in the public interest.

''(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which they are being detailed.

''(c) ANNUAL REPORT.—(1) Not later than March 1 of each year, the Director of the Central Intelligence Agency shall submit to the permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community

personnel pursuant to subsection (a) for the previous 12-month period, including the number of employees detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the program.

''(2) The Director shall submit the first of such reports not later than March 1, 1999.

''(d) TERMINATION.—The authority to make details under this section terminates on September 30, 2002.''.

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by striking the items relating to sections 120, 121, and 110 and inserting the following:

''Sec. 110. National mission of National Imagery and Mapping Agency.
''Sec. 111. Collection tasking authority.
''Sec. 112. Restrictions on intelligence sharing with the United Nations.
''Sec. 113. Detail of intelligence community personnel—intelligence community assignment programs.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to an employee on detail on or after January 1, 1997.

SEC. 305. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking ''1998'' and inserting ''1999''.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to title III that deals with the Totten doctrine.

The Clerk read as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

Page 10, after line 15, insert the following new section:

SEC. 306. ESTABLISHMENT OF 3-JUDGE DIVISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR DETERMINATION, OF WHETHER CASES ALLEGING BREACH OF SECRET GOVERNMENT CONTRACTS SHOULD BE TRIED IN COURT.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) ASSIGNMENT AND TERMS.—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2-years each; the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case of the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignemt of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term ''secret Government contract'' means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term ''member of the intelligence community'' means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

(j) APPLICABILITY OF SECTION.—

(1) IN GENERAL.—This section applies to claims arising on or after December 1, 1976.

(2) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act which would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

Mr. GOSS. Mr. Chairman, I will reserve a point of order, if this is the amendment I think it is, that the gentleman's amendment is not germane.

The CHAIRMAN. The point of order is reserved and the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, I had cited earlier this whole issue dealing with the Totten doctrine. Totten versus United States, the Supreme Court ruling in 1876, dealt with a secret contract where Abraham Lincoln, President Lincoln, had an individual working in an underground capacity. Upon the death of this individual, there was a lawsuit that emanated from those services, and from there came the decision that secret contracts are unenforceable and not eligible for adjudication.

So the Totten doctrine, in essence, bars the judiciary from adjudicating disputes arising out of secret government contracts. Now, that is in 1876. Now we have come to an intelligence community where we have many intelligence operatives that believe they have been wronged. If they attempt to adjudicate these matters or seek relief through the courts, the Totten doctrine is simply cited and they are barred from any further adjudicative action.

What the Traficant amendment would do, and I understand the point of germaneness here, but there must be some commitment coming from the leadership of intelligence if we are to do anything about the camaraderie and the ability to have good field operatives. We must look at the Traficant amendment.

Now, let me just close out here. The amendment calls for a three-member panel appointed by the Supreme Court in the U.S. District Court of Appeals in the Nation's Capital. They would review these claims, they would have the option of saying there is meritorious claim here or not. And if they did, they could set up that trial in camera.

We at this point have already gone into that judiciary type of activity. We have at this time allowed certain types of Federal judiciary cases on secret contracts involving, for example, the CIA and private contractors, to be adjudicated. They have been handled without any breach of national security.

And for those opponents who say our judges are not prepared to deal with these secret issues, I think if they can handle these broad tax cases, complicated environmental and toxic waste types of cases, they can certainly handle these.

I know it is not the intention of the Congress of the United States to have 450 South Vietnamese, many of them who have given up their lives in espionage activities for our country, to have been abandoned. And what we have on record is that they have been abandoned by our intelligence community and then their families, and in agreements made with their families, that agreement was abrogated. That compensation was not made, to the point where Congress gave $20 million last year and that money has still not been given to the survivors of those individuals who gave up their lives in our efforts in Southeast Asia. Unbelievable to me. And they cite, among other reasons, the Totten doctrine.

So all I am saying is that at some particular point, I understand the germaneness issue, but I know that the gentleman's committee has been fair, but I believe this hurts camaraderie, this hurts our acquisition and recruiting of top-notch agents. The word is out that one can get shafted; watch yourself. That is not the type of predicate we need to recruit the type of individuals that give us the intelligence we need. And we will keep reading and hearing about intelligence activities from CNN not from our own intelligence sources.

So I will ask, if I could, Mr. Chairman, the chairman of the Judiciary Subcommittee with jurisdiction to give consideration, since they are considering this to be a germaneness problem to Judiciary. But let me also say this to the intelligence community: Even though this is a Judiciary matter, its overtones in intelligence are so great, the shadows so great, I do not believe we can have a good intelligence program without addressing this old statute.

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

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

Mr. McCOLLUM. Mr. Chairman, I am actually not the chairman of the critical subcommittee, the one on courts, but I am a member of the Subcommittee on Courts and Intellectual Property, and I would agree to work with the gentleman toward getting a hearing, an opportunity in the Committee on the Judiciary and the Subcommittee on Courts and Intellectual Property to go over this proposal.

I think it is a proposal that needs to be discussed, but I have no authority to be the chairman to say that I can hold the hearing. This is not my subcommittee.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, let me just say to the gentleman that I appreciate that.

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

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

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

Mr. DICKS. Mr. Chairman, I would say to the gentleman that we are now checking at the Defense Department about the $20 million. And the gentleman, I think, has made a very important case here.

The CHAIRMAN. The time of the gentleman from Ohio Mr. [TRAFICANT] has expired.

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

Mr. TRAFICANT. Mr. Chairman, I will continue to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think what the gentleman is most concerned about is getting the money released and doing it in the proper way, and we will do everything we can to help him achieve his objective.

Mr. TRAFICANT. I also want the gentleman to help me in advancing the issue of looking at the Totten doctrine, because we will not recruit the types of agents we need to do our job properly.

Mr. DICKS. We will certainly follow up on that issue.

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

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

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding.

I think the issue is a very important issue and it has been well outlined by the gentleman from Ohio, and I think with the assurance of my colleague from Florida to proceed and the assurance that I have personally given the gentleman to look into the matter in terms of why those payments have not been made, which again I cannot usurp appropriations matters, this is not my area, but we want to make sure that the gentleman's fairness issues are well regarded.

I would point out it was, as the gentleman knows, the U.S. Congress, not the intelligence community, that made the decision for the relief. I think that is entirely appropriate. I think when we go back and look at the Totten decision, and I think it probably is time to look at that, again not my area of jurisdiction, I think we have to ask ourselves questions about the appropriate oversight. I think that is entirely relevant and entirely timely.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I am going to ask Congress to enforce the release of that $20 million to those surviving families of those South Vietnamese commandos who gave their lives to help us out in Southeast Asia.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, as the gentleman well knows, it is in the supplemental appropriations. Congress has appropriated the money. They are working on the regulations.

We just talked to Mr. Hamre's office, the Comptroller of the Department of Defense, and they think they will have the regulations finished by the end of July in order to get the money out.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, the money was appropriated last year and I think they should get on with it.

I appreciate the dialog we have had here and I ask for consideration in some other vehicle that comes up.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. Was the amendment printed in the Congressional RECORD?

Mr. TRAFICANT. Mr. Chairman, this is the amendment authorized by unanimous consent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 10, after line 15, insert the following new section:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

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

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, one of the most innovative Members of the House, the gentleman from Massachusetts, Mr. BARNEY FRANK, said this is the Spy America Amendment, so I will accept that. He is usually very brilliant. I will call it the Spy Buy America Amendment.

If we are going to have all these covert buys and all this covert budget, we can have a covert understanding that when they buy these high-technology James Bond items, they try to buy them in America and from American producers, from American workers and companies who pay corporation taxes and who pay income taxes and excise taxes and hidden taxes and sales taxes and property taxes and State taxes and estate taxes and inheritance taxes and surtaxes and hidden taxes. We should hold them to account in an attempt to at least buy in America.

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

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

Mr. GOSS. Mr. Chairman, I would be happy to accept the amendment, of course, because I understand it was inadvertently left out, and it is not a new issue; it is one that I have supported before.

I just want to make sure the gentleman is entirely clear that occasionally, because of the uniqueness of the intelligence business, it is necessary to

buy something that is not American made or to acquire something that is not American made, and I want the gentleman to fully understand that that is not a violation of the spirit.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, if the gentleman was, for example, a Korean spy, he would want to buy American to make us think that the gentleman was close to America. So who is to know? It is like a stealth amendment.

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

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

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

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding.

We have no problem with his amendment. We have supported it enthusiastically in the past, but the chairman is correct; we have to understand there will be times when we will have to do something that might breach the amendment.

Mr. TRAFICANT. Mr. Chairman, we understand that.

I ask for support on the amendment and move the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

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

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD?

Mr. MCCOLLUM. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 4 offered by Mr. MCCOLLUM:

Page 10, after line 15, insert the following new section:

SEC. 306. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 years after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

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

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

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I rise to offer this amendment today, which is a very simple amendment, that would require the Director of the Central Intelligence Agency and the Director of the Federal Bureau of Investigation to jointly prepare an annual report on the intelligence activities of the People's Republic of China and, most specifically, those which are directed against or affect the interest of the United States.

Some of the news reports on the fund-raising scandals that we have been reading about recently suggest that the People's Republic of China has apparently has decided to take a more aggressive approach toward influencing American politics. This is occurring at all levels of our political system, through the use of legitimate, such as through lobbying, as well as covert influence.

At the same time, the Chinese are also relying heavily on the success of their economic espionage efforts to make their economy more competitive with ours. We also have concerns, that I think most Americans share, with the increasing buildup of the Chinese military operations and capabilities, and the potential that that poses a threat to our national security interests in the Pacific rim region.

A China specialist at the Department of Defense recently summarized a growing threat posed by China's intelligence agencies by saying:

The Ministry of State Security is an aggressive intelligence service which is coming of age in an international arena. The combination of a relatively stagnant economy and an increasingly competitive global economic environment will force China to rely more heavily on the illegal acquisition of high-technology modernization. Arms production and sales are increasingly being used to gain hard currency and expand global political influence. The MSS will be required to produce intelligence to support this assertive role in the global commercial and political environments.

He went on to say:

Western democracies, such as the United States, must adjust the focus of their clandestine intelligence and counterintelligence operations if they are to meet the MSS's forward posture effectively.

The annual report that this amendment authorizes and requires would document significant developments involving China's Ministry of State Security, the military intelligence department of the People's Liberation Army, and other Chinese intelligence entities operating against the United States.

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The report is specifically intended to cover trends in the following areas: First, political, military, and economic espionage by Chinese intelligence services; second, intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party; third, efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army; and fourth, disinformation and press manipulation by the Government of the People's Republic of China against the United States.

Various agencies from the intelligence and law enforcement communities will be tasked to provide input on Chinese intelligence activities within the United States and elsewhere. Some of the agencies being tasked to contribute to the annual report include the Central Intelligence Agency, Department of Defense, Department of Justice, National Security Agency, Defense Intelligence Agency, Department of State, and Department of the Treasury.

The classified version of the annual report will be provided to the leadership of both the House and the Senate as well as to the two intelligence oversight committees. An unclassified version will be prepared so that the American people can be provided with a general summary of the nature of the Chinese intelligence threat to the United States.

My colleagues, I believe, will find this amendment to be one that is very crucial and very important, although very simple. It is not one that requires anything more than a gathering of information for us, but I think it is information that is something critical that we have and that it be prepared in these two different versions: First, the classified version for our committee's use primarily; and second, a version which can be revealed to the American public in general terms so we can keep track and the public can keep track of what the Chinese community may or may not be doing with respect to interests of the United States through its intelligence efforts.

I have no more complicated issue than that to present.

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

Mr. Chairman, I congratulate my colleague, the gentleman from Florida

[Mr. MCCOLLUM], for what I think is a very important addition to the work of the committee. Events have obviously transpired in a very clear way, in a very public and visible way on the subject of China in recent days, and I think this amendment to H.R. 1775 is a very valuable addition.

I would also like to thank the gentleman for his initiative on the issue. The intelligence activities of China that are directed against United States interests is a subject that has caught us all up. It certainly is of central importance to the committee, and it is of concern to the people of the Nation as well.

Anybody who has been watching television, whether it is CNN or any others that are covering events of the world, will know that there is a lot happening. The People's Republic of China has deployed an intelligence service worldwide that is acquiring assets and technology illegally and against the interests of the United States and its businesses and subsidiaries here and overseas.

The gentleman's statement outlines, as well as can be done in this forum, the threat presented by China's Ministry of State, Security and Military Intelligence Department, the People's Liberation Army. The old days of the threat of China goes only so far as its Army can walk are clearly behind us.

The amendment offered by the gentleman from Florida [Mr. MCCOLLUM] directs that the two agencies in the best position to gather intelligence on the threat, the FBI and CIA, report annually to Congress on the specifics of Chinese intelligence activities and acquisitions that affect United States interests.

What this amendment does is to recognize and to regularize reporting on the threat to America and Americans that we in the committee have received from excellent but ad hoc briefings from these two agencies and others as well, frankly, in the community.

I welcome the gentleman's initiative, as I said, and commend it and look forward to a more structured version of the excellent classified information on this matter that we have received to date from the community. The classified information we have received to date, and I can say this, justifies entirely the initiative presented to us today, in my view.

I referred earlier to a report on proliferation, which is unclassified, which I referred to all Members. I also applaud the gentleman's requirement that the FBI and CIA produce an unclassified version of their annual reports for public dissemination. As I have said, Americans and American businesses and subsidiaries here and overseas should be concerned about this threat from Chinese intelligence activities in the United States and elsewhere. The committee will, in that regard, promote the dissemination of any and all possible warning information as appropriate.

At the same time, Mr. Chairman, it will come as no surprise to anyone at all familiar with intelligence that there will be limits on what the intelligence community will be able to provide the public without damage to the national security or to the sources and methods at risk in the collection. This is a very important target, and it is going to be a more important target, I think, in the next century. Very clearly, we have to be careful about our capabilities to deal with the target.

Acknowledging this constraint, upon which lives as well as intelligence depend, I repeat my wholehearted support to the amendment of the gentleman from Florida [Mr. MCCOLLUM] and look forward to the badly needed process that it does create, in which I serve and which I think will serve oversight extremely well. I am going to support the amendment.

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

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

Mr. DICKS. I thank the gentleman from Florida [Mr. GOSS] for yielding.

Mr. Chairman, I have no objection to the amendment on this side. In fact, the gentlewoman from California [Ms. PELOSI] wanted to be here to speak on it, but had to be in a markup in the Committee on Appropriations.

I appreciate the gentleman yielding.

Mr. GOSS. Mr. Chairman, reclaiming my time, I am happy to have the ranking member remind me of that. I should have referred to the RECORD. The RECORD will clearly show that the gentlewoman from California [Ms. PELOSI] has already spoken in support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 1.

Mr. Chairman, I was in a markup and was of the understanding that the gentleman from Michigan [Mr. CONYERS] would be offering his first. I ask unanimous consent to return to title I and that my amendment be allowed to proceed in order.

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

Mr. GOSS. Mr. Chairman, reserving the right to object, I would like to explain my reservation.

I understand the gentleman's dilemma. We have a Committee on Rules, and we have rules for a reason, to try and have an orderly process. I believe, however, that the debate that the gentleman proposes to bring forward is a debate of great value. I am, therefore, willing to not object.

Normally I would object because I think the process is important. As I say, I think this debate is worth it; and on the basis of the gentleman's request for unanimous consent, I will not object.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. SANDERS: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 1998 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1997.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

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

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

There was no objection.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM] very much, because this is an important debate and one that I am going to ask for another unanimous consent that I had discussed previously.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, essentially, the amendment as recorded called for a 10-percent reduction in the intelligence agencies; and I would like to change that to a 5 percent reduction. I ask unanimous consent that the amendment be allowed to be 5 percent rather than 10 percent.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. SANDERS:

In the proposed amendment, strike ''90 percent'' and insert ''95 percent.''

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

There was no objection.

Mr. SANDERS. Mr. Chairman, I would like to thank my Republican colleague and my Democratic colleague for their indulgence. This is an important debate and I very much appreciate their allowing it to go forward.

Mr. Chairman, the amendment that I have offered is simple, and I would hope would be supported by all, especially those people concerned about the deficit and those people concerned about national priorities. What this

amendment does is cut the intelligence budget by 5 percent from the level authorized for fiscal year 1997 while still protecting the CIA retirement and disability funds.

Mr. Chairman, although the amount authorized by this bill is classified, there are various press reports which have indicated that funding for all the intelligence activities is currently about $30 billion, which means that this amendment would cut approximately $1.5 billion from the intelligence agencies.

Mr. Chairman, in my opinion, this debate is about a number of key factors: No. 1, our sense of national priorities. Is it appropriate to increase funding for an already bloated intelligence budget at exactly the same time as we propose painful cuts for senior citizens in Medicare, for low-income people in Medicaid, for others in housing, for kids, for the environment? How appropriate is it to say that we will cut $1.5 billion in home health care for seniors but not cut $1.5 billion for an intelligence budget which, in my view and in the view of many, already has too much money.

Mr. Chairman, if we are serious about deficit reduction, we cannot only go after working people and low-income people, we also have to have the courage to go after the intelligence community. Mr. Chairman, let me be frank that, for whatever reasons, despite the end of the cold war, despite the collapse of the Soviet Union and international communism, the intelligence community has not experienced the kind of appropriate cuts that had been made with many other agencies, including the Department of Defense.

Mr. Chairman, in 1996 the U.S. Senate, led by Senators Hank Brown and Warren Rudman, completed a report on the efficacy and appropriateness of the activities of the U.S. intelligence community in the post-cold war global environment. Let me read a brief portion from that report, which is commonly referred to as the 1996 Aspin-Brown Commission Report. They say, and I quote:

> In general, from 1980 until the present, intelligence grew at a faster rate than defense when defense spending was going up and decreased at a slower rate when defense spending was going down. As a result, intelligence funding

Now this is 1990—

> is now at a level 80 percent above where it was in 1980, while defense overall, other than intelligence, is now 4 percent below its 1980 level.

Mr. Chairman, the Congress has asked almost every agency to examine its budget and make appropriate cuts as we try to move toward a balanced budget. It is appropriate, now that the cold war is over, to ask the intelligence community to do that as well.

Mr. Chairman, in recent years a number of our allies have made public their intelligence budget, something I think we should do, but that is not for this debate. But let me tell what you we have learned from some of those countries who have made public their intelligence budgets.

In the United Kingdom, our strong ally, under a conservative government, intelligence spending was reduced from 957 million pounds in 1993 down to 701 million pounds in 1997. That is Great Britain. Canada also reduced its intelligence budget. They understood that the cold war is over. They had other priorities. I think we might want to learn something from our allies.

Mr. Chairman, not only do we have to look at our priorities and what our allies are doing; we have got do ask the simple question, are we getting good value for money that we are spending on intelligence? I would argue that there is a wide cross-section of opinion from the left and the right that says no, that the intelligence budgets are inefficient and wasteful, that they can be cut without loss of value in terms of the needs of the American people.

Mr. Chairman, what I would like to do now is not give you my opinion but to quote various newspapers, totally public reports, nothing secret or nothing confidential here, and tell you what some of the newspapers are reporting.

The New York Times front page, May 16, 1996, and I quote:

> In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress, intelligence officials acknowledged today.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 3 additional minutes.)

Mr. SANDERS. Mr. Chairman, what NRO did was to lose track of $4 billion, an amount roughly equal to the annual budgets for the FBI and the State Department combined. They lost the money.

John Nelson, appointed last year as the National Reconnaissance Office's top financial manager and given the task of cleaning up the problem, said in an interview published today in a special edition of Defense Week that the secret agency had gone, and I quote the gentleman, ''a fundamental financial meltdown,'' an excerpt from the article in the New York Times.

Let me further quote from the New York Times, same article:

> The reconnaissance office found itself in trouble in 1994 for constructing what several Senators called a stealth building. The Senate Intelligence Committee protested that the agency had built itself a headquarters outside Washington costing more than $300 million, without disclosing the building's true cost and size.

That is the New York Times.

According to another newspaper, the New York Daily News, December 16, 1996, and I quote, page 27, editorial:

> Two huge threats are looming before the U.S. intelligence community as national security advisor Anthony Lake prepares to become director of central intelligence. The first is a Marine reserve sergeant out in San Diego. Armed with a personal computer and a network of contacts around the world, Eric Nelson has developed and E-mail system that consistently beat the Defense Intelligence Agency's reporting on terrorism, chemical and biological warfare, political profiles, background on hot spots, nuclear weapons, international crime and political analysis. ''He really covers the ground,'' says Marine Colonel G.I. Wilson at the Pentagon. ''And best of all, he is quick. His secret is that he only uses open, i.e., unclassified sources. He has been immensely successful. All the armed services use him.''

□ 1600

This is a guy on his own, an ex-marine.

''Nelson's threat to the $40 billion intelligence community? His operating cost is about $20 a month.''

Twenty dollars a month and he is doing work that the intelligence community is not able to do. And on and on it goes.

Last, let me quote from another article in the New York Times, March 3, 1997:

''Breaking with its past, the CIA has severed its ties to roughly 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes, Government officials said today.''

The New York Times continues:

''The agency found that the violence and corruption of scores of those informers were so bad, and the quality of the information they provided comparatively so marginal, that they were not worth the tens of thousands they were paid annually.''

The article continues, ''The Latin American division of the CIA's clandestine service proved to be one of the most riddled with foreign agents who are killers and torturers, that the agency has violent men on its payroll,'' et cetera, et cetera.

Mr. Chairman, I would ask that the Members say no to the intelligence communities and support the Sanders amendment lowering it by 5 percent.

Mr. GOSS. Mr. Chairman, I rise in opposition to the amendment. As President Dewey used to say, ''Be careful what you read in the newspapers.''

I think it is very important that we remember that my ranking member has addressed a lot of the issues that the distinguished gentleman from Vermont has just brought forward to us in previous sessions of the Congress in previous years.

We are very concerned with our responsibilities to do our job of oversight to make sure that we are providing the best possible means of defense for Americans and America through the use of eyes and ears and brains around the world, our intelligence business, because despite the fact that the cold war is over, the danger to America and Americans and American interests is clearly not. Anybody who thinks it is might want to look in the newspapers about the World Trade Center bombing

or they might want to look in the newspapers about the bombing in Saudi Arabia that regrettably cost the lives of some American troops and much wounding of hundreds of American troops, and on and on. Or they might want to go upstairs and take a look in the Intelligence Committee's area and of course every Member of this Congress is cordially invited to come upstairs and take a look at any time in what we are doing and what information we have as long as they are willing to comply with the accountability and responsibility that goes along with that knowledge.

We think that it is very important that we have what I will call a factual analysis and we on the committee have tried to give it our best bet on what the facts are and what the analysis of the facts are. We have not done a data-free analysis. We have come to a thoughtful conclusion of where we are.

I cannot overstate my opposition to across-the-board cuts, anyway, to intelligence bills, and even though I know that the gentleman from Vermont is well-intentioned, we have had this debate before, such an approach to budget cutting I do not think is good and it is indiscriminate.

To make cuts by a percentage or a number grabbed out of thin air, whether it is 10 percent or 5 percent or any other percent, completely undercuts the duty of Congress to deliberate and make thoughtful decisions on behalf of our constituents in the best interests of the Nation.

Remember, this is the one piece of legislation that must be authorized. We have an authorization charter on this committee that nobody else has. In our representative democracy, Members of Congress are elected to make responsible, informed spending decisions based on the close scrutiny of the costs and the benefits of specific government programs. That is what this permanent select committee has done.

The select committee has analyzed and reviewed the intelligence and intelligence-related activities of the United States to determine the benefit provided by those programs to the national security interests of the United States, and that is the bill we have in front of us today.

To my colleagues who favor this amendment, let me ask, to what specific programs are they opposed? What should we cut back? Which programs should be terminated? Which intelligence targets should be dropped? Specific modifications to intelligence programs would be more appropriate than the broad brush approach that the gentleman proposes.

In the gentleman's testimony to the Committee on Rules that was submitted in support of the amendment, he noted programs that he considers to be bloated wastes of taxpayers' money. In support of this 5 percent budget slashing amendment, he contends that the NRO, which we have heard about, the National Imagery and Mapping Agency, NIMA, and the National Security Agency simply collect too much information to be thoroughly analyzed and used by policymaking consumers. He argues that because some information is not put to its best use, the entire intelligence community should suffer a 5 percent reduction in funding.

Because the gentleman is unhappy with the overall lack of analytical capabilities of the intelligence community, which I would note is something that the committee specifically seeks to correct through this bill in a very thoughtful and deliberate and specific manner, he wants to reduce the analytical resources by an additional 5 percent. That is counterintuitive and counterproductive.

If Members come up to the committee spaces and read the classified annex to the bill, they will see that the Permanent Select Committee on Intelligence on a bipartisan basis did its job. The committee reviewed each program for its merit and its benefit to national security. The committee truly scrubbed each program to ensure the money would be well spent. We had a lot of debate about that.

The committee held 7 full committee budget hearings, as I said, scores of briefings, 100 or so Member and staff briefings, and on and on. The committee thoroughly, let me repeat, the committee thoughtfully and thoroughly and with careful deliberation made appropriate adjustments to the President's intelligence budget proposal.

The committee reported increases for those programs where it found the President's plan lacking, and it reduced authorization levels where appropriate and necessary.

If Members have looked at the schedule of authorizations, they will see that the committee has made drastic, substantial, and real cuts, not just reductions in budget request levels but real cuts in several programs. The committee did so based on the merits of the program, not simply to achieve a percentile decrease that is altogether meaningless. These reductions were made for good government reasons.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

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

Mr. GOSS. At the same time, however, the committee has increased authorization levels for certain other programs to ensure that the U.S. government has adequate intelligence capabilities so that another Kamisiyah does not occur, so that collected intelligence is not wasted, to adequately support all our deployed Armed Forces and to properly address global crises that threaten our national security interests without diminishing our capabilities in other areas of this still treacherous world.

Just because the cold war is over does not make this world more safe. Quite the contrary. Radical regimes exist that wish us harm, and transnational threats of terrorism, narcotrafficking, organized crime and weapons proliferation actually threaten our way of life on a daily basis whether we are here or abroad.

This amendment would indiscriminately make cuts where program funding has already been reduced by significant amounts and cut those programs that need additional budgetary resources. This amendment requires no thought for what is needed, how things operate or the fixed cost of a strong national security enjoyed by all Americans. It is purely a number thing.

If this amendment passes, how will we explain to the American public that the funding for the FBI, the CIA, and others against international terrorists was cut back? How will we justify the reduction in our ability to monitor the unfair trade and economic policies of business competitors? What will we say to your business constituents after we reduce our ability to determine when foreign countries and foreign corporations try to steal us blind of our technology and commercial secrets? Should we hamstring our efforts to stay one step ahead of the radical regimes who are feverishly working to develop nuclear, chemical, and biological weapons and the missile systems to deliver them? And they are.

That is what this amendment would do. This amendment would also put our deployed troops at risk. Passage of this amendment will result in higher casualties in all likelihood because of the inability to provide the necessary force protection. We have had a sad lesson there recently.

This indiscriminate 5 percent reduction in the authorization levels will result in less accurate and less timely intelligence that is critical to disclosing the threatening capabilities or evil intentions of our foes. The parents of those serving this country in the armed services will want to know the justification for increasing the threat to their children.

The global strategic reality is that we have won the cold war, but we have not resolved the danger problem.

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

The gentleman from Florida makes a good case against across-the-board cuts. I for one have never particularly favored across-the-board cuts, but in this case we are confronted with a budget that is secret. We cannot come out here and debate the individual elements of the budget or the individual allocations to the individual components of this budget because it is secret. If I went up to the little room upstairs and found out how much the National Reconnaissance Office is getting and I came down here to the floor and revealed it, I would be subject to censure or removal from the House. So how is it that we can approach this more reasonably as long as we keep these numbers secret? What can our enemies learn from knowing how much

money we spend or waste on the intelligence services, whether it is well spent or wasted?

The sum is phenomenal. It is reported in the press to be more than $30 billion, an increase this year of about $1 billion. Perhaps the gentleman could help me out here. Could the gentleman from Florida tell me what the 5-percent cut would constitute? How much money would the 5-percent cut constitute?

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

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

Mr. GOSS. Mr. Chairman, I would invite the gentleman to come upstairs to the committee quarters and we will be happy to share with him, we will provide as much staff as he likes, we will walk him through line by line and we will be the better for it and so will the gentleman.

Mr. DEFAZIO. Reclaiming my time, I thank the gentleman, but here on the floor, in the people's House, for the people of the United States who pay the taxes that constitute this secret budget, we cannot know how much a 5-percent cut constitutes, so we cannot know whether it is prudent or imprudent.

The gentleman said one other thing that particularly intrigued me, and this did concern me. He said the FBI would not be able to protect against international terrorists if this 5-percent cut went through.

How much will be cut by this 5-percent cut from the budget of the FBI to combat international terrorism?

Mr. GOSS. If the gentleman will yield further, it is impossible to know in foresight. Let me put it this way. In hindsight we have discovered that if we had better equipment in the question of the bombing of the World Trade Center in New York, we may very well have avoided that.

Mr. DEFAZIO. But again we cannot reveal the number.

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

Mr. DEFAZIO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I appreciate the dilemma that the gentleman has described. There is perhaps one other solution. Perhaps the Permanent Select Committee on Intelligence would determine, and the leadership as well, to accept the gentleman from Vermont [Mr. SANDERS] as a member of the committee, and that way he would be privy to the information that has been pointed out by the gentleman from Florida [Mr. GOSS] as necessary to effect a specific solution. Because right now there is not only no way that the gentleman from Vermont [Mr. SANDERS] can be specific to those seven excellent questions, but neither can any other Member in the House of Representatives who is not on the committee.

Mr. DEFAZIO. I thank the gentleman.

Again the dilemma we have here, and I do not like across-the-board cuts, is we are not given an option. Yes, I can go to the room upstairs. The gentleman can show me the individual budgets of the individual agencies, but I cannot come down here to the floor and use that information in any way. I cannot come down here and say, ''Well, the National Reconnaissance Office is up by $1 billion, I want to cut $500 million there because they are spending it on this particular satellite that I do not think is helpful.'' I can do none of that on the floor. I can go up there and be imbued with information that will tie my hands and my tongue if I come to the floor. I could not talk about the amount of money here if I had been up there to review the budget. I can only talk about it because I read it in the New York Times. I know there will be an amendment later to reveal the total amount of money spent, and I would hope the gentleman would support that and I hope this gentleman will support that.

Mr. DICKS. And I will.

Mr. DEFAZIO. And I would hope it passes.

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

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

Mr. DICKS. I would urge the gentleman to come up to the room upstairs.

Mr. DEFAZIO. The gentleman wants to tie my tongue.

Mr. DICKS. You got it, baby.

Mr. DEFAZIO. I do want to see the special room sometime, but I do not want to look at any of the documents in there.

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

Mr. DEFAZIO. I yield to the gentleman from Michigan.

Mr. BONIOR. First of all, Mr. Chairman, I would like to commend my colleagues here who have taken the leadership position on this committee, my dear old friend the gentleman from Washington [Mr. DICKS] and the gentleman from Florida [Mr. GOSS], who knows probably more about this, him and the gentleman from Texas [Mr. COMBEST], than anybody in this institution, and for their capable staffs.

Having said all those nice things, let me encourage Members to follow the line of my friend from Oregon and support the gentleman from Vermont [Mr. SANDERS], and I hope the gentleman from Massachusetts [Mr. FRANK] if the Sanders amendment does not pass. All the gentleman from Massachusetts [Mr. FRANK] wants to do is keep us within the bounds of the administration, keep it basically at a freeze, and also the Conyers amendment, which will get to the point of this discussion that we are having right now of revealing what the number is.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

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

Mr. DEFAZIO. Mr. Chairman, I continue to yield to the gentleman from Michigan.

Mr. BONIOR. I would say to my friend from Oregon, we need these amendments because this is a Rip Van Winkle budget. If Rip Van Winkle was just waking up, he would not know that the cold war was over, that the world has changed, that our intelligence needs are dramatically different than they were a decade ago.

□ 1615

But that is exactly how this intelligence budget is framed, like nothing has changed, and the gentleman from Florida [Mr. Goss] who I have deep respect for, is absolutely right. We actually need a strong intelligence budget for those things that occurred at the World Trade Center and occurred in the Middle East and took so many lives. But let us be realistic.

Mr. DEFAZIO. How much of this budget is spent on those particular terrorist threats?

Mr. BONIOR. We do not know.

Mr. DEFAZIO. We do not know.

Mr. BONIOR. We do not know.

Mr. DEFAZIO. But even if we wanted to beef up those portions of the budget, we could not do that here on the floor?

Mr. BONIOR. I think we probably could. I think we probably could.

Mr. DEFAZIO. We could transfer from one account to another since we do not know what is in the accounts?

Mr. BONIOR. That is kind of the dilemma here that we are facing.

And so I would say to my friend that what we need to do is to work together to rein this in. Today the drive to a balanced budget is reducing spending dramatically.

In fact, we read in the paper this morning that the budget is going to be down about $45 billion, the annual budget, a tremendous drop since 1993. Yet today we are spending 95 percent more than our major allies combined on intelligence, combined, and twice as much as nations that are viewed as rogue states.

So as my colleagues know, here we are, we have got about $112 billion bill to refurbish schools that are falling apart across this country, we have got 10 million kids in this country without health insurance, and we are spending, according to the New York Times, over $30 billion on intelligence, and the cold war is what? Nine years, seven years, eight years over with?

It does not make any sense, so I urge my colleagues, support SANDERS, support FRANK and support CONYERS.

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

I rise in opposition to the Sanders amendment. The implication from the discussion they have been hearing here is that intelligence in this country has been developed as a result of the cold war. Well, the cold war is yet a small part of an entire history of this country especially its strategic interests which have been around since the Constitution was written.

Let me just point out that the debate here is on the amendment not the other extraneous issues. We will debate when we reach, if we do, the Conyers amendment, the issue of publicity of intelligence authorization or authorizing numbers, but let me just point out that this amendment in essence implies that the Permanent Select Committee on Intelligence in the 6 or 7 months that it has been working on its budget has not really done its work.

The fact of the matter is, as the chairman has mentioned, we have held numerous hearings, we have had plenty of hearings to discuss each and every line item as has been amply discussed. Every Member of the Congress, Republican or Democrat, could come up and examine these numbers in any level of detail.

The fact of the matter is, as the chairman has mentioned, we have held numerous hearings, we have had plenty of hearings to discuss each and every line item as has been amply discussed. Every Member of the Congress, Republican or Democrat, could come up and examine these numbers in any level of detail.

The fact of the matter is that it is surprising to me that any amendment that would be offered at a 10-percent reduction yesterday and then turn into a 5-percent reduction today can be called a responsible amendment. It only goes to show that when the chairman said, ''What would you cut,'' that there is no real intention here of being serious about reducing this budget.

The fact is the committee has been responsible in dealing with this budget on a line-by-line basis over the last 7 months. The distinguished gentleman from Michigan calls this a Rip Van Winkle budget; I would point out that this amendment is probably a blind man's bluff amendment because we have absolutely no idea what the impact would be.

That is not responsible legislating, and I urge my colleagues to oppose this amendment.

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

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

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from New Hampshire for doing that. I did want to point out on a serious note that any Member of the U.S. House of Representatives, of course, enjoys a very high privilege for serving here, but they also enjoy the opportunity to examine classified information, and I believe that that is a wonderful opportunity. I hope Members will take advantage of it; I mean that very sincerely because I think that they get a better impression of what our responsibilities in the area of national security are by examining classified information and material available to the committee then they do by reading various newspapers which inevitably have a slant or point of view and less than full information, or even watching C-Span which is always dramatic; excuse me, CNN which is always dramatic.

But that is not really the point. The other point I wanted to make is this:

We have clearly got a responsibility, the 15 Members of the House Permanent Select Committe on Intelligence. Oversight has come a long way, baby, since we first started to have oversight of the intelligence community. We needed oversight. It all started back, and my colleague has said a long time ago, but in the Second World War became apparent that we needed to deal with the oversight question and organize intelligence, and shortly after that we did. And oversight has become much more sophisticated, much more organized, I believe much more representative.

But it is true, the 15 of us on that committee have a responsibility to all of the other Members of this body to make the right decisions. We have brought forward a bill, 15 to zero, that we do not all agree with every item on to be sure, but, 15 to zero, we have brought our colleagues a bipartisan bill which we think is about right for where we are to go into conference with, and we are asking our colleagues to basically understand that we have not come out of thin air, that we have worked hard and deliberately, going time and time again into these programs dealing with these agencies, making them justify how they expend these moneys.

I am a fiscal conservative. I would not be voting for pork or waste. I assure that the Members who know me know that is true. As I say, I think we have got it about right, I think the members of this committee have done a very good job, and I think a straight across the board cut that is totally indiscriminate is going to do serious damage and not going to get the kind of benefits or savings that the well intentioned sponsors of the amendment has envisaged.

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

Mr. Chairman, in these days with the cold war behind us, Berlin Wall having come down, we find ourselves in a comparable era, as we did in the 1920's and the early 1930's where there was no known adversary on the horizon.

I support the bill as it is, and I oppose the amendment to reduce the authorization.

Serving on the Committee on National Security, and there are a few of us on this Permanent Select Committee on Intelligence that do, also as a member of this committee, I know the value of timely and accurate intelligence to military commanders as well as to the administration and the State Department. In these days where the predictability of the future is so cloudy, that is when, Mr. Chairman, it is all the more important for us to have the best, the finest intelligence network we can.

More than that, it is more than just being able to collect intelligence. We need the analysts who can give us that predictive analysis as to where we think problems may arise. Successful military operations, successful diplomatic operations which minimize the risk of problems and lives of American service men and women cannot, simply cannot be conducted without excellent intelligence and excellent analysis.

As a member of both of the committees that deal with this I pay particular attention to the needs of the military as well as the other. I believe this bill responds to those needs, I support it. A cut, I think, would be doing a disservice to our diplomats, it would be doing a disservice to those who serve in uniform, a disservice to those who want to keep our country free and our interests keen in the days and years ahead.

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

Mr. Chairman, I rise in support of this amendment. I understand this amendment originally suggested that we cut 10 percent of this budget. This amendment says we cut 5 percent. This is a very reasonable amount in this time when we are supposed to be working in tight budgets. Of course we can make the argument that rather than spending money on international spying activities that could be better spent here at home, and I think there is a lot to that argument.

But I am pleased with the amendment, and I am very happy that the amendment is brought to the floor because, if nothing else, the 5 percent of savings that we might get if we pass the amendment, we do not know the exact figures so we cannot even make that calculation, it is not going to make or break the budget even though it could be helpful. But the amendment allows us to come to the floor and at least express a concern, and we have heard many of these concerns already. It is just a chance to get on the floor and say to the Congress and to our colleagues, Whoa, let's slow up a minute, let's think for a minute what we're doing and what have we been doing.

It is now accepted that the activities of the CIA is they are proper and something that we have had for a long time, but the CIA is a rather new invention. It is part of the 20th century. It came up after World War II. But it was pointed out earlier that this is not exactly true because we have been dealing with intelligence for a long time, and that is true. But it has always been dealt with in national defense, it was strictly limited, and it was handled by the military. But since World War II, since the time that we have built and tried to run the American empire, we have to have our spy agents out there. Now we have a civilian international spy agency.

I might ask my colleagues really if they would even be inclined to read the Constitution in a strict manner where would they get this authority that we

have to go out, have an organization like this that is very poorly followed by the Congress? We know very little in general about what happens when it comes to our Government being involved in overthrow of certain leaders around the world. I would suggest that when the history of the 20th century is written that many of us will not be very proud of the history of the CIA and the involvement that they have been involved in over these many years. I think the activity of the CIA has gone a long way to give America a bad reputation.

This does not mean that we should not have intelligence and we should not be concerned about national defense, but if it were done in a proper manner it would be done without an organization such as the CIA. These very secret clandestine activities of the CIA really is very unbecoming of a free society. It is not generally found in a society which is considered free and open and that the people know what is going on.

It surprised me a little bit to hear it even admitted earlier that some of the activity of the CIA is involved with, business activity that we have to be thinking about business espionage, many of us have made this accusation challenge that, yes, we have the CIA that represents big business in many parts of the world. And I think this is the case. And not only do we have our business interests reaching out to many areas of the world and we have a very internationalistic interventionist foreign policy, we have troops in so many countries, over a hundred countries.

I would really like somebody to get up here today that is knowledgeable; tell me how many countries we have CIA agents in. If we have troops in 100 countries, we may have CIA agents in 200 countries. But I do not know that, and possibly it will be buried someplace, but I am not allowed to come down here and explain it to the American people.

The American people are responsible. They pay the bills. They are the ones who have to fight the wars if we go and do something nonsensical. And was the CIA involved in Vietnam? It certainly was. There was a killing of a leader in Vietnam that escalated that affair which led to war and killing and the death of many young Americans.

So we in the Congress should be more responsible so we can tell the people exactly what is going on, exactly what it is going to cost and exactly what the ramifications are when these agents are dealing in other countries.

□ 1630

I would say that the CIA does not have a very good reputation among many Members of Congress nor among many citizens of this country. They are concerned about it and would like to know a lot more about it.

Is there any chance the CIA could have funding outside of the so-called normal appropriations process? I think there is a very good chance that is possible and that they may well have been involved in drug dealing.

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

Mr. Chairman, I thought for the last several years that I would stay out of these debates about the CIA, but I am torn to come back and say a few words here.

I had the pleasure of serving on the Committee on Intelligence for a few years, and I finally resigned in disgust because I did not find either that the intelligence was very reliable, and certainly that the rules and regulations with which the process was conducted were utterly asinine.

We have had references here to statements in the newspapers about the level of funding and other things involving the CIA. I, as most Members know, have been involved with the space program for 30-odd years. I thought I knew something about space activities and the kinds of things that the CIA was doing in overhead collection. I was getting my information from scientific journals and some of the researchers who were doing the work on these kinds of collection systems.

I was precluded by the rules with regard to my serving on the Committee on Intelligence from reflecting not what I saw in newspapers but what I saw in scientific journals or scientific reports of various kinds. This is kind of asinine, to classify something that the most informed people have already published. Mr. Chairman, I thought this was something that we really ought to get away from, but I found that my loyalty to the country was questioned if I even brought this up for discussion, in many cases.

Now progress is being made, not very much, but some. The members of the committee are honorable people who are trying to do a better job, and I commend them for it, because it is frequently a thankless task. When I was on the committee, I served under the chairmanship of the gentleman from Indiana, Mr. LEE HAMILTON, and the gentleman from Ohio, Mr. LOU STOKES, and they were honorable people, wonderful people who were doing their best for the welfare of this country. Nevertheless, they were constrained by the same rules and practices that I was constrained by to sort of go along with the system.

I remember the time, for example, when we would be invited down to the White House, and Admiral Poindexter, at that time National Security Adviser, and Ollie North would lie through their teeth to us about what was going on. Every time a critical event came up, they would invent some new lie to explain it to us. Mr. Chairman, I did not particularly like that, but I suppose I could understand it.

Actually, the whole intelligence apparatus, or the CIA in particular, and the National Reconnaissance Office, which I suppose we are still precluded from mentioning on the floor because it is classified, are actually a secret army for the President. They do what he says and they kind of protect him in the process, and we saw this occurring over long periods of time.

I am not sure that that really is what we need from an intelligence agency. We do need intelligence, without regard to the fact that the cold war is over. This is a dangerous world and we need intelligence. Going back to the writings of that great Chinese author, Sun Dzu, who wrote with regard to war, about war 2,500 years ago, good intelligence collection was the most important thing that any military commander could have, regardless. It is still true today, that it is essential.

But we are not getting good intelligence. If so, we would have known far more about the economic, social, and other conditions in the Soviet Union which led to its collapse. We would know far more about the kind of cultural and religious conflicts taking place in the Islamic nations than we know. We know practically nothing, as a matter of fact. We are not going to get it from the CIA.

I think the committee is beginning to understand that there are problems with our intelligence collection in certain vital areas, such as those that I have mentioned. Their suggestion that we might consider a civilian reserve corps may be the best idea that has come out of the Committee on Intelligence in a long time, because with a civilian reserve corps of people who understand the language and the culture and the economies of the areas that we have an intelligence interest in, we will get more and better intelligence than we have ever had before.

With regard to analytical capabilities, it has been known for two decades that the CIA was collecting huge amounts of information which they never bothered to analyze. We would apparently not give them the money to analyze it, and if we did, they cached it away to pay for a $3 billion building, or whatever.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

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

Mr. BROWN of California. Mr. Chairman, the committee's report recognizes these things and lays them out specifically and then asks for more money. This is ridiculous. If we are getting inadequate intelligence and intelligence analysis today, why reward that with more money? Maybe it would be a healthy lesson if we would cut them 5 percent or 10 percent.

We have been doing this with another agency that I am very well acquainted with, NASA, for the last several years. I regretted it. I hated it, because I felt that NASA was doing a good job and producing huge benefits to the American people through the technology it

developed and sponsored. But they survived it, and they are doing a better job today.

The landing of a rover on Mars, for example, was done at half the cost that we thought it would be done a few years ago, because we have found that we can do things faster, cheaper, and better.

Why cannot the CIA and the other intelligence agencies live with that same kind of discipline? I think they could. I think it would be good for them. The intelligence would be better. The country would be better served. We could say that we are enhancing the security of this country and our understanding of the rest of the world and saving money at the same time. That is what we should be trying to do. We are doing it in every other area, and I think it is time we applied it to the intelligence agencies.

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

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

Mr. OWENS. Mr. Chairman, one speaker has implied that we are not serious when we offer this amendment because we know it is not going to pass. I regret that it will not pass. We are reduced to a ceremonial action each year. Once again we are here to impose what I consider a civilized and reason-based ceremony on a very primitive Congress, which goes through a ritual of blindly authorizing more than $30 billion for a CIA that should have been streamlined and downsized at the end of the cold war. By the most conservative estimate in the New York Times, this is $30 billion that we are talking about.

We ought to take 5 percent of that, which is $1.5 billion; $1.5 billion may seem like a small amount compared to the overall CIA budget, but our entire proposed initiative by the President on school construction was merely $5 billion over a 5-year period; $5 billion over a 5-year period, which means we could fund the school construction initiative out of this cut and still have $2.5 billion left over for other matters, like the empowerment zones in poverty areas. So we are talking about money that could do a great deal that is probably being wasted in a CIA that is unaccountable.

The very basic but baffling instinct and superstition of this congressional village is to insist that tampering with the secret budget of the CIA is taboo. The CIA is untouchable. There is fear that dangerous, invisible demons will rise up and destroy our village if we disturb this almighty Washington wizard.

It is not reasonable, what we do here. Downsizing, streamlining, and restructuring are vitally necessary for this Federal agency, just as it was useful in other Federal agencies. The era of big government is over. We are proud to keep repeating that the era of big government is over. The era of the big unaccountable CIA should also be over, but nobody wants to touch the big, unaccountable CIA.

We have just heard more than 1 hour of general debate which did not grapple with the following taboo subjects.

They did not talk really in the general debate about the failure of the CIA to predict the collapse of the Soviet Union, the greatest failure of all. They did not talk about the dangerous and costly interference with administrative diplomatic initiatives, policy initiatives, in Haiti.

Somebody just said a few minutes ago that the CIA is the President's secret army. It certainly did not behave like the President's secret army in Haiti, because the President authorized one policy and took one set of initiatives and the CIA was funding the organization in Haiti called FRAPH, which had a big demonstration of wielding pistols, shooting guns, and stopped a peaceful initiative to bring some police officers in to help train the Haitian police.

We later had to have a costly military operation in order to deal with the criminals in Haiti. The CIA did it. Emanuel Constanz, who headed that organization, was on the payroll of the CIA. He was arrested for a while and then set free. He is out there free somewhere now. The CIA has never explained their relationship with Emanuel Constanz and the FRAPH organization.

The loss of $40 billion in petty cash funds. It was written in the New York Times that the petty cash funds of the National Reconnaissance Agency somehow lost $2 billion first, and later on they said no, it is $4 billion, lost and later recovered, of course.

The Aldrich Ames affair. His name has not been mentioned during general debate at all. Aldrich Ames was very dangerous. At least 10 agents, 10 operatives of the CIA, by their own admission, lost their lives, yet Aldrich Ames is alive and well now, and he intimidates the CIA with interviews that he gives from prison. He makes fun of the CIA. Aldrich Ames was said to receive $2 to $3 million for his treason.

Harald Nicholson, another highly placed CIA person recently was given 20 years; he will be out in 10 years, for betraying his country, for selling secrets. First it was for $120,000 and later on they said maybe it was $300,000. Who knows how much it was. But this pattern in the CIA occurs at very high levels. Aldrich Ames was a very high level person in charge of the Eastern European and Soviet operation; very high level people are selling out for dollars. Something must be wrong somewhere.

It was $7.5 billion that we talked about over a 5-year period. Surely we can use it and put it to better purposes than have it go on existing in this unaccountable agency. If we start with a 5 percent cut, maybe next time it will be a 10 percent cut and maybe next time we will go to the real purpose of restructuring, restructuring the CIA to fit its mission in the present time.

Common sense, combined with scientific reasoning, should be allowed to prevail over the primitive kinds of instincts that are employed when we have discussions of the CIA. It is not rational what we are doing, not scientific, not based on reason, not based on the evidence that exists.

The CIA budget was increased to deal with the evil empire. The evil empire no longer exists. The evil empire gets aid from us, and they use some of that aid to pay our agents. Russia pays our agents out of some of the aid we give them. Ridiculous.

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

Mr. Chairman, I rise in support of this amendment. It seems almost impossible that this Congress would not embrace a 10-percent, a measly 10-percent reduction in this intelligence budget. I am not going to talk at this moment about everything that I have learned about the CIA and their drug dealing and other activities. I am just going to talk about what some of our allies think about them.

In a Los Angeles Times article Monday, March 17, 1997, our international allies' dislike of the CIA's clandestine activities is stated as such.

I quote: ''Around the world, America's friends are sending a quiet but stern message to the Central Intelligence Agency: The cold war is over, the rules of the spy game have changed, and it's time for the United States to curb its espionage operations on its allies' turf.

''At least four friendly nations, Germany, Italy, Switzerland, and France, have halted secret CIA operations on their territory during the past 2 years.'' In Germany a CIA officer was ordered to leave the country, get out, apparently for trying to recruit a German official. In 1995 there was a major intelligence failure in Paris when the French uncovered and put an end to an economic espionage operation run by our CIA.

In the Washington Post there was an article entitled ''House panel affirms some allegations against CIA.'' This was March 18, 1997. The Washington Post reported that a House intelligence committee report affirmed a previous conclusion that CIA contacts in Guatemala were involved in serious human rights violations with the agency's knowledge and their involvement, which was improperly kept from Congress in the early 1990's.

□ 1645

In fact, the article stated, and I quote, ''The report represents a sharp criticism of the CIA from a Republican-controlled committee that has tended to be more sympathetic to CIA arguments that it must deal with unsavory individuals to get good intelligence,'' unquote.

What is the mission of the CIA in the post-cold war environment? Is it necessary to continue allocating $30 billion to this intelligence effort? Should we not use these funds for other purposes such as job development or school infrastructure or rehabilitation? I am encouraged that the New York Times on March 3, 1997, recently reported that the CIA was doing some scrubbing, they called it, in an effort to sever ties with 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes. According to these articles, the Latin American division of the CIA's clandestine service proved to be the one most riddled with foreign agents who were killers and torturers, and that the CIA also has had on its payroll people who are terrorists and drug dealers. I am going to talk about drug dealers in an amendment that I am going to bring up, but I want Members to keep fixed on that. Drug dealers who were terrorists and, of course, drug dealers.

It is not enough to cleanse some of the rogue agents employed by the CIA in their clandestine activities. We really need to eliminate the CIA. The Defense Intelligence Agency, the DIA, needs to take over the functions and responsibilities currently held by the CIA. There are overlapping functions between the CIA and the DIA. So while I think they need to be eliminated, certainly this very small modest request for a 10-percent reduction, a 5-percent reduction, 5 percent, 10 percent, whatever, should be done. It should be embraced by everybody. It would show that at least we are concerned about this agency that is just riddled with problems. I mean this agency is a disgrace. Time and time again we find these articles that are appearing that are talking about not only our agents who are selling us out but all of the rogues and the terrorists and the dope dealers that they are dealing with. Do we not want to do something about the CIA? Are we not ashamed? Do we not feel that we have enough power to rein them in?

I will be back with my own amendment to deal with them on dope dealing.

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

I rise in support of the Sanders amendment which would cut intelligence funding by 5 percent. Now, other agencies have been reduced. Do Members know that the State Department has had its budget cut 20 percent in the past 5 years? But we are going to give the intelligence department, and I use the word in quotes, an ''increase.'' It is absolutely preposterous to even think about spending more on intelligence when the cold war is over.

I have heard colleagues say, well, this is a dangerous world. I agree. It is a dangerous world. This is a dangerous country where 10 million children have no health insurance. It is a dangerous country when gangs threaten citizens in the streets. It is a dangerous country where 3 people get shot in the capital city. Yet we have cut those programs. We have cut the programs which solved those problems, but we increase the budget for the Central Intelligence Agency. Of course I say we increase it, but how do I know? We do not even know exactly how much we spend because that has been a secret since it was started.

I would like to quote from the Constitution of the United States. It says, and I quote, ''a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.'' The CIA has simply exempted itself from this constitutional requirement. I wonder if that is constitutional to have a secret budget.

I can guess why the CIA might want to keep some of its activities in the dark, but unfortunately for them the news is out anyway. The Intelligence Oversight Board, a Presidential panel, has recently reported on some of the activities of the CIA. I have heard some of my colleagues mention them, the horrors of the Guatemalan incidents, the stuff in Haiti, the fact that we gave weapons to the Mujahedin in Afghanistan which are now turned on us in Bosnia. But I would like to ask whether we got value for the money we spent. Did we get value? That is a good question for us to ask the American people.

We have recently learned about a computer error during the Persian Gulf war. Well, that sounds bad, a computer error, but think of the horror of that computer error. It exposed 120,000 United States troops to sarin nerve gas, sarin nerve gas, the gas that killed so many in Japan. The CIA had known about Iraqi storage of these agents since 1985, but it did not alert the United States military which subsequently blew up the bunker in 1991. They knew the exact, the CIA knew the exact coordinates but all this money we spent on them, the information was filed under a spelling error. So the military did not get the intelligence. All this intelligence we have paid for, did not get it. So 20,000 American servicemen and women were exposed to sarin gas. I do not think we get value for the money we spend and I think we spend too much of it.

Our intelligence apparatus is a cold war creation that now includes thirteen agencies, employs 150,000 people, and yet we are not allowed to talk about what it is spent on. We are not allowed to come down and tell the American people, that dollar you sent us for your Federal income tax which we are giving to the CIA, we are not going to tell you about it, even though the Constitution says we should.

So it is time to rein it in. It is time to make this agency live by the same rules we are asking of all others. I urge Members' support for the Sanders amendment. It is a support for fiscal responsibility and for sanity.

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

First of all, I would say to my colleagues, I think Mr. GOSS is right. What we read in the newspapers is not necessarily correct. The number that has been bandied around here today is not necessarily correct.

Second, I think it is important to realize that the Central Intelligence Agency receives only a small fraction of the money that is spent on the intelligence effort. The overwhelming part of the intelligence budget is spent at the Department of Defense on defense-related activities. I would point out to my colleagues that if they go back and look at World War I, look at World War II, look at Desert Storm/Desert Shield, intelligence played a major role in our victory in those wars.

The second lesson I think it is important to remember is that after World War II, we cut back our military spending. We cut back on intelligence. Then we wound up in Korea and we wound up in a military mess. After the Vietnam war, we cut back on defense. We cut back on intelligence. What happened? We wound up weakening our military and we had to come back and restore it and spend a tremendous amount of effort, and when we did do that, we wound up having a very successful effort in Desert Storm/Desert Shield.

Again, in my judgment, the amount of money we are spending with 15 Members of the Congress that have reviewed this very carefully, going through it on a line item by line-item basis, I think is about right.

I oppose this amendment. I will also say as a senior member of the defense appropriations subcommittee that we are going to be within our 602(b) allocation when the appropriation bill comes to the floor. So I want to assure everyone that defense will be within our 602(b) allocation.

Now, let us get down to the specifics as much as we can. I urge everyone who has spoken today with all the passion, all the concern, please come up to the Intelligence Committee. We will see that you are briefed. We will see that you have an opportunity to look at these numbers and to see why we think that the authorization that is presented here is about right.

Having had some experience in the defense area, I want to tell my colleagues, I believe intelligence is a force multiplier. We have cut defense overall, and the intelligence budget is part of that, by over $100 billion between 1985 and 1995. Intelligence has not been cut as much as defense. But I will tell my colleagues this: It has been cut significantly, maybe not enough for some, but it has been cut significantly. For Members to stand up here and say intelligence has not been cut is simply inaccurate. It has been cut very significantly.

I will just tell my colleagues, I believe that the information that we get, if Members go back to Desert Storm/Desert Shield, we were able to do things there because of the intelligence-gathering success that we had that gave our soldiers a critical advantage. We were able to end that war rapidly, using a combination of air power and intelligence, and we did it rapidly and saved American lives.

I want to point out to my colleagues, this is serious business. This is serious business. I agree with my colleague who said if you can take this amendment from 10 to 5 percent in one afternoon, one has to question just how seriously it has been thought out. So I would argue that the intelligence that we get, especially for the military, is absolutely crucial. As we get better and better at this, through our national technical means, we are going to solve some of the problems we had in the gulf war. One was broad area search. General Schwarzkopf wanted to have a better idea of what the enemy was doing. With a combination of our satellites and our UAV's, we are going to be able in the future to let commanders know really what is going on behind enemy lines. That will be an enormous advantage. One of the problems we had there was finding the Scud launchers, and they could have devastated the 500,000 troops we had there if they used chemical and biological weapons.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

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

Mr. DICKS. Mr. Chairman, if they had used chemical and biological weapons on the 500,000 American troops sitting out there in that desert, they could have done devastating damage. We could have taken huge casualties. It was lucky for us that those Scuds were not accurate. We cannot expect that to happen in the future.

With the improvements in intelligence, we are going to be able to target those Scud launchers which we had such a difficult time finding in the past, using Link 16 and other developments that come from our national technical means that will be fused into the cockpit of our advanced aircraft.

One of the things we have worked on for the last 20 years is to take advantage of these investments in intelligence to give our military people a significant advantage against any enemy. My hope and prayer is that this will lead to deterrence, that we will be able to prevent future wars because when they go up against the United States, they are going to know we have a very capable force and, No. 2, that that force has the best possible intelligence. That will save money and save American lives and prevent future wars.

Military strength and intelligence strength will help prevent conflict in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask the gentleman, he and I agree we should not be under this restriction but we are, he cannot give us the dollar figure. He said intelligence has already been cut. Could he tell us what the percentage cut was?

Mr. DICKS. Mr. Chairman, I cannot tell the gentleman that.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, he cannot tell me because the Iranians would find out.

Mr. DICKS. Mr. Chairman, I am going to vote for the Conyers amendment. I voted for it for the last several years, because I think we ought to have that number out there. I will tell the gentleman this, it is a significant cut.

Mr. FRANK of Massachusetts. I have a later amendment dealing with a cut, in case this one does not pass. Maybe we can have that number by then, what the percentage was of what it was cut.

Mr. DICKS. I will just tell the gentleman that when we look at the highwater mark and take it back down, it is a significant reduction.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 30 additional seconds.)

□ 1700

Mr. DICKS. Mr. Chairman, as I said, I will support the Conyers amendment when the gentleman from Michigan offers that amendment. I think the American people have a right to know.

One of the reasons I want it out there is because the number that is being bandied around here today is inaccurate. It is inaccurate. I would like to have the American people know what the truth is.

I would like to also have them know, frankly, what the CIA percentage of that is, because it is a lot different than what we have heard today on the floor.

Again to my colleagues, please come up to the Permanent Select Committee on Intelligence and get the real facts. I think it is embarrassing to have these numbers bandied around on this floor that are simply inaccurate.

Mr. STARK. Mr. Chairman, I rise in support of the Sanders amendment to H.R. 1775, the Intelligence Authorization Act of 1997.

The cold war is over. The specter of communism no longer lurks on the horizon. While we face new challenges in this new age, the need for clandestine activity has been severely lessened. I support the Sanders amendment to reduce the intelligence authorization by 10 percent.

While the exact level of appropriations is confidential, the New York Times reports that over $30 billion is spent to support the intelligence community. A 10-percent cut would place $3 billion back into deficit spending, or provide funds for many other more necessary activities.

Thirty billion dollars is more than twice the combined intelligence budgets of our supposed hostile nations—North Korea, Iraq, Iran, Syria, Libya, and Cuba. It is also more than the intelligence budgets of the United Kingdom, Australia, Germany, and Canada combined.

Within so many other pressing domestic priorities, can the taxpayers of this country afford $30 billion, or more for intelligence activity?

I urge my colleagues to join me in supporting the Sanders amendment to H.R. 1775.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS], as modified.

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

RECORDed vote

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 289, not voting 3, as follows:

[Roll No. 253]

AYES—142

Abercrombie	Gephardt	Norwood
Allen	Gonzalez	Nussle
Baldacci	Green	Oberstar
Barcia	Gutierrez	Obey
Barrett (WI)	Gutknecht	Olver
Becerra	Hall (TX)	Owens
Bentsen	Hastings (FL)	Pastor
Blumenauer	Hill	Paul
Bonior	Hilliard	Payne
Brown (CA)	Hinchey	Peterson (MN)
Brown (FL)	Hinojosa	Petri
Brown (OH)	Hoekstra	Porter
Camp	Hooley	Poshard
Campbell	Jackson (IL)	Ramstad
Capps	Jackson-Lee (TX)	Rangel
Carson	Johnson (WI)	Rivers
Chabot	Johnson, E. B.	Roemer
Chenoweth	Kanjorski	Rohrabacher
Clay	Kennedy (MA)	Roybal-Allard
Clayton	Kilpatrick	Royce
Clyburn	Kind (WI)	Rush
Coburn	Kleczka	Sanchez
Condit	Kucinich	Sanders
Conyers	Lewis (GA)	Schumer
Costello	Lofgren	Sensenbrenner
Coyne	Luther	Serrano
Cummings	Maloney (CT)	Shays
Danner	Maloney (NY)	Slaughter
Davis (IL)	Manzullo	Stabenow
DeFazio	Markey	Stark
DeGette	Martinez	Stenholm
Delahunt	McCarthy (MO)	Stokes
DeLauro	McDermott	Strickland
Dellums	McGovern	Stupak
Doggett	McKinney	Tanner
Duncan	Meehan	Tauscher
Ensign	Metcalf	Tierney
Eshoo	Millender-McDonald	Torres
Evans	Miller (CA)	Towns
Farr	Minge	Traficant
Fattah	Mink	Upton
Filner	Moakley	Velazquez
Foglietta	Morella	Vento
Foley	Nadler	Waters
Ford	Neal	Watt (NC)
Fox	Neumann	Waxman
Frank (MA)		Woolsey
Furse		Yates

NOES—289

Ackerman	Ballenger	Berman
Aderholt	Barr	Berry
Andrews	Barrett (NE)	Bilbray
Archer	Bartlett	Bilirakis
Armey	Barton	Bishop
Bachus	Bass	Blagojevich
Baesler	Bateman	Bliley
Baker	Bereuter	Blunt

Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clement
Coble
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Fazio
Flake
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Manton
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek
Menendez
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Cox
Edwards
Schiff

□ 1729

Messrs. RYUN, CRANE, BARTLETT of Maryland, and FLAKE changed their vote from ''aye'' to ''no.''

Messrs. McDERMOTT, BARRETT of Wisconsin, ROYCE, BENTSEN, STRICKLAND, and MOAKLEY, Ms. HOOLEY of Oregon, and Ms. TAUSCHER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

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

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD?

Mr. CONYERS. Yes, Mr. Chairman, it was.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 10, after line 15, insert the following new section:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1999 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

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

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

There was no objection.

Mr. GOSS. Mr. Chairman, in order to assist Members planning, which we are trying to do, I ask unanimous consent that debate on the Conyers amendment and all amendments thereto be limited to 40 minutes, equally divided.

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

Mr. CONYERS. Mr. Chairman, reserving the right to object, I support a limitation for this reason: This is precisely the same amendment that was offered a year ago, and it received 176 votes. Although we have a lot of speakers, I think the lateness of the hour and the fact that this bill has been brought under the 5-minute rule requires that we accede to the chairman's request.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] and the gentleman from Florida [Mr. GOSS] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

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

This amendment is precisely the same one that was voted on last year that makes this modest proposal, that the aggregate amounts of all intelligence agencies be revealed in the President's budget and in the final appropriation for intelligence. It is a simple compilation, and I know some people did know this, of 14 different intelligence agencies in the military budget. It has been examined with great care by the Commission on the Role and Capabilities in the Intelligence Community, chaired by the Secretary, former Secretary of Defense Harold Brown, by Warren Rudman, and even the gentleman from Florida [Mr. GOSS] served with some distinction on this committee. They recommend this.

The Council on Foreign Relations recommends this. In last year's Senate bill, this provision was included. I apologize, it is not radical, it is not revolutionary, it is embarrassingly modest, the aggregate figure of 14 intelligence agencies.

The President of the United States has indicated that he would accede to this request. The ranking member of the Committee on National Security has supported us year after year, so we are only doing what other allies of ours do on this subject. England reveals their aggregate figure, Canada reveals their aggregate figure, Germany reveals their aggregate figure, Australia reveals their aggregate figure. We are moving in the same way that the Framers of the Constitution moved in 1790 and 1793 when they made public disclosure of their aggregate sum even though British spying and counterespionage was at a very intense level.

I urge that Members support the measure. I would like to point out for those who will be spared this argument of why you do not go up to the green room and look at the intelligence figures. First of all, there are 14 of them. This is why only four Members have done this. Second, you are then bound by the House rules of secrecy and who knows what you can or cannot say.

What we are saying is that for two reasons, we need this amendment very badly. One is that we must not undermine the legitimacy of the need for secrecy where it does exist. Secondly, unless we reveal the aggregate budget, we will not gain the support of the American people.

For those reasons, I urge that we please support this amendment when it comes to a vote.

Mr. Chairman, I rise today to offer a modest but long overdue proposal. My amendment would simply declassify the aggregate amount of the intelligence budget. Specifically, it would require the President to provide an unclassified statement of the bottom-line number of the current appropriated amount and the amount being requested. It would not disclose any operations. It would not reveal any agency budgets. It would simply provide the American

taxpayers with information they are clearly entitled to.

The amendment is modeled after my bill, H.R. 753, the Intelligence Budget Accountability Act, a bill with 83 Democratic and Republican cosponsors. That bill, and the amendment I am offering today, seek to implement a key recommendation of a congressionally-mandated Commission on Intelligence Reform.

The Commission on the Roles and Capabilities of the United States Intelligence Community was chaired by former Secretary of Defense Harold Brown and former Republican Senator Warren Rudman. Dr. Brown, who is now at the Center for Strategic and International Studies, and Senator Rudman, who served on the Intelligence Committee, both endorsed the Intelligence Budget Accountability Act in a letter. Even a former Director of Central Intelligence, Stansfield Turner, wrote me a letter supporting my bill. I am submitting all these materials for the RECORD.

I would also like to point out that the gentleman from Florida who is the current chairman of the House Intelligence Committee sat on the Brown-Rudman Commission when it recommended disclosure of the intelligence budget. When the Commission's report came out, the White House publicly declared that "The President is persuaded that disclosure of the annual budget for intelligence should be made public, and that this can be done without any harm to intelligence activities." So my amendment is really a mainstream proposal, with the support of Republicans and Democrats in and out of government.

During my service as chairman of the Government Operations Committee, I became intimately familiar with mounds of classified information and with secrecy policy. I became convinced that too much secrecy is not only counterproductive to our democracy, but it also undermines the credibility of our legitimate secrets.

Another congressionally-mandated study, the Commission on Protecting and Reducing Government Secrecy made some of the same observations. This Commission was chaired by Senator DANIEL PATRICK MOYNIHAN, and the gentleman from Texas who served as the chair of the House Intelligence Committee last year. It observed in its report that "Secrecy exists to protect national security, not government officials and not agencies." It also noted that the expansion of the national security bureaucracy has far outpaced oversight by the public and the Congress.

It's time to stop blurring legitimate secrecy that serves our national defense with arbitrary secrecy that is used to avoid the debate on the balanced budget.

You will likely hear some of my colleagues today say that once we disclose the aggregate figure on the intelligence budget, we'll be starting down a slippery slope. This is absurd. The Defense Appropriations Committee in 1994 accidentally disclosed not only the total figure, but even an agency by agency breakdown. Three years later we're still waiting to hear how that harmed our national security.

You will also likely hear some say today that it is currently within the President's power to disclose the intelligence budget, and if he wants to he can. Talk about debating the chicken and the egg. That is precisely what this amendment would do anyway: require the President to submit an unclassified statement of the current appropriated amount and the current requested amount.

Finally, as a member of the Judiciary Committee, I would like to mention that the Constitution wanted all arms of the government to be fiscally accountable. Article I, section 9, clause 7 states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

I think if the Framers could disclose the aggregate figure of their secret expenditures after the Revolutionary War, then we sure can disclose such a sum after the cold war. I urge a "yes" vote on the amendment.

Mr. Chairman, I include the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Budget Accountability Act of 1997".

SEC. 2. PURPOSE.

It is the purpose of this Act to require the publication of the aggregate intelligence budget figure to provide a more thorough accounting of Government expenditures as required by article I, section 9, clause 7 of the Constitution.

SEC. 3. FINDINGS.

The Congress finds that—

(1) article I, section 9, clause 7 of the Constitution states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.";

(2) during the Cold War the United States did not provide to the American people a "regular Statement and Account of the . . . Expenditures" for intelligence activities;

(3) the failure to provide to the American people a statement of the total amount of expenditures on intelligence activities prevents them from participating in an informed, democratic decision concerning the appropriate level for such expenditures; and

(4) the Report of the Commission on the Roles and Capabilities of the United States Intelligence Community recommended the disclosure of "the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year".

SEC. 4. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(31) a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.".

ORIGINAL COSPONSORS

Pete Stark, Lynn Rivers, Luis Gutierrez, Maurice Hinchey, Sam Farr, David Bonior, Earl Blumenauer, George Miller (CA), Bob Filner, Peter DeFazio, Louise Slaughter, Ron Dellums, Nancy Pelosi, Jerrold Nadler, Jim Oberstar, Cynthia McKinney, Mel Watt (NC), Sidney Yates, Nita Lowey, John Olver, Anna Eshoo, Ed Pastor, Nydia Velazquez.

ADDITIONAL COSPONSORS

Norm Dicks, Barney Frank (MA), Bennie Thompson, Eleanor-Holmes Norton, Earl Pomeroy, Sheila Jackson-Lee, Bernie Sanders, Bobby Rush, Jim McGovern, Sander Levin, Lee Hamilton, Bill Luther, John Lewis (GA), Adam Smith (WA), Martin Meehan, Danny Davis (IL), Floyd Flake, Lane Evans, Elizabeth Furse, David Minge, Xavier Becerra, John Tierney, George Brown (CA), Neil Abercrombie, Chaka Fattah, Ron Kind, Debbie Stabenow, Maxine Waters, Diana DeGette, Carolyn Maloney (NY), Tom Allen, Vic Fazio, Ron Paul, Henry Gonzalez, Lucille Roybal-Allard, Tom Barrett (WI), Major Owens, Ted Strickland, William Delahunt, Rod Blagojevich, Carrie Meek, Jim Clyburn, Lynn Woolsey, Dennis Kucinich, William Coyne, Eddie Bernice Johnson, Ellen Tauscher, Chris Shays, Darlene Hooley, Esteban Torres, James Traficant, Charles Rangel, Robert Underwood, John Spratt, David Skaggs, James Maloney (CT), Donna Christian-Green, Joe Kennedy (MA), Alcee Hastings (FL), Julian Dixon (CA), Sam Gejdenson (CT).

HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 1997.

SUPPORT FISCAL ACCOUNTABILITY: COSPONSOR H.R. 753—THE INTELLIGENCE BUDGET ACCOUNTABILITY ACT

DEAR COLLEAGUE: I recently re-introduced the Intelligence Budget Accountability Act. This bill will make public the total appropriations for the current fiscal year and the total amount being requested for the new fiscal year. The intelligence budget includes funding for the CIA, the National Security Agency and other intelligence services. It also includes funding for the intelligence function of agencies such as the DEA and the FBI. If Congress is going to honestly deal with balancing the budget, it only makes sense that it at least acknowledge the tens of billions of dollars it spends on intelligence every year.

Keeping the intelligence budget secret is unnecessary after the demise of the cold war, unfair to American taxpayers, and inconsistent with the accountability requirements of the Constitution. The Constitution clearly states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." Half a century and hundreds of billions of dollars later, it is time that we begin meeting our obligation to inform the public how their tax dollars are spent.

Official public disclosure of the intelligence budget is long overdue. Last year's Congressionally mandated report to President Clinton by the Brown-Aspin Commission entitled "Preparing for the 21st Century: An Appraisal of U.S. Intelligence" recommended opening up the spy budget. It proposed that "at the beginning of each congressional budget cycle, the President or a designee disclose the total amount of money appropriated for intelligence activities for the current fiscal year . . . and the total amount being requested for the next fiscal year." The Senate Intelligence Committee unsuccessfully sought to implement this recommendation during last year's intelligence authorization process.

A copy of the bill is on the reverse. If you would like to co-sponsor or if you need more information please do not hesitate to contact Mr. Carl LeVan of my staff at 5–5126.

Sincerely,

JOHN CONYERS, Jr.,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 30, 1997.

FORMER DIRECTOR OF CENTRAL INTELLIGENCE STANSFIELD TURNER SUPPORTS MAKING THE INTELLIGENCE BUDGET TOTAL PUBLIC

DEAR COLLEAGUE: We are writing to bring a letter (on the reverse) to your attention from Admiral Stansfield Turner, the former Director of Central Intelligence, and to urge your support for the Intelligence Budget Accountability Act of 1997. This legislation would declassify the aggregate figure—just the bottom line number—of the intelligence budget for the current fiscal year and the amount requested for the next fiscal year.

The intelligence budget includes spending for the CIA and a dozen other agencies with an intelligence function. This figure has been classified by the executive branch since the birth of the modern national security establishment in 1947. We believe, like Admiral Turner, that this multibillion dollar budget can be made public without harm to the national security of the United States.

We hope you will join the growing bipartisan list of members who have decided to cosponsor H.R. 753. If you have any questions, or would like to co-sponsor, please do not hesitate to call Mr. Carl LeVan in the office of Rep. Conyers at 5–5126.

Sincerely,

JOHN CONYERS, Jr.
LEE HAMILTON.
BILL LUTHER.
Members of Congress.

STANSFIELD TURNER,
February 7, 1997.

Hon. JOHN CONYERS, Jr.,
House of Representatives, Russell House Office Building, Washington, DC.

DEAR REPRESENTATIVE CONYERS: I am pleased that you are again introducing legislation to require the open publication of the aggregate intelligence budget figure.

It has been my opinion since shortly after becoming the Director of Central Intelligence in 1977 that there would be no harm to the country's security in releasing such a figure. I agree fully with the emphasis in the legislation on the importance of all government agencies being accountable to the public. While total accountability may not be feasible in the case of intelligence budget, just one aggregate figure certainly is.

I wish you every success.

Yours,

ADM. STANSFIELD TURNER,
U.S. Navy (retired).

HOUSE OF REPRESENTATIVES,
April 8, 1997.

COMMON SENSE BUDGET ACCOUNTABILITY—H.R. 753, THE INTELLIGENCE BUDGET ACCOUNTABILITY ACT

DEAR COLLEAGUE: I am writing to urge your support of H.R. 753, the Intelligence Budget Accountability Act and to bring a letter (on the reverse) from Taxpayers for Common $ense to your attention. This important legislation, introduced by Representative Conyers and twenty other Members of Congress, would simply declassify the aggregate figure of the intelligence budget.

The intelligence budget, which is widely believed to be over $30 billion a year, has been classified for fifty years. Now that the Cold War is over and the war on the deficit has begun, it is time for a fair accounting of our expenses. As Taxpayers for Common $ense point out in their letter, ''the intelligence agencies, just like all other federal agencies, should be accountable to those who pay their bills—the taxpayers.''

Unaccountable spending has been a demonstrated problem in the past with the intelligence agencies. For example, we learned in 1994 that the National Reconnaissance Office (NRO), which handles spy satellites, was building a luxurious $300 million complex with an extra fourteen acres. Then the public found out that the NRO had accumulated $4 billion in unspent funds, half of which it had simply lost track of. An unclassified bottom line number of the intelligence spending would help end the excessive secrecy that makes this kind of budget banditry possible.

Certainly if we are serious about balancing the budget, we should know at least in a general way where billions of dollars are spent. Our nation needs to be secure from foreign threats, but our budget process also must maintain a sense of integrity. An official acknowledgment of how much we spend on intelligence would help provide that integrity. H.R. 753 meets this criteria by requiring the current requested and appropriated amounts be unclassified.

If you have any questions or would like to cosponsor, please contact Tim Bromelkamp in the office of Representative Minge at 5–2331 or Carl LeVan in the office of Representative Conyers at 5–5126.

Sincerely,

DAVID MINGE,
Member of Congress.

TAXPAYERS FOR COMMON $ENSE,
Washington, DC, March 17, 1997.

TAXPAYERS ''NEED TO KNOW'' WHERE THE INTELLIGENCE BUDGET GOES—COSPONSOR CONYERS BILL

DEAR REPRESENTATIVE: Taxpayers for Common $ense urge you to cosponsor H.R. 753, the Intelligence Budget Accountability Act. Sponsored by Rep. John Conyers, this bill would require that the aggregate intelligence budget figure be disclosed to the public. The intelligence agencies, just like all other federal agencies, should be accountable to those who pay their bills—the taxpayers.

Disclosing the intelligence agencies' aggregate budget figure does not threaten national security. In 1996, the Congressionally-mandated Brown-Aspin Commission declared that classifying the aggregate budget figure is not a matter of national security and the figure should be disclosed to the public. Both President Clinton and the Senate Intelligence Committee supported the Commission's conclusion. The Conyers bill would simply require that the total amounts requested and currently appropriated for intelligence activities should be unclassified.

The intelligence agencies should not be allowed to keep their multi-billion-dollar budget a secret. At a time when all federal programs are under increased scrutiny and must meticulously account for their spending, it is only fair that the overall level of spending on intelligence be available to the taxpayers. Taxpayers should know the amount spent on intelligence in order to make informed choices regarding the allocation of government funds.

In the military, secrets are shared only with those who ''need to know.'' Taxpayers for Common $ense urges that this same standard be applied to the intelligence budget. Taxpayers pay the intelligence budget, and their support and trust is ultimately the strength of the intelligence services. We urge you to defend the taxpayers' ''need to know'' where their money goes by supporting the Conyers bill.

Sincerely,

JILL LANCELOT,
Legislative Director.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 22, 1997.

Hon. HAROLD BROWN,
Counselor, Center for Strategic and International Studies, Washington, DC
Hon. WARREN RUDMAN,
Paul Weiss Rifkind Wharton & Garrison, Washington, DC

DEAR DR. BROWN AND SENATOR RUDMAN: Last year the Commission on the Rules and Capabilities of the U.S. Intelligence Community, which you cochaired, submitted its report to the President and the Congress as mandated by the Fiscal Year 1995 Intelligence Authorization Act. One of the Commission's recommendations was the disclosure of the aggregate figure of the intelligence budget. The Intelligence Budget Accountability Act, which we all strongly support, would implement this key recommendation.

The intelligence budget has been classified by the Executive branch since 1947. The Church Committee, the Pike Committee and the Rockefeller Commission in the 1970's all suggested some level of disclosure. Your Commission specifically proposed that ''at the beginning of each congressional budget cycle, the President or a designee disclose the total amount of money appropriated for intelligence activities for the current fiscal year and the total amount being requested for the next fiscal year.'' H.R. 753, a bipartisan bill with 80 cosponsors, is modeled after this recommendation and seeks to implement it precisely as proposed in the Report.

We believe that secrecy is important to effective intelligence, but it needs to be compatible with a democratic form of government. As the Commission pointed out, intelligence agencies need to be responsible ''not only to the President, but to the elected representatives of the people, and, ultimately to the people themselves. They are funded by the American taxpayers.'' We agree with this observation and would like to hear your opinion of the proposed legislation which is enclosed.

Sincerely,

JOHN CONYERS, JR.
RONALD V. DELLUMS.
LEE HAMILTON.
CHRISTOPHER SHAYS.
Members of Congress.

CENTER FOR STRATEGIC & INTERNATIONAL STUDIES,
Washington, DC, June 2, 1997

Hon. JOHN CONYERS, Jr.,
Hon. RONALD V. DELLUMS,
Hon. LEE HAMILTON,
Hon. CHRISTOPHER SHAYS,
House of Representatives, Washington, DC.

GENTLEMEN: In response to your letter of May 22, I continue to subscribe to the statement that you quote from the report of the Commission on the Roles and Capabilities of the U.S. Intelligence Community, recommending disclosure of the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year. H.R. 753 appears to meet this criterion and therefore I believe it would accomplish the purpose of the Commission's recommendations. It is important, in my judgment, that no breakdown of the total into its components be made public. Senator Rudman joins me in this response.

Sincerely,

HAROLD BROWN.

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

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE],

the distinguished chairman of the Committee on the Judiciary, a gentleman who is well versed on this issue.

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

Mr. HYDE. Mr. Chairman, with some but not a great deal of reluctance, I rise to oppose the amendment of my good friend from Michigan. Traditionally, the aggregate amount of funds spent to support our intelligence agencies has not been disseminated publicly. It is a classified amount. However, it is not unavailable to this House. There are six committees in Congress that have access to that number, three in the House, three in the other body: The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security. Those committees are set up to receive this information, they are cleared for top secret, and they have the ability to absorb it and to do with it whatever is necessary in our democratic process.

The classified records are available to be looked at. The gentleman from Michigan [Mr. CONYERS] objects to that because you are then bound by an oath of secrecy. Well, then do not go look at it, but you have got six committees in this Congress to get that information.

Why do we keep it secret? It is a mistake to think that the intelligence budgets of these agencies is a static thing. There are bumps. Sometimes it goes up, sometimes it goes down. What does that signify? It means we may be working on an expensive new weapons system, and that information ought not to be made available to those who wish us harm. There is no urgency, there is no need for this to be made public other than to tell the rest of the world or give them a hint as to what we are doing and perhaps even why we are doing it. The amount of money is overseen by six congressional committees bipartisanly. It is available to anybody who has a burning need to know by going and reviewing the classified annex. And so there is no need to violate what has traditionally been the case; that is, keep the aggregate amount confidential, keep it classified so that our adversaries, and believe me there are some out there, do not have an idea or a clue as to what we are working on.

With good wishes to my friend from Michigan, I just think his amendment is wrong and I hope it is defeated.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds, because the amicable nature of the ranking member and the chairman of the Committee on the Judiciary is very close, and I respect his learned judgment. But this time he is up against the Secretary of Defense, the former Secretary of the CIA. The gentleman from Florida [Mr. GOSS] was on this committee as well, the Committee on Foreign Relations in the other body, the framers of the Constitution and 176 of his colleagues.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS], the distinguished ranking member of the Permanent Select Committee on Intelligence.

Mr. DICKS. Mr. Chairman, absent a clear national security interest, information should not be classified. In fact, Executive Order 12,958, which governs classification, prohibits classifying information unless to do so is required to protect national security.

I do not think anybody can stand up here tonight and say that disclosing the number, disclosing this number, is going to do anything to harm national security. I do not believe a case can be made that the aggregate budget figure for intelligence meets that standard. The arguments that are made in favor of keeping the budget secret have little to do with the number in question and more to do with the potential damage that could occur if more information were released.

□ 1745

Some people are afraid that public release of the intelligence budget will lead to drastic cuts in intelligence spending. Not only is that an improper reason for classification, but I firmly believe we can defend the overall amount, as we just did, we spent on intelligence as well as we will defend the overall amount we spend on defense. Releasing the aggregate budget total changes business as usual, and some people are understandably uncomfortable with changing the practices of 50 years. But this is not a radical proposition. It is an idea that has been endorsed by two panels of experienced and knowledgeable experts serving on the Aspen Brown Commission and the Council on Foreign Relations.

The overall intelligence budget figure is a significant piece of information by which the American people can judge the operations of their Government. I believe we should tell the American people about how we are spending their hard-earned money. We tell them what the overall number for defense is; I do not see how we can then argue that we cannot tell them what the overall number for intelligence is, and frankly I think it would do a lot to clear up much of the confusion that we have heard today on the floor about what this number is because, as I said earlier, the number that we have heard is inaccurate, significantly inaccurate.

So I rise in strong support of the Conyers amendment. I remember our colleague, Congressman Glickman, who was chairman when we were in the majority, was the first chairman of this committee to strongly endorse this. I think it is time to do it, and I hope we can do it today on a bipartisan basis.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. LEWIS], subcommittee chairman.

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

Mr. LEWIS of California. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I will be brief.

I just want to say to my friend, the gentleman from Washington [Mr. DICKS], who surprises me that he is for disclosing this amount of money, the truth is, of course, the aggregate figures do not tell us anything. They give us a rough idea, but the next step is who is getting what? If we want to know the aggregate, we want to know who is spending it and for what purpose. What is the National Reconnaissance Office spending? What is the CIA spending? What is the DIA spending? And we want to break it down so it means something. That is the next step. The aggregate figure does not really inform us.

But the gentleman and I know it is the opening wedge in a total lay it on the table strategy, what agency is spending how much money, for what systems, and for what covert activity and for what satellites, and what are we spending overseas? And it never ends.

And so that is why it ought to remain secret, in my opinion.

Mr. LEWIS of California. Mr. Chairman, I must say following the remarks of both the gentleman from Washington [Mr. DICKS] and the gentleman from Illinois [Mr. HYDE] I cannot help but be a bit disconcerted by that disconnect, for I am quite surprised at the position of the gentleman from Washington [Mr. DICKS] as well. In the short time, 4 years, that it has been my privilege to serve on this committee, I have become very, very impressed by the fact that America is pretty good at what they do. A combination of my service on the defense subcommittee of Appropriations and this committee tells me that America is more than just leading the world, we are the strength for the future of peace in the world, in no small part because of the work done by many of these agencies. But there is little doubt that those who suggest that the gross number means almost nothing, there is absolutely no doubt in my mind that underlying that is the balance. And it is not the people here in this room who necessarily want to know what may be all of the spending of some of our subagencies involved. It is the people who would be our enemies who would like to have that information.

Excellent work being done by the FBI as well as other agencies relative to controlling the impact of drugs in our society, a tremendous war developing there that will be very important to the future of our youth. Absolutely no question that the impact that we are beginning to have upon potential terrorists is very important as related to this work.

There are those who love to see what our satellites are all about, exactly what they mean and what we are spending. Indeed it is very important that we recognize that it is the people who largely wish America ill who like to have those kinds of details, and because of that I am supporting the

chairman's position. I certainly would urge the ranking member to reconsider his position, for America's future is involved in the work that we are about in the Permanent Select Committee on Intelligence.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. DICKS], the frequently talked about ranking member.

Mr. DICKS. Mr. Chairman, I want to say to my friend from California, Mr. LEWIS, and my friend, the gentleman from Illinois, Mr. HYDE, who has served on this committee with great distinction, I still go back to Executive Order 12958 which governs classification. It prohibits classifying information unless to do so is required to protect national security.

Now I do not see how anybody can make a case that this number has anything to do with national security. It is the amount of money we spend on intelligence, but by disclosing it I do not see how we in any way endanger national security, and therefore we cannot classify it.

It is almost an open and shut case, and that is why I think the gentleman from Michigan [Mr. CONYERS] is correct in calling for this to be disclosed.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds because some may be surprised at the gentleman from Washington [Mr. DICKS] but I am not surprised at the gentleman from Illinois (Mr. HYDE). Mr. HYDE said it makes hardly any difference what the aggregate amount would be. He is worried about what comes after that. Well, we are not legislating about after that, and he is quite right. It does not make any difference.

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

I think this is, as the gentleman from Michigan has said, a debate we have had many times, and I tend to believe that not much has changed and the previous wisdom we have had that it is correct, that the matter should remain classified. I realize that the gentleman has quoted the Aspen Brown report, and in fact I did dissent from the vote on that. That was a consensus report. I argued for the position of keeping the matter classified. In that particular group of people, it was not seen that way. Not all of those people have had the same experience that those of us on the Senate committee have had, and there is a legitimate disagreement about this.

The other point I think is very important is that no good deed seems to go unpunished, no matter what we do around here. I would point out, and I am reading from the committee report, the committee has authorized additional resources in the fiscal year 1998 budget for CIA classification management, including declassification activities in support of Executive Order 12958.

Now I know that the gentleman from Massachusetts [Mr. FRANK] has a cutting amendment we are going to hear, and I know the gentleman from Vermont [Mr. SANDERS] had a cutting amendment. Well yes, we did put more money in this bill to get to the declassification question, and I certainly believe as part of the declassification question we ought to be examining the issue that the gentleman from Michigan [Mr. CONYERS] has raised. I think it is a very fair debate to ask and we should do it in a comprehensive way.

So I am totally prepared to say that as part of the initiative of the gentleman from Colorado [Mr. SKAGGS] a very valued member on our committee, to deal with declassification, that this should be part of that study. I just do not want at this point to create an initiative to go forward and say, well, we suddenly made a decision that really is of interest in the Beltway, but not for the American people to suddenly declassify this matter. It will be of interest to those who have interests that are inimicable to the United States of America. They would dearly love to have this information. The gentleman from Illinois [Mr. HYDE] is right, it is a slippery slope.

Now I realize that there are some Members who serve on other committees who would love to know what a percentage of the NRO budget is so they can get their hand on a number and say, surely the interests of my committee match this and surely, therefore, we could take a little bit here and put a little bit there. But as the gentleman from Washington [Mr. DICKS] has said, under 602(b) we are still in line, and I think that is extremely important. So my colleagues can rest assured that there is not really any opportunity here, there is no pork here, this is all proper.

The other thing I have got to point out on this besides the slippery slope and the fact that there is not a clamor across this country to have this information, I hardly ever at a town meeting get asked, gee, exactly how much money is being spent on intelligence? Sometimes I get asked exactly what is intelligence doing, and there is this perception that it is all CIA, and as the gentleman from Washington [Mr. DICKS] has properly said earlier in this debate today, it is much, much more. The CIA is indeed a very minor part of it. I am very happy to say it is a minor part of it. I do not think I ought to say specifically what that minor part is though.

The other thing I have got to point out here, the President of the United States in fact can go ahead and release information. He has that ability. The President does not do that. The President has made the choice to keep the matter classified.

Before we go off and do something like this, I think it should be properly studied and have the proper input from our folks in the other part of Government, our sister branch of Government. After all, he is charged with the national security. It is a matter of the Constitution, it is a matter of his specific charge, and he can declassify when he chooses with a stroke of his pen. Every President since Harry Truman has decided to send us the bill with the number classified. I suspect there is a reason for that, and I suspect that we probably ought to take the President and his people into consideration before we go off in a new direction.

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

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for the time.

Our distinguished friend from Illinois has really conceded the point. This proposal will not hurt national security. What will it do? It will enhance our responsibility to the American public for them to have as much information as possible about their government. And I think it is irrelevant whether we get asked at town meetings about this. I happen to, actually. And what does the American public learn? They have a sense of proportion: How much of our resources are we putting to this purpose? They have, I would concede, no particular need to know the details of particular sub-agencies. But it is a legitimate matter for them to have a sense in this large sense what their government is about in the intelligence field relative to other things that they spend their tax money for.

Really all that we have by way of argument against this proposal is the slippery slope argument. What does that really mean? It means that we do not trust future Congresses to exercise judgment about what will and what will not protect the national security of this country.

I think that is a highly rude position to take relative to our successors in these jobs. They will be able to figure this out. They will know whether or not further disclosures make any sense. I do not think that they will err in that judgment, and we can trust them to do so.

On the other hand, the default position always ought to be if this information is not going to damage national security, let us make it available to the public. The real national security issue here is the strength of the democracy and the willingness of the American people to trust a government that is leveling with them whenever it possibly can.

Mr. GOSS. Mr. Chairman, will the gentleman yield for a brief question?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the gentleman from Colorado if the gentleman will yield.

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

Mr. GOSS. Mr. Chairman, I believe that the gentleman is exactly on the point that if it does no damage then there is no reason to keep it hidden. That is a very valid point. But it is a

point that applies to several other pieces of information, which is exactly why the committee has provided at the gentleman's request, which I totally agree with, conceded to, applauded in committee, that we provide for a study on declassification.

Does the gentleman believe that this should be outside of the study of the declassification that we have provided for, committed funds for and I hope we will have the funds when we get through with this process to proceed with the study.

Mr. SKAGGS. If I can reclaim enough time to respond, I believe, as the gentleman knows, that funding is for looking at past classified information, things that have been sitting in the archives that need additional staffing in order to be able to be reviewed for declassification purposes. That is the real thrust of the funding that we put in the bill for declassification.

□ 1800

Mr. GOSS. Again, if the gentleman will continue to yield, I believe that the question of declassification includes the question of classification, because I think there is great abuse there, as the gentleman has heard me say. I believe this is comprehensive and should be treated as such.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. JOHN TIERNEY].

Mr. TIERNEY. Mr. Chairman, I appreciate the efforts of my colleague, the gentleman from Michigan [Mr. CONYERS], and I voice my support for this amendment.

Let me just say that I do not think any of us are not mindful of the comments that are made by our colleagues on the other side of this issue, but the fact of the matter is that the American public are the people that have a burning need to know at least what the aggregate number is in this situation.

The time has come and it is long overdue for us to be able to have a debate with real numbers down here about real issues. We are in the midst of a debate right now in this country and in this House about the amount of money that we are going to be spending on programs, and in fact, with spending constraints on a number of programs, we are told the money just is not there.

The budget these days is a zero sum game. The fact of the matter is that if this is the case, we should have a disclosure so the American public can see what proportion of our budget we are spending on so-called intelligence matters. It ought to be known how many millions or billions of dollars in relation to the rest of our budget is being spent in this area at a time when we have schools that are in need of repair, when we have cities and communities that are in need of development, when we have infrastructure needs that are going unmet, roads, bridges, and airports left unbuilt, the restraint of growth and missing opportunities for job creation, when we have a debate over insuring half of our children and not insuring the other half, and when we continue to fail to debate the idea of having insurance available for all Americans.

The Constitution requires that we have a statement and account of receipts and expenditures for all the money. I think it is an absolute disgrace that we hide here behind secrecy and say that we cannot even tell the American public what the aggregate number is on so-called intelligence matters.

In fact, my colleague from across the aisle indicated that the President may well have authority to release these numbers. In fact, I would agree with the gentleman that he does; that in 1996 he said he favored doing just that. Now we see him waiting for us to move, and they are over there with others saying we are going to wait for him to move.

The American public wants somebody to move off the dime and tell us what those numbers are. He ought to do it, and if he is not going to do it we ought to do it, because simply there is no reason in the world to say that security is involved.

Mr. Chairman, we need to move on this matter. The public has a burning need to know.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the argument that the President can do it and has not done it but he approves of it is not a reason for us not to go ahead and do it. If the gentleman does not object if the President declassifies, then why do not we do it? We were only 30 votes away last year from doing it.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, I rise in strong support of the Conyers amendment. In this post-cold-war era it is as important as ever that our Nation maintain an efficient, effective, and trustworthy intelligence apparatus. With national and economic security threats around the world, we must collect accurate information about the activities of countries and organizations that jeopardize our stability.

At the same time, at the end of the cold war we are now provided with the opportunity to be more forthcoming about the money and the resources we spend on intelligence gathering. The Director of the Central Intelligence Agency has already taken steps to make more public the activities of our intelligence agencies. The fact that the general level of intelligence spending is a poorly kept secret only strengthens the argument that it should be publicly disclosed.

As we attempt to balance the Federal budget, we are forced to make decisions about spending priorities. It is important that the American people know how much of their money proportionally is being spent to support the intelligence community, just as they need to know about how much money is spent on Medicare, transportation, and the arts.

I intend to vote for the Intelligence Authorization Act for 1998. I believe it properly funds the important intelligence-related activities of the United States. But I also believe that the American public deserves to know the aggregate amount we are authorizing for these activities. The Conyers amendment is a commonsense proposal that places no threat to our national security. I encourage my colleagues to support this amendment.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, I oppose the Conyers amendment, which is intended to force the disclosure of the aggregate total of the intelligence community's budget. I think primarily I oppose it for basic reasons of common sense, that it does not make any sense to disclose this number and let people who would be our enemies know what it is.

But as Chairman GOSS has noted, there are several reasons to oppose it. For example, one could argue that disclosure of the aggregate number is the first step on a slippery slope toward total disclosure of very highly sensitive security information. Chairman GOSS has also made a very persuasive argument that the President already possesses the necessary legal authority, we have heard that discussed, to unilaterally disclose this information without seeking any approval of Congress.

But I would like to particularly address the assertion by some that disclosure is required by the statement and account clause of the Constitution; that is, article I, section 9, clause 7.

Professor Robert F. Turner of the University of Virginia School of Law testified before the Permanent Select Committee on Intelligence on the issue of, and this is his quote, ''Secret funding and the 'statement and account' clause'' in February 1994.

Professor Turner made a number of legal and historical observations on the statement and account clause which are quite pertinent to today's debate. He said, ''The Founding Fathers did not view 'secrecy' as being incompatible with democratic government. One of the first measures adopted by the Constitutional Convention of 1787 was a secrecy rule—without which James Madison said there would have been no Constitution.

''Perhaps the first 'covert action' in which the United States was involved was a 1776 decision by France to secretly transfer 200,000 pounds worth of

arms and ammunitions to the colonies for use in their struggle against King George. The offer was reported by secret messenger to Benjamin Franklin, chairman of the Committee of Secret Correspondence of the Continental Congress, and Robert Morris, the only members of the 5-man committee then in town. Given the sensitivity of the matter, they concluded—and here I quote—that 'it is our indispensable duty to keep it secret even from Congress.'

''They set forth several reasons for this decision, including this one—and again I quote—'We find by fatal experience that Congress consists of too many members to keep secrets.'

''It should not come as a surprise to learn that the first Congress in 1790 appropriated a substantial contingent account for the President to use in making foreign affairs and intelligence expenditures, and that Congress expressly exempted the President from any requirement to inform either Congress or the public how those funds were expended. This was the start of a long tradition of 'secret' expenditures.''

I believe that Professor Turner has demonstrated in his work that the Founding Fathers did endorse the use of certain secret funds to support the new Nation's intelligence and foreign policy activities. I think Benjamin Franklin would agree that the disclosure of the aggregate funding amount for the intelligence community would indeed be penny-wise and pound-foolish.

I am going to ask at the appropriate time, though I realize it is not now since we are in the time for the amendments, to put Professor Turner's prepared statement on secret funding into the RECORD and when that time comes in the full House I will do so.

I again urge the defeat of the Conyers amendment. I ask that the Members of this body vote down the Conyers amendment. It is a dangerous precedent. We should not adopt it. We do have times and places for secrecy, and the intelligence community is one of those places where it is absolutely imperative.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

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

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

As a member of the Committee on Intelligence, I rise in support of the Conyers amendment. This amendment at heart is about accountability and the public's right to know. The amendment supports the underlying belief that the government of this country is and should be accountable to the people of the country.

In today's world there is no rational reason why the American public should be denied information about how much the United States Government is spending on intelligence activities. President Clinton recognized this fact when in April of 1996 he said that the bottom line for intelligence spending should be published. John Deutch, then Director of the Central Intelligence Agency, said that same month, ''Disclosure of the annual amount appropriated for intelligence purposes will inform the public and will not in itself harm intelligence activities.''

The continued classification of the total amount spent annually on intelligence activity is not only unnecessary, but it is also ridiculous. U.S. intelligence spending is considered by many to be one of Washington's worst-kept secrets. Estimates of intelligence spending appear with some regularity in the press. By continuing to refuse to release the amount publicly, Congress is only serving to fuel suspicions that the government is hiding something.

Those who support openness and accountability in government should support this effort to make our government accountable in one of the last bastions of secrecy, a secrecy that in today's world is unwarranted. In a democratic society citizens have a right to know what their tax dollars support.

In fact, inside the Beltway an estimate of intelligence spending is widely reported, but ordinary citizens are oddly denied this information. I urge my colleagues to support openness and to support the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this just in: The reason maybe Chairman GOSS' people do not ever ask him about it, about this financing of the intelligence, is that they do not know that we are not being told. They may not even know that he is being told.

For my dear friend, the gentleman from Florida [Mr. MCCOLLUM], again, with whom we have had great discussions about American history, in 1770 and 1773, in those 2 years the intelligence budgets were in the aggregate disclosed. If Members need a more recent time, check in 1994, when the Subcommittee on National Security of the Committee on Appropriations inadvertently released the whole blooming thing and nothing happened.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. ADAM SMITH].

Mr. ADAM SMITH of Washington. Mr. Chairman, I, too, rise in support of the Conyers amendment to disclose the aggregate budget of the Committee on Intelligence to the full public. I think the important thing to remember is the presumption should always be in favor of disclosure.

As I listened to the arguments against, I do not hear anything to rebut that presumption. I think the American public wants to know as much as possible about what we do back here. Part of the reason why this institution has the confidence problem it has with this country is they figure we are keeping stuff from them, that we do not trust them to know what is going on back here, and they feel left out of the process. There should be a strong presumption in letting them into as much of the process as is humanly possible.

If there is some special reason here why that cannot be done, fine. We can explain it and keep it secret. But no special reason has been offered during the course of this debate not to release the aggregate figure that we spend on intelligence in this country.

There have been some camel's nose under the tent arguments about how in the future we might authorize the release of something that would cause a problem, but that is not good enough. That does not rebut the presumption that this body should have to disclose whatever possible to the public. I urge support of the amendment.

Mr. CONYERS. Mr. Chairman, I am privileged to yield 30 seconds to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Chairman, we have an extraordinary event in the world. The entire world has virtually acquiesced to having one superpower. That has never happened in history. It has occurred because the world knows that for the most part our decisions are based on values and on respect for democracy.

Democracy begins at home. A revelation of the amount that we are spending on security is one of the building blocks of the consensus that our power relies upon. Otherwise, it will only be a matter of time, if we do not respect our values, before the rest of the world questions whether there should be one superpower.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Conyers amendment to declassify the size of the Intelligence Budget

There is simply no reason to keep the size of the Intelligence budget hidden.

Former CIA Directors, including John Deutch and Bob Gates, say that it would not harm National Security.

This amendment would not reveal what we spend on individual programs, only on intelligence as a whole.

Other countries, like Israel and Britain, already disclose their spending on intelligence.

It simply serves no purpose to keep the size of the intelligence budget a secret.

At a time when the rest of the Federal Budget is being cut, slashed, and squeezed, the American people ought to know how much of their tax dollars are going to intelligence programs.

By maintaining needless secrecy, we do nothing for American intelligence while keeping secrets from the American people.

Let's bring some sunshine to Government and some honesty to the American people support the Conyers amendment.

Mr. Chairman, It is unnecessary after the end of the cold war to keep the budget secret. Keeping general information like the budget classified undermines the credibility of other information which really needs to be secret.

If we really are serious about balancing the budget, how can we sign a secret, multi-billion dollar blank check every year, with such a minimal public discussion?

Since almost all intelligence spending is hidden in the defense budget, the American people are not only kept in the dark about intelligence spending, they are misled about the real amount of defense spending through false line-items in the defense budget. We need budget integrity.

Porter Goss, the current Chairman of the House Intelligence Committee was a member of the Brown-Aspin (later the Brown-Rudman) Commission that recommended disclosure of the aggregate figure of the intelligence budget. Why should his position change?

The intelligence budget is the worst-kept secret in Washington anyway. Each year it is disclosed dozens of times in the press with no harm done to ''national security.''

Keeping this budget officially secret while watching it discussed openly in the press adds to a cynicism that the American public has about its government. No-one wants to foster a pessimism that discourages participation in our democracy.

''The President is persuaded that disclosure of the annual total budget for intelligence activities should be made public and that this can be done without any harm to intelligence activities.''

With an open intelligence budget, the Director of Central Intelligence and others would be able to better justify the funding it receives from Congress. (A counter-argument might be, for example, that the CIA will not be able to publicly defend its budget because may of its successes are secret.)

Only a handful of Members of Congress actually go look at the intelligence budget (as they are permitted to do). Declassifying the new budget request and the current fiscal year's appropriated amount for purposes of comparison would contribute to a more informed debate.

Releasing the intelligence budget would help make it conform to the ideals for the framers of the Constitution. The Constitution states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''

In 1994, Defense Appropriations Subcommittee hearings disclosed almost a complete breakdown of the categories of intelligence spending, which added up to $28 billion. Three years later, we're still waiting to hear how this disclosure harmed ''national security.

Similarly, the Brown-Aspin Commission Report recommended disclosure only of the aggregate intelligence budget and no further detail, then inadvertently specified the CIA's budget at $3.1 billion in a graph. (See attached article.)

The *Washington Post* reported that the National Reconnaissance Office, the intelligence agency which manages spy satellites reported a surplus of $3.8 billion that has accumulated over the years from unspent money and bad accounting practices! This is partly the result of a lack of open discussion about intelligence spending. (See attached article.)

While HUD, the Department of Commerce and [insert your favorite agency] are fighting for their life, isn't it only fair that the American people at least know how many of their tax dollars are going to intelligence?.

Taxpayers for Common Sense writes: ''At a time when all federal programs are under increased scrutiny and must meticulously account for their spending, it is only fair that the overall level of spending on intelligence be available of the taxpayers. Taxpayers should know the amount spend on intelligence in order to make informed choices regarding the allocation of government funds.''

Other democracies such as Israel, Britain, Australia and Canada disclose their intelligence budgets. (FYI: Israel spends less than a billion shekels on the Mossad and the Shin Bet combined.)

Larry Combest, the former Chairman of the Hose Intelligence Committee and last year's lone opponent of budget disclosure, was the vice-chair (with Senator MOYNIHAN) of the Commission on Protecting and Reducing Government Secrecy. While Commission's report, released in March of this year, did not deal directly with the intelligence budget, it noted:

''Secrecy exists to protect national security, not government officials and agencies'' (page xxiii).

''[E]xpansion of the Government's national security bureaucracy since the end of World War II and the closed environment in which it has operated have outpaced attempts by Congress and the public to oversee that bureaucracy's activities'' (page 49).

There are twelve ranking members who are so-sponsors of H.R. 753, ranging the ideological spectrum, including: Representatives JOHN CONYERS, NORM DICKS, JOHN SPRATT, LEE HAMILTON, GEORGE BROWN, RON DELLUMS, LANE EVANS, SAM GEJDENSON, HENRY GONZALEZ, GEORGE MILLER, JIM OBERSTAR, and CHARLES RANGEL.

□ 1815

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

May I point out that the arguments, the more we go over them each year, the more it becomes clear that there is very little objection to revealing the aggregate budget for the 14 intelligence agencies in our system. It is a practice that is followed by at least four of our allies that I know with no harm. It is like trying to get us to agree to a secret that is already open.

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

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

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his initiative. To my friend who says this is a slippery slope, we can say what the number is and say, out of that we fund the CIA, the DIA, the NSA, NIMA, right down the line. We do not have to tell them what that second amount is. I think it would do a lot to help the American people understand how many different entities are funded by this budget and how much of it is in the Department of Defense. We have heard all kinds of misstatements here today on the floor. I think we look kind of foolish. Numbers are in the New York Times. They are not that far off. They are wrong but they are not that far off. In my judgment, it is time for us to let the American people know. I think the gentleman deserves to be commended for his initiative.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

The fact of the matter is that for us to say to the American people that they really do not need to know this or that nobody is asking me about it so we will keep it from them is the shallowest kind of presentation to make. We need to know the aggregate amount. I am confident for one that this body will not proceed down a slippery slope. I do not think this body, no matter what we do on this measure today, will further want to break this thing down.

I am not certain that I would support any further disclosure than the revelation of the aggregate amount.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I certainly agree with the gentleman. I would oppose going to the individual amounts, but I think the aggregate will help us with the American people.

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

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

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

Mr. MCCOLLUM. Mr. Chairman, I just wanted to make a point that in the time for general leave, I am going to ask to have the Turner statement with regard to constitutionality inserted right after my remarks during this debate. I know this is not the formal place, but we seem to need to put a place marker in there. I thank the gentleman for yielding to me.

Mr. Chairman, I include the following for the RECORD:

SECRET FUNDING AND THE ''STATEMENT AND ACCOUNT'' CLAUSE: CONSTITUTIONAL AND POLICY IMPLICATIONS OF PUBLIC DISCLOSURE OF AN AGGREGATE BUDGET FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

(Prepared statement of Prof. Robert F. Turner)

INTRODUCTION

Mr. Chairman, it is a pleasure to be here this afternoon to provide testimony on the constitutional implications of authorizing and appropriating funds for intelligence operations without making the aggregate amount of those funds public. It is a particular pleasure to see you again, Mr. Chairman, whom I have not seen since our work together nearly a decade ago in getting the U.S. Institute of Peace off the ground. I am also pleased to join my old friend Dr. Lou Fisher—who has done landmark scholarship in these areas—and to have a chance to listen to Dr. George Carver, whose work has influenced my own thinking for more than two decades.

I understand that the Committee is considering a proposal that has been around in one form or other for many years to make public the aggregate sum of money appropriated for

the various agencies of the Intelligence Community—money which has for nearly half a century been concealed, if public accounts are to be believed,[1] largely within the budget of the Department of Defense.

This practice was authorized by Public Law 81–110, the Central Intelligence Agency Act of 1949, section 5 of which authorizes the Agency to ''receive from other Government agencies such sums as may be approved by the Bureau of the Budget [now OMB]'' for the performance of authorized functions, and also authorizes ''any other Government agency . . . to transfer to . . . the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations.''[2] It is perhaps worth noting that this process was agreed to in 1949 by voice vote in the Senate and by a vote of 348 to 4 in the House—with only a single Member of either House speaking in opposition.[3]

Members of this Committee will know the current mechanics of this process far better than I do, but it is my understanding that the precise amounts authorized and appropriated for the Intelligence Community are normally known only to the two intelligence committees and select members of the appropriations committees. I am working from the understanding that all fund provided to the Intelligence Community from the federal treasury have, in fact, been appropriated by law and that the process itself is not contrary to any statute. Thus, the issue I am prepared to address is not whether Congress has agreed to the current funding process; but rather, whether that congressionally established process complies with the requirements of the Constitution.

I do not have a sense that the large majority of Americans are upset at the realization that our government keeps many facts concerning intelligence agencies and their work secret—indeed, I suspect a scientific poll would reveal that most Americans would share my own personal preference that such matters ought not to be made public if there is any reasonable likelihood their disclosure will compromise sensitive sources or methods or in any other manner undermine our security or benefit our nation's enemies.[4]

This expectation is predicated upon the assumption that the current practice is consistent with the Constitution; for, if the question were worded ''should the Constitution be obeyed,'' the answer would presumably also be a strong affirmative. So it seems to me that, in deciding whether to change the status quo, the Committee has a two-stage process to undertake:

First, you need to ascertain whether the Constitution requires the publication of the aggregate annual budget for intelligence and intelligence-related activities (or perhaps even a more detailed accounting of those appropriations); and, if the answer is yes, you need to make those figures public.

If the answer to the constitutional question is no, it would seem wise to undertake a thorough policy review to decide whether such figures should nevertheless be made public—and, if so under what constraints or guidelines.

While I understand that my role here this afternoon is to help you answer the first question, with your permission I will also comment briefly upon the broader policy issues.

THE CONSTITUTIONAL ISSUES

Article 1, Section 9, clause 7 of the Constitution provides:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Many respected individuals and groups have concluded on the basis of this language that it is unconstitutional for the Congress not to publish at least the aggregate sum of appropriations for the Intelligence Community.[5] I shall address that issue, but with your permission I would propose to first place the issue in the context of the Founding Fathers' attitude toward secrecy in the areas of foreign intercourse and intelligence. I believe there is a great deal of misunderstanding on this point that may confuse this important debate.

SECRECY, DEMOCRACY, AND THE EARLY AMERICAN EXPERIENCE

There seems to be a common assumption that the Founding Fathers viewed secrecy in government as a terrible evil, a practice quite incompatible with democratic theory. While it is true that they believed that an informed public was essential to democratic government,[6] they were practical men who recognized that intelligence and national security matters often had to be kept secret—not only from the American people, but even from their elected representatives in Congress.

THE COMMITTEE OF SECRET CORRESPONDENCE

The obvious inability of legislative bodies to manage the details of foreign intercourse led the Continental Congress to establish a ''Committee of Secret Correspondence'' on 29 November 1775.[7] Two weeks later, the Committee dispatched Thomas Story as a secret messenger to France, Holland, and England, with instructions to make contact with a network of unofficial ''secret agents'' serving the United States in foreign capitals—people like Silas Deane in France and Arthur Lee in England.

After meeting with Lee, Story returned to America and gave this report to the Committee, as recorded in a memorandum dated 1 October 1776 found among the Committee's official papers:

''On my leaving London, Arthur Lee, Esq., requested me to inform the Committee of [Secret] Correspondence that he had had several conferences with the French Ambassador, who had communicated the same to the French court; that in consequence thereof the Duke de Vergennes had sent a gentleman to Mr. Lee, who informed him that the French Court could not think of entering into a war with England, but that they would assist America by sending from Holland this fall two hundred thousand pounds sterling worth of arms and ammunition to St. Eustatius, Martinico, or Cape François. That application was to be made to the Governours or Commandants of those places by inquiring for Monsieur Hortalez, and that on persons properly authorized applying, the above articles would be delivered to them.''[8]

This may arguably have been the very first ''covert operation'' to which the United States was a party, and the secret offer of £200,000 worth of arms was welcome news in America. But it was also recognized as highly sensitive news, and for that reason Benjamin Franklin and the members of the small committee he chaired agreed without dissent that it could not be shared with their colleagues in the Congress. Their memorandum explains:

''The above intelligence was communicated to the subscribers [Franklin and Robert Morris], being the only two members of the Committee of Secret Correspondence now in the city, and our considering the nature and importance of it, we agree in opinion that it is our indispensable duty to keep it secret even from Congress, for the following reasons:

''First, Should it get to the ears of our enemies at New-York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us not only of those succours, but of others expected by the same route.

''Second, as the Court of France have taken measures to negotiate this loan of succour in the most cautious and secret manner, should we divulge it immediately, we may not only lose the present benefit, but also render that Court cautious of any further connection with such unguarded people, and prevent their granting other loans and assistance that we stand in need of, and have directed Mr. Deane to ask of them. For it appears from our intelligence they are not disposed to enter into an immediate war with Britain, although disposed to support us in our contest with them. We therefore think it our duty to cultivate their favourable disposition towards us, draw from them all the support we can, and in the end their private aid must assist to establish peace, or inevitably draw them in as parties to the war.

''Third, *We find by fatal experience that Congress consists of too many members to keep secrets*. . . . [Emphasis added.]''[9]

The memorandum contained the written endorsements of Richard Henry Lee and William Hooper, to whom it had been shown some days later, with the notation that Lee ''concur[red] heartily'' and Hooper ''sincerely approve[d]'' of its contents.[10]

JOHN JAY AND FEDERALIST NO. 64

One of the criticisms of American government under the Articles of Confederation was that all functions of government were entrusted to the Congress, which tended to micromanage military and diplomatic affairs and could not keep secrets. Robert R. Livingston agreed to serve as ''Secretary of the United States of America for the Department of Foreign Affairs'' in February 1782, but by the end of the year he had submitted his resignation in frustration. Nearly two years passed before John Jay was chosen his successor as the ''agent'' of Congress in diplomatic intercourse; and he, too, was quickly frustrated by such things as the demand of Congress to receive every proposal submitted by the Spanish Chargé during treaty negotiations.[11]

Jay was particularly frustrated by the demands by Congress—which, in the absence of any ''executive'' organ of government, had exclusive control over war, treaties, and other aspects of the nation's foreign intercourse—for access to confidential information and diplomatic letter. Professor Henry Wriston, in his classic 1929 study, Executive Agents in American Foreign Relations, explains:

It is interesting, in connection with the submission of Lafayette's letters to Congress, to observe that Jay regarded this as a serious limitation upon the value of the correspondence. *Congress never could keep any matter strictly confidential; someone always babbled*. ''The circumstances must undoubtedly be of a great restraint on those public and private characters from whom you would otherwise obtain useful hints and information. I for my part have long experienced the inconvenience of it, and in some instances very sensibly.'' [Emphasis added.][12]

These frustrations were widely shared, and Jay went on to play a key role both in explaining the Constitution as a co-author of the Federalist Papers and in interpreting it as the nation's first Chief Justice. He took on the issues of secrecy and intelligence squarely in Federalist essay number 64, explaining the benefits of entrusting matters requiring secrecy to the Executive while requiring the approval of two-thirds of the Senate before the President could ratify a completed treaty:

[1] Footnotes at the end of article.

There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives, and there doubtless are many of both descriptions, who would rely on the secrecy of the president, but who would not confide in that of the senate, and still less in that of a large popular assembly. The convention have done well therefore in so disposing of the power of making treaties, that although the president must in forming them act by the advice and consent of the senate, yet he will be able to manage the business of intelligence in such manner as prudence may suggest.[13]

Jay added, with an allusion to the shortcomings of the Articles of Confederation: ''So often and so essentially have we heretofore suffered from the want of secrecy and dispatch, that the Constitution would have been inexcusably defective if no attention had been paid to those objects.''[14]

WASHINGTON, THE SENATE, AND CONGRESSIONAL LEAKS

Further contemporary insight into the Founding Fathers' perception that Congress could not keep secrets is found in an informal note made by our first Secretary of State, Thomas Jefferson. Beginning during his service in this capacity, Jefferson made various ''notes''—what he called ''passing transactions''—to assist his memory. These he later combined into three volumes which we today know as The Anas. The following entry is instructive:

April 9th, 1792. The President had wished to redeem our captives at Algiers, and to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower House applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. . . . They said . . . that if the particular sum was voted by the Representatives, it would not be a secret. The President had no confidence in the secresy of the Senate, and did not choose to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. [Emphasis added.][15]

Mr. Chairman, this is an important, if largely forgotten, part of our history. However, in the interest of time, I will mention but one further example of the Founding Fathers' recognition of the value of secrecy: and what example could be more fitting than the Constitutional Convention itself.

THE FEDERAL CONVENTION OF 1787

On 29 May 1787, the fourth day of deliberation,[16] the Constitutional Convention adopted a series of rules as part of the Standing Orders of the House. Rules three through five provided:

That no copy be taken of any entry on the journal during the sitting of the House without the leave of the House.

That members only be permitted to inspect the journal.

That nothing spoken in the House be printed, or otherwise published, or communicated without leave.[17]

The great constitutional historian Clinton Rossiter has described this ''so-called secrecy rule'' as ''the most critical decision of a procedural nature the Convention was ever to make,'' and notes that ''in later years, Madison insisted that 'no Constitution would ever have been adopted by the convention if the debates had been public.' ''[18] Indeed, at his insistence, Madison's own important Notes on the convention were not published until 1840, four years after his death and more than half a century after the convention had ended.[19]

Because the debates of the convention were held in secret, and Madison's Notes were thus not available to the people when they ratified the Constitution, such influential contemporary records as the Federalist Papers and state ratification convention debates probably deserve greater weight in interpreting the document as it was understood by the sovereign American people when it was ratified. Nevertheless, Madison's Notes do provide important details about the give-and-take that produced the constitutional text, and they are certainly worthy of study. The entire debate on this issue occupies approximately one page of the hundreds of pages devoted by Madison to the convention proceedings. It occurred only three days before the end of the debate, seemingly as an afterthought, on Friday, 14 September 1787:

Col. [George] Mason moved a clause requiring ''that an Account of the public expenditures should be annually published'' Mr. Gerry 2ded the motion.

Mr. Govr. Morris urged that this wd. be impossible in many cases.

Mr. King remarked, that the term expenditures went to every minute shilling. This would be impracticable. Congs. might indeed make a monthly publication, but it would be in such general statements as woud afford no satisfactory information.

Mr. Madison proposed to strike out ''annually'' from the motion & insert ''from time to time,'' which would enjoin the duty of frequent publications and leave enough to the discretion of the Legislature. Require too much and the difficulty will beget a habit of doing nothing. The articles of Confederation require halfyearly publications on this subject. A punctual compliance being often impossible, the practice has ceased altogether.

Mr. Wilson 2ded & supported the motion. Many operations of finance cannot be properly published at certain times.

Mr. Pinkney was in favor of the motion.

Mr. Fitzimmons. It is absolutely impossible to publish expenditures in the full extent of the term.

Mr. Sherman thought ''from time to time'' the best rule to be given.

''Annual'' was struck out—& those words—inserted nem: con:

The motion of Col: Mason so amended was then agreed to nem: con: and added after—''appropriations by law'' as follows—''And a regular statement and account of the receipts & expenditures of all public money shall be published from time to time.''[20]

It is perhaps worth noting that the issue of ''secrecy'' had arisen earlier that same day with respect to publishing the journal of each House of Congress,[21] and the statements by Gouverneur Morris (annual publication would be ''impossible in many cases''), Madison (on the need for legislative discretion), James Wilson (''Many operations of finance cannot be properly published at certain times'')—and others who supported Madison's amendment—may have been made with this concern in mind.

That the need to protect certain secret expenditures was, in fact, a primary underlying rationale for the decision to give Congress discretion as to what expenditures could be made public, and when, becomes clearer from a reading of the debates in the state ratification conventions—especially in the Virginia Convention, where both Mason and Madison were present to revisit the original debate. Colonel Mason took a second bite at the apple during the Virginia Convention, arguing on 17 June 1788 that ''the loose expression of 'publication from time to time,' was applicable to any time. It was equally applicable to monthly and septennial periods.''[22] He then explained:

The reason urged in favor of this ambiguous expression, was, that there might be some mattes which might require secrecy.

In matters relative to military operations, and foreign negotiations, secrecy was necessary sometimes. But he did not conceive that the receipts and expenditures of the public money ought ever to be concealed. The people, he affirmed, had a right to know the expenditures of their money. But that this expression was so loose, it might be concealed forever from them, and might afford opportunities of misapplying the public money, and sheltering those who did it. He concluded it to be as exceptionable as any clause in so few words could be. [Emphasis added.][23]

As had been the case in Philadelphia, Mason lost this debate. But, by raising the issue again, this time in public debate, he made a useful contribution to our understanding of the ''original intent'' behind this clause. We now know that the reason Congress was given this discretion was to protect ''matters which might require secrecy,'' that Mason acknowledged that secrecy was sometimes necessary in military and diplomatic matters, and that—even after he warned that this ''ambiguous'' language might allow Congress to keep some secret expenditures ''concealed forever''—Mason's colleagues at the Virginia convention were not persuaded to strengthen the clause and deny Congress this discretion.

THE EARLY PRACTICE OF CONFIDENTIAL EXPENDITURES

Of particular value in trying to understand the original constitutional scheme are the acts of the First Congress, elected in early 1789. Two-thirds of its twenty-two senators and fifty-nine representatives had either been members of the Philadelphia Convention of 1787 or of state ratifying conventions, and only seven of them had opposed ratification. Therefore, their actions are entitled to special weight. As Chief Justice Marshall observed in 1821, in trying to determine the intent of the Founding Fathers ''[g]reat weight has always been attached, and very rightly attached, to contemporaneous exposition.''[24]

It is therefore noteworthy that the First Congress appropriated a ''contingent fund'' of $40,000—a considerable sum at the time[25]—for the President to use for special diplomatic agents and other sensitive foreign affairs needs. The statute expressly provided:

''The President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify.''[26]

Note the language here—the President was not required to account to Congress ''under injunction of secrecy'' for sensitive expenditures, he was required simply to inform Congress of the sums expended so that the fund could be replenished as necessary. Congress was not to be told the details, as the Founding Fathers had learned first hand the harm that could be done by ''leaks.''

It is perhaps worth noting that the contingent account was not only replenished, within three years it was increased to the level of one million dollars—much of it reportedly was used for such expenditures as bribing foreign officials and ransoming hostages.[27]

In this era of Boland Amendments and massive appropriations bills packed with ''conditions'' it may be difficult to realize that the Founding Fathers envisioned something quite different; but it is important, from time to time, to remind ourselves of the original plan. In an 1804 letter to Secretary of the Treasury Albert Gallatin, President Thomas Jefferson summarized the practice during the nation's first fifteen years:

''The Constitution has made the Executive the organ for managing our intercourse with foreign nations. . . . The Executive being thus charged with the foreign intercourse, no law has undertaken to prescribe its specific duties. . . . [I]t has been the uniform opinion and practice that the whole foreign fund was placed by the Legislature on the footing of a contingent fund, in which they undertake no specifications, but leave the whole to the discretion of the president.''[28]

When Jefferson used his contingent account to fund a paramilitary army of Greek and Arab mercenaries to invade Tripoli and pressure its Bey to surrender American hostages, no one seems to have complained that Congress was not informed in advance of the operation.[29] Jefferson's successor, James Madison—a man of some familiarity with the meaning of the Constitution and its ''Statement and Account'' clause—found that he needed additional funds to underwrite a covert action to gain control over disputed territory between Georgia and Spanish Florida in 1811, so he asked Congress to enact a ''secret appropriation'' of $100,000 for that purpose. The need for secrecy having passed, the secret appropriation was discretely made public years later, in 1818.[30]

The modern practice arguably dates back to 1941,[31] but official congressional sanction was provided by the Central Intelligence Act of 1949.[32] Over the years a variety of efforts have been made to change the practice, without success.[33] The political forces behind the current effort are considerable—but so much of the rhetoric is premised upon the need to ''obey the Constitution'' that it is difficult to gave the sentiment on policy grounds alone.

In reality, these constitutional concerns are ill founded. The record behind Article 1, Section 9, clause 7 of the Constitution—whether viewed on the basis of ''original intent'' or with the gloss of historic practice—clearly establishes that Congress is not required to publish either an aggregate figure of the money it makes available to the Intelligence Community or a more detailed accounting at this time. All of these sums, I gather, have been taken from the Treasury ''in consequence of appropriations made by law''—and most apparently have been identified already in broad terms to the public as appropriations for purposes of national security or national defense.

James Mason, to be sure, objected to the argument that the need for ''secrecy'' required that Congress be left with discretion in this area; but in both the federal and state conventions he made his case and failed to carry the day. The First Congress appropriated a contingent fund for which the President did not even have to disclose his expenditures to Congress; and Madison himself—the ''father'' of our Constitution and the author of the successful amendment to the ''Statement and Account'' clause—sought and received a ''secret appropriation'' that was not revealed to the public for many years.

THE VIEW FROM THE FEDERAL JUDICIARY

Any remaining doubts which might exist should be put to rest by a review of the handling of this issue by federal courts. The issue came before the Supreme Court in United States v. Richardson,[34] but the Court found it unnecessary to reach the merits because the Complainant lacked standing. However, in the course of his majority opinion, Chief Justice Burger reasoned in a footnote:

''Although we need not reach or decide precisely what is meant by 'a regular Statement and Account,' it is clear that Congress has plenary power to exact any reporting and accounting it considers appropriate in the public interest. . . . While the available evidence is neither qualitatively nor quantitatively conclusive, *historical analysis of the genesis of cl. 7 suggests that it was intended to permit some degree of secrecy of governmental operations.* . . .

''Not controlling, but surely *not unimportant, are nearly two centuries of acceptance of a reading of cl. 7 as vesting in Congress plenary power* to spell out the details of precisely when and with what specificity Executive agencies must report the expenditures of appropriated funds and *to exempt certain secret activities from comprehensive public reporting.*'' [Emphasis added.][35]

Even more significant is the District of Columbia Circuit Court of Appeal's 1980 decision in Halperin v. Central Intelligence Agency,[36] a very useful case for which we are indebted to Mr. Stern's predecessor at the ACLU, my litigious friend Morton Halperin. Following the Supreme Court's holding in Richardson, the D.C. Circuit affirmed the District Court's summary judgment in favor of the CIA. But it went further, addressing the case on the merits, and holding in the alternative that ''Congress and the President have discretion, not reviewable by the courts, to require secrecy for expenditures of the type involved in this case.''[37]

The Halperin court engaged in a detailed review of Madison's Notes and the state convention debates, concluding that: ''Madison's language strongly indicates that he believed that the Statement and Account Clause, following his amendment, would allow government authorities ample discretion to withhold some expenditure items which require secrecy.''[38] While noting George Mason's argument that ''he did not conceive that the receipts and expenditures of the public money ought ever to be concealed,''[39] the court concluded:

''But the Statement and Account Clause, as adopted and ratified, incorporates the view not of Mason, but rather of his opponents, who desired discretionary secrecy for the expenditures as well as the related operations. . . .

''Viewed as a whole, the debates in the Constitutional Convention and the Virginia ratifying convention convey a very strong impression that the Framers of the Statement and Account Clause intended it to allow discretion to Congress and the President to preserve secrecy for expenditures related to military operations and foreign negotiations. Opponents of the 'from time to time' provision, it is clear, spoke of precisely this effect from its enactment. We have no record of any statements from supporters of the Statement and Account Clause indicating an intent to require disclosure of such expenditures.''[40]

Since the Supreme Court elected not to address the issue on the merits in Richardson, the Halperin case remains the authoritative judicial interpretation on this subject.

OPINION OF THE ATTORNEY GENERAL

Finally, Mr. Chairman, although I have not seen it, I understand that Attorney General Griffin Bell was asked by President Carter to consider this issue in depth and to prepare an opinion for the President. He concluding that the current Intelligence Community funding practices are not in conflict with the Constitution.[41]

ISSUE OF POLICY

Mr. Chairman, I believe that the text of the Constitution, the clear intentions of the Founding Fathers, and more than two centuries of consistent practice, support the conclusion that the current practice of concealing appropriations for intelligence activities in the budgets of other agencies is constitutional. As I have indicated, that conclusion has the support of the D.C. Circuit Court of Appeals, and, I am informed, of the Office of the Attorney General. I believe you may rest comfortably on this point, and the only reasons for departing from traditional disclosure practice would be of a policy nature. At this time I would like to turn briefly to some of those considerations.

A PRESUMPTION OF DISCLOSURE

Perhaps first of all, in a free society there ought to be a presumption in favor of openness and the diffusion of knowledge and information. This may reflect my parochial prejudices as a product of Mr. Jefferson's University, but I am reminded both of his caution against trying to remain ''ignorant and free,''[42] and more directly his statement that the University of Virginia would be ''based on the illimitable freedom of the human mind,'' and would not be ''afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.''[43]

OVERCOMING THE PRESUMPTION

Having said that, I would argue that the most compelling arguments to overcome that presumption of openness are those legitimately based upon the security of the nation. As John Jay noted in Federalist No. 3, ''Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.''[44] Similarly, the Supreme Court noted in Haig v. Agee that ''it is 'obvious and unarguable' that no governmental interest is more compelling than the security of the Nation.''[45]

COMITY AND DEFERENCE TO THE PRESIDENT

In addition, I urge you to recognize that the management of intelligence matters was recognized by the Founding Fathers to be at the core of the President's responsibilities; and, toward this end, I would urge you not to decide to disclose these figures if the President asks that they be kept confidential. To do otherwise would depart from two centuries of precedent. I don't know the preferences of the current Administration on this issue, but I urge you to give them the weight that comity among the branches would warrant.

BALANCING THE INTERESTS

Ultimately, if the President does not object, I would suggest that you apply a balancing test in reaching your decision. You are entertaining a motion to depart from a practice dating back in some respects to the earliest days of our country, and in others to the creation of the agencies you are charged with overseeing. The proponents of change ought to be expected to justify a departure from these well-established practices—and their constitutional arguments are unpersuasive.

Ask yourselves first, what real benefit to the American people or our system of government will likely result from disclosing the aggregate intelligence budget. How meaningful will this one figure be to our citizens? Presumably the sums are already disclosed under the broad ''National Defense'' budgetary category. Will any identifiable good be served by publicly identifying a portion of that larger sum as being earmarked for ''intelligence and intelligence-related activities?'' Would the result of these efforts not be, to borrow from the argument Rufus King made in objecting to a mandatory annual statements, ''such general statements as would afford no satisfactory information.''[46]

AN AGGREGATE FIGURE WILL NOT SATISFY THE CRITICS

You can be certain that releasing a single, aggregate figure will not satisfy those who are demanding meaningful information

about the Intelligence Community. In 1974 a student note in the New York University Journal of International Law and Politics, for example, concluded that ''Not only may the Constitution mandate the reporting of CIA expenditures to Congress as a whole, but it may even require publication of the CIA budget.''[47] Similarly, a 1975 note in the Yale Law Journal argued that ''Even a lump-sum appropriation and disclosure would prevent both Congress and the public from fixing or analyzing internal priorities within the CIA; it would also be impossible to determine if there has been waste, corruption, or spending prohibited by statute or by the Constitution.''[48] The observation would seem sound, and once you start releasing details it will probably become more difficult to draw any bright lines. Ultimately, the very existence of a separate intelligence committee may be called into doubt as your colleagues and the critics demand more and more details and become frustrated with your inexplicably selective cooperation.

EXPOSING YOUR BUDGET TO ''SHARK'' ATTACKS

It strikes me that the most likely result of such a disclosure from the standpoint of the American taxpayer is that this large chunk of money will become highly vulnerable to attack as the budgetary belt is tightened. While Americans may overwhelmingly favor having an effective intelligence service and a strong defense establishment, when it comes down to your being pressured to cut jobs and benefits programs in your districts or taking a few million here and there from this gross ''intelligence'' account—money which will have little clearly identifiable short-term benefits to constituent groups—the intelligence budget is going to be placed at risk.

And then, I suspect, you are going to be asked to ''justify'' such a large budget—and you are either going to have to start ''telling secrets'' or you will face amendments to cut your aggregate budget by 2% here and 3% there so the money can go for health care, education, and other special interests that have far more extensive and effective PR operations than do the agencies you are charged with overseeing. I don't think any of us want to have the CIA or NSA ''propagandizing'' the American voters to pressure Congress for adequate funding; and because of that handicap I suggest that you have a special responsibility to the American people not to allow their intelligence services to be compromised in order to appease more politically powerful special interest groups.

Candidly, I don't see much in the way of identifiable benefits from disclosing the current aggregate Intelligence Community budget. Perhaps they are there—but the burden of proof ought to be placed upon those who are advocating the change.

INTELLIGENCE COMMUNITY BUDGET FIGURES OUGHT EVENTUALLY TO BE MADE PUBLIC

This is not to say, however, that these figures ought to remain perpetual secrets. On the contrary, I can think of no reason why the sums made available to the Central Intelligence Agency and other components of the Intelligence Community in the 1940s, 1950, and 1960s ought not be made public at this time (if that has not already been done). I don't know whether the delay ought to be three decades, two decades, or even less—but I would be inclined to defer to the judgment of the President and the DCI in making such a policy decision.

LIVES AND FREEDOM ARE AT STAKE

Finally, if you can identify genuine benefits to the American people of disclosing this information, you need to ask what harm might reasonably be foreseen to result from such a change—and to weight any such harm against the perceived benefits. Perhaps I am in the minority today, but I believe that when the security of the nation may be at stake we ought to act with a presumption of caution and secrecy. The fact that the rest of the world follows that practice is not proof of its wisdom—but it should give us justification to pause, at least briefly, before moving off in a radically new direction.

Some experts have argued what has been called the ''conspicuous bump theory''—suggesting that a foreign intelligence service might be able to confirm the existence of an expensive new program or technology by spotting a change in the CIA or Intelligence Community budget. Former DCI William Colby—a man of great wisdom and integrity, who has decades of relevant experience on which to judge—has suggested that the introduction of the U–2 program produced just such a ''bump'' in our budget.[49]

I am not privy to the future plans of the Intelligence Community or the current details of its budget, and I can certainly not identify any particular development that might be compromised by publishing an aggregate figure—but I can certainly conceive of such a development. Indeed, I can conceive of a decision of such a development. Indeed, I can conceive of a decision by the United States to curtail intelligence spending dramatically—requiring the termination of programs in many Third World countries—and I can project that public release of figures showing a dramatic drop in funding might well lead a potentially hostile foreign leader to conclude that he no longer needed to abide by his NPT commitments because the Americans no longer had adequate resources to keep good track of his activities.

THE INTELLIGENCE ''JIG-SAW PUZZLE''

The business of intelligence gathering is in many respects much like putting together a jig-saw puzzle. If you are looking at the United States, you certainly want to subscribe to the Congressional Record and Aviation Week & Space Technology, and also to attend scientific conferences and carefully review the latest Statistical Abstract and some of the thousands of other government publications that might reveal some of the many pieces to the puzzle. When you see areas where you are missing key pieces, perhaps you pay off a secretary, seduce a file clerk, break in to a hotel room while an international conference is in session to rifle a briefcase or two, and perhaps eavesdrop on a few million telephone calls. Much of your efforts are fruitless, but more and more of the puzzle falls into place as each week goes by. The ones that remain ''critically important'' are the ones you do not have.

That makes the counter-intelligence function a difficult one; because, without knowing what pieces of the puzzle one's adversaries have already acquired, it is virtually impossible to identify any size piece as being ''vital'' to U.S. security interests. And yet, quite possibly, almost any single piece of the puzzle could be the critical part that allows our enemies to break an important code and do us harm. Thus, the tradition has developed that the intelligence business ought, even in a democracy, be cloaked in a web of secrecy.

Over the years, this Committee and your Senate counterpart have taken testimony from a number of former DCIs and other experts asking what specific harm they could identify that would result from disclosing the aggregate intelligence budget. Many, if not most, of them, I gather, have said they could not point to clearly identifiable harm. Others have urged you not to make the figures public.

I wonder if it might have been useful to ask them another question. Ask them how much they would pay to have the annual aggregate intelligence budget figures for countries like the former Soviet Union, Cuba, Libya, Iran, Iraq, or North Korea. Would these figures be of interest to them? Might the trends in these figures over a decade or more be helpful to them? If they say ''no,'' then I would be less concerned.

CONCLUSION

Mr. Chairman, let me close with the observation that this is an important issue. Other than making us feel good—a byproduct, perhaps, of the strange but all too prevalent belief that keeping secrets from our nation's enemies is somehow ''un-American,'' ''dirty,'' or even ''evil''—I don't believe that publishing the aggregate intelligence budget is going to benefit very many Americans. It may make a few super hawks feel relieved that we are throwing enough money at the problem,[50] I suspect Oliver Stone and others who believe that the United States is an evil force in the world may buy a few extra cases of Malox, and some of your constituents may even accept the allegation that you will have somehow ''saved the Constitution''[51] by passing such a disclosure requirement. But most Americans simply don't know enough about the Intelligence business, about how this money is actually being spent, to be able to evaluate a figure presumably in the tens of billions of dollars.

The most likely consequence of publishing an unsupported aggregate figure is that it will become a sitting duck for colleagues seeking accounts to cut in order to satisfy the demands of special interest constituent groups without further adding to the deficit. You will then be forced to choose between further breaking down the intelligence budget—and then being asked, at minimum, to provide public justification for any future increases—or watching the very important sum of money you are charged with overseeing ripped apart as some of your colleagues go on a feeding frenzy. Members of Congress who do not understand the important business of intelligence—and, equally importantly, who know that this large account can't be publicly defended without disclosing details that its champions will not wish to reveal to our nation's enemies—are likely to argue that their pet ''pork'' project can easily be funded by just taking a few hundred thousand dollars from this vast ''intelligence'' account—charging the DCI with finding a little more ''fat'' to trim from his presumably bloated bureaucracy. It could give a whole new meaning to the term ''graymail''—defend your budget on the merits in public by compromising secrets, or watch large chunks of it vanish before your eyes.

The Intelligence Community could easily suffer the fate of the prized sausage the fabled German butcher is said to have left displayed unguarded on his counter while he swept out one afternoon. He returned to find that a tiny slice had been taken while he was away; but, noting its small size, he concluded it really didn't matter all that much. An hours later, when he returned from his storeroom, he found another piece was gone. This continued for several days. Each missing slice, after all, was quite modest in size and could hardly be said to have destroyed the value of the whole. Little by little, the prized sausage vanished. Pretty soon, only a small piece of string was left—and that wasn't worth fighting for either.

In a very real sense, the Intelligence Community budget is as defenseless as the sausage in the fable. We don't want the CIA ''propagandizing'' the public to pressure Congress for additional funds, and we know they can't discuss the important details of their work without harming their effectiveness even if they wanted to do so. They provide

''services'' to Americans of incalculable value, by helping to keep the world peaceful and identifying threats to our security sufficiently early that we can address them without having to expend the lives of our young men and women in uniform.

Thanks to our Intelligence Community, we learned about the existence of Soviet missiles in Cuba in 1962, and about dangerous nuclear weapons and ballistic missile threats from North Korea three decades later. Each of you could probably add numerous other examples, because you have been entrusted with special access to information that must be denied to the rest of us. But, when the sharks come, you will be precluded by your promise of secrecy from mentioning those examples in public debate. How can you possibly expect to convince your colleagues not to earmark a couple of hundred thousand dollars for a new public building to honor the beloved Tip O'Neil, a few million dollars for a powerful committee chairman's favorite hospital—perhaps to fund some promising AIDS research—or perhaps to pay for the unanticipated earthquake relief needs in Los Angeles?

It would not surprise me if some of your constituents would vote to shut down the entire Intelligence Community if the money saved could rescue one small child trapped in a well, to ease the suffering on a pediatric cancer ward, or to take a real ''bite'' out of crime. After all, the Cold War is over—and many Americans couldn't find North Korea on a map without great effort. One of the nice things about being outside the policy process is that most Americans don't have to worry about long-term strategic solvency or the risks that lurk around the corner in an increasingly complex and not yet safe world. They elected you to represent them in deciding how to allocate the nation's limited resources, and in this regard I would remind you of the famous 1774 speech to the Electors of Bristol, in which Edmund Burke observed: ''Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.''

Because of your membership on this important Committee, you have a special duty—not only to the constituents in your individual districts, but to all of the American people—to oversee and pass judgment upon the work of the Intelligence Community. This system has worked well, in general, by having your colleagues rely upon you to make recommendations based upon the special information to which you are given access. Most of your colleagues hesitate to second-guess your judgments, because they know they lack your expertise. Simply gratuitously tossing out an aggregate budget sum—a figure presumably in the tens of billions of dollars—may well break some of the mystique that has helped guard these critically important funds from the sharks in the past.

As I have said, the potential consequences are great. Imagine the lives that might have been saved had we been able to prevent the Pearl Harbor surprise attack. Consider what might have happened had we not learned of the Soviet nuclear missiles in Cuba. How many more Americans might have died in the gulf during Operation Desert Storm had it not been for the information we were able to gain from our overhead platforms?

Information provided by the American Intelligence Community reportedly helped to convince the International Atomic Energy Agency that North Korea was violating its treaty commitments under the NPT—and that may allow us to avoid a nuclear confrontation in East Asia that could either engulf U.S. forces in South Korea or, in the alternative, provoke Japan to become a nuclear weapons State and undermine the Nuclear Non-Proliferation Treaty. As we meet here today, American intelligence assets are presumably monitoring the efforts by Libya to build new poison gas facilities that could fuel further terrorism and undermine our interests and the cause of peace in the coming years.

Mr. Chairman, the job which you and your colleagues on this Committee have accepted is not an easy one. Today, the American people are still rejoicing at the end of the Cold War. They are turning inward, looking for ''peace dividends.'' But you have a greater responsibility than simply pandering to their short-term desires. You must decide what national resources ought to be allocated to the intelligence functions, and then you must try to protect those funds in a very competitive budget process.

If you err, and the nation is left unprotected, American soldiers may well pay with their lives for your frugality. The stakes in this game are high: they are measured in human lives and individual freedom. In this regard, you may wish to keep in mind that the American people are not very forgiving when their elected representatives fail in their duty to protect the nation's security—even when their actions are initially fully in accord with the public opinion polls. Few of the isolationists who tied President Roosevelt's hands in the 1930s in the name of ''peace'' and ''neutrality'' survived the elections following Pearl Harbor, an event which itself might have been prevented by a serious national intelligence collection effort.[52]

In the backlash to Watergate and Vietnam two decades ago, the American public turned against the Intelligence Community—egged on, I would add, by irresponsible charges from the Hill that the CIA had become a ''rogue elephant.''[53] Our elected representatives responded by cutting back on funding and reducing intelligence assets in several areas—in particular we reduced money for HUMINT in such ''unimportant'' areas as El Salvador. I need not emphasize that by 1981 that cutback had proven to be a costly mistake—both in terms of undermining our efforts to assist a neighbor resist an externally-supported Leninist insurgency and our campaign for important human rights objectives.

When Iranian militants seized American hostages in Tehran in 1979, the American people wanted quick action. Support for the CIA shot up dramatically in the polls. Some of the reductions that had been made in the mid-seventies seemed hard to explain, and the voters turned out an administration in Washington that had, for the most part, been very much in tune with the neo-isolationist sentiments of the Nation prior to the ''wake up call'' from the Ayatollah Khomeini

The Cold War is now over, but, if anything, the world is a far more complex reality than was the case when Moscow held the strings to many of its problem children. The existence of radical regimes like those in North Korea, Iraq, Iran, Libya, the Sudan—to name a few—combined with the growth of ultra nationalism in Eastern Europe, the growing threat of proliferation of weapons of mass destruction, and our own obvious vulnerability to international terrorism, make it more important than ever for us to have a strong and effective Intelligence Community. Human lives are at stake in the decisions you make—not only those of our soldiers, but also those of secretaries and office workers who may find themselves in situations like the World Trade Center bombing.

You invited me here to address the rather technical question of whether the Constitution requires the publication of an aggregate budget figure for the Intelligence Community. My answer is that it clearly does not—a view consistent with more than two centuries of established practice, and one shared by the federal judiciary and at least the Carter Administration's Justice Department. In contrast, it is worth noting that in 1977, when your colleagues in the Senate studied this issue and concluded that the aggregate budget should be released, they relied upon three law review articles (all written in the wake of Watergate and the emotions of the Church and Pike Committee investigations) in concluding that ''the legal commentators outside the government who have studied this clause and publicly commented have concluded that it requires disclosure of at least an aggregate figure for intelligence activities.''[54] What they did not disclose—and what most of the Senators quite probably did not realize—is that each of the three law review articles were nothing more than ''Notes'' written by law students.[55]

The Constitution clearly does not require you to release current aggregate appropriation figures for the intelligence community at this time. Whether to do so is entirely within the discretion of the Congress. That leaves you with the policy question of whether to publish such a figure for other reasons. For the reasons already stated, I urge you to consider the pros and cons of that issue very carefully before making a decision. I honestly believe it would prove to be a tragic mistake.

Thank you, Mr. Chairman. That concludes my statement.

FOOTNOTES

[1] Perhaps the most detailed public account I have seen to date is TIM WEINER, BLANK CHECK: THE PENTAGON'S BLACK BUDGET (1990).

[2] 50 U.S.C.A. §403 f (a).

[3] Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?,* 2 HAST. CONST. L. Q. 717, 731–32 (1975).

[4] I have not had time to search to see if such polls have been taken, but I recall that during the height of the Gulf War the polls showed overwhelming support for the restrictions placed by the military upon the press.

[5] The ''Church Committee' concluded ''that publication of the aggregate figure for national intelligence would begin to satisfy the Constitutional requirement and would not damage the national security.'' *Quoted in,* SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST 2 (95th Cong., 1st sess., Sen. Rep't 95–274 (1977). The ''Rockefeller Commission'' identified this as an issue warranting congressional consideration. COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES, REPORT TO THE PRESIDENT 81 (1975). There have also been several ''Notes,'' written by law students, reaching this conclusion. See, *e.g., Fiscal Oversight of the Central Intelligence Agency: Can Accountability and Confidentiality Coexist?,* 7 N.Y.U.J. INT'L L. & POLITICS 493 (1974); *The CIA's Secret Funding and the Constitution,* 84 YALE L. J. 608 (1975); and Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?,* 2 HAST. CONST. L. Q. 717 (1975).

[6] Presumably every school child is familiar with Jefferson's famous maxim that, ''If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.'' 14 WRITINGS OF THOMAS JEFFERSON 384 (Mem ed. 1903). Only slightly less popular is Madison's warning that ''A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a tragedy; or, perhaps both. Knowledge will forever govern ignorance. And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.'' 9 THE WRITINGS OF JAMES MADISON 103 (Gaillard Hunt, ed. 1910).

[7] 3 JOURNALS OF THE CONTINENTAL CONGRESS 392 (1904–14).

[8] ''Verbal statement of Thomas Story to the Committee,'' 2 P. FORCE, AMERICAN ARCHIVES: A DOCUMENTARY HISTORY OF THE NORTH AMERICAN COLONIES, Fifth Series, 818–19 (1837–53). For reasons of readability, I have departed from the practice of italicizing most of the proper nouns followed in the original.

[9] *Id.* at 819.

[10] *Id.*

[11] An excellent discussion of this period is contained in HENRY MERRITT WRISTON, EXECUTIVE AGENTS IN AMERICAN FOREIGN RELATIONS 18–22 (1929).

[12] *Id.* at 23. The internal quotation is cited to a letter from Jay to Thomas Jefferson (then Minister to Paris) dated 24 April 1787.

[13] The FEDERALIST, No. 64 at 434–35 (Jacob E. Cooke, ed. 1961) (J. Jay) (emphasis added). Jay's contribution to understanding the Constitution in this essay can not be understated. Discussing Jay's subsequent role in explaining the meaning of the Constitution—and, specifically, this essay—University of Washington Professor Arthur Bestor (hardly a champion of strong executive power) has observed: ''In this contribution to the *Federalist* Jay was of course examining the completed Constitution, not offering suggestions to those about to frame it. As an interpretation of the original intent of the document. Jay's essay is of the highest importance. *His diplomatic experience commencing* with his appointment as minister to Spain in 1779; followed by his participation, as one of the commissioners, in the negotiation of peace with Great Britain; and continuing, from 1784 on, with his service as Secretary of the United States for the department of Foreign Affairs—*fitted him better than anyone else to judge the intended effect of the new Constitution both on the actual process of negotiation and on the character of the relationship that would have to be maintained between executive and legislative authorities.*'' Bestor, *Separation of Powers in the Domain of Foreign Affairs*, 4 SEATON HALL L. REV. 527, 532–33 (1974). Professor Gordon Baldwin concludes: ''John Jay, an experienced attorney and diplomat, suggested that intelligence gathering arrangements are within the sole power of the President. In his view, they are a purely executive function linked to the treaty negotiation process, and the information so gained need not be reported to Congress.'' Gordon Baldwin, *Congressional Power to Demand Disclosure of Foreign Intelligence Agreements*, 3 BROOKLYN J. INT'L L. 1, 17 (1976).

[14] *Federalist* No. 64.

[15] THE COMPLETE ANAS OF THOMAS JEFFERSON 72–73 (Franklin B. Sawvel, ed. 1903). This document also appears in 1 THE WRITINGS OF THOMAS JEFFERSON 191 (Paul Ford, ed., 1892).

[16] The Convention was to begin on the second Monday in May (14 May), but a quorum did not arrive until the 25th.

[17] 1 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 15 (1966).

[18] CLINTON ROSSITER, 1787: THE GRAND CONVENTION 167 (1966).

[19] FARRAND, THE RECORDS OF THE FEDERAL CONVENTION, SUPRA note 17, at xv.

[20] James Madison, 2 ''The Journal of the Constitutional Convention,'' in 4 THE WRITINGS OF JAMES MADISON 456–57 (Gaillard Hunt, ed. 1903). With only minor changes in punctuation and typography, this same debate appears in 2 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 618–19 (1966).

[21] 4 WRITINGS OF JAMES MADISON 449–50; 2 FARRAND, RECORDS OF THE FEDERAL CONVENTION 613.

[22] 3 FARRAND, RECORDS OF THE FEDERAL CONVENTION 326.

[23] *Id.*

[24] *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 418 (1821).

[25] Not being privy to the budgetary figures for the Central Intelligence Agency I can not say with certainty, but I suspect this 1790 appropriation provided the President with a larger portion of the federal budget than is today allocated to the CIA.

[26] Act of 1 July 1790, 1 Stat. 129 (1790).

[27] Ed Sayle, *The Historical Underpinnings of the U.S. Intelligence Community*, 1 INTERNATIONAL JOURNAL OF INTELLIGENCE AND COUNTERINTELLIGENCE 9 (1986).

[28] 11 THE WRITINGS OF THOMAS JEFFERSON 5, 9, 10 (Mem. ed. 1904). For a discussion of Jefferson's theory that the ''executive power'' clause of Article II, section 1, had vested in the President the entire business of external intercourse save for the expressed grants to Congress and the Senate (such as the power of the Senate to approve nominations and treaties, and the veto given Congress over a decision to initiate an offensive ''war'')—a view shared by Washington, Hamilton, Jay, Marshall, and others—see ROBERT F. TURNER, REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY 47–107 (1991).

[29] I discuss this incident in some detail in a forthcoming book.

[30] 3 Stat. 471 (1818).

[31] President Roosevelt appointed ''Wild Bill'' Donovan as ''Coordinator of Information''—which led directly to the OSS and CIA—on 18 June of that year, and funding for the Manhattan Project apparently began around 9 October. *See* TIM WEINER, BLANK CHECK: THE PENTAGON'S BLACK BUDGET 19, 113 (1990).

[32] 63 Stat 208, Pub. L. 81–110, codified at 50 U.S.C.A. § 403 et seq.

[33] The most noteworthy of these, perhaps, was the effort by the Senate Select Committee on Intelligence to change the practice in 1977. While a majority of the committee voted for that end, the dispute was apparently so heated that no one brought the measure to the floor.

[34] 418 U.S. 166 (1974).

[35] 418 U.S. at 178 n.11.

[36] 629 F.2d 144 (D.C. Cir. 1980). Another useful case from the same circuit is *Harrington* v. *Bush*, 553 F.2d. 190 (D.C. Cir. 1977), in which the court rejected on standing grounds a similar challenge brought by a Member of Congress, and in the process concluded with respect to the ''regular Statement and Account'' clause: ''This clause is not self-defining and Congress has plenary power to give meaning to the provision. . . . Since Congressional power is plenary with respect to the definition of the appropriations process and reporting requirements, the legislature is free to establish exceptions to this general framework, as has been done with respect to the CIA.'' *Id.* at 194–95.

[37] 629 F.2d at 162.

[38] *Id.* at 155.

[39] *Id.*

[40] *Id.* at 156.

[41] Letter from President Carter to the Senate Select Committee on Intelligence, *quoted in* SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST at 6.

[42] *Quoted supra*, note 6.

[43] 15 THE WRITINGS OF THOMAS JEFFERSON 303 (Mem. ed. 1903).

[44] FEDERALIST NO. 3 at 13–14 (Jacob E. Cooke, ed. 1961) (emphasis in original).

[45] 453 U.S. 280 (1981).

[46] *See supra*, text accompanying note 20.

[47] *Fiscal Oversight of the Central Intelligence Agency: Can Accountability and Confidentiality Coexist?*, 7 N.Y.U. J. INT'L L. & POLITICS 493, 521 (1974).

[48] *The CIA's Secret Funding and the Constitution*, 84 YALE L. J. 608, 633 n.137 (1975). Keep in mind that the Church Committee said ''publication of the aggregate figure . . . would *begin* to satisfy the Constitutional requirement . . . [emphasis added].'' *See supra*, note 5.

[49] SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST 8.

[50] Without further details, no one will be able to make an intelligent judgment about the wisdom of the expenditures contained in the aggregate figure; and I predict that if you do release such a figure you will be forced to break it down further (at least by agency or category) within a few years.

[51] If your primary interest is in upholding the Constitution, I can suggest any of a number of measures Congress might take toward that end—such as repealing the 1973 War Powers Resolution, which even Senator George Mitchell admits is unconstitutional, or repealing some of the hundreds of new ''legislative vetoes'' that have been enacted after the 1983 Supreme Court decision (*INS. v. Chadha*) declaring such measures to be unconstitutional. *See, e.g.*, ROBERT F. TURNER, REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY (1991).

[52] *See, e.g.*, 95 CONG. REC. 1948 (1949) (remarks by Sen. Tydings), *cited in* Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?*, 2 HAST. CONST. L.Q. 717, 729 (1975).

[53] To be sure, the Intelligence Community engaged in activities that most of us today would consider improper—but even Senator Church ultimately acknowledged that the ''rogue elephant'' metaphor he coined was inaccurate and the Community has been following instructions from the nation's elected political leaders.

[54] SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST at 4 n.6.

[55] The student Notes in question are cited *supra*, note 5.

Mr. GOSS. Mr. Chairman, this is one of the situations where there is a lot of misinformation, a lot of perception, a lot of misperception frankly. There clearly is a slippery slope here, because the gentleman from Michigan's amendment talks about the annual statement of the total amount for intelligence expenditures. The problem with that is that if we give a number and we say these are intelligence expenditures, then we have to start defining what is intelligence. It is not exactly what other people think it is going to be. We will have to start paring out different programs and different functions to determine what we mean.

Are you talking about the amount we spend on national security? That should surely be a big number. It is required in the Constitution. That is something the Federal Government does. Are we talking about the intelligence function in national security? And if so, what does that number mean and what specifically does it include and what does it leave out? What is intelligence? Is the State Department gathering of information or reading Le Figaro, is that part of intelligence? Is that open source intelligence or not? You have to start making further descriptions and definitions. That is the slippery slope.

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

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

Mr. DICKS. Mr. Chairman, I think this bill is intelligence. We are the ones that just authorized it. So that is pretty much what it is.

Mr. GOSS. Mr. Chairman, I quite agree. The gentlewoman from California said one of the worst kept secrets in Washington is the intelligence budget. One of the worst kept secrets in Washington is, what is the intelligence part of the intelligence budget? What is the intelligence part of the defense budget?

Some have said that we are hiding something from Americans. We are not trying to hide anything from Americans. We are trying to keep some secrets from our enemies. That is true. We are trying to do that. But I would point out to those who say we are trying to hide something from Americans, we have a representative form of government. This is democracy at its finest in the world. Those of us here represent those of us abroad in our land.

Those of us on the committee are charged with the responsibility of oversight. It was not always such good oversight. It is very good oversight now, and we are accountable. I would say we are hiding nothing from the Americans because there is no American that I would look at right in the eye and say, we are spending the money as wisely and as well as we can and as appropriately as we can. Fifteen men and women, good and true, making that decision about what our intelligence needs are at this time, I have no problem with that. I think that is entirely reasonable.

When I go beyond that and start talking about specifics, I start removing some of the confusion the enemy seize out there. I think confusion to

our enemies is not a bad thing. It is somewhat Biblical, in fact. I think it has worked very well over in the past. I do not see the game. If it is accountability, the accountability is there. We already have it.

The final point of the gentlewoman from California, the President is somehow waiting for the signal; whoever made that statement, perhaps it was not the gentlewoman from California, let me tell my colleagues that it was President Clinton himself who classified the number when he sent his budget submission to Congress in March. It was not the Congress. We do not have the authority to classify anything. It is the executive branch that classifies things.

We are putting money in our bill to examine the question of declassification because we are properly concerned about it. That also in my view means abuse of classification. I know that takes place. So I would suggest the right way to deal with this is to go to the comprehensive study we have called for in our bill, that we have provided for in our bill, authorized funds for and I hope we will get those funds from the appropriators, and I believe we are and that we proceed in an orderly way. That way we protect national security. We provide for accountability. And we give the President and his people the opportunity to chime in on the debate.

Mr. Chairman, I urge a ''no'' vote on the Conyers amendment.

Mr. STARK. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 1775, the Intelligence Authorization Act of 1997.

There is no reason for the intelligence budget to be classified information. How can we justify a multibillion—or is it more—blank check every year without adequate oversight and minimum public discussion?

If this Congress is serious about balancing the budget, we should not throw money into an unaccountable hole. Since almost all of the intelligence spending is hidden within the defense budget, we are misled about the real amount of intelligence spending through false line items in the defense budget. We must have budget integrity.

The intelligence budget is routinely reported by the media without compromising national security. When the Government keeps this open secret clandestinely hidden, the American public grows increasingly cynical about their Government.

I believe that our intelligence community could better justify the funding they receive from Congress with a disclosed budget. In the same vein, the intelligence community could help to balance the budget by submitting their funding to the same scrutiny faced by domestic priorities.

This amendment is about accountability and the public's right to know. There is no reason to keep this information from a full and open debate.

I urge my colleagues to support the Conyers amendment.

Mr. FARR of California. Mr. Chairman, I rise today in support of the Conyers amendment to declassify the size of our Nation's intelligence budget.

It makes no sense to keep the size of our intelligence budget a secret. It would not threaten our national security. Several former Directors of the Central Intelligence Agency and the bipartisan Brown-Aspin Commission have agreed that disclosure of the aggregate intelligence budget would not reduce our Nation's security. In fact, many other countries disclose the amount they spend on intelligence, with no impact on their own nation's security.

But what such secrecy does do is keep our own citizens in the dark. At a time when so many programs are being drastically reduced in the name of deficit reduction, the American taxpayer isn't even told how much is being spent on intelligence programs.

I am a proud cosponsor of H.R. 753, the Intelligence Budget Accountability Act, which would declassify the aggregate intelligence budget. This is long overdue, and I urge adoption of the Conyers amendment to the Intelligence Authorization Act to accomplish this important goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 237, not voting 5, as follows:

[Roll No. 254]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Riggs
Rivers
Roemer
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey

NOES—237

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Bass Schiff Yates
Edwards Towns

□ 1851

Mr. BOB SMITH of Oregon, Mr. BOB SCHAFFER of Colorado, and Mr. GILMAN changed their vote from ''aye'' to ''no.''

Mr. MANTON and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKAGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I have a brief statement to make about a matter in the bill; and then I believe the chairman will be asking unanimous consent to deal with the program for the rest of the evening. I just wanted Members to be alerted to that. I will be brief.

I just want to talk for a minute about something that is referenced in our report concerning the nonacoustic submarine warfare research program that is conducted by an office under the Assistant Secretary of Defense responsible for intelligence. It is generally referred to by the acronym ASAP, the Advanced Sensor Application Program.

It was created by Congress, and we have always insisted that it be managed independently of the Navy. We have recently learned that there is an effort underway by the Navy and elements within OSD to transfer this program to Navy management, in direct contravention of years of consistent guidance from Congress.

This came too late to be incorporated into our bill, but I want to the make Members aware of it. There is guidance regarding this program in our report. Most particularly, this language was drafted to repeat the congressional intent, and I quote, that ''we have repeatedly addressed the need to maintain two separate independent but coordinated nonacoustic submarine warfare programs within the Department of Defense.'' And it goes on to state that, ''ASAP is expected to continue investigating advanced technology in nonacoustical anti-submarine warfare.''

Mr. Speaker, in my view, this is very important and precludes the Department from transferring this program to the Navy. I think that is the correct course. We have a great deal riding on maintaining the small insurance program in our nonacoustical anti-submarine warfare research programs.

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCINNIS], having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1775), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I rise to make a unanimous consent request which I think will be of great interest to all Members, concerning what we expect to be the events of the next hour and a half or so.

I ask unanimous consent that during further consideration of H.R. 1775, pursuant to House Resolution 179, the Chairman of the Committee of the Whole may, (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the time for electronic voting on the first in any series of questions shall be a minimum of 15 minutes.

I further would like to explain my unanimous consent request, Mr. Chairman, by saying that my understanding and part of the unanimous consent request is that the remaining amendments, which I will outline, on H.R. 1775, my understanding, the Frank amendment and all amendments thereto would be considered for a total of 30 minutes, that would be 15 minutes a side; that the Waters amendment that has to do with the Los Angeles drug problem be limited to 60 minutes, that would be 30 minutes a side, and all amendments thereto, if that amendment is in fact in order, which I am not certain about at this time; and that the Waters Amendment No. 2 and all amendments thereto, which has to do with the Gulf war chemical warfare amendment, be limited to 60 minutes, 30 minutes a side.

That would, by my judgment, wrap up all of the amendments that we have provided, then to get back to the normal motions to recommit and closing out the bill in the normal way. I believe that if there is no opposition to our unanimous consent request, that would ensure Members until approximately 8:30, probably thereafter, before we would have the rolled votes; and that is my unanimous consent request.

I would be very happy to yield if there is a question.

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

Mr. DICKS. Mr. Speaker, reserving the right to object, is it my understanding that the chairman on the second amendment might have a substitute amendment?

Mr. GOSS. Mr. Speaker, if the gentleman will yield, if the gentleman is referring to the Waters second amendment, which is the one on the Gulf war chemical warfare problem, the gentleman is correct. There is a substitute amendment that will be offered and that, indeed, could extend the time out.

Mr. DICKS. Further reserving the right to object, Mr. Speaker, do we understand that we would roll the votes and we would have a 15-minute vote followed by two 5-minute votes if there were 3 votes requested? Is that the understanding?

Mr. GOSS. If the gentleman would yield further, my understanding is that the first vote in the series would have to be a 15-minute vote and all subsequent votes would be 5 minutes. It is hard for me to say how many there will be because there is a germaneness question on one of these; and my substitute I would not think would take very long.

I am told that there is confusion about whether my substitute is included in the 60 minutes that is set aside for Waters 2.

Mr. DICKS. Mr. Speaker, I thought it was 60 minutes with all amendments thereto.

Mr. GOSS. Mr. Speaker, if the gentleman would continue to yield, that is my understanding. I want to make sure that that is the understanding of the gentlewoman from California (Ms. Waters) also. In that case, there is no misunderstanding.

Mr. DICKS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Chair would clarify that the Gulf war amendment is amendment No. 6 by the gentlewoman from California [Ms. WATERS].

Mr. GOSS. I am sure the Speaker is correct on that.

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

There was no objection.

□ 1900

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1775.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S.