offered by the gentleman from New York (Mr. RANGEL).

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

Mr. ARCHER. 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 192, nays 222, not voting 18, as follows:

[Roll No. 136]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gilman
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baesler
Bateman
Christensen
Dixon
Doyle
Dunn
Frost
Gephardt
Gonzalez
Hastings (FL)
Hefner
McNulty
Neumann
Parker
Radanovich
Schaefer, Dan
Skaggs
Stupak

□ 1151

The Clerk announced the following pairs:

Mrs. CUBIN changed her vote from ''yea'' to ''nay.''

Mr. LIPINSKI and Mr. WELLER changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DUNCAN). Without objection, the Chair appoints the following conferees:

For consideration of the House bill and Senate amendment and modifications committed to conference:

Messrs. ARCHER; GOODLING; ARMEY; RANGEL; and CLAY.

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill, modified by striking section 401 (and redesignating succeeding sections accordingly). That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(b) of rule XXI are waived. No amendment to that amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Printed amendments shall be considered as read. 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 five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 420 is a modified open rule providing for the consideration of H.R. 3694, the Fiscal Year 1999 Intelligence Authorization Act. What makes this rule modified open instead of fully open is a preprinting requirement for amendments, whose purpose is to ensure that the Permanent Select Committee on Intelligence has an opportunity to work with Members seeking to offer germane amendments to ensure that important issues are addressed without threatening disclosure of sensitive, classified information. This preprinting requirement has become standard procedure for consideration of the annual intelligence authorization and has not been controversial.

Because the leadership sought to have this bill on the floor today, the rule also includes a waiver of points of order against the consideration of the bill for failure to comply with the clause 2(1)(6) of rule XI, which requires a three-day layover of a committee report.

The committee's report was properly filed on Tuesday of this week, and Members have had notice of availability of classified portions of the authorization measure since late last week when public announcements were, indeed, made from the floor.

It is my understanding that there is no objection to this slight speeding up of the schedule to accommodate changes stemming from the unrelated scheduling matters and to accommodate Members' travel plans.

The rule provides for 1 hour of general debate on the bill, time equally divided between the chairman and ranking member of the Permanent Select Committee on Intelligence.

In addition, the rule makes in order as an original bill for the purpose of an amendment the committee amendment in the nature of a substitute now printed in the bill, modified by striking section 401 of the bill.

That modification, a self-executing change accomplished through the rule, is designed to addressed a Budget Act technicality relating to a provision of the bill extending the early-out retirement program for the CIA.

We were advised that, due to the fact that we still await this year's budget resolution, the early-out provision found in title IV of the bill causes a Budget Act problem, and so the provision is being removed from the bill with the understanding that the substance of the issue will be addressed at a later stage of legislative process of H.R. 3694.

□ 1200

The rule further provides that the amendment in the nature of a substitute shall be considered by title and that each title shall be considered as read.

The rule also waives points of order against the committee amendment for failure to comply with clause 7 of rule XVI prohibiting nongermane amendments or clause 5(b) of rule XXI, prohibiting tax or tariff provisions in a bill not reported by a committee with jurisdiction over revenue measures. Both of these waivers apply to a section of H.R. 3694 regarding the application of sanctions laws to intelligence activities in title III of the bill. That provision is nongermane to the introduced version of H.R. 3694, and it deals with subject matter falling within the jurisdiction of the Committee on Ways and Means.

Based on an exchange of letters between the two committees, there is no controversy on this matter. However, these waivers are necessary under the rules of the House. And during general debate, I will introduce into the RECORD that correspondence between the two committees.

I would also point out for the record the Committee on National Security has, by letter, discharged itself from consideration of the matters in this bill that fall within its purview.

Mr. Speaker, the rule permits the Chairman of the Committee of the Whole to postpone the vote on any amendment and reduce voting time to 5 minutes on any series of questions provided that the first vote shall not be less than 15 minutes.

Finally, the rule provides for the traditional motion to recommit with or without instructions.

Mr. Speaker, that was a long explanation of a rule that is, in fact, straightforward, simple, and traditional for this piece of legislation. I know of no controversy about this rule. I urge Members to support this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding to me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, I do not oppose this rule. It allows amendments that are germane to be offered. However, H. Res. 420 does include one waiver of a House rule that troubles me. The rule waives clause 2(L)(6) of rule XI that provides for a 3-day layover of the committee report accompanying the bill.

This House rule allows Members time to study the report and decide whether they would like to offer or support amendments. The 3-day opportunity to study the bill and report is particularly important in this case because many provisions of the intelligence bills are classified and, if a Member wishes to review those portions, a Member must make arrangements with the Permanent Select Committee on Intelligence. To cut short the standard review time under these circumstances is unfortunate.

And while I understand that the majority and the minority on the Permanent Select Committee on Intelligence had no objection to the waiver, we should note that it is not the committee's rights but the rights of Members not on the committee that the House rule is designed to protect.

The gentleman from Florida (Mr. GOSS), the chairman of the committee, is to be commended for avoiding the need for waiver of the Budget Act by self-executing in this rule an amendment striking the offending section of the bill.

The Permanent Select Committee on Intelligence also worked with the Committee on Ways and Means to gain its acquiescence to a violation of a House rule designed to protect the jurisdiction of the Committee on Ways and Means.

While I often question the need for a requirement for preprinting in the CONGRESSIONAL RECORD, the sensitivity and the complexity of the intelligence authorization bill justifies the requirement in this case. Mr. Speaker, this rule allows the full House to consider germane amendments offered by any Member. Under the rule, the House will be able to debate important questions, such as whether to reduce the overall size of the intelligence budget.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule.

I think it is a fair rule. Among other things, it, in fact, allows this Congress to begin debating major priorities as to whether or not we are going to increase spending for the intelligence budget, despite the end of the Cold War and despite the fact that while we increase funding for the intelligence budget, we have cut spending in Medicare for our senior citizens, cut spending for veterans' programs, cut spending in a dozen different areas that the middle-class and low-income people of this country need.

So I applaud the chairman for bringing forth this rule. It is a fair rule and it is going to allow us to have a serious debate on what we want this Congress to be doing for the American people.

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

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to address the concerns of the gentlewoman from New York about the notice given and accommodating Members' schedules today.

I am happy to report that several Members did take advantage of the opportunity to come to the Permanent Select Committee on Intelligence and participate in review of materials that were of interest to them. So I think the

word has gotten out and I think we have done our job properly.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to House Resolution 420 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. 3694.

□ 1205

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 the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with (Mr. 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) each will control 30 minutes.

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

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

Mr. Chairman, I am pleased to bring the fiscal year 1999 intelligence authorization to the floor today. As a strong believer in the congressional oversight process, I hope Members have taken the opportunity to examine this year's bill, including its classified annex and, indeed, I know several Members have come upstairs to do just that.

The annual intelligence authorization, and its exhaustive review of intelligence activities and capabilities that accompanies it, form the cornerstone of our oversight process. This is truly a valuable exercise for the Permanent Select Committee on Intelligence, for Congress as a whole, and I think it is beneficial to the intelligence community as well.

I want to take this opportunity to thank the members and staff of the Permanent Select Committee on Intelligence from both sides of the aisle whose hard work and long hours have enabled us to produce a responsible, nonpartisan bill that was unanimously approved in committee.

I would also like to thank the gentleman from South Carolina (Mr. FLOYD SPENCE), chairman of the Committee on National Security, and the gentleman from Florida (Mr. BILL YOUNG), chairman of the Subcommittee on National Security of the Committee on Appropriations, for their input and able assistance with this legislation.

H.R. 3694 authorizes funds for the fiscal year 1999 intelligence and intelligence-related activities of the United States Government. That is a big order. The National Security Act requires Congress specifically to authorize all intelligence spending. That is unique.

As Members are aware, many of the details of the intelligence budget are classified, including the total fiscal year 1999 budget request, or top line. I can say, however, that H.R. 3694's top line is substantially in line with the President's request. The committee came in a mere one-tenth of 1 percent above the President's level.

I would like to take a moment to explain the process by which the committee arrived at this recommended spending level. What we did not do was adopt an arbitrary number and fill in the blanks until we reached our goal. Instead, the Permanent Select Committee on Intelligence looked at each line of every program, examined its effectiveness and how it fit in with the overall U.S. intelligence requirements and priorities in today's world. Then we made our decisions based on the merit and value of each program.

Mr. Chairman, throughout the committee's review of U.S. intelligence capabilities, whether we were looking at satellite reconnaissance or human intelligence, one fact stood out. The threats that face our Nation demand that the intelligence community maintain a worldwide vigilance and the resources to deal with a multitude of challenges and new challenges.

The Cold War is over and the threat of nuclear war has been reduced. Or has it? Unfortunately, the world still is a dangerous place for the United States and its citizens, as we read in papers almost daily about concerns about political stability in places like Russia, the chain of command in Russia over the nuclear weapons, or perhaps even the Chinese intercontinental ballistic missiles which we read in the newspapers are targeted against U.S. cities, what they call city-buster bombs and an ICBM capability.

To demonstrate this, we need look no further than our continuing struggles with Iraq. Earlier this year the United States came to the brink of military confrontation with Saddam Hussein; yet we did so without all of the information necessary to support a serious campaign. There were serious shortfalls in our ability to support policymakers and military commanders at this critical time. Such gaps endanger U.S. lives and interests and are not acceptable, tolerable, or necessary in today's world.

We should not ignore Iraq or Iran or Libya or North Korea or other rogue nations that are striving for and, in many cases achieving, the means to threaten the United States. The risk that a terrorist group or a rogue country will use a chemical, biological, or nuclear weapon against the U.S. or an American citizen or American interests here or abroad is increasing. Despite this fact, U.S. intelligence capabilities have dwindled since the end of the Cold War. In effect, we are asking the intelligence community for more and we are giving them less to do it. And we are counting on them more.

The intelligence community needs to change the way it does business to address these new threats. This year's authorization identifies five areas that deserve particular attention.

One, our signals intelligence capabilities are in serious need of modernization to keep up with the fast pace of communications and technology improvement. I think it is fair to say that the golden days of SIGINT may, in fact, be behind us, and we have been enjoying the benefits of a very good SIGINT activity for many years. That may be over because of technology. We need to deal with that.

Two, our clandestine espionage, or human intelligence as it is called, that infrastructure needs to be rebuilt and refocused on current priorities. It is fair to say, I think, that the cupboard is nearly bare in the area of HUMINT. We are badly outnumbered by hostiles in a lot of dangerous places in the world. That is intolerable, unacceptable, and unnecessary.

The intelligence community needs to increase its analytical capability in order to absorb and accurately gauge the immediate and long-term implications of an ever-increasing volume of information. We have stuff on hand we have not reviewed. We have not exploited it. And it is stuff that would be useful to our decision-makers. We do not have as much analytical capacity as we need. That can be fixed.

Covert action capabilities need to be restructured. I said capabilities. Nobody is calling for covert action. We are calling for more arrows in the quiver in case we do need it to suit the needs of today's world and how to deal with problems we come against.

Fifth, and last, we need to ensure we maintain an active research and development program in all intelligence areas.

H.R. 3694 addresses each of these priorities, in some cases by providing additional funding; in others by redirecting existing programs, resources, or restructuring ongoing programs.

In addition, the committee's review raised some fundamental questions that the committee will review over the coming year. These include, what are the proper priorities for our future overheads systems? How can we manage the cost of a national reconnaissance program and yet meet other critical requirements? Is the intelligence community striking the right balance between our capacity to collect intelligence and our capacity to analyze what is collected? Is the intelligence community prepared to face the challenges of information and operations, or cyber-warfare?

The future of our intelligence programs depends on finding the answers to these and other questions. But for today, today we understand very well our needs. We have provided for them in this legislation. I think we have achieved an excellent balance. Mr. Chairman, I urge all members to support H.R. 3694 today.

Mr. Chairman, I submit the following:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 4, 1998.

Hon. PORTER GOSS,
Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR PORTER: I am writing in response to your letter of April 29, 1998, which addresses H.R. 3694, as reported by the House Committee on Intelligence (Permanent Select) on April 29, 1998. H.R. 3694 would amend Section 905 of the National Security Act of 1947 by striking out ''January 6, 1998'' and inserting in lieu thereof ''January 6, 1999''. The bill contains an extension of application of sanctions laws to intelligence activities.

As your letter notes, this provision falls within the jurisdiction of the Committee on Ways and Means. Accordingly, the Committee would ordinarily meet to consider the bill. However, because the bill, as reported, extends for one year an already existing application of sanctions laws to intelligence activities, I do not believe that a markup of the bill is necessary.

I appreciate your consultation with the Committee in advance. I request your full support in joining me to prevent any other expansion or changes to the application of sanctions laws for intelligence activities other than the one year extension agreed to here. I would further appreciate your consultation with respect to this provision on any future Intelligence Authorization bills, including a mere reauthorization for additional periods of time. Of course, if an agreement cannot be reached, the provision would be subject to a point of order pursuant to Clause 5(b) of House Rule XXI.

I would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration.

Thank you for your cooperation and assistance on this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 28, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR BILL: I am writing to you concerning the planned inclusion of a provision in the ''Intelligence Authorization Act for Fiscal year 1999'' (H.R. 3694), which we expect to mark up on Wednesday, April 29, 1998, and report to the House early next week. I have included a copy of the proposed section for your consideration.

As you know, this provision relates to the application of sanctions laws to intelligence activities and simply extends the life of the provision for one additional year. As you will recall during last year's consideration of the Intelligence Authorization Act for Fiscal Year 1998, and based upon our mutual understanding and agreement as to your Committee's jurisdiction over matters relating to taxes and tariffs, this provision was included in the Authorization Act for Fiscal Year 1998 as section 304 of that Act. A copy of that provision, as enacted (P.L. 105–107), is also included for your review.

I hope that we can, consistent with the agreement reached last year, once again agree that this provision may be included in H.R. 3694, and any resulting Conference Report, without objection from the Committee on Ways and Means.

There is no doubt that this provision falls squarely within the scope of Clause 5(b) of House Rule XXI, which provides that no tax or tariff provision may be considered by the House that has not been considered by the Committee on Ways and Means.

This provision is of critical importance to the protection of intelligence sources and methods whenever a proliferation violation has been identified and sanctions are deemed to be the appropriate method of discipline. This provision supplies the President with the necessary flexibility to address the competing interests of punishing the violators and protecting our national security interests at the same time. I appreciate your recognition of this important aspect of this section of our bill.

I would also offer that any modification of this provision in future Intelligence Authorization bills, beyond a mere reauthorization for additional periods of time, will be subject to consultation between our Committees, and, if agreement cannot be reached, subject to points of order pursaunt to Clause 5(b) of House Rule XXI.

Thank you for your cooperation in this regard and I look forward to your support for H.R. 3694.

With all best wishes, I remain

Sincerely yours,

PORTER J. GOSS,
Chairman.

''(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 the employee is detailed.

''(c) ANNUAL REPORT.—Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence 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) during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.''.

(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 in the first section of such Act is amended by striking out the items relating to sections 120, 121, and 110 and inserting in lieu thereof 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 program.''.

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

SEC. 304. EXTENSION OF 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 out ''January 6, 1998'' and inserting in lieu thereof ''January 6, 1999''.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION.

It is the sense of Congress that Members of Congress have equal standing with officials of the Executive Branch to receive classified information so that Congress may carry out its oversight responsibilities under the Constitution.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

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

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture,

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(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking out the following item: ''Assistant Directors of Central Intelligence (3).''.

(b) EXPANSION OF DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Subsection 102(d)(2) of the National Security Act of 1947 (50 U.S.C. 403(d)(2)) is amended by striking out subparagraph (B) through (D) and inserting in lieu thereof the following new subparagraphs:

''(B) Carrying out the responsibilities of the Director under paragraphs (1) through (5) of section 103(c).

''(C) Carrying out such other responsibilities as the Director may direct.''.

SEC. 304. 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 out ''January 6, 1999'' and inserting in lieu thereof ''January 6, 2000.''.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible

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

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

Mr. Chairman, the Permanent Select Committee on Intelligence strives to report an authorization bill each year which is free of partisan division. While we have been generally successful in that effort, from time to time we have been divided on significant issues of substance.

This year, I am pleased to report that we have produced legislation which is not only bipartisan but without major substantive disagreement as well.

□ 1215

Credit for that result goes to the gentleman from Florida (Mr. GOSS) who has worked tirelessly to ensure that the views of all Members are reflected

in the work of the committee. I commend him for the leadership he has exhibited as chairman and for his willingness to work with committee Democrats on matters of importance to us.

For two of the Democratic Members, the gentleman from Colorado (Mr. SKAGGS) and the gentlewoman from California (Ms. HARMAN), this will be the final intelligence authorization bill they will bring to the floor. Although I look forward to working with them to get a conference report enacted, I want to thank them for their many contributions to the work of the committee.

The willingness of the gentleman from Colorado (Mr. SKAGGS) to tackle issues like declassification and the need to make greater use of intelligence in nontraditional ways has been invaluable. And the efforts of the gentlewoman from California (Ms. HARMAN) to encourage development of the complex systems through which intelligence will be collected in the future were also of great assistance.

This will be my last authorization bill, as well. I have enjoyed my 8 years of service on the committee and look forward to keeping up with intelligence issues when they come before the Committee on Appropriations. I have been impressed tremendously by not only the importance of intelligence to our Nation's security, but by the dedication, often under circumstances of great hardship and danger, of the men and women who work in our intelligence agencies.

The authorization bill for fiscal year 1999 will make improvements in intelligence capabilities that need to be modernized either because of technological advances or because they require greater emphasis to respond to changing threats. The bill is only marginally more, in the aggregate 0.1 percent, than the amount requested by the President. Although the committee chose to place a different spending priority on certain items than did the administration, I do not believe that we have done harm to any initiative or activity which the Director of Central Intelligence or the Secretary of Defense consider crucial.

Generating public support for spending on intelligence programs, given their classified nature, is never going to be easy. Although it should be common sense that the possession of information in advance about the military plans of an enemy, the bottom-line position of another government in a diplomatic negotiation, the location of a terrorist cell, or the scientific and technical capability of someone trying to develop a weapon of mass destruction should be invaluable, we sometimes forget that the acquisition of access to that kind of information is time consuming and expensive. I do not believe we need to justify intelligence spending on the basis of some esoteric calculation about whether our national security is more or less at risk than when the Soviet Union was in place.

We will always have threats to our security. Some will be predictable, some will not. Dealing with them requires accurate and timely information, some of which can be provided only by intelligence agencies. There is a cost to maintaining the capability to provide that information when required, and that cost is significant. The cost if the information is not available, however, is potentially far greater.

Our job on the committee is to ensure that the means necessary to provide intelligence on matters which demonstrably affect national security are available at a cost which is not excessive relative to their importance. I believe the 21-year record of the committee in this effort, including the bill now before the House, has been exceptional.

Besides recommending spending levels, an authorization bill and accompanying report also make judgments about the manner in which programs are being managed. I believe that one of the chief responsibilities of an oversight committee is to monitor the activities of the agencies under its jurisdiction in a manner which is both aggressive and thorough. I also believe that oversight should be constructive and fair. I am concerned about the tone of some of the recent criticism of the work of two agencies, the National Reconnaissance Office, (NRO), and the National Imagery and Mapping Agency (NIMA).

The United States has an intelligence capability second to none in the world. Much of that preeminence is due to the performance of the systems acquired and operated by the NRO. These systems are extraordinarily complex and expensive. We are now in the midst of an effort to modernize these systems. When the need for modernization was made clear several years ago by then-Director of Central Intelligence Jim Woolsey, and Congress agreed to embark on a plan to accomplish it, it was with the understanding that substantial amounts of money would have to be expended in the short term to produce savings in the future.

We have spent much of the intervening years altering in sometimes significant ways the components of the plan, which has added to the costs that have to be met in the near term and delayed the realization of the expected long-term savings as well. It is disingenuous to have been a part of this practice and then to complain about the effects it has produced on the NRO's budget.

NIMA is a new agency created less than 2 years ago through the merger of the Defense Mapping Agency and the imagery analysis elements of the CIA and DIA. Like most mergers, this one, which I strongly supported was not without problems, but I believe that NIMA personnel are committed to having the agency fulfill its important mission successfully.

Earlier this year I wrote to NIMA's customers to ask for an evaluation of their performance. Secretary of Commerce Daley responded that ''After working through some initial confusion regarding authority and responsibility for certain products and services, support to civilian agencies is now better than before the individual components were combined into NIMA.''

James L. Witt, the Director of the Federal Emergency Management Agency, wrote, ''The support and service provided by NIMA to support disaster response activities have been and continue to be outstanding.'' Sandy Berger, the President's National Security Advisor, complimented NIMA on making a strong effort to provide high-quality analysis and pronounced himself ''generally satisfied'' with the results.

I do not believe that these comments reflect an agency that is failing to do its job or one that is ignoring the needs of nonmilitary consumers to concentrate on those of the military, as some had feared. Any enterprise involving human beings can be made better, but I think it is not helpful to make final judgments, pro or con, about an agency in its infancy. I offer these thoughts in the hope that they will provide perspective in evaluating the performance of the NRO and NIMA in the days ahead.

Mr. Chairman, H.R. 3694 is a good bill which will advance the interest of military and civilian consumers of intelligence. I urge that it be approved by the House.

I would also like to compliment both the majority staff and the Democratic minority staff. I think this committee has been blessed over the years with an outstanding staff. And I want to particularly thank Mike Sheehy and the Democratic staff members whom I have had the privilege of working with for the last 4 years.

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

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

I simply want to say that I am very proud to have worked with and learned from the gentleman from Washington (Mr. DICKS) as the ranking member. He has been an extraordinary asset of the United States of America in his capacity as a manager of the portfolio. He brings wisdom, judgment and knowledge about military intelligence and equipment to the table in our committee to the extent that I think no other member has or can at this time. I hope he is not going to leave. But if it turns out that way, we will miss him.

I also hope we are not going to lose anybody else. And for the gentleman from Colorado (Mr. SKAGGS) and the gentlewoman from California (Ms. HARMAN), I share that view with all the other members. I happen to feel that we have got an extraordinary committee and staff, we are doing our job timely and well.

Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. BOEHLERT) to allow him to demonstrate what I have just said.

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

Mr. BOEHLERT. Mr. Chairman, we find ourselves in both a fiscal and political environment in which we simply cannot fund every system and program we would like. This applies whether intelligence or not intelligence.

However, it is important for the American people to understand just how critical intelligence is to the very survival of our Nation and our way of life. On the way over to the Capitol this morning, I heard a radio announcer refer to this bill as ''the bill to authorize America's cloak-and-dagger operation.'' That sort of a label is correct in a way, but unfortuantely, I believe it unintentionally misrepresents what this bill is all about.

What this bill is about is the wise and prudent funding and oversight of those intelligence collection analysis and dissemination function necessary to provide for the security of our Nation, its interests, and its citizens around the world. We are talking about what I refer to as ''counterprograms.'' We are not engaged in a world war, but we have some very important counterprograms, counterterrorism, counternarcotics, counterproliferation. These are all very important activities, and this bill funds them.

Mr. Chairman, I would like to point out a couple of funcational intelligence areas of particular interest in this bill. The first is the emphasis this bill places on rebuilding leading-edge technology, research and development. It is the basic research and development of new technologies that are the easiest to cut in lean fiscal times. But it is precisely these efforts that our future depends on and that we must pay particular attention to and fund properly.

This bill puts great emphasis on future capabilities, albeit sometimes imprudently at the expense of older so-called legacy systems. Also, this bill emphasizes the need for a strong, well-trained and funded reserve intelligence component.

Mr. Chairman, there are a lot of things I could say about this bill, and I do not have the time to say them. Just let me say that as someone who tried to be very attentive to my important responsibilities on this committee, I admire the way the chairman and ranking member have worked cooperatively. I admire the seriousness of purpose of all of the members. I admire the product that we are producing, and I commend it to the attention of all my colleagues and the American people.

We are doing the people's business in a wise and prudent manner.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Washington (Mr. DICKS), the ranking member, for yielding this time to me and for his leadership on this important committee.

I rise, Mr. Chairman, to engage the gentleman from Florida (Mr. GOSS), the distinguished chair of the Permanent Select Committee on Intelligence, in a colloquy concerning section 303 of the bill.

Before doing so, I want to commend our chairman for his leadership also and to thank him for including full funding for the environmental program in this legislation before us today, the recognition that new issues need to be addressed, not that the environment is a new issue, but new compared to its being a priority on the Permanent Select Committee on Intelligence and in the intelligence authorization bill. In any event, I rise to engage the gentleman in a colloquy.

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 the 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 the 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 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. 3694 reaffirms the joint explanatory statement of the committee of conference on the Intelligence Authorization Act of 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 that the provision will be narrowly construed and used only in the most serious of circumstances when a specific sensitive intelligence source or method or criminal investigation is at risk?

Mr. GOSS. If the gentlewoman would further yield, 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 distinguished chairman of our 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 am pleased to yield to the gentleman from Washington.

Mr. DICKS. I wanted just to 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 thank the ranking member for his cooperation and concurrence in the view of the chairman.

Mr. DICKS. And I want to compliment the gentlewoman for her diligence on this important matter.

☐ 1230

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the Appropriations Subcommittee on National Security.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of this intelligence authorization bill. I want to compliment the gentleman from Florida (Mr. GOSS). He has done an outstanding job. I have had the privilege of working on the Permanent Select Committee on Intelligence for 14 years now, two different terms. I have to say that the gentleman from Florida has been outstanding in the leadership that he provides for the committee and also to the gentleman from Washington (Mr. DICKS), we have worked together for so many years, he is a member of our subcommittee. We have the unusual relationship of being members of the Permanent Select Committee on Intelligence as well as members of the appropriations subcommittee that provides the funding for the Permanent Select Committee on Intelligence. The gentleman from Washington does a really good job. He is very dedicated to a good intelligence bill.

That is what this is. This is a good intelligence bill. It provides not as much as we would like to have provided for our intelligence activities, but it provides the best that we can with the budget constraints that we are faced with today.

There are those of us who believe that we are not making a strong enough investment in our national security, at any part of our national defense structure, whether it be the operational military forces or the intelligence community. But the intelligence community is the eyes and ears of our national capabilities. We have to have information, we have to know what is happening in the world, we have to know what threats there might be out there.

The intelligence community does an outstanding job, I might say. I might be criticized for that statement because all you ever hear is the bad news. If an intelligence agent happens to go bad, which does happen on occasion, or if a mistake is made, you hear about that but you do not hear about the good things that the intelligence community brings to our overall national security effort. I wish we could talk about some of those on the floor in open session today, but obviously we cannot because it is essential that the sources that we use for developing our own intelligence information and the methods that we use and the people who are involved in this have to be protected. Their mission is extremely important and their lives could very well be at risk if we went into a lot of detail.

I know that there will probably be some amendments offered to reduce the authorized level of funding in this bill. I would urge the Members not to support this. This bill does not provide enough authorization for funding to do the things that we ought to be doing in our national security effort, but it is the best we could do with the budget constraints.

I suggest that we defeat any amendments that would tend to reduce the investment in our intelligence capability and let us pass this good bill and get it on to the Senate so we can get it to the President.

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

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to compliment the gentleman for his statement and I want to concur in it. Sometimes I think there is a question out there about whether intelligence is really that important. I think it is our ace in the hole. I think it is what gives America an extraordinary advantage over any potential foe. Our human intelligence, our national technical means, are remarkable assets to this country. In every conflict we have been in in recent years, they have given us a tremendous advantage. I think the work of the defense subcommittee and the authorization committee to come up with a good bill that keeps that going is essential to the future of the country.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's comments. He is right on track.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on National Security.

Mr. SKELTON. Mr. Chairman, I rise in support of H.R. 3694. I have a rather unique position and opportunity. As ranking member of the Committee on National Security and as a member of this Permanent Select Committee on Intelligence, I can personally testify to the importance of intelligence to our military commanders in the field, to our troops who are daily supporting our peacekeeping efforts in places like Iraq, in Macedonia and to our pilots in the Iraqi no-fly-zone.

Cicero once said that gratitude is the greatest of all virtues. I am not sure we say thank you enough to the members of the intelligence community. What they do so often is not known. Yet it pays off in knowledge to the commanders in chief in the field, to the President, to the Secretary of Defense, to the Secretary of State, and, of course, to this body.

Intelligence is critical to successful operations and to the safety of our men and women in uniform. Intelligence also plays a crucial role in the Joint Chiefs of Staff's plan for the 21st century, Dominant Battlespace Awareness, which hinges on our intelligence investment.

Critical to the Joint Chiefs' plan, as well as to daily air, sea, and ground operations, are the mapping products created by the National Imagery and Mapping Agency. Although I support this bill, I am frankly concerned with the reductions in the operations and maintenance funds for the National Imagery and Mapping Agency. I think the cuts are unjustified and excessive. I fear that they will have an unacceptable impact on the production of products for the unified commands and for the State Department peacekeeping negotiations. I am also concerned that these cuts will result in the unwarranted elimination of jobs from an agency that does not have sufficient staffing to meet military requirements today.

Mr. GOSS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, as a member of the Permanent Select Committee on Intelligence, I welcome the opportunity to speak in support of H.R. 3694, the Intelligence Authorization Act for Fiscal Year 1999. I would also like to associate myself with the very good comments of the gentleman from Florida (Mr. YOUNG) and the gentleman from Washington (Mr. DICKS) concerning the strategic importance of intelligence. I would only add to that by saying that intelligence is also more than military and tactical in nature. There are civilian aspects to intelligence that are very important to the national security of this country that go beyond support to our military and provide the kind of protection for the citizens of the United States, not only domestically but abroad, that we all need and cherish.

This is one of the safest countries in the world in which to live. Part of the reason for that is the fact that we know what our enemies are doing and we know what their plans and intentions are better perhaps than anybody else in the world.

I would like to address if I could for a second the budget itself. The legislation before us today refocuses the President's request upon four major priorities for intelligence in the next century. Firstly, it accelerates the recapitalization of a signals intelligence program that has produced invaluable information against the new transnational targets of the post-Cold War world.

Secondly, our bill begins the process, after years of drawdowns and reductions, of rebuilding a clandestine human intelligence program that has provided much of our intelligence on the plans and intentions of terrorists, traffickers and other adversaries.

Thirdly, our bill continues the strengthening of the analysis part of intelligence collection that provides both assessment to our policymakers and guidance to the collectors.

Finally, our bill enhances the capability of the President to direct and accomplish covert actions when he deems such actions necessary to U.S. foreign policy and our national security. The purpose of our mark in each of these areas is to strengthen the capabilities that will provide policymakers with the intelligence that they will need in the next century.

Mr. Chairman, there were also strategic cuts in the budget, made after much investigation and on a line-by-line basis, on programs that will mostly be effective in the 21st century. The intelligence community has for the most part moved forward effectively against new and difficult issues. There are some areas where we can make some reductions and do so in a prudent fashion.

Once again, Mr. Chairman, I am happy to rise in support of this bipartisan authorization bill. I want to commend both the gentleman from Florida and the gentleman from Washington for having done an excellent job working together to produce this important bill.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), a good solid member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time and congratulate both the gentleman from Florida and the gentleman from Washington for bringing forward a product that deserves the support of this House. I have said before that whenever an intelligence authorization or appropriations is before us, the proponents are at a disadvantage because people can attack the intelligence community. A lot of this is confidential. They do not have the opportunity sometimes to defend themselves.

The United States has the most sophisticated intelligence apparatus in the world. We have the best trained professionals in the world. Yet we have the most difficult challenges of any nation in this world. We work in a bipartisan manner in order to provide authorization and appropriations for our intelligence agencies. I really do applaud the leadership of this House for

doing that. For the security of our country and for the manner in which this has been handled in the House, it deserves our support.

I must tell my colleagues, though, that I was somewhat disappointed by some of the tone in the language as it related to some of our intelligence agencies. But I am very pleased to see that the report acknowledges that we must invest in the recapitalization and modernization of our SIGINT capacities. I think that is very important for this country.

I have visited NSA on numerous occasions and know the dedication of the men and women in public service for our country. They represent some of our brightest minds in our Nation. But if we are going to be able to attract the best from our universities and colleges so that we can maintain that capacity in the future, it is important that we authorize adequate funds and appropriate adequate funds for our intelligence operation.

Mr. Chairman, I am pleased that we were able to bring this product forward in a bipartisan manner. I hope that this body will support the work of the committee, support the authorization and later support the appropriation.

Mr. GOSS. Mr. Chairman, I appreciate the distinguished gentleman from Maryland's remarks. We have worked together on many things. His support is very important.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. HASTERT), the chairman of the task force to counter the drug problem.

Mr. HASTERT. Mr. Chairman, I appreciate the fine work of the Permanent Select Committee on Intelligence. I am pleased to join my colleagues from the Permanent Select Committee on Intelligence in support of H.R. 3694, the fiscal year 1999 intelligence authorization bill. As chairman of the Committee on Government Reform and Oversight, Subcommittee on National Security, and the Task Force for a Drug-Free America, I have had an opportunity to visit a wide range of counternarcotic programs in this country and overseas during the past few years. I have seen the effectiveness of the information produced by our intelligence community in identifying and tracking major narcotics trafficking activities. This intelligence information is essential to facilitating the law enforcement community's effort to slow the flood of cocaine and heroin that is pouring into our country. I have been particularly impressed by the growing coordination between the intelligence community and the law enforcement agencies to jointly target major narcotrafficking groups.

Despite this good news, I regret to report that we are stopping no more than 15 to 20 percent of the drugs flowing from the source countries of Colombia, Peru and Bolivia. We have the best intelligence organization in the world, but we lack the capability to act effectively on the information that we collect against narcotraffickers. It is clear that the administration's current source zone strategy is having only a very limited impact on cocaine and opium production in the source countries. We need to provide sufficient political will, sufficient resources and sufficient personnel to this effort.

Equally, the transit zone strategy is undermined by an unwillingness to seek sufficient air, ground and maritime resources to track, pursue and stop narcotrafficking moving through Central America, the Caribbean and Mexico. Based on numerous meetings with foreign narcotics officials and U.S. Government personnel serving in the field, I am quite persuaded that much more could be achieved if we would be willing to come forward and seek the necessary resources to step up the eradication and interdiction of cocaine and heroin.

Mr. Chairman, this is an important piece of legislation. Intelligence is the key to stopping narcotics traffic in this country and this hemisphere. I support this legislation.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I rise in strong support of H.R. 3694, the Intelligence Authorization Act for Fiscal Year 1999. Let me first congratulate the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) for their tireless efforts in producing a bipartisan bill that addresses the needs of the intelligence community. There is arguably no greater consumer of intelligence than our Nation's Armed Forces. Despite the end of the Cold War, the requirements of our military for better and more timely intelligence has actually increased rather than decreased.

This is the result of a number of factors, including transitional issues such as terrorism and the proliferation of weapons of mass destruction. Perhaps no incident better illustrates the threat that terrorism poses to the men and women of our armed services than the cowardly and callous terrorist bombing of Khobar Towers in Saudi Arabia.

□ 1245

Our forces in Bosnia remain exposed to the threat of terrorism, and it is the intelligence that is collected, processed, analyzed and disseminated that continues to aid in shielding our sons and daughters against this deadly threat.

Additionally, our military has drawn down significantly in the aftermath of the Cold War. In fact, the military has experienced more cutbacks than any other Federal agency, and quite frankly in my view the reductions have gone too far.

Despite these reductions, the missions have increased as has the tempo of operations associated with those missions. Today we have members of our services in Europe, Africa, the Middle East, and Asia conducting missions ranging from peacekeeping to enforcement of United Nations sanctions to defense of nations.

Intelligence is a force multiplier, and if we are to continue on a downward path of funding our Nation's armed services, then we definitely need to take every step we can to ensure that our intelligence capabilities are sufficient to provide the policymakers with the information needed to make key decisions affecting national security. This bill provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet the contingencies of the next generation.

Mr. Chairman, last January I traveled to Southeast Asia to review our intelligence activities and our operations in that region of the world, and I focused my attention specifically on efforts aimed at achieving a full accounting of Americans that are still unaccounted for as a result of the Vietnam war. I want to ensure our Nation's veterans and the families of those soldiers, airmen, and sailors that are still unaccounted for that the bill that is being considered today contains the necessary resources to permit the intelligence community to continue its efforts to determine the fate of those who have yet to come home.

Mr. Chairman, the intelligence community historically has had a poor record in maintaining a diverse work force. In fact, the intelligence community as a whole lags far behind the Federal labor sector in its representation of minorities and women. This committee recognizes the difficulty faced by intelligence agencies, that of competing with the private sector for minority applicants possessing high technical skills that are critical to intelligence missions. The fact of the matter is that these agencies cannot match the financial incentives and rewards offered by the private sector firms that attract individuals with skills of importance to the intelligence community.

This committee has been a supporter of a number of recruitment and training programs aimed at ensuring equal employment opportunity within the intelligence community agencies and developing and retaining personnel that are trained in the skills essential to the effective performance of intelligence missions. I am pleased to report that this bill continues this committee's commitment to those programs, specifically including the Stokes program.

I also want to note that I intend to review these programs in the succeeding years to ensure that the desired goals are being achieved and that the programs are being administered in an effective manner.

Mr. Chairman, the Intelligence Authorization Act for this year, for 1999, provides critical support to all facets of our intelligence community. Resources are authorized that permit the

sustainment of the intelligence community's efforts to assist in providing force protection intelligence to our troops and to assist in the collection and analysis of critical intelligence bearing on such challenging issues as counterproliferation, counternarcotics, and counterterrorism.

I am proud to support this bill, and I urge my colleagues to do the same.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. SHUSTER), Chairman of the Committee on Transportation and Infrastructure, and a valued member of the Permanent Select Committee on Intelligence as well.

Mr. SHUSTER. Mr. Chairman, when General Schwarzkopf came back from the Gulf War, he told us that he had better intelligence than any battlefield commander in the history of the world. He also was asked by the media if there were any improvements that could be made, and he said yes, there were, and he went on to outline what further improvements could be made. The headlines then became ''Schwarzkopf Criticizes Intelligence,'' rather than the emphasis on his tremendous complimentary comments about the extraordinarily good intelligence which he had during that war.

Mr. Chairman, I think that there is a pervasive feeling across this country somehow, at least in some quarters, that criticizing intelligence is the thing to do. Indeed there has been a drum beat of criticism of intelligence rather than the kind of support which I believe it deserves. And it is largely as a result of that, I believe, that there has developed, particularly in the clandestine service, what might be called a culture of timidity, and I do not fault the clandestine service for that at all. I think it is a rational response, if each time someone raises their head they get a shot taken at it, they learn to keep their head down. Unfortunately, by its very nature, the clandestine service must be a careful but bold risk-taking service, and I think we are losing that in this country, and I think it is a very, very serious matter, and it is going to take years to rebuild it.

And so I would urge all of us to be aware of that and to be supportive where we can.

And finally with regard to the so-called drug war, this is something which deserves much, much more attention, much more funding, and I would urge support for the blueprint of the gentleman from Florida (Mr. MCCOLLUM) to wage war on drugs. We need to focus and spend more funds on this important issue.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. STOKES) who has served as chairman of this committee and in many important assignments in this House, and he is going to be one of the Members that next year we are going to miss the most. He has done an outstanding job for his district and an outstanding job for this country.

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member for yielding this time to me and also for his very kind remarks. I also want to express my appreciation to the gentleman from Florida (Mr. GOSS) for the work that he does with this committee.

I want to address the House on an area of this legislation which is of particular concern to me. That area is the undergraduate training program. I rise as a former member and chairman of the House Permanent Select Committee on Intelligence. When I served on the committee, I was struck by the lack of minorities employed in ranking and policymaking positions throughout the intelligence community. In questioning area agency directors about this, I was told that they were unable to find qualified minorities who were interested in employment in the intelligence community.

The solution to this problem took the form of legislation which is included in the intelligence authorization bill of 1987, creating the undergraduate training program. We were able to secure the cooperation of the Central Intelligence Agency and the National Security Agency, to become the first intelligence agencies to include in their budgets the funds to provide full scholarships for minority and disadvantaged students.

Mr. Chairman, through the UTP program, students have their undergraduate education fully funded and, following completion of college, are placed in mid-level positions at the agencies. To date, more than 150 individuals have participated in the undergraduate training program at the National Security Agency. The Central Intelligence Agency has graduated 135 students from the program. Many of these students have 4.0 averages at top universities around the nation. Some of them have 4.1 averages.

I am proud that the undergraduate training program is changing the face of America's work force, particularly in the intelligence field. Mr. Chairman, when I met with these graduates, they have expressed how this program has provided them with challenging career choices, helped them to realize their full potential. The success of this initiative has resulted in its adoption now in other agencies, including the DIA, the FBI, the National Institutes for Health and other agencies.

It is my strong belief that the undergraduate training program represents our commitment to diversity in the workplace and equal employment opportunity. It has proven successful, and I want to thank the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) and all the members of the committee on both sides of the aisle for their efforts in maintaining this initiative, which I think is a credit to both the Congress and to our Nation.

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

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Washington (Mr. DICKS) about the gentleman from Ohio (Chairman STOKES). He has always been Chairman STOKES to me. He was chairman of the Committee on Standards of Official Conduct when I started out, and the vision and contribution he has made to this institution are immeasurable. That is all I can say, and I thank the gentleman for his words.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS) a distinguished veteran of the Gulf War, an Air Force officer and a member of our committee.

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

Mr. GIBBONS. Mr. Chairman, I thank the distinguished gentleman and chairman of the committee for an opportunity to speak today.

Mr. Chairman I rise to join my colleagues today in strong support of H.R. 3694, the intelligence authorization bill for fiscal year 1999.

Mr. Chairman, I have the distinct pleasure of being able to serve on both the House Permanent Select Committee on Intelligence and the House Committee on National Security. This allows me the opportunity to look across both operation military and defense issues as well as the intelligence functions that not only support but in fact participate in those various defense operations.

I can tell my colleagues, Mr. Chairman, this is a very prudent bill. It is a bill that not only sustains currently required capabilities but, importantly, begins to rebuild critical intelligence capabilities lost as a result of security changes brought about by the end of the bipolar cold war. It is a bill that provides our military forces with the information resources necessary to build our fighter confidence and perhaps even to keep them out of harm's way. It also seeks to provide them with the indications and warnings intelligence to allow them the advantage in a conflict.

Let there be no mistake Mr. Chairman. Contrary to arguments that will be made today, this is not a more secure world since the end of the cold war. While it is true that we do not face the imminent threat of nuclear annihilation today from the former Soviet Union, the threats posed by international terrorism, transnational threats such as narcotics trafficking, organized international crime, the proliferation of weapons of mass destruction, any use of chemical and biological weapons by rogue nation states are more pressing and considerably more dangerous than they ever have been before. The problems associated with collecting and understanding information about today's risks are in many ways more difficult because formal government boundaries are not limiting the threats to our peace and security.

Mr. Chairman, I would like to note that the chairman of the Joint Chiefs

of Staff has stated that information dominance is one of the most important characteristics of his Joint Vision 2010 strategy.

Intelligence, intelligence, Mr. Chairman, is the bedrock for that information dominance. This bill provides our intelligence community with military forces, the infrastructure necessary to give United States that information dominance.

And finally, Mr. Chairman, I need to point out that this bill provides a fiscally sound increase of less than one-tenth of 1 percent to the President's request for intelligence. This increase reflects the proper emphasis on the information gathering, exploitation and dissemination activities necessary to ensure the security of the United States. And that is the bottom line: the security of the United States.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT), my good friend, who every year has offered a Buy America amendment. This year we just put it in the bill because we thought it was the right thing to do, and the gentleman has made a very important contribution, and we appreciate his interest in the intelligence bill.

Mr. TRAFICANT. Mr. Chairman, I want to commend the chairman of the committee and the ranking member for this bill, and I will vote for it. And I am for the first time going to vote against any cuts in their bill because I believe they deserve the chance, as stated by the gentleman from Ohio (Mr. STOKES), the chairman and one of the great Members in the body, that there is some hope here.

But I would like to give one observation specifically on this business about the war on drugs. See, I am one that believes that the CIA is not as bad as the critics proclaim, but I also believe the CIA is certainly not as good as its proponents proclaim, and I think there must be some improvement. Certainly the war on drugs is a good example.

Mr. Chairman, our intelligence community should know the source of drugs. They should know the land that grows them, the farmers that tend to those crops and harvest those crops. They should know the cartels that take those rough products and manufacture them into a finished product. They should further know the networking system that arranges for the export of those narcotics to our borders where 100 percent of all heroin and cocaine comes into this country across our borders, and Congress keeps philosophically debating the war on drugs.

□ 1300

I also believe the CIA should know who arranges for the importation of these drugs, what groups in America are also a part of the distribution, marketing and networking of making these drugs available; and finally, which international politicians not only turn their backs, but help to make these narcotics available.

Now, here is what I am saying: If the intelligence community does not know that, we should save the money and throw it all out. Now, I am offering an amendment today that is a very little, safe amendment. It calls for a report from the CIA as to their networking and coordination of efforts with law enforcement agencies in this country relative to the dynamics of this war on drugs.

But let me say this. I believe the time will come where Congress should mandate that the CIA should network and cooperate with domestic law enforcement and international law enforcement specifically on this war on drugs. I believe we have failed in the war on drugs.

Networking and coordination are very important. Oftentimes, agencies compete against one another for funds, and Congress at times takes stands and plays and takes sides on the floor for appropriations. We must have better coordination, better networking, and the intelligence community must be the heart of this success. Quite frankly, I do not think they are.

I am willing to give it a chance; I think that focus needs to be taken.

Mr. GOSS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE), former Governor of the State of Delaware and a member of our committee.

Mr. CASTLE. Mr. Chairman, I also rise in strong support of H.R. 3694, the intelligence authorization bill, and I offer my congratulations to the ranking member and to the chairman of this committee, both of whom are extraordinarily dedicated to this and, I think, do a wonderful job in performing this function.

Mr. Chairman, I do share the chairman's concerns about the current state of the intelligence community, and I do fully support his recommendations within this legislation for finding its deficiencies. Like my chairman, I believe that we must invest sufficient resources toward the development of the intelligence community's all-source analytical infrastructure. United States policymakers must have the most comprehensive, responsive and timely strategic perspective on major global changes.

During the Cold War, the wide-ranging nature of the Soviet threat simplified the analytical tasks faced by the intelligence community. Since the collapse of the Soviet Union, the unpredictability of emerging global challenges such as those of Bosnia, Haiti, Somalia and Iraq, requires the development of a national analytical capability that can provide policymakers with sufficient warning and with a range of policy options.

The failure of the Clinton administration's efforts to contain Saddam Hussein may, in part, reflect the inadequacy of our government's analysis of Iraqi internal dynamics, as well as gaps in our understanding of Iraq's policies and economy. Like other rogue states, Iraq demands a rigorous and aggressive analytical posture on the part of our intelligence community. We must do a better job of analyzing trends within such hard targets.

As a member of both the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services, I am quite aware of the intelligence community's role and performance in analyzing significant global economic trends for policymakers, as well as its efforts to respond to the emerging threat of global organized crime.

I must confess that I have heard that the intelligence community may not be as capable of assessing global economic trends as a number of private sector firms. Economic and banking specialists and such government entities as the Federal Reserve, the Treasury Department and the U.S. Trade Representative's Office, have not been shy in criticizing the value of the community's economic intelligence reporting. While some of this criticism may not be justified, I believe that a prudent approach would be to initiate some sort of interagency review process to evaluate the quality and relevance of the community's economic intelligence reporting.

In response to emerging national security threats, such as money laundering by global criminal organizations, efforts should be made to clarify the respective roles of the intelligence community and law enforcement agencies. The nature and scope of the threat posed to our national security by money laundering groups is apparently large, but not well defined.

Numerous U.S. agencies have some responsibility for monitoring and responding to the global money-laundering threat, but no single agency takes the lead in tracking illicit financial flows and tracking down major launderers. I believe we can do it here. I urge members to support H.R. 3964.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS), who has been very diligent over the years in reviewing the intelligence budget. We do not always agree on this, but I certainly want to yield to him to present his perspective.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding, and I do not know that I will take the 2 minutes.

Let me just say this: We have heard a lot of discussion about the bipartisan nature of support for the intelligence budget, and that may well be on the Permanent Select Committee on Intelligence; I do not think it is in the general House.

Last year, when we offered an amendment to lower the intelligence budget by 5 percent, we had 142 Members who said, no, those do not reflect our priorities. And I think, Mr. Chairman, that when we go out on Main Street and we go to rural America and we go to urban America and we say to the folks there, many of whom, I should add, no longer

vote, by and large have given up on the political process because they do not believe that this Congress represents their interests, and we say to them, should we increase funding for the intelligence budget and cut funding for Medicare, should we allow a situation to continue where millions of elderly people in this country cannot afford their prescription drugs or should we build more spy satellites, I say to my colleagues, those people will tell us, in my view, and tell us overwhelmingly, they will say, Congress, get your priorities right. This is an intelligence budget, so let us talk about how we can improve intelligence in America.

Let us make sure that the little kids are able to get into the Head Start program. Let us make sure that millions of kids in this country who would like to go to college, but today cannot afford to go to college, have that opportunity by significantly increasing the appropriations for Pell grants. That is what we are talking about.

Now, nobody here is saying this is a peaceful world, that there are no problems. Nobody here is saying, let us cut the intelligence budget to zero. Nobody here is saying that the intelligence agencies do not serve a useful purpose. What we are saying is, get your priorities right.

The Cold War is over. The middle class, the working families of this country are hurting. Do not cut programs for them in the name of deficit reduction and increase funding for the intelligence budget.

Mr. DICKS. Mr. Chairman, I yield myself 1 minute and 55 seconds.

I would just like to remind my colleague that if we subtract 142 from 435, we come up with 293, or a better than 2-to-1 ratio of the members of the House who voted in favor of the intelligence bill as reported by the committee.

I would just say this. We have to look at this in perspective. The intelligence bill is part of the defense bill. We have cut defense over the last 14 years every single year. The Director of the Central Intelligence Agency and the Secretary of Defense decide how much of the defense budget, which has been cut for 14 straight years, will be allocated to intelligence. We are not going to take money out here and put it over in Health and Human Services. That is just not what we are talking about.

If we cut the money out of intelligence, it is going to go to some other aspect of the defense bill, because it is part of the 050 function. I support all of these programs that the gentleman from Vermont is talking about.

We were here last night in support of education, and I agree with him that we need to protect Medicare and Social Security and the safety net. But we also have to protect our national security, and that is the foremost responsibility of the Federal Government.

I think the bill this year provides a prudent amount. There were 16 members of this committee, and from the most liberal to the most conservative, every single one of them present in the committee voted to approve this bill.

I urge my colleagues to support this bill. We have done a responsible, balanced job, and I think this bill deserves the support of the House.

Mr. GOSS. Mr. Chairman, I just want to gather an understanding of where we are on the time left on the floor on either side.

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) has 5 minutes remaining; the gentleman from Washington (Mr. DICKS) has 1 minute remaining.

Mr. GOSS. Mr. Chairman, does the distinguished gentleman from Washington have any other speakers?

Mr. DICKS. Mr. Chairman, I am prepared to yield back at this time.

Mr. GOSS. Mr. Chairman, I would just yield myself such time as I may consume to present a closing thought.

I would like to point out that the United States is a pioneer in legislative oversight in intelligence. I think the gentleman from Washington (Mr. DICKS) and I can both attest to the fact that we have met with parliamentarians from around the world whose countries are just beginning to take the first tentative steps toward independent oversight of intelligence activities. They are very interested to learn how our system works. I think we have the best system, the safest system, and a system where we can absolutely assure the citizens of the United States of America that things are under control.

I thank the gentleman from Washington (Mr. DICKS) for assisting in that, and if the gentleman is willing to yield back at this time, I am as well.

Mr. FARR of California. Mr. Chairman, I rise today in support of the Sanders Amendment to the Intelligence Authorization Act for FY 1999.

In the name of reducing deficit spending, Congress has slashed hundreds of billions of dollars from programs for education, health care, the elderly, and veterans. These cuts have left millions of the neediest Americans in even greater need. Yet when it comes to the intelligence budget, we are willing to spend tens of billions of dollars every year without meaningful reductions.

H.R. 3694 provides $28 billion dollars for national intelligence programs. This enormous amount represents $3 billion more than what we spend on food stamps, over 50% more than what we spend on medical care for veterans, and more than the total amount spent on child nutrition, special education, and Pell Grants combined.

We need to keep our budget priorities straight. The welfare of the American taxpayer should be more important than funding secret operations overseas. This amendment would reduce the intelligence budget by 5%; although a modest cut, it would at least ensure that the intelligence budget does not escape the same budget-cutting axe that has cut so many other government programs. I urge my colleagues to support this amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to express my support for H.R. 3694, the Intelligence Authorization for FY 1999. However, my support is not without serious reservations, for I remain deeply concerned about allegations that have been raised regarding CIA involvement in drug trafficking in South Central Los Angeles and elsewhere. While I applaud Chairman PORTER GOSS, Ranking Member NORM DICKS, and the rest of the House Permanent Select Committee for convening a public hearing following release of Volume One of the Central Intelligence Agency Inspector General's report in response to the San Jose Mercury News' series ''Dark Alliance'', I have made my views about the shortcomings in this report known to the Committee and to the Agency. I am aware that Volume Two of the Inspector General's report, which deals with the more substantive issues regarding the extent of the relationship between the intelligence community and the Nicaraguan Contra resistance, has been provided to the Select Committee in classified form. I understand that it is being reviewed by the Central Intelligence Agency to determine whether any or all of it may be declassified. And, we are still awaiting release of Inspector General Michael Bromwich's report on the allegations of wrongdoing that may have occurred within branches of the U.S. Department of Justice.

However, I would like to take this opportunity to strongly urge CIA Director John Tenet and Chairman GOSS to do everything possible to declassify as much information in the report as possible as its subject matter goes to the heart of the issues raised by my constituents in the public meetings I convened following publication of the San Jose Mercury News series. I also urge Attorney General Janet Reno to release the I.G.'s report at the earliest possible opportunity. Failure to make this information public feeds the skepticism of the hundreds of constituents in my District who still want answers and who are encouraged by the Committee's expressed commitment to make public as much information as possible.

Furthermore, to fully appreciate our government's efforts to fight the scourge of narcotics, the public must understand its intricacies, including the role of interdiction and intelligence. Public release of the reports, followed by public hearings, and ultimately the conduct by the Committee of its own inquiry, will assist my constituents to evaluate the role of the Central Intelligence Agency played in balancing competing national priorities. Such a process will also give Members of Congress, as policy makers, the information necessary to make informed decisions about handling such issues in the future.

Consequently, I and my constituents continue to eagerly await the public release of the reports by the Inspectors General of Justice and CIA. I reiterate my hope that the Select Committee will give their content, methodologies and findings the scrutiny they deserve and in a similar spirit of openness, make themselves available to my constituents to respond to any questions these reports generate. I believe such openness is critical to restoration of the credibility and public trust necessary to allow intelligence gathering activities, which by their nature are secretive, to coexist with democracy.

Mr. CONYERS. Mr. Chairman, I want to take a few minutes to talk about some of the things that aren't being talked about enough. The war on drugs has come up several times

today. I think there's some compelling evidence to show how the culture of obsessive secrecy that is part of covert action cultivates an actual and implied climate of impunity.

The CIA's Inspector General, Fred Hitz, undertook a massive study into the CIA ties to drug traffickers. Upon completion of the first volume of the 600 page report, Hitz declared that they found ''no evidence . . . of any conspiracy by the CIA or its employees to bring drugs into the United States.'' Then he announced that hardly any of his findings would be publicly available, casting a long shadow of doubt as to the scope and conclusions of the investigation. A second volume is still in the works.

The CIA's credibility when it comes to investigating itself was further brought into question when Hitz disclosed during recent testimony before the House Intelligence Committee that in 1982, the CIA and Attorney General William French Smith had an agreement that the CIA was not required to report allegations of drug smuggling by non-employees. Non-employees was explicitly interpreted to include unpaid and paid assets of the CIA, such as pilots and informants. The memorandum, dated February 11, 1982, states ''no formal requirement regarding the reporting of narcotics violations has been included in these procedures'', referring to the procedures relating to non-employee crimes. I want to compliment the gentlelady from California, Ms. WATERS, for her hard work on this topic and for obtaining this and other relevant memoranda. I ask you, though, is this the war on drugs that President Reagan launched?

Nobody here who advocates cuts to the intelligence budget or reforming this intelligence system gone haywire doubts for one second that the U.S. needs reliable information about exports of Russian missile technology or the trade in bacteriological warfare technology. I am a veteran and I know how important intelligence is. But doesn't the above information illustrate why the integrity of our intelligence system is in doubt?

The historical record shows that this culture of secrecy too often undermines our foreign and domestic interests.

In 1989, the Senate Subcommittee on Terrorism, Narcotics and International Communications, headed by Senator JOHN KERRY, found that ''there was substantial evidence of drug smuggling through the war zone on the part of individual Contras, Contra suppliers, Contra pilots, mercenaries who worked with the Contra supporters throughout the region.'' Moreover, U.S. officials ''failed to address the drug issue for fear of jeopardizing the war efforts against Nicaragua.''

In other words, the drug war was subordinated to the cold war. This is right in line with what we've learned about the memorandum of understanding described above. I am inserting into the RECORD a list, compiled by the Institute for Policy Studies, which goes through other examples of the troubling history of our intelligence agencies.

A TANGLED WEB: A HISTORY OF CIA COMPLICITY IN DRUG INTERNATIONAL TRAFFICKING

WORLD WAR II

The Office of Strategic Services (OSS) and the Office of Naval Intelligence (ONI), the CIA's parent and sister organizations, cultivate relations with the leaders of the Italian Mafia, recruiting heavily from the New York and Chicago underworlds, whose members, including Charles ''Lucky'' Luciano, Meyer Lansky, Joe Adonis, and Frank Costello, help the agencies keep in touch with Sicilian Mafia leaders exiled by Italian dictator Benito Mussolini. Domestically, the aim is to prevent sabotage on East Coast ports, while in Italy the goal is to gain intelligence on Sicily prior to the allied invasions and to suppress the burgeoning Italian Communist Party. Imprisoned in New York, Luciano earns a pardon for his wartime service and is deported to Italy, where he proceeds to build his heroin empire, first by diverting supplies from the legal market, before developing connections in Lebanon and Turkey that supply morphine base to labs in Sicily. The OSS and ONI also work closely with Chinese gangsters who control vast supplies of opium, morphine and heroin, helping to establish the third pillar of the post-world War II heroin trade in the Golden Triangle, the border region of Thailand, Burma, Laos and China's Yunnan Province.

1947

In its first year of existence, the CIA continues U.S. intelligence community's anti-communist drive. Agency operatives help the Mafia seize total power in Sicily and it sends money to heroin-smuggling Corsican mobsters in Marseille to assist in their battle with Communist unions for control of the city's docks. By 1951, Luciano and the Corsicans have pooled their resources, giving rise to the notorious ''French Connection'' which would dominate the world heroin trade until the early 1970s. The CIA also recruits members of organized crime gangs in Japan to help ensure that the country stays in the non-communist world. Several years later, the Japanese Yakuza emerges as a major source of methamphetamine in Hawaii.

1949

Chinese Communist revolution causes collapse of drug empire allied with U.S. intelligence community, but a new one quickly emerges under the command of Nationalist (KMT) General Li Mi, who flees Yunnan into eastern Burma. Seeking to rekindle anticommunist resistance in China, the CIA provides arms, ammunition and other supplies to the KMT. After being repelled from China with heavy losses, the KMT settles down with local population and organizes and expands the opium trade from Burma and Northern Thailand. By 1972, the KMT controls 80 percent of the Golden Triangle's opium trade.

1950

The CIA launches Project Bluebird to determine whether certain drugs might improve its interrogation methods. This eventually leads CIA head Allen Dulles, in April 1953, to institute a program for ''covert use of biological and chemical materials'' as part of the agency's continuing efforts to control behavior. With benign names such as Project Artichoke and Project Chatter, these projects continue through the 1960s, with hundreds of unwitting test subjects given various drugs, including LSD.

1960

In support of the U.S. war in Vietnam, the CIA renews old and cultivates new relations with Laotian, Burmese and Thai drug merchants, as well as corrupt military and political leaders in Southeast Asia. Despite the dramatic rise of heroin production, the agency's relations with these figures attracts little attention until the early 1970s.

1967

Manuel Antonio Noriega goes on the CIA payroll. First recruited by the U.S. Defense Intelligence Agency in 1959, Noriega becomes an invaluable asset for the CIA when he takes charge of Panama's intelligence service after the 1968 military coup, providing services for U.S. covert operations and facilitating the use of Panama as the center of U.S. intelligence gathering in Latin America. In 1976, CIA Director George Bush pays Noriega $110,000 for his services, even though as early as 1971 U.S. officials agents had evidence that he was deeply involved in drug trafficking. Although the Carter administration suspends payments to Noriega, he returns to the U.S. payroll when President Reagan takes office in 1981. The general is rewarded handsomely for his services in support of Contras forces in Nicaragua during the 1980s, collecting $200,000 from the CIA in 1986 alone.

MAY 1970

A Christian Science Monitor correspondent reports that the CIA ''is cognizant of, if not party to, the extensive movement of opium out of Laos,'' quoting one charter pilot who claims that ''opium shipments get special CIA clearance and monitoring on their flights southward out of the country.'' At the time, some 30,000 U.S. service men in Vietnam are addicted to heroin.

1972

The full story of how Cold War politics and U.S. covert operations fueled a heroin boom in the Golden Triangle breaks when Yale University doctoral student Alfred McCoy publishes his ground-breaking study, The Politics of Heroin in Southeast Asia. The CIA attempts to quash the book.

1973

Thai national Puttapron Khramkhruan is arrested in connection with the seizure of 59 pounds of opium in Chicago. A CIA informant on narcotics trafficking in northern Thailand, he claims that agency had full knowledge of his actions. According to the U.S. Justice Department, the CIA quashed the case because it may ''prove embarrassing because of Mr. Khramkhruans's involvement with CIA activities in Thailand, Burma, and elsewhere.''

JUNE 1975

Mexican police, assisted by U.S. drug agents, arrest Alberto Sicilia Falcon, whose Tijuana-based operation was reportedly generating $3.6 million a week from the sale of cocaine and marijuana in the United States. The Cuban exile claims he was a CIA protégé, trained as part of the agency's anti-Castro efforts, and in exchange for his help in moving weapons to certain groups in Central America, the CIA facilitated his movement of drugs. In 1974, Sicilia's top aide, Jose Egozi, a CIA-trained intelligence officer and Bay of Pigs veteran, reportedly lined up agency support for a right-wing plot to overthrow the Portuguese government. Among the top Mexican politicians, law enforcement and intelligence officials from whom Sicilia enjoyed support was Miguel Nazar Haro, head of the Direccion Federal de Seguridad (DFS), who the CIA admits was its ''most important source in Mexico and Central America.'' When Nazar was linked to a multi-million-dollar stolen car ring several years later, the CIA intervenes to prevent his indictment in the United States.

APRIL 1978

Soviet-backed coup in Afghanistan sets stage for explosive growth in Southwest Asian heroin trade. New Marxist regime undertakes vigorous anti-narcotics campaign aimed at suppressing poppy production, triggering a revolt by semi-autonomous tribal groups that traditionally raised opium for export. The CIA-supported rebel Mujahedeen begins expanding production to finance their insurgency. Between 1982 and 1989, during which time the CIA ships billions of dollars

in weapons and other aid to guerrilla forces, annual opium production in Afghanistan increases to about 800 tons from 250 tons. By 1986, the State Department admits that Afghanistan is ''probably the world's largest producer of opium for export'' and ''the poppy source for a majority of the Southwest Asian heroin found in the United States.'' U.S. officials, however, fail to take action to curb production. Their silence not only serves to maintain public support for the Mujahedeen, it also smooths relations with Pakistan, whose leaders, deeply implicated in the heroin trade, help channel CIA support to the Afghan rebels.

JUNE 1980

Despite advance knowledge, the CIA fails to halt members of the Bolivian militaries, aide by the Argentine counterparts, from staging the so-called ''Cocaine Coup,'' according to former DEA agent Michael Levine. In fact, the 25-year DEA veteran maintains the agency actively abetted cocaine trafficking in Bolivia, where government official who sought to combat traffickers faced ''torture and death at the hands of CIA-sponsored paramilitary terrorists under the command of fugitive Nazi war criminal (also protected by the CIA) Klaus Barbie.

FEBRUARY 1985

DEA agent Enrique ''Kiki'' Camerena is kidnapped and murder in Mexico. DEA, FBI and U.S. Customs Service investigators accuse the CIA of stonewalling during their investigation. U.S. authorities claim the CIA is more interested in protecting its assets, including top drug trafficker and kidnapping principal Miguel Angel Felix Gallardo. (In 1982, the DEA learned that Felix Gallardo was moving $20 million a month through a single Bank of America account, but it could not get the CIA to cooperate with its investigation.) Felix Gallardo's main partner is Honduran drug lord Juan Ramon Matta Ballesteros, who began amassing his $2-billion fortune as a cocaine supplier to Alberto Sicilia Falcon. (see June 1985) Matta's air transport firm, SETCO, receives $186,000 from the U.S. State Department to fly ''humanitarian supplies'' to the Nicaraguan Contras from 1983 to 1985. Accusations that the CIA protected some of Mexico's leading drug traffickers in exchange for their financial support of the Contras are leveled by government witnesses at the trials of Camarena's accused killers.

JANUARY 1988

Deciding that he has outlived his usefulness to the Contra cause, the Reagan Administration approves an indictment of Noriega on drug charges. By this time, U.S. Senate investigators had found that ''the United States had received substantial information about criminal involvement of top Panamanian officials for nearly twenty years and done little to respond.''

APRIL 1989

The Senate Subcommittee on Terrorism, Narcotics and International Communications, headed by Sen. John Kerry of Massachusetts, issues its 1,166-page report on drug corruption in Central America and the Caribbean. The subcommittee found that ''there was substantial evidence of drug smuggling through the war zone on the part of individuals Contras, Contra suppliers, Contra pilots, mercenaries who worked with the Contras supporters throughout the region.'' U.S. officials, the subcommittee said, ''failed to address the drug issue for fear of jeopardizing the war efforts against Nicaragua.'' The investigation also reveals that some ''senior policy makers'' believed that the use of drug money was ''a perfect solution to the Contras' funding problems.''

JANUARY 1993

Honduran businessman Eugenio Molina Osorio is arrested in Lubbock Texas for supplying $90,000 worth of cocaine to DEA agents. Molina told judge he is working for CIA to whom he provides political intelligence. Shortly after, a letter from CIA headquarters is sent to the judge, and the case is dismissed. ''I guess we're all aware that they [the CIA] do business in a different way than everybody else,'' the judge notes. Molina later admits his drug involvement was not a CIA operation, explaining that the agency protected him because of his value as a source for political intelligence in Honduras.

NOVEMBER 1996

Former head of the Venezuelan National Guard and CIA operative Gen. Ramon Gullien Davila is indicted in Miami on charges of smuggling as much as 22 tons of cocaine into the United States. More than a ton of cocaine was shipped into the country with the CIA's approval as part of an undercover program aimed at catching drug smugglers, an operation kept secret from other U.S. agencies.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by striking section 401 and redesignating the succeeding sections, shall be considered as an original bill for the purpose of amendment under the 5-minute rule. Consideration shall proceed by title, and each title shall be considered read.

No amendment to the committee amendment is in order unless printed in the CONGRESSIONAL RECORD. Those amendments shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device, without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1999''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community management account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Application of sanctions laws to intelligence activities.
Sec. 304. Sense of Congress on intelligence community contracting.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Extension of the CIA Voluntary Separation Pay Act.
Sec. 402. Enhanced protective authority for CIA personnel and family members.
Sec. 403. Technical amendments.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Extension of authority to engage in commercial activities as security for intelligence collection activities.

The CHAIRMAN. Are there amendments to section 1?

If there are no amendments to section 1, 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 1999 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.

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, 1999, 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. 3694 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 1999 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 1999 the sum of $139,123,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2000.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence is authorized 283 full-time personnel as of September 30, 1999. Personnel serving in such elements may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1999 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1999, there is authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947, during fiscal year 1999, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization 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 evaluation purposes shall remain available until September 30, 2000, and funds provided for procurement purposes shall remain available until September 30, 2001.

(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 National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

(f) TRANSFER AUTHORITY FOR FUNDS FOR SECURITY REQUIREMENTS AT OVERSEAS LOCATIONS.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization in subsection (a), the Director of Central Intelligence may transfer funds to departments or other agencies for the sole purpose of supporting certain intelligence community security requirements at overseas locations, as specified by the Director.

(2) LIMITATION.—Amounts made available for departments or agencies under paragraph (1) shall be—

(A) transferred to the specific appropriation;

(B) allocated to the specific account in the specific amount, as determined by the Director;

(C) merged with funds in such account that are available for architectural and engineering support expenses at overseas locations; and

(D) available only for the same purposes, and subject to the same terms and conditions, as the funds described in subparagraph (C).

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. 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 1999 to carry out this Act not more than 95 percent of the total amount authorized to be appropriated by this Act (determined without regard to this section).

(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. Mr. Chairman, this amendment is also being offered by the gentleman from Oregon (Mr. DEFAZIO); the gentleman from New York (Mr. OWENS); and the gentleman from California (Mr. STARK).

Mr. Chairman, this amendment cuts the intelligence budget by 5 percent from the level authorized for fiscal year 1999, while still protecting the CIA retirement and disability fund. Although this year's amount authorized by the bill is classified, we do know that last year's budget was $26.7 billion, which means that this amendment would cut approximately $1.3 billion from the intelligence agencies.

Mr. Chairman, this amendment truly speaks to what we are as a Nation and who we are as a people. It speaks to whether the Congress of the United States is here to represent the ordinary people of America, the middle class, the working families, the children, the veterans, the seniors, or whether we are here to continue representing very powerful special interests within the military-industrial complex, the force that President Dwight D. Eisenhower warned us about 40 years ago.

Mr. Chairman, it is no secret that the United States today is becoming two very separate nations. On the top we have people who are enjoying incredible wealth. In fact, the wealthiest 1 percent is today better off than at any time in the modern history of this country. We have people like Bill Gates, himself, alone, who owns more wealth than the bottom 40 percent of households in America. One man owns more wealth than the bottom 40 percent of our households.

In recent years, we have seen a proliferation of millionaires and billionaires, but Mr. Chairman, there is another reality in America today, and that is that the middle class continues to shrink, that the wages of the average American worker are 15 percent less than they were 25 years ago, that 40 million Americans have no health insurance, that millions of senior citizens cannot afford the prescription drugs they desperately need.

□ 1315

That millions of our families cannot afford to send their kids to college. That food shelters and emergency shelters are seeing a large increase in the hungry and the homeless who come to them for help. That is the issue that we are talking about today.

We are not just talking about the intelligence budgets. We have to put that into the context of the needs of all the people in this country.

Mr. Chairman, how can we increase funding for an already bloated intelligence budget at exactly the same time as some propose major cuts for millions of low- and moderate-income citizens? How is it okay to say more for the intelligence budget at the same time as this Congress cut $115 billion from Medicare? Tell the senior citizens of this country whose benefits we have cut back on.

How can we look our veterans in the face when in last year's balanced budget agreement we cut funding for veterans programs by 19 percent; when we cut the administration of Social Security by 23 percent; when just last week we cut $2.3 billion in affordable housing, despite the housing crisis experienced by so many Americans.

Mr. Chairman, even in Washington the $1.3 billion that we cut from the intelligence budget is a lot of money, and let me tell my colleagues what we can purchase with that $1.3 billion if we get our priorities straight.

In Vermont and throughout this country, seniors are finding it difficult to pay for their prescription drugs. Legislation has been offered which would provide up to $500 each in prescription drug assistance for seniors. This $1.3 billion that we cut from a bloated intelligence budget could provide 2,600,000 seniors up to $500 each in their prescription drug assistance.

Are my colleagues going to go back to their districts and tell their senior citizens who are struggling to ease their pain that we cannot cut $1.3 billion from the intelligence budget when we can provide 2.6 million of them help for their prescription drugs?

Mr. Chairman, there are 808,000 homebound seniors who receive the excellent Meals on Wheels program supported widely in this Congress. This

$1.3 billion could double the number of seniors who receive this help. These are elderly people at home, long waiting list for the Meals on Wheels program. We could double the number.

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, nearly 1 million college students could receive Pell Grants to assist them going to college. Just yesterday we passed the education bill. I voted for it, but remember the authorization is nowhere near equal to the appropriation.

We have millions of middle-class families in this country who cannot afford to send their kids to college. And are my colleagues so sure that it makes sense for the security of this country, for the intelligence of this country, that it is more important to vote another $1.3 billion than it is to provide nearly a million kids in this country with Pell Grants?

Nine hundred sixty-nine thousand families could benefit from Section 8 housing programs if we cut that $1.3 billion. In the State of Vermont, we have a long waiting list for Section 8. That is true all over this country. Two hundred forty thousand more children could attend the Head Start program if we cut this $1.3 billion.

So, Mr. Chairman, what I would just like to say at this point is that the Cold War is over. We do need an intelligence budget, but there is very ample evidence that the budget that we are being asked to support today is bloated.

I would say to my friends who are the deficit hawks who get up here every day and who say cut, cut, cut, if they are going to cut Medicare, if they are going to cut Medicaid, if they are going to cut veterans programs, if they are going to cut housing, take a look at the intelligence budget.

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. SPENCE. Mr. Chairman, the gentleman from Vermont made reference to getting our priorities straight. What is a higher priority than defending the lives of all the people of this great country? We are talking about cutting today. I would like to remind the gentleman that the defense budget, which includes the intelligence budget, has taken all the cuts in recent years. Spending has gone up for everything else except defense.

Let me dwell on that for a minute. I do not think people realize the extent to which we have cut back on our military and our intelligence-gathering agencies, the impact these cuts have had on our national defense. And yes, in a world where the Cold War is over, but in many ways a more dangerous world today than it was during the Cold War. And I will tell my colleagues why. Because people do not realize what we have done to ourselves. We have done to our military and to our intelligence agencies what no foreign power has been able to do. We have been decimating our own defenses.

That is unforgivable, Mr. Chairman. In this dangerous world in which we are living, when not tomorrow but tonight, today, at any minute, this whole world could explode for us. It is just that serious. And here we are fat, dumb, and happy going about our merry ways, not concerned about what could happen to us. Let me tell my colleagues what could happen to us.

In this day and time you do not have to be a superpower to raise the horrors of mass destruction warfare on people. It could be a Third World country, a rogue nation, or a terrorist group for that matter. They can put together weapons of mass destruction in laboratories in inexpensive low-tech ways. They can marry these weapons of mass destruction with cruise missiles, which can be bought across borders. They can launch them from various platforms, airplanes, submarines, ships, tugboats, extending the range to the extent that it brings everyone under the threat of weapons of mass destruction.

These weapons of mass destruction are chemical, biological, bacteriological. Can my colleagues imagine having to defend against these kinds of weapons, hideous weapons? Anthrax could be released in the air over Washington, D.C. in a simple way, killing hundreds of thousands of people, and we could not inoculate people fast enough to prevent anything happening to them. That could happen at any time and people are talking about cutting back on our ability to defend against these things or to prevent them from happening. It is unconscionable to even think about it. It borders on leaving our country defenseless when confronting the enemy and all the dangers that we are facing as a country.

Aside from those weapons of mass destruction, we face all kinds of threats from various sources. This is a very dangerous world. We have to do more instead of less in defending our country and our people.

Mr. Chairman, I would urge my colleagues to let reason come to this debate. Think it through. Vote down overwhelmingly this senseless amendment.

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

Mr. Chairman, I rise in support of the amendment. The gentleman from South Carolina (Mr. SPENCE) made some excellent points. The whole world, it is a dangerous world. It could explode at any moment. The question, given the past performance of our intelligence agencies is whether they could tell us about the world exploding before or after the fact or even recognize it after the fact. The disintegration of the Soviet Union, they could not predict that. The invasion of Kuwait with the Iraqis massed on the border, they could not predict that. Even the horrible tragedy which was mentioned earlier of the killing by terrorists of our troops, that was not prevented and it certainly was not predicted.

These are horrible things that have happened and the intelligence agencies have not exactly been ahead of the curve. They are engaged in acquiring ever greater technology at ever greater expense and more and more money, as opposed to becoming more efficient and more effective, finely honed, leaner and meaner, getting the intelligence we really need and our Armed Services really need to defend our people.

The gentleman talked about defending our people against chemical-biological attack. We just had an assessment about that. There is no preparation in this country. We are not investing in the civilian law enforcement agencies, the emergency response, the vaccines, and the other things we should be stockpiling to respond. But we are spending money on incredible satellite systems and the satellite systems are gathering so much data that 60 percent of it is never analyzed.

Mr. Chairman, we wonder if they have got up to the point yet of analyzing the data that shows whether or not there is still a Berlin Wall. Just a couple of years ago, the National Security Agency, in doing a cursory review of its books, found that it had an extra $4 billion in accounts which it had secreted around, more than the annual budget perhaps, but that is a classified number so we do not know. But probably more than its annual budget, they had secreted it in various accounts and no one knew anything about it.

So that speaks to me, and I think to other Members of Congress, that perhaps there is a little bit too much money washing around over there if they can misplace $4 billion. We are investigating misappropriations of hundreds of dollars or thousands of dollars regularly, and rising to those issues.

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

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

Mr. DICKS. Mr. Chairman, the gentleman has always been accurate. He said the NSA. He meant the NRO, and I ask him to correct that.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, excuse me. I thank the gentleman for correcting me. I meant the NRO, not the NSA. That is part of the problem with this debate. This is not a debate which really takes place very often on the floor of the House, and does not take place in full light with full accountability to the public. We know last year's number. We know how much money we spent last year. But we cannot talk about how much money we are going to spend this year. We cannot talk about the number which we are debating here on the floor today. We cannot talk about

whether it is an increase or decrease from last year's number because we have last year's number.

It used to be at least we could talk about the percentage increase of the secret number, but now since we know what the number was, we cannot even talk about what percentage increase or decrease it might be in this year's budget. But we are debating it here on the floor and we do have some confusing acronyms, NRO, NSA, DIA, CIA, and others which we cannot even mention which are involved.

The point that I am trying to make, and I think others here are, no, we do want to have a robust intelligence service, but we want to have one that is reorganized, that is not territorial, oriented towards preserving their own separate bureaucracies, but one which is better integrated, one which is more efficient, more effective, and provides realtime data that is of use both to our military services, our civilian law enforcement agencies, and in the defense of the people of the United States of America.

I believe we could do that with more scrutiny instead of having this absurd debate every year where we do not know what we are debating. Let us talk about the individual components of this budget and what they are spending it on. There is no one in the world who can benefit from knowing that. In fact, our potential enemies already know it, but the American people cannot know it and the elected officials cannot know it and they cannot speak about it and debate it on the floor.

Mr. Chairman, that is an absurdity and that is what the debate is about today. If they could defend their numbers and defend them category by category as we do every other department of the United States of America, including the Pentagon and the Defense Department, then there would be a fair debate and the numbers that the gentleman cited in support of that budget would be fair numbers. But those are numbers where the Members did not even know what they were voting on. That happens fairly often around here, but this is one for sure that they did not know what they were voting on.

So I would urge my colleagues to support this amendment to cut the amount of money, whatever it is, by 5 percent and make these agencies more efficient, more effective, and better protect the people of the United States.

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

Mr. Chairman, the previous speaker talked about a lot of complaints that he had about our intelligence community and I think we would all admit they are not perfect. As he was speaking, it reminded me of a trip that I made driving home to Florida one time. I came upon a group of young kids that were on a hay ride. And the hay ride wagon had red, white, and blue bunting and American flags and the kids were having a good time packed up on the bales of hay.

□ 1330

It had this big banner across the back of the wagon, and it said ''America, we ain't perfect, but we ain't through yet.'' I would apply that to the argument that the gentleman just made.

Our intelligence community is not perfect. There are problems. This bill directs itself to many of those problems, to solve many of those solutions. That is what we intend to do with this bill.

What I really wanted to mention is that I listened to the comment of my friend, the gentleman from Vermont (Mr. SANDERS) about senior citizens. He listed a lot of things that we could do if we did not do something else. You could make that argument about anything that we do in here.

Let me tell you this. I represent one of the largest groups of senior citizens of anybody in this body. And those senior citizens are old enough to remember a time in our history that was devastating to us, that was devastating to our morale, and that killed an awful lot of young Americans.

I am talking about a lack of intelligence, poor preparation for intelligence, lack of information that we needed when Pearl Harbor was attacked in 1941. That was a long time ago, and a lot of people do not remember that, but those senior citizens that the gentleman from Vermont (Mr. SANDERS) talks about, they remember that.

I hear it on a regular basis when I am home in my district talking about defense issues and veterans issues; and that is, let us do not ever get ourselves in a position where we are not prepared to either know about an attack of that type or be prepared to do something about it.

The world is different today in 1998 than it was in 1941. In 1941, we did not have intercontinental ballistic missiles aimed at each other across the oceans. We did not have submarines carrying nuclear warheads within range of the United States of America, any city in the United States of America. We did not have satellites, and we did not have space shuttles and things of this nature.

In 1941, we had a little time to put it back together. Although we lost thousands and thousands of young Americans, we lost in the beaches of the Pacific and the frozen battle grounds of Europe; and, finally, we turned the tide, and we came back to life, and we defeated the enemy, and we prevailed, and freedom prevailed.

Just think, had our intelligence been adequate then, we might not have had to suffer the terrible tragedy of Pearl Harbor. Let us not let that happen again. Let us keep our eyes and ears as sharp as they can possibly be. Let us be prepared in the event someone is determined to do something that would be adverse to us and our national interest and, more importantly, the people of our great Nation.

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

Mr. YOUNG of Florida. Yes, I am happy to yield to my friend, the gentleman from Washington.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the gentleman makes an important point in that we have to be prepared with what we have today. We are not going to have time to go out and build all the things that we may need in our next conflict.

My colleague, the gentleman from Oregon said that in the Gulf War, we had an intelligence failure. That simply is not true. The President said after the invasion of Kuwait was that he had 2 days of actionable warning from the intelligence community; and that is a fact.

The problem was, and this is what happens sometimes in these crises, we did not act on that intelligence, because we were told by other people who were allies in that region that Saddam would not invade. But there was, in fact, warning there; and I want to make that point. Part of the reason why we had the warning is because we had our intelligence apparatus in place.

I would also say, in very general terms, we had a tremendous military victory because we had an intelligence advantage in the Gulf War that allowed that victory to occur quickly, decisively, saving American lives, saving the lives of the allies, and saving money, actually, for the taxpayers.

By having intelligence superiority, as Colin Powell said, you can provide overwhelming military force and end the conflict rapidly. That is why I have always believed that having a strong defense is the right thing to do; because, as you go back and look in our history, look at Korea, another example where we were unprepared, did not have the right training, did not have the people ready to go, and we almost got run off the peninsula. That was another problem where we were both militarily weak and did not have good intelligence. It would be a mistake of vast proportions to undermine the intelligence community, to undermine the defense of this country.

We have already cut defense and national security by $115 billion.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has again expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from Florida (Mr. YOUNG) have an additional minute.

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

Mr. OWENS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

My view of this is that we have already cut defense by $115 billion from the high point back in 1985. That means that we have reduced that overall budget from about $365 billion a year to $250 billion a year. We are not even keeping up with inflation.

There has been a judgment made by the Secretary of Defense and the Director of Central Intelligence about how much of that roughly $250 billion is going to go into intelligence.

This committee, 16 Members; 9 Republicans, 7 Democrats, have held exhaustive hearings into every aspect of that budget. We have a highly professional staff that looks into it all. We have come to a unanimous conclusion that the amount that has been requested by the chairman in his markup is the right amount.

Let us fight in other venues to take money and use it for what the gentleman from Vermont talked about. I am for all those programs. But I do not think we should try to cut it out here. If it was taken out of the authorization for intelligence, all it would do is wind up being spent for other defense items. That is the reality of this. It is a nice idea, but it simply will not work.

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

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

Mr. SANDERS. Mr. Chairman, I want to make a brief statement just on that. You are aware that just last week when we voted for disaster relief, which virtually everybody supported, suddenly out of nowhere came an offset from disaster relief to cut $2.2 billion in housing.

It seems to me that if this Congress has the capability of cutting affordable housing for disaster relief, we also have the capability of working together and making sure that when we cut intelligence spending, it goes to people in need, middle-class and working families.

Mr. DICKS. Mr. Chairman, what I say to my good friend is this, we have cut defense over the last 15 years by $115 billion. That is how we balanced this budget. Defense has already been cut. I think there are a lot of other parts of this budget that ought to be looked at.

Mr. SANDERS. I suggest to my friend, the gentleman from Washington, we are spending $267 billion this year on defense in addition to our NATO allies and all their expenditures in addition to the intelligence. That is a lot of money.

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

Mr. DICKS. I yield to my friend, the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding. He pointed out that there has been a reduction from what seemed to me a greatly swollen budget under Secretary Weinberger, but it is down about 30 percent. At the same time, we have had the collapse of the Soviet Union.

The defense is to deal with our enemies. I wonder if he believes that we are, in fact, facing less of a military threat today than we were in 1985? I wonder if he would quantify that.

Mr. DICKS. If the gentleman would give me a chance, I would respond to that. I say yes, we are facing less of a ground-based military threat from the Soviet Union.

Mr. FRANK of Massachusetts. Only ground-based? Does the gentleman think the Soviet air and sea power is the same?

Mr. DICKS. Sea power and air power, yes, basically the threat from conventional forces has been reduced.

That is one reason why we have cut the defense budget, because we think we can go to a lower level. But I would say to my friend, the gentleman from Massachusetts, that there are other problems out there.

We have got Iran. We have got Iraq. We have got North Korea. We have got the problems of China. We have got instability in Russia today that I worry about. They still possess thousands of nuclear weapons. We are taking some risk here in cutting back on our defenses.

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

Mr. DICKS. Mr. Chairman, I only have a little bit of time here, but I yield again to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say to the gentleman, the basic point I want to make is it seems to me very much a partial picture to talk about the reduction in the defense spending without talking about the concomitant reduction in the need for defense spending.

I have to say that if you look at the Soviet Union today, not just in conventional, but you have got the defection of the nuclear parts that were in Ukraine and Belarus, the Soviet Union today is far less than two-thirds as threatening to us as it was in 1985. There has been, I believe, a diminution in the external threat we faced greater than the diminution in the defense budget.

Mr. DICKS. Mr. Chairman, I would say to the gentleman from Massachusetts I think there are still areas in the defense budget that can be cut; that is why I have supported BRAC.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will yield, let us get out a news flash.

Mr. DICKS. I know.

Mr. FRANK of Massachusetts. I think we may get an extra here.

Mr. DICKS. Mr. Chairman, there are some areas in base closure where we can do some other cuts. I would like to take that money, frankly, and put it into modernization where the chairman of the Joint Chiefs and all the service chiefs have written a letter to the Secretary of Defense saying we should be, instead of being at $43 billion a year, be at $60 billion. We are not there.

We went through this before, after the Vietnam War, when we created a hollow force, and then it opened the door for Mr. Reagan to come in and say we have to vastly increase defense spending because we did not handle this properly. We did not develop an adequate force.

Mr. Chairman, I am not going to ask for any additional time because I know my colleagues will not appreciate it.

Mr. FRANK of Massachusetts. We wish you would not ask for additional money.

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

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

Mr. HYDE. Mr. Chairman, I do not want to be redundant. It has been well said by many Members here in defense of the budget and in opposition to the well-intentioned but I think unwise amendment of the gentleman from Vermont (Mr. SANDERS).

I think the thing to remember is that we have a Permanent Select Committee on Intelligence in the House and in the Senate. It is peopled by sensitive, patriotic, intelligent, budget-minded people. They have done their job. They have looked at the budget, program by program by program.

We are not dealing with the CIA. We are dealing with the intelligence community, including the CIA, the FBI, the DIA, et cetera, et cetera, et cetera. There are a myriad of programs, all requiring some study to understand if they are cost-effective or not.

They have done their job. The Senators will do their job. The conferees will do their job. But to come in and try to perform brain surgery with a croquet mallet, with an across-the-board 5 percent cut, makes a political statement but it does real damage to the defense of our country.

Yes, a lot of seniors, a lot of children can benefit by increased domestic spending, but we all benefit, including children, including seniors, from a secure and peaceful world.

Yes, the Cold War is over, but let me suggest to you the bear is only sleeping. The forest is full of snakes and other dangerous animals. There are 13 ICBMs trained on us from the People's Republic of China. I have not heard that all of the intercontinental nuclear missiles are disabled in the former Soviet Union. Narco-terrorism, terrorism, technological developments have made this a much more complicated world in terms of staying ahead of the curve.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for his disquisition of what the bear is doing in the forest, but I do have a question.

Mr. HYDE. Was the gentleman not interested in the snakes either?

Mr. FRANK of Massachusetts. No, that is not under our committee's jurisdiction as I last looked, Mr. Chairman.

Mr. HYDE. I thought you were an expert on the subject.

Mr. FRANK of Massachusetts. My question was this: You said that because we have a committee composed of intelligent, patriotic Americans, we should not be for an across-the-board cut. My recollection is that in the past, the gentleman from Illinois has voted for across-the-board cuts. Did that reflect his lack of respect for the members of those committees?

Mr. HYDE. Not at all. I think sometimes it is important to make a statement and sometimes it is not. This is not the time to make a statement. This is a time to recognize the sensitivity, the importance, the significance, and the intention which the Permanent Select Committee on Intelligence of both bodies give to this issue and to prefer that looking at these things in depth, understanding the consequences of emasculating them by across-the-board cuts, I think that is so important and I think it is the right way to do it.

Mr. Chairman, I yield, again, to my friend from Massachusetts for whatever illumination he chooses to give us.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman's point, and I think it is important to remember he apparently dismisses the notion of across-the-board cuts as simply making statements. I think we ought to have that down on the record, that his view is that an across-the-board cut is simply for the purpose of making a political statement and is apparently never a serious legislative answer.

□ 1345

Mr. HYDE. No, sir, not at all. My position is sometimes it is appropriate and sometimes it is not. This is inappropriate.

So I simply suggest that we trust our committee. And, by the way, when we talk about cutting defense, I heard the other day there are soldiers and their families on food stamps. We ought to be ashamed of ourselves if that is true.

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

Mr. HYDE. I yield to the gentleman from Vermont. Beautiful Vermont. Not that Massachusetts is so bad.

Mr. SANDERS. I would, by the way, agree with the gentleman about the shame of having our soldiers on food stamps, and maybe we should put more money into their needs and less into B–2 bombers. But that is another story.

The point I want to make is the gentleman raised China as a potential threat. I am not here to be on an anti-China kick. But I would point out to the gentleman that this Congress voted MFN status for China; that corporate America is putting tens of billions of dollars into bolstering the China economy rather than reinvesting in America.

Mr. HYDE. Reclaiming my time, Mr. Chairman, I would say to the gentleman that some of us did and some of us did not. I stand with those who did not.

I thank the gentleman for his kind attention.

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, I rise in favor of the amendment, and I want to thank my colleague from Vermont (Mr. BERNARD SANDERS) for leading this annual dialogue with the American voters. Unless we raised these questions, one would never know that the CIA budget is about $30 billion, and there are no questions raised outside of the very closed circle of the people on the Permanent Select Committee on Intelligence.

The Permanent Select Committee on Intelligence represents one of those command and control operations of the type which brought down the Soviet Union. There is a close circle of people who have a vested interest in keeping something going. They have no outside criticism. Nobody even knows what they are doing.

Other intelligence communities have opened up, even the Soviet Union has opened up information about its intelligence operations, but we still have a secret operation which perpetuates itself.

I want to thank the gentleman from Vermont for offering the American people 130 schools. We can build a state-of-the-art school for $10 million. $1.3 billion would give us 130 schools. Why not take the $1.3 billion out of the budget of this organization, which clearly has far more money than it needs at this time? The budget is about the same level it was at the time of the evil empire of the Soviet Union.

They clearly do not know what to do with all the money because, and nobody ever explains this to us from the committee, they had a petty cash problem. They lost $2 billion in their bookkeeping. Found they had $2 billion more than they knew they had a few years ago. A couple of years ago. Actually, it was $4 billion. After the first announcements were made, nobody noticed that later on they came and said, well, actually we found $4 billion. Four billion dollars, and nobody on the Permanent Select Committee on Intelligence has ever bothered to explain that to us or to the American voters. What happened to $4 billion? How can you lose $4 billion? That is a lot of schools.

So we have an agency that probably is very much needed. Nobody says we want to get rid of it. All we are talking is a 5 percent cut, a 5 percent cut to say discipline yourself, take care of your petty cash better and build 130 schools.

We can break this circle of closed decision-making, the command and control operation, that whole spirit of cloak-and-dagger operation where they will not let us see the whole budget. If a Member of Congress goes to look at this budget, he is duty bound never to speak about it again. What kind of cloak-and-dagger operation is that, that we need at this time in the life of the globe?

There are some people who know the secrets of the CIA because they get it from the members of the CIA. All the people that Aldridge Ames, remember Aldridge Ames? They do not talk about him very much, but he was a top-ranking CIA person in charge of the Soviet Union and Eastern Europe, and he turned out to be a guy who was a hustler. For a few dollars, a few million dollars, he was telling the enemy everything they needed to know. We cannot find out here, but Aldridge Ames was telling them.

Now they have a mentally unstable ex-policeman. An ex-policeman who his colleagues, in the former police department where he came from, said this guy was a nut. How did he ever get in the CIA? He is divulging our code secrets. He has divulged. He is now arrested, and there is a lot being said about him and a lot not being said about him. So we do not know what damage he has done. But he has divulged the codes and the whole cryptology and a whole bunch of very secret things the enemy knows, because the CIA is so incompetent it allows these kinds of things to get out.

So we are dealing with wasteful spending and a closed circle of Permanent Select Committee on Intelligence members who are determined to perpetuate wasteful spending. It is part of their religion. It is a dogma. They go on and on and not looking closely at what they are spending the money for.

There is big spending and there is wasteful spending. Democrats often get accused of being big spenders. Big spenders are the people who want to keep the Social Security system going. Big spenders are the people who want to spend money for Medicare, Medicaid, Title I. Big spenders are people who want to use the American resources for the greatest number of people.

Blind spenders, wasteful spenders, are the kind of people on the Republican majority that say we should spend $10 billion for an investigation that is going nowhere in the case of campaign finance reform. They do not want to talk about campaign finance reform, they just want to dig up dirt, play around and release tapes.

Ten billion dollars. That is one whole school that will be taken away as a result of wasteful spending for an investigation. The CIA and its continued big budget represents the same kind of wasteful spending.

Republican wasteful spending is one thing that the voters need to take a hard look at. Do not listen to people who talk about big spending. If we ask them what they are spending the

money for, we will find out whether it is big spending, blind spending, or wasteful spending.

We are, Democrats as well as Republicans, very much conscious of the label of being big spenders. A lot of Democrats who are labeled as big spenders, if they do not want to stay with the label, here is an opportunity for my fellow colleagues, Democrats and Republicans. Here is an opportunity to send a message to our constituents. We can send a message to the voters that we will not be a wasteful spender. We will not go on and perpetuate the budget of the CIA, the secret budget that nobody can really know. We will not go on. We will at least cut it 5 percent and give America 130 schools. One hundred thirty schools to America.

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

Mr. Chairman, we have had a lot of interesting rhetoric here, and I think that, in a charitable mood, generous mood, maybe, that this kind of debate each year is salutary, because it is an opportunity for members who do not serve on the Permanent Select Committee on Intelligence to ask questions of those who do.

I think, despite what the gentleman said, perhaps in a little bit of overblown rhetoric, the gentleman from New York, this is not a command and control operation of the Soviet Union. The kind of oversight that the House and Senate give to the intelligence operations of the United States is the best among all the parliamentary bodies in the world.

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

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. OWENS. Would the gentleman take time to tell us about the $4 billion in petty cash funds that were lost? Could the gentleman tell us about the unstable ex-policeman who has now been arrested? Can the gentleman expound on these subjects?

Mr. BEREUTER. Reclaiming the balance of my time, the gentleman had his 5 minutes.

Mr. OWENS. Well, the gentleman should not waste his on rhetoric. Give us some information.

Mr. BEREUTER. I am not a member of the Permanent Select Committee on Intelligence. I do not expect to respond to the gentleman's questions.

My understanding, Mr. Chairman, is the money has been recovered. It is not lost.

In any case, what I want to say is that countries from around the world send their parliamentary bodies to try to understand how we conduct oversight of the intelligence functions of our government, and they do that because of the quality of what is done by the people appointed by the minority leader and the Speaker of this House.

Now, they choose people who they think will give the interest, the competence, the time, and have the intense focus necessary to give oversight to these important functions of the Federal Government.

We have a limitation. First 6 years, now 8 years, like the other body, on the length of time that Members can serve on the intelligence committees, and that is so that these Members do not become co-opted by the agencies over which they conduct oversight. That is a protection for all of us.

Now, I have been a member of the Permanent Select Committee on Intelligence. I do not serve there any longer because of that term limitation. I spend a lot of my time on foreign policy and trade issues, and I want to speak to my colleagues from that perspective today.

Mr. Chairman, our policymakers, from the President on down, depend upon accurate and timely intelligence when making their most critical decisions. The Secretary of State relies on the information to assist her in crafting foreign policy, to judge the performance of that policy and, as added ammunition, during crucial international negotiations. It is true of the STR, it is true of the Treasury Secretary, it is true of the Department of Defense.

In fact, the Secretary of Defense needs political and military intelligence in order to deploy troops and plan for future military needs. And the list goes on. For all these leaders, intelligence is a vital tool that enables them to respond to crises and to anticipate future needs. A broad cut to our intelligence capabilities would hamper our government's abilities in these areas.

The sponsors of this amendment argue that the intelligence budget should come down. After all, the Cold War is over. Well, intelligence spending has declined, along with other defense spending. But the world is still a very dangerous place, as many of my colleagues have pointed out, and new threats to our Nation's security and the safety of its citizens have emerged. Terrorism, weapons of mass destruction, international organized crime, and drug trafficking all pose increased risk to the United States. We need to collect information about these new threats if we are going to combat them and combat them successfully.

The gentleman from Oregon raised some interesting points a few minutes ago. He talked about some areas he felt that we had not had adequate intelligence. First of all, policymakers have to make use of the intelligence that is provided. I sat in that Permanent Select Committee on Intelligence during the dissolution of Yugoslavia. Nothing could have been better than the intelligence given to our policy leaders during that period of time. But European nations and our leadership, from President Bush to President Clinton, had to act upon that intelligence to have its effect. That was not done adequately.

Secondly, I would say when it comes to the terrorist activities that took place in Saudi Arabia, we were not blind in intelligence, but action has to be taken.

Finally, I want to say as a person who follows trade, we have disarmed ourselves in certain parts of this world. We disarmed ourselves on economic intelligence in southeast and east Asia, and it is no wonder we had no intelligence adequate to take steps to avoid the kind of monetary fiscal crises that took place in Thailand, the Republic of Korea and Indonesia. That is because, in part, I suggest, we disarmed ourselves.

The same is true in parts of Latin America, where we have devastated our human intelligence by disarmament, not conducted by this body, but conducted by the executive branch over a period of time.

Finally, Mr. Chairman, I oppose this cut on the basis that it is not good government. As a former member of this committee, I believe it is fair to say that I know firsthand the process that is required to develop an annual intelligence authorization. And I can attest to the scrutiny and to the rigorous oversight that the members of this committee, chosen by the leadership of the House, give to this budget. They have done a particularly good job this year. And I would say that the staff that assists them is always among the best in the House. I have great confidence in their recommendation.

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

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

Mr. CONYERS. Mr. Chairman, this debate is not what I would like, I say to the floor managers and chairman and ranking member of the Permanent Select Committee on Intelligence, because in this 5 minutes back and forth, usually we do not get answered.

Let us understand that the Central Intelligence Agency's relationship with drug pushers has not even been mentioned here. It is as if we are in a universe where nobody knows about this except we read it in the paper or we get a GAO study every now and then, or somebody writes about Los Angeles and the introduction of cocaine, which creates a momentary flak. And then we come here to the annual ritual and what do we have? We have people saying the Permanent Select Committee on Intelligence is one of the most respected bodies in the world system, not the Congress. It is studied all over the world because these are sensitive people, understand. They are very sensitive about this subject. It is all secret. We do not know what is going on.

We do know that there was $26.7 billion appropriated. And then somebody snuck into the emergency supplemental appropriation, fiscal year 1998, an unknown amount of money.

□ 1400

Rumored, ''Oh, never heard of that before.'' Okay. Rumored, $260 million.

Suspected a lot more. But nobody knows. And then this discussion my colleagues have passed off as an open, fair debate on this subject. Now, if I hear that the CIA is not perfect one more time, I am going to excuse myself from these proceedings. Of course it is not perfect. It is awful.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I will not yield to the gentleman from California. I will excuse myself from the proceedings after the debate on this measure is concluded.

But look, we know the CIA is not perfect. But that is not the question. The question is, how bad are they? ''Oh, wow, that is an insult. We cannot talk like that.'' They are not perfect. Why, any amateur historian knows that we had perfect knowledge that the Japanese were coming to Pearl Harbor. And a respected Member of this body gets up and says, well, it was military intelligence, if it had been stronger. Pearl Harbor is a perfect example of our intelligence system at work.

Now, the intelligence community failed in Iraq. I mean, for anyone to suggest that we won the war on intelligence, really they have not even been listening to the military much less to anybody else.

This committee has done us a great disservice, and then to fight hard to keep a 5 percent reduction from occurring. Let us really show them by a two-to-one margin that the American people want to keep this secret budget going full blast, whatever it is, and that the American people are approving of this.

Well, I think this does the body a disservice. I do not think that we should do it. I refer my colleagues to the GAO news release. ''CIA kept ties with alleged traffickers.'' And then we come here and debate about how they have got to do some more about drugs and we hear, ''Let's give them another chance.'' Did I hear that last year, the last year, the year before the year before, the year before, the year before? Of course. ''Let us give them one more chance.''

Well, I think this is not the way to debate. There is a tangled web of the CIA's complicity in drug international trafficking that not one member of the Select Committee on Intelligence has even alluded to in debate, even referenced. It does not exist. We are here to get this secret budget through and that is it.

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

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to support the actions of the committee and to praise the Members on both sides of the aisle for the very deliberate effort they have made in, I think, crafting the best budget we could in a very difficult budget environment. I am not a member of the committee, never have been, although one day that is something perhaps I would like to serve on behalf of my colleagues on this side of the aisle, and that is a role on the committee itself.

In fact, Mr. Chairman, over the past several years I have been very critical of the agencies, both the CIA and DIA. I have reviewed their NIEs. From time to time I have disagreed. I asked for backup and I have challenged them publicly and privately.

But I will say this to my colleagues, Mr. Chairman, in response to those who say that the CIA and the committee operates in a closed environment, I have been in this Congress for 12 years, I have interacted with the intelligence agencies on a regular, ongoing basis in my office. From time to time I have gone over to meet with them in this building. They have been fully accessible to answer questions that I have asked them about emerging threats around the world. So I would say to my colleagues that any Member of this body that wants to get access to what the intelligence community is doing only has to ask and they will find that they are more than happy to respond. In fact, I am very pleased with the current leadership of the Director of the CIA. I think he is putting a new era of management and control in terms of the way the agency is being operated.

But why am I so interested in the intelligence budget and the intelligence agency? My job in this body, Mr. Chairman, is to oversee approximately $36 billion a year of defense spending that is being put forth to protect our people and our allies against emerging threats. I would like to be able to know that we are spending that money on threats that are real, on threats that we understand from our best intelligence sources may be those threats that our young people have to face in the future. And only through good, solid intelligence can we get that data.

We heard debate on the floor; in one case I heard someone say that Russia is two-thirds less than what it was. Well, I do not know where people base their opinions, but let me give my colleagues my perception.

I guess I am one of the few Members of Congress who speaks the language. I have been there 15 times. In fact, next week I will be hosting all the major members of the state Duma. I work with Russia on a regular, ongoing, weekly basis.

I would make the case publicly that Russia is more destabilized today than at any point in time under Communism. I do not just make that statement radically. In fact, Mr. Chairman, I had General Lebed testify before my committee. If my colleagues do not know who General Lebed is, he is a Russian general, two star, who ran against Boris Yeltsin and then became Boris Yeltsin's chief defense advisor.

Along with members on both sides of the aisle last May, in one of my visits to Moscow last year, we sat in General Lebed's office and he told us the story about one of his responsibilities to account to Boris Yeltsin for 132 suitcase-size nuclear devices that Russia built and he was able to account for only 48 of them. And we said to him, ''General, where are the rest?'' He said, ''I have no idea.'' He said, ''They could be under control or they could be in terrorists' hands.'' He said, ''They could be in somebody's basement. We just do not know where they are.''

I came back and interacted with our intelligence community and got an update on what they are doing to try to ascertain whether or not Russia does have control of these devices. Now, Russia, the government, denied they even built them for the following 4 months after General Lebed made the statement.

Finally, when I met with the defense minister, General Sergeyev, in December, he admitted to me that, yes, they built them and they hoped to have them all destroyed by the year 2000.

Mr. Chairman, we are not talking about some pie-in-the-sky Steven Spielberg movie plot. We are talking about real-life situations. What about the situation in January 1995, when because of Russia's deterioration and their intelligence assets, they responded to a Norwegian weather rocket by activating their all-out nuclear capabilities, which meant that Russia, which they publicly acknowledged, was within 15 minutes of an all-out nuclear response against the U.S. to a weather rocket that Norway had forewarned them of a month earlier?

That is reality, Mr. Chairman. These are the kinds of threats that we have to have assets to help us understand. If we talk to the intelligence community because of the shift in focus in this country to the Far East, what are we doing in the case of Russia? To meet the declining budgets, the limitations, we are taking away assets that we used to have to understand the former Soviet Union. So at a time when Russia becomes more of a risk, where we do not understand what is happening there, we are decreasing our ability to understand the situation.

Let me tell my colleagues what else General Lebed said in a public hearing here in this country. And by the way, he just is in the process of winning the governorship of one of the largest regions in Russia, Krasnoyarsk. This is what he said. He said, ''You know, Congressman, one of our biggest problems? All of those most competent admirals and generals in the Soviet military have been forced out of service because of our economic problems.'' And we have heard members talk about that. But he said, ''Here is the problem. These most competent generals and admirals have not been given housing, they have not been given pensions. So what are they doing?''

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent for an additional 2 minutes.

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

Mr. OWENS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I rise to support the amendment that is being offered for a meager 5 percent cut from the intelligence budget. I rise to support it because it makes eminently good sense.

First of all, no matter what my colleagues say, those who are opposed to this amendment, those who can appear and rant and rave about why we should not only support the budget but be for more money for that budget, first of all, it has been said over and over again, the Cold War is over; the Soviet Union is no more.

Where is this great threat to our country? Who can identify anybody in the world who is prepared to take on the United States of America? Someone alluded to Iran and alluded to China. Well, I can talk a lot about China. And if we feel they are such a great threat, why are we chasing them down, embracing them, running after them to do business with them, to be involved in trade activities with them?

Let me tell my colleagues where the threat is. The real war that is being waged on America today is the drug war. Where is our great intelligence to tell us who the drug lords are and how they manage to continue day in and day out, week in and week out, to dump tons of drugs into this Nation that finds its way into our cities and our rural communities, addicting our children, creating more crimes, with people who get addicted and are looking for ways to support those habits.

Why cannot this intelligence community tell us who these drug lords are? Why is it these cartels can continue to operate without any interference? It is so embarrassing to have our own Drug Czar go down to Mexico and wrap his arms around General Gutierrez Rebollo. And just a few days after he is down there talking about how great he is, this is our own drug czar, the drug czar was busted because he is connected to the Juarez cartel.

Now, our Drug Czar was in the service. He is a general. He knows about the DIA, the CIA, and everybody else. But he goes down there, wraps his arms around him, talks about how great he is, he has known him for years; and he is the dope dealer. He is the one that is connected to the drug cartel. This is outrageous. It is embarrassing.

And do not tell me how good the intelligence community is. It does not matter whether we are talking about Mexico or Peru or Colombia. Why cannot our intelligence community tell us about the heads of government and the leadership of those countries who are involved in trafficking drugs, at the same time we are giving support to them, we are showing up with them in every kind of cockamamie scheme, talking about we are helping to eliminate drugs, when the fact of the matter is, it is getting worse.

If this intelligence community was about the business of dealing with any war, it would be the war on drugs. That is the war that is being waged on America. I am sick and tired of hearing that we cannot streamline, we cannot cut, we cannot do anything about the intelligence community. And there are those who just romanticize the intelligence community, those who think we cannot ask any questions, we cannot cut them, we cannot dare challenge them.

It is outdated, long overdue for cuts and being streamlined. And yet we come to the floor, person after person, talking about how great it is, how we should continue to support it.

Well, my colleagues know that I have been involved in this drug war for a long time, and they understand that the number one priority of the Congressional Black Caucus is to get rid of drugs in our society. We do not have any help from the CIA. As a matter of fact, we are still investigating the CIA and their involvement in drug trafficking.

As my colleagues know, we just had a hearing, and I would like to thank our ranking member for embracing some of the ideas that I have, and in that hearing we are investigating what was the CIA doing when all the drugs were being trafficked in South Central Los Angeles and profits were going to fund the contras? Where were they?

Well, I will tell my colleagues where they were. They were at the same place they were when they were in Southeast Asia, turning their backs on drug trafficking, even being involved in it, to have additional money. They like slush funds. It is not enough that we give them over $30 billion in this intelligence community.

If we want an intelligence operation that is dealing with the real war, turn their attention to the drug war and maybe we will want to support them in the future.

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

Mr. Chairman, on one area I agree with the gentlewoman from California (Ms. WATERS). Mexico has a problem with drugs, and it is a problem in America.

But I tell my colleagues, the White House cutting all the drug responses, from interdiction right down the line, that we Republicans had to restore, is the answer, not cutting them. Telling our children that it is okay to inhale or that he would if he could is not the proper message to send to our children in antidrug programs.

□ 1415

Liberal trial lawyers that get the drug dealers and kingpins off and yet we cannot get through in this body stiff penalties for those druggers, that is wrong as well.

Let me speak to the issue at hand on intelligence. First of all, it is amazing. I would almost let the other side of the aisle speak up here for 2 days on this issue. People that have never set foot in a military uniform, people that have never had to direct intelligence units, people who have never had to go in and plan the defense of major countries but yet they are, quote, the experts. ''There is no Cold War. The Cold War is over.'' But yet what they do not tell you is the threat that is out there. I tell my colleagues, you state your own opinion as fact and you are factually challenged.

First of all, there are over 14,000 nuclear warheads in Russia alone. Because the Russian head said that they are not pointed at the United States, do you know how long it takes to change those targeting data? About 2 minutes. Fourteen thousand of them. Russia in the last 2 years built six nuclear class red October submarines and deployed them. Built them. But there is no threat. Russia this week, a nuclear ship, the largest missile cruiser in the world, launched a missile cruiser out of Russia. But the Cold War is over. Russia is building today the size of the Beltway here in Washington, D.C. under the Ural Mountains a first strike nuclear site. Why? ''Oh, the Cold War is over. There is no threat.'' There is one to the northeast half its size. But there is no threat. We are dealing with 1970s technology in our military, with the F–14 and the F–15 and the F–16, but yet they deploy the SU–35 and the SU–37 that uses vectored thrusts that outclass our fighters and they have an AA–10 and an AA–12 missile that outclasses our AMRAAM. But there is no threat. You are the experts. You would send our troops 300 percent increase in deployments over Vietnam and kill them and not provide for the services that they need and cut the defense budget and cut procurement by 67 percent for your great social programs because there is no threat.

Give me a break, Mr. Chairman. We talk about intelligence and military and foreign policy all to protect this country. Poor foreign military policy does not help, either. Haiti. Haiti could sit there for another 200 years and not be a threat to this country. But yet a political move. And guess what? Aristide is still there. There is still poverty and it costs us billions of dollars. Somalia, the extension of Somalia in which the majority then under the Democrats extended Somalia. Guess what? Aideed died but Aideed's son is there and we got 22 rangers killed because the White House would not give armor to protect them. Twenty-two of our people, billions of dollars.

The gentleman from Vermont (Mr. SANDERS) talks about hurting veterans. Sixteen billion dollars for Haiti and Bosnia. And we have a bill that we cannot get a billion dollars for for FEHP for veterans, which I think he would probably support. But $16 billion and guess what? That comes out of our

military and kills us, and kills any chance of helping the veterans. Yet you are the experts and you say there is no Cold War. I have got a tape here of 16 SAMs fired in pairs. Mr. Chairman, I lost three good friends because we did not have the intelligence to know they were there. I am sick and tired of self-proclaimed experts on intelligence and defense standing up and saying, ''Oh, look. Look at those that support defense. Look at those that support intelligence.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, after the previous speaker, I think I should rise to the defense of some Republicans. He said people who had not been in uniform should not be involved in this debate. I do not think that the Speaker of the House, the majority leader of the House or any of the rest of us who were not able to serve for one reason or another ought to be disqualified. I have never found that the Speaker, because he had never served in the military, was somehow incompetent to discuss military affairs.

I also thought it was rather unkind to Ronald Reagan. We dedicated a building to him yesterday. I had previously thought that people, including former President Reagan, considered ending the Cold War in the way that it ended to be one of his accomplishments. But we learned today that apparently that was a mistake. Indeed, the previous speaker denigrated the notion that the Cold War ended, so I guess that is a claimed accomplishment of President Reagan that is not really real. I am rather more sympathetic to President Reagan in that regard.

Some people suggested, one of the previous speakers, that we are even worse off, that Russia is more dangerous today. Maybe we ought to ask the Communists to come back. Maybe we should see if we can get at least Mr. Gorbachev back in power, Mr. Zyuganov. In fact, what we have heard today is some of the worst history I have ever heard.

I want to, by the way, differ with some of my colleagues who support this amendment. I think the intelligence community does an excellent job on the whole. They have a very difficult job. The reason they sometimes do not know the answer is we cannot know the answer. We cannot know the unknowable. People who are planning to do bad things do not always cooperate by tipping their hand. I do not criticize them for not having known everything that was going to happen. I think they have, in fact, done a pretty good job.

What we are experts in here, by the way, is not military expertise. We are the experts so empowered by the American people at dividing up the resources of this country. We made a decision a couple of years ago about how much we were going to spend. We are not, I think, spending to the fullest, to the extent that we need to in any one area. We then have the job of allocating scarce resources. That is what we have the democratic mandate to do.

The suggestion that somehow this impinges unfairly on the expertise of the committee, no one really seriously believes that. In fact, when people get up and defend the committee on one day, they are the people who would criticize a different committee on a different day.

Let me say, in addition to the Permanent Select Committee on Intelligence, I also have respect for the committee. Indeed I have respect for, I was about to say all the committees of the House but let me say today I have respect for all the committees but one and I hope we can soon resume respect for that one.

The question is how do we allocate our resources. There are a couple of erroneous historical arguments. People have made the analogy to 1941. That is about the worst history I have ever heard. In the 1930s, America was one of the weaker powers in the world. We are not remotely comparable to 1941. We are not, as the United States, anywhere near where we were 55 and 60 years ago vis-a-vis Germany and Japan. Today the United States is by far the strongest Nation in the world. We are stronger than all of our potential opponents, and everyone agrees we should stay that way.

One of my friends said we were emasculating the Defense Department. We are not emasculating. We are saying that maybe in this world, we can taper off on the Viagra dose that they have been on for many years, but nobody is talking about America being anything less than overwhelmingly the strongest Nation in the world. Fifteen years ago, when we peaked in defense spending, we had not just the Soviet Union but its satellite nations. Remember what we all believe, you do not look at the enemy's intentions, you look at the enemy's capability. The defense budget we had 15 years ago assumed that East Germany and Hungary and Czechoslovakia and Poland could be part of a Soviet assault. There has been a very substantial diminution in the capacity of the Soviet bloc to damage us.

Yes, it is still a dangerous world. That is why we are still going to be, if this amendment passed three times over, by far the strongest Nation in the world. The question is, let us look at where we are in America. Many of us believe that there has been a greater diminution in the external threat, which is still there. People posturing about saying, ''Well, there is no threat,'' no one has said there is no threat. There is a threat. The question is, is it now with the collapse and dismantlement of the Soviet Union, the denuclearization of Belarus, the denuclearization of Kazakhstan and the Ukraine, the freeing of the satellite nations so they are now in NATO as opposed to opposing NATO, has there been a diminution? I think the argument is overwhelmingly that there has been.

Many of us believe that while we should still be the strongest Nation in the world militarily, the time has come to shift some resources into domestic crime fighting, into fighting cancer, into dealing with some of our domestic problems. We believe that in the current world, the average American faces more domestic threats than international ones. No one is suggesting that we should have anything less than by far the strongest military and intelligence in the world. We are saying that too much is no longer defensible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 120, noes 291, not voting 21, as follows:

[Roll No. 137]

AYES—120

Abercrombie	Gutknecht	Oberstar
Allen	Hill	Obey
Baldacci	Hilliard	Olver
Barcia	Hinchey	Owens
Barrett (WI)	Hooley	Pastor
Becerra	Jackson (IL)	Paul
Blumenauer	Jackson-Lee (TX)	Payne
Bonior	Johnson (WI)	Peterson (MN)
Boucher	Kanjorski	Petri
Brown (CA)	Kaptur	Porter
Brown (FL)	Kilpatrick	Poshard
Brown (OH)	Kind (WI)	Ramstad
Camp	Kingston	Rangel
Capps	Kleczka	Rivers
Carson	Kucinich	Rodriguez
Chabot	Lee	Roemer
Clay	Lewis (GA)	Rohrabacher
Clayton	Lipinski	Roybal-Allard
Coble	Lofgren	Royce
Conyers	Luther	Rush
Costello	Maloney (CT)	Sanchez
Cummings	Markey	Sanders
Davis (IL)	Mascara	Schumer
DeFazio	McCarthy (MO)	Sensenbrenner
DeGette	McDermott	Shays
Delahunt	McGovern	Slaughter
DeLauro	McKinney	Stabenow
Doggett	Meehan	Stark
Duncan	Meeks (NY)	Stearns
Ensign	Metcalf	Strickland
Eshoo	Millender-McDonald	Thompson
Evans	Miller (CA)	Tierney
Farr	Minge	Torres
Fattah	Mink	Upton
Filner	Moakley	Velazquez
Fox	Moran (VA)	Vento
Frank (MA)	Morella	Waters
Furse	Nadler	Watt (NC)
Gephardt	Neal	Woolsey
Green		Yates
Gutierrez		

NOES—291

Ackerman	Bachus	Barrett (NE)
Aderholt	Baesler	Bartlett
Andrews	Baker	Barton
Archer	Ballenger	Bass
Armey	Barr	Bentsen

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

NOT VOTING—21

Bateman
Christensen
Dingell
Dixon
Doyle
Gonzalez
Hastings (FL)
Hefner
LaFalce
Martinez
McHugh
McNulty
Murtha
Nethercutt
Neumann
Parker
Radanovich
Skaggs
Solomon
Stupak
Taylor (NC)

□ 1445

Messrs. PALLONE, SMITH of New Jersey, and PICKERING changed their vote from ''aye'' to ''no.''

Mr. SCHUMER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further 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 1999 the sum of $201,500,000.

The CHAIRMAN. Are there 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. 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 out ''January 6, 1999'' and inserting in lieu thereof ''January 6, 2000''.

SEC. 304. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT NO. 5 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WELDON of Pennsylvania:

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

SEC. 305. PROLIFERATION REPORT.

(a) ANNUAL REPORT.—The Director of Central Intelligence shall submit an annual report to the Members of Congress specified in subsection (d) containing the information described in subsection (b). The first such report shall be submitted not later than 30 days after the date of the enactment of this Act and subsequent reports shall be submitted annually thereafter. Each such report shall be submitted in classified form and shall be in the detail necessary to serve as a basis for determining appropriate corrective action with respect to any transfer within the meaning of subsection (b).

(b) IDENTIFICATION OF FOREIGN ENTITIES TRANSFERRING ITEMS OR TECHNOLOGIES.—Each report shall identify each covered entity which during the preceding 2 years transferred a controlled item to another entity for use in any of the following:

(1) A missile project of concern (as determined by the Director of Central Intelligence).

(2) Activities to develop, produce, stockpile, or deliver chemical or biological weapons.

(3) Nuclear activities in countries that do not maintain full scope International Atomic Energy Agency safeguards or equivalent full scope safeguards.

(c) DEFINITIONS.—For the purposes of this section:

(1) CONTROLLED ITEM.—(A) The term ''controlled item'' means any of the following items (including technology):

(i) Any item on the MTCR Annex.

(ii) An item listed for control by the Australia Group.

(iii) Any item listed for control by the Nuclear Suppliers Group.

(B) AUSTRALIA GROUP.—The term ''Australia Group'' means the multilateral regime in which the United States participates that seeks to prevent the proliferation of chemical and biological weapons.

(C) MTCR ANNEX.—The term ''MTCR Annex'' has the meaning given that term in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(D) NUCLEAR SUPPLIERS' GROUP.—The term ''Nuclear Suppliers' Group'' means the multilateral arrangement in which the United States participates whose purpose is to restrict the transfers of items with relevance to the nuclear fuel cycle or nuclear explosive applications.

(2) COVERED ENTITY.—The term ''covered entity'' means a foreign person, corporation, business association, partnership, society, trust, or other nongovernmental organization or group or any government entity operating as a business. Such term includes any successor to any such entity.

(3) MISSILE PROJECT.—(A) The term ''missile project'' means a project or facility for the design, development, or manufacture of a missile.

(B) The term ''missile'' has the meaning given that term in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(d) SPECIFIED MEMBERS OF CONGRESS.—The Members of Congress referred to in this subsection are the following:

(1) The chairman and ranking minority party member of the House Permanent Select Committee on Intelligence.

(2) The chairman and ranking minority party member of the Senate Select Committee on Intelligence.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer this amendment on behalf of myself and the gentleman from Massachusetts (Mr. MARKEY). This is a bipartisan initiative and one that I think gets at the heart of our

concerns involving proliferation around the world.

This amendment is a very simple amendment, Mr. Chairman. It requires the Director of Central Intelligence each year to give a report to the Select Committee on Intelligence in the House and the Senate involving any proliferating activity from any entity around the world that this Congress needs to know about.

Now, we have heard a lot of debate over intelligence and a lot of debate over how we should stop proliferation, but let us get to the heart of the matter.

Mr. Chairman, the fact is that we have good intelligence assets that tell us when proliferation is occurring. After all, 2 years ago, working with the Jordanians and Israelis, we caught the Russians transferring accelerometers and gyroscopes to Iraq to improve their Scud missiles. In fact, we have 120 sets of those right now with Russian markings on them.

Last year, last summer, we caught the Iranians being assisted again by a Russian entity to develop a medium-range missile that we think within 12 months will threaten all of Israel, all of our Arab friends, and 25,000 of our troops in that theater. We caught the Chinese transferring ring magnets to Pakistan, and M–11 missiles to Pakistan.

Mr. Chairman, the problem is not our ability to detect when technology is being transferred. In fact, Mr. Chairman, I would at this time insert into the RECORD detailed examples of 21 specific cases of China transferring technology in violation of every major arms control agreement that we are a signatory to, including the MTCR, the Chemical Test Ban Treaty, the Chemical Weapons Treaty, the Nuclear Test Ban Treaty, the Arms Control Export Act, and every other arms control agreement that is the basis of this administration's security arrangements.

Mr. Chairman, I also would like to insert in the record detailed examples of 16 instances of Russia transferring technology. In each of these cases, Mr. Chairman, the problem was not the intelligence community, it was not having the assets upon which to make an intelligent decision.

Date of transfer or report	Reported Russian transfers that may have violated a regime or law	Possibly applicable treaties, regimes, and/or U.S. laws	Administration's reponse
Early 1990's	Russians sold drawings of a sarin plant, manufacturing procedures, and toxic agents to a Japanese terrorist group.	AECA sec. 81; EAA sec. 11C	No publicly known sanction.
1991	Transferred to China three RD–120 rocket engines and electronic equipment to improve accuracy of ballistic missiles.	MTCR; AECA sec. 73; EAA sec. 11B	No publicly known sanction.
1991–1995	Transferred Cryogenic liquid oxygen/hydrogen rocket engines and technology to India	MTCR; AECA sec. 73; EAA sec. 11B	Sanctions against Russia and India under AECA and EAA imposed on May 6, 1992; expired after 2 years.
1992–1995	Russian transfers to Brazil of carbon fiber technology for rocket motor cases for space launch programs.	MTCR; AECA sec. 73; EAA sec. 11B	Sanctions reportedly secretly imposed and waived.
1992–1996	Russian armed forces delivered 24 Scud B missiles and 8 launchers to Armenia	MTCR; AECA sec. 73; EAA sec. 11B	No publicly known sanction.
June 1993	Additional Russian enterprises involved in missile technology transfers to India	MRCR; AECA sec. 73; EAA sec. 11B	Sanctions imposed on June 16, 1993 and waived until July 15, 1993; no publicly known follow-up sanction.
1995–present	Construction of 1,000 megawatt nuclear reactor at Bushehr in Iran	IIANPA sec. 1604 and 1605; FOAA; NPPA sec. 821; FAA sec. 620G.	Refused to renew some civilian nuclear cooperation agreements; waived sanctions on aid.
Aug. 1995	Russian assistance to Iran to develop biological weapons	BWC; AECA sec. 81; EAA sec. 11C; IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanctions.
Nov. 1995	Russian citizen transferred to unnamed country technology for making chemical weapons	AECA sec. 81; EAA sec. 11C	Sanctions imposed on Nov. 17, 1995.
Dec. 1995	Russian gyroscopes from submarine launched ballistic missiles smuggled to Iraq through middlemen.	United Nations Sanctions; MTCR; AECA sec. 73; EAA sec. 11B; IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanction.
July–Dec. 1996	DCI reported Russia transferred to Iran ''a variety'' of items related to ballistic missiles	MTCR; AECA sec. 73; EAA sec. 11B; FAA sec. 620G and 620H; IIANPA sec. 1604 and 1605; FOAA.	No publicly known sanctions.
Nov. 1996	Israel reported Russian assistance to Syria to build a chemical weapon plant	AECA sec. 81; EAA sec. 11C; FAA sec. 620G and 620H.	No publicly known sanction.
1996–1997	Delivered 3 Kilo diesel-electric submarines to Iran	IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanction.
Jan.–Feb. 1997	Russia transferred detailed instructions to Iran on production of the SS–4 medium-range missile and related parts.	MTCR; AECA sec. 73; EAA sec. 11B; FAA sec. 620G and 620H; IIANPA sec. 1604 and 1605; FOAA.	No publicly known sanction.
April 1997	Sale of S–300 anti-aircraft/anti-missile missile system to Iran to protect nuclear reactors at Bushehr and other strategic sites.	IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanction.
Oct. 1997	Israeli intelligence reported Russian technology transfers for Iranian missiles developed with ranges between 1,300 and 10,000 km. Transfers include engines and guidance systems.	MTCR; AECA sec. 73; EAA sec. 11B; IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H; FOAA.	No publicly known sanction.

Regimes:

BWC—Biological Weapons Convention.
MTCR—Missile Technology Control Regime.

U.S. Laws:

AECA—Arms Export Control Act.
EAA—Export Administration Act.
FAA—Foreign Assistance Act.
FOAA—Foreign Operations Appropriations Act.
IIANPA—Iran-Iraq Arms Non-Proliferation Act.
NPPA—Nuclear Proliferation Prevention Act.

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
Nov. 1992	M–11 missiles or related equipment to Pakistan (The Administration did not officially confirm reports that M–11 missiles are in Pakistan.).	MTCR; Arms Export Control Act; Export Administration Act.	Sanctions imposed on Aug. 24, 1993, for transfer of M–11 related equipment (not missiles); waived on Nov. 1, 1994.
Mid-1994 to mid-1995	Dozens or hundreds of missile guidance systems and computerized machine tools to Iran	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
2d quarter of 1995	Parts for the M–11 missile to Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	No Sanctions.
Dec. 1994 to mid–1995	5,000 ring magnets for an unsafeguarded nuclear enrichment program in Pakistan	NPT; Export-Import Bank Act; Nuclear Proliferation Prevention Act; Arms Export Control Act.	Considered sanctions under the Export-Import Bank Act; but announced on May 10, 1996, that no sanctions would be imposed.
July 1995	More than 30 M–11 missiles stored in crates at Sargodha Air Force Base in Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.
Sept. 1995	Calutron (electromagnetic isotope separation system) for uranium enrichment to Iran	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Control Act.	No sanctions.
1995–1997	C–802 anti-ship cruise missiles and C–801 air-launched cruise missiles to Iran	Iran-Iraq Arms Nonproliferation Act	No sanctions.
Before Feb. 1996	Dual-use chemical precursors and equipment to Iran's chemical weapon program	Arms Export Control Act; Export Administration Act.	Sanctions imposed on May 21, 1997.
Summer 1996	400 tons of chemicals to Iran	Iran-Iraq Arms Nonproliferation Act [1]; Arms Export Control Act; Export Administration Act.	No sanctions.
Aug. 1996	Plant to manufacture M–11 missiles or missile components in Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.
Aug. 1996	Gyroscopes, accelerometers, and test equipment for missile guidance to Iran	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Sept. 1996	Special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Control Act.	No sanctions.
July–Dec. 1996	Director of Central Intelligence (DCI) reported ''tremendous variety'' of technology and assistance for Pakistan's ballistic missile program.	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
July–Dec. 1996	DCI reported ''tremendous variety'' of assistance for Iran's ballistic missile program	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
July–Dec. 1996	DCI reported principal supplies of nuclear equipment, material, and technology for Pakistan's nuclear weapon program.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Administration Act.	No sanctions.
July–Dec. 1996	DCI reported key supplies of technology for large nuclear projects in Iran	NPT; Iran-Iraq Arms Nonproliferation Act; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Administration Act.	No sanctions.
July–Dec. 1996	DCI reported ''considerable'' chemical weapon-related transfers of production equipment and technology to Iran.	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Jan. 1997	Dual-use biological items to Iran	BWC; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
1997	Chemical precursors, production equipment, and production technology for Iran's chemical weapon program, including a plant for making glass-lined equipment.	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Sept. to Dec. 1997	China Great Wall Industry Corp. provided telemetry equipment used in flight-tests to Iran for its development of the Shahab-3 and Shabab-4 medium range ballistic missiles.	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Nov. 1997/April 1998	May have transferred technology for Pakistan's Ghauri medium-range ballistic missile that was flight-tested on April 6, 1998.	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.

[1] Additional provisions on chemical, biological, or nuclear weapons were not enacted until February 10, 1996.

BWC—Biological Weapons Convention.
MTCR—Missile Technology Control Regime.
NPT—Nuclear Nonproliferation Treaty.

Mr. Chairman, the problem was, we did not have the will to impose sanctions. In fact, in only two of those 37 instances were sanctions imposed.

The problem is a simple one. The Congress is not brought into the process until after the State Department has made a ruling that they are not going to impose sanctions. The Congress is not brought into the process until after the proliferating action has taken place.

My amendment is simple. My amendment asks the Director of Central Intelligence, and I know they collect this data anecdotally, to each year submit to the chairmen of the House Select Committee on Intelligence and the Senate Select Committee on Intelligence an unsanitized listing of all of those occasions that we should know about, unsanitized by the State Department, involving proliferation of technology, involving weapons of mass destruction. In that way, we can play our rightful role in saying that we want arms control agreements enforced.

Mr. Chairman, we know what happened last November. This Congress voted overwhelmingly in favor of a bipartisan bill to force the administration to impose sanctions on Russia because of transferring of technology to Iran. This Congress has spoken unequivocally, in fact, in that case, with 400 Members voting in the affirmative that we want arms control agreements enforced. That is the problem, Mr. Chairman. It is not the intelligence collection, it is not the analysis of the data, although I disagree from time to time with NIE, it is the use of that data by the State Department and by the administration where they have not imposed sanctions.

Mr. Chairman, we are not trying to incite a conflict with Russia. I happen to believe in the Ronald Reagan philosophy: Trust, but verify.

I am engaged with Russia. Next week I will host a group of senior Russian leaders in this city. I want to help Russia stabilize itself. I want to help them have a middle class.

However, I understand one very important fundamental thing about Russia and China: We must be consistent, we must be candid, and we must be strong, and when we fail to follow through on any one of those three areas, we send the wrong signal to entities that cannot be controlled in those countries.

That is why, after Russia transferred the accelerometers and gyroscopes 2 years ago, I was not surprised this past summer when we found they were transferring technology to Iran; because we have been sending the wrong signal.

I ask my colleagues to support this very simple amendment.

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

Mr. Chairman, for 40 years our country, this planet operated under a doctrine of mutually assured destruction, meaning that both the United States and the Soviet Union stockpiled nuclear weapons in vertical proliferation, 5,000, 10,000, 15,000 nuclear weapons apiece, when only 200 apiece would be necessary in order to destroy totally the populations of both the United States and the Soviet Union. It was important for the Cold War to come to an end, because there was a very slight likelihood that either country would ever use these weapons, because the other country would have guaranteed their sure and certain total destruction.

The greater threat has always been horizontal proliferation. The spread of weapons from country to country to country, to subgroups, to terrorist groups, to other parties around the globe who do not live under this threat of mutually assured destruction.

The problem is that we in the United States do not on a consistent basis get enough information about this threat so that we can formulate policies, sanctions, that will guarantee that those around the world who are intent on gathering these technologies to themselves and then using them against their enemies or against the American people, know that we have a strong policy of deterrence against their use.

The Weldon-Markey amendment, as it was originally formulated, ensured that we would desubsidize any country, any company in the world that was identified as one which was trafficking in materials which could be used for proliferation purposes. That is putting real teeth, financial teeth into the American policy towards these issues.

Unfortunately, in negotiating with the intelligence community and others who are not yet ready to embrace that policy, we are unable to bring that full amendment with all of the power of the American purse string to this floor here today. But what we do is we ensure that there will be a report made to the Intelligence Committees.

I believe it should go to other committees as well so that there is a broader understanding of the importance of this issue. In the post-Cold War period, there are only two great agendas for our country. One is ensuring that the American people finally get the full benefits of the prosperity which is being created in this world and that our people benefit from it, and secondly, that we deal with the aftermath of the Cold War in terms of these national rivalries that manifest themselves both in human rights violations, religious violations, and in proliferation threats spreading across this planet.

This is a good first step. I hope that the House adopts this amendment. It will at least begin the process of giving us the information which we need, and hopefully, the gentleman from Pennsylvania (Mr. WELDON) and I, and the gentlewoman from California (Ms. HARMAN) and others can come back here next year and we can ensure that there are teeth which are built into this system so that the Congress votes to deny any financial assistance to any country or any company which sells these technologies into the hands of those who are not abiding by the nonproliferation safeguards which this world has to have in the 21st century.

So I thank the gentleman from Pennsylvania (Mr. WELDON), for his leadership. I thank the gentlewoman from California (Ms. HARMAN) and all of those who have worked on this issue, and I hope that the House, in its wisdom, adopts this very important first step here today.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me say that as a member of the Permanent Select Committee on Intelligence, I have learned an enormous amount from its leaders, the gentleman from Florida (Mr. GOSS), chairman of the committee, and its ranking member, the gentleman from Washington (Mr. DICKS); and I want to thank them for their nice words about me because, as my colleagues know, I will be leaving the Congress after this term.

I intend to support this bill in full. It is a good bill that was developed with broad, bipartisan support, and as I have said for many years, intelligence spending is intelligent spending.

I rise in support now of this excellent amendment by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Massachusetts (Mr. MARKEY), because it deals with part of a subject that has concerned many of us for some time, and that is technology transfer from Russia and China to rogue regimes.

□ 1500

We know from published reports that that transfer is continuing. It is continuing in spite of laws on the books in the United States that could cause our government to invoke sanctions against those firms which we have identified as aiding Iran's missile program, and which are doing business with the United States.

I authored a concurrent resolution last fall and the same resolution was offered in the other body, both passed by overwhelming margins, to direct the administration to impose sanctions on firms we have identified as transferring technology to Iran to build its indigenous missile industry. Sanctions have not been imposed.

From what we know, some list of firms is circulating and people are being encouraged not to do business with those firms, but sanctions on the proliferators have not been imposed.

Mr. Chairman, I am a cosponsor and strong supporter of the measure authored by the gentleman from New York (Mr. GILMAN), which has passed this body. An identical measure authored by Senator LOTT is likely to pass the other body very soon. Hopefully then a strong majority of the United States Congress will have expressed its will to make certain that strong sanctions are imposed on firms that are proliferating.

Meanwhile, we do what we can. And in this case, this amendment makes clear that we want to develop the most complete list of proliferators, and we want our intelligence agencies to share that list with our Permanent Select Committee on Intelligence.

Mr. Chairman, I want that list. I think it will be very helpful. But more than the list, I want the technology transfers stopped. The United States can do this if it has the will. I call on the administration, despite its multiple agendas with Russia, to act now against proliferation that has been publicly identified by Russia to Iran. It is dangerous. It threatens our national security. We cannot wait any longer.

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

Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. WELDON) for his comments, as well as the comments of the gentleman from the Commonwealth of Massachusetts (Mr. MARKEY) and the gentlewoman from California (Ms. HARMAN).

I understand with regard to the gentleman from Pennsylvania that it is his decision to withdraw this amendment at this time. But I also want to quickly say, I want to make sure that he knows and the others that we will work closely with him. In fact, we have already started that process to make sure that we do have the necessary information so that Congress does have the unfettered truth about the proliferation issue. Certainly the Permanent Select Committee on Intelligence wants to have it on both sides. The goal is great and we will get the goal done.

The gentleman is very well respected for his commitment to our Nation's security. I have heard him speak many times. He speaks with knowledge and conviction, a great deal of information, and he certainly has an extraordinary list of contacts. His concern regarding whether our intelligence community is free to deliver the bad news that it sometimes must is very relevant.

Mr. Chairman, the gentleman's efforts on the Committee on National Security are obviously very much appreciated by our committee and by myself personally. We share the same jurisdiction on many programs, and I think we work together very well and I want to continue that and in fact enhance it.

The gentleman's views and concerns on the most difficult and important problem of proliferation of weapons of mass destruction are indeed respected and have been a great trigger in this effort.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS), my friend and colleague, for yielding and I am not here to disrupt the proceedings of the Permanent Select Committee on Intelligence, as both Members know, the ranking member and the chairman. I have the highest respect for their leadership and for their commitment.

Mr. Chairman, my concern is with our State Department and with our ability in this institution to get access to relevant data when it occurs in a timely manner.

Mr. Chairman, because of the commitment of the gentleman from Florida (Chairman GOSS) and the distinguished gentleman from Washington (Mr. DICKS), the ranking member, to work with me and with the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from California (Ms. HARMAN) and others on this issue, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

In title III of the bill, add at the end the following new section:

SEC. 305. ANNUAL REPORT ON INTELLIGENCE COMMUNITY COOPERATION WITH DOMESTIC FEDERAL LAW ENFORCEMENT AGENCIES.

Not later than 90 days after the end of each fiscal year ending after the date of the enactment of this Act, the Director of Central Intelligence shall submit a report to the Congress that describes the level of cooperation and assistance provided to domestic Federal law enforcement agencies by the intelligence community during such fiscal year relating to the effort to stop the flow of illegal drugs into the United States through the United States-Mexico border and the United States-Canada border.

Mr. TRAFICANT. Mr. Chairman, the threat of nuclear proliferation is real and it must be curtailed. But while we keep worrying about missiles from without, narcotics are destroying America from within. I believe that we are losing the war on drugs and it is not because of the money that we are not spending. It is not because of the effort that Congress makes. I believe there is one simple major reason for it. There is not a concentrated, cooperative network effort by our entire intelligence and law enforcement community.

Mr. Chairman, that is the weakness. I do not know if we can solve that in this legislation. I guess I have turned around and voted for this measure and voted against the cut, which is the first time since I have been here. I do have faith in the leaders of this committee and I did say earlier that we deserve in the Congress the chance to see how we can pool efforts to network because I believe our intelligence community should know where these narcotics are grown, who is growing them, who is processing them, who is arranging for their export to America, who here in America is arranging to accept and receive these imports, who is distributing them and what political figures around the world are aiding and abetting the narcotraffickers. I think we must do something about it.

So, Mr. Chairman, my modest effort is very simple. I want to read the salient points of this amendment.

It would require the CIA and the Director of the CIA, through a report to the Congress, to describe the level of cooperation and assistance provided to

domestic Federal law enforcement by our intelligence community. These agencies cannot be separate and apart. This jurisdictional haggling must be resolved. And our intelligence network, if we are going to do anything on 100 percent import of heroin and cocaine, is going to have to work with our domestic people.

Mr. Chairman, I ask for a report at this point. I think it makes good sense, and I would hope that it would be adopted.

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

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

Mr. GOSS. Mr. Chairman, I appreciate the gentleman from Ohio (Mr. TRAFICANT) for yielding to me. Let me assure the gentleman that I take very seriously the necessity of intelligence support for fighting and winning the war on drugs.

There is no question that global narcotics trafficking does require intelligence and it requires a close and good working handoff to law enforcement. I am aware of that. Progress has been made. I think that the gentleman's contribution to this, requiring this report, is very beneficial and I am prepared to accept his amendment.

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

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

Mr. DICKS. Mr. Chairman, I compliment my friend, the gentleman from Ohio (Mr. TRAFICANT) again for another amendment that I find completely acceptable. This cooperation must exist and we must do better in this effort. I concur with my chairman that this is a national priority and one that will be aided by this report. I urge that the Committee accept the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I urge an ''aye'' vote.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ENHANCED PROTECTIVE AUTHORITY FOR CIA PERSONNEL AND FAMILY MEMBERS.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended by striking out ''and the protection of Agency personnel and of defectors, their families'' and inserting in lieu thereof ''and the protection of current and former Agency personnel and their immediate families, and defectors and their immediate families''.

SEC. 402. TECHNICAL AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended—

(A) by striking out ''subparagraphs (B) and (C) of section 102(a)(2)'' and inserting in lieu thereof ''paragraphs (2) and (3) of section 102(a)'';

(B) by striking out ''(c)(5)'' and inserting in lieu thereof ''(c)(6)'';

(C) by inserting ''(3),'' after ''403(a)(2),'';

(D) by inserting ''(c)(6), (d)'' after ''403–3''; and

(E) by inserting ''(a), (g)'' after ''403–4''.

(2) Section 6 of such Act (50 U.S.C. 403g) is amended by striking out ''(c)(5)'' each place it appears and inserting in lieu thereof ''(c)(6)''.

(b) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking out ''(c)(5)'' each place it appears and inserting in lieu thereof ''(c)(6)''.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 4 OFFERED BY MS. WATERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WATERS:

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

SEC. 404. REVIEW OF 1995 MEMORANDUM OF UNDERSTANDING REQUIRING THE CIA TO REPORT TO THE ATTORNEY GENERAL INFORMATION REGARDING DRUG TRAFFICKING INVOLVING ITS FORMER OR CURRENT OFFICERS, STAFF EMPLOYEES, CONTRACT EMPLOYEES, ASSETS, OR OTHER PERSON OR ENTITY PROVIDING SERVICE TO OR ACTING ON BEHALF OF ANY AGENCY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REVIEW OF 1995 MEMORANDUM OF UNDERSTANDING REGARDING REPORTING OF INFORMATION CONCERNING FEDERAL CRIMES.—The Attorney General shall review the 1995 ''Memorandum of Understanding: Reporting of Information Concerning Federal Crimes'' between the Attorney General, Secretary of Defense, Director of Central Intelligence, Director of National Security Agency, Director of Defense Intelligence Agency, Assistant Secretary of State, Intelligence and Research, and Director of the Non-Proliferation and National Security, Department of Energy. This review shall determine whether the 1995 Memorandum of Understanding requires:

(i) REPORT TO THE ATTORNEY GENERAL.—Whenever the Director of Central Intelligence has knowledge of facts or circumstances that reasonably indicate any former or current officers, staff employees, contract employees, assets, or other person or entity providing service to, or acting on behalf of any agency within the intelligence community has been involved with, is involved with or will be involved with drug trafficking or any violations of U.S. drug laws, the Director shall report such information to the Attorney General of the United States.

(ii) DUTY OF INTELLIGENCE EMPLOYEES TO REPORT.—Each employee of any agency within the intelligence community who has knowledge of facts or circumstances that reasonably indicate any former or current officers, staff employees, contract employees, assets, or other person or entity providing service to, or acting on behalf of, any agency within the intelligence community has been involved with, is involved with, or will be involved with drug trafficking or any violations of U.S. drug laws, shall report such information to the Director of Central Intelligence.

(b) PUBLIC REPORT.—Upon completion of review, the Attorney General shall publicly report its findings.

Mr. GOSS. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) reserves a point of order.

The gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, this amendment would call for a review of the 1995 memorandum of understanding that currently exists between the Director of Central Intelligence and the intelligence community and the Department of Justice regarding reporting of information concerning Federal crimes.

This amendment is very simple and noncontroversial. It calls for a review of the current memorandum of understanding to ensure that drug trafficking and drug law violations by anybody in the intelligence community is reported to the Department of Justice. Specifically, the review would examine any requirements for intelligence employees to report to the Director of Central Intelligence and any requirements for the Director to report this information to agencies.

This information would be reported to the Attorney General. The review would be published publicly. This simple amendment fits well with the recent calls for a reinvigorated war on drugs. The need for this amendment, however, cannot be understated.

One of the most important things that came out of the hearing of the House Permanent Select Committee on Intelligence was an understanding about why we did not know about who was trafficking in drugs as we began to investigate and take a look at the allegations that were being made about the CIA's involvement in drug trafficking in south central Los Angeles and the allegations that profits from that drug trafficking was going to support the Contras.

We discovered that for 13 years the CIA and the Department of Justice followed a memorandum of understanding that explicitly exempted the requirement to report drug law violations by CIA non-employees to the Department of Justice. This allowed some of the biggest drug lords in the world to operate without fear that the CIA would be required to report the activity to the DEA and other law enforcement agencies.

In 1982, the Attorney General and the Director of Central Intelligence entered into an agreement that excluded the reporting of narcotics and drug crimes by the CIA to the Justice Department. Under this agreement, there was no requirement to report information of drug trafficking and drug law violations with respect to CIA agents, assets, non-staff employees and contractors. This remarkable and secret agreement was enforced from February 1982 to August of 1995. This covers nearly the entire period of U.S. involvement in the Contra war in Nicaragua and the deep U.S. involvement in the

counterinsurgency activities in El Salvador and Central America.

Senator KERRY and his Senate investigation found drug traffickers had used the Contra war and tie to the Contra leadership to help this deadly trade. Among their devastating findings, the Kerry committee investigators found that major drug lords used the Contra supply networks and the traffickers provided support for Contras in return. The CIA of course, created, trained, supported, and directed the Contras and were involved in every level of their war.

The 1982 memorandum of understanding that exempted the reporting requirement for drug trafficking was no oversight or misstatement. Previously unreleased memos between the Attorney General and Director of Central Intelligence show how conscious and deliberate this exemption was.

On February 11, 1982, Attorney General French Smith wrote to DCI William Casey that, and I quote, this is what he said:

> I have been advised that a question arose regarding the need to add narcotics violations to the list of reportable non-employee crimes . . . no formal requirement regarding the reporting of narcotics violations has been included in these procedures.

On March 2, 1982 William Casey responded:

> I am pleased these procedures which I believe strike the proper balance between enforcement of the law and protection of intelligence sources and methods will now be forwarded to other agencies covered by them for signing by the heads of those agencies.

My colleagues heard me correctly.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 3 additional minutes.)

Ms. WATERS. Mr. Chairman, the fact that President Reagan's Attorney General and Director of Central Intelligence thought that drug trafficking by their assets agents and contractors needed to be protected has been long known. These damning memorandums and the resulting memorandum of understanding are further evidence of a shocking official policy that allowed the drug cartels to operate through the CIA-led Contra covert operations in Central America.

This 1982 agreement clearly violated the Central Intelligence Agency Act of 1949. It also raises the possibility that certain individuals who testified in front of congressional investigating committees perjured themselves.

Mr. Chairman, every American should be shocked by these revelations. Given the shameful history of turning a blind eye to CIA involvement with drug traffickers, this amendment seeks to determine whether the current memorandum of understanding closes all of these loopholes to the drug cartels and narcotics trade.

At this time I know that there is a point of order against my amendment. The chairman of the committee is going to oppose this amendment, and so I am going to withdraw the amendment. But I wanted the opportunity to put it before this body so that they could understand that we had an official policy and a memorandum of understanding that people could fall back on and say I did not have to report it. Yes, I knew about it.

We have a subsequent memorandum of understanding of 1995 that is supposed to take care of it. I am not sure that it does.

Mr. Chairman, I submit for the RECORD the following correspondence between William French Smith and William J. Casey:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 11, 1982.

Hon. WILLIAM J. CASEY,
Director, Central Intelligence Agency, Washington, DC.

DEAR BILL: Thank you for your letter regarding the procedures governing the reporting and use of information concerning federal crimes. I have reviewed the draft of the procedures that accompanied your letter and, in particular, the minor changes made in the draft that I had previously sent to you. These proposed changes are acceptable and, therefore, I have signed the procedures.

I have been advised that a question arose regarding the need to add narcotics violations to the list of reportable non-employee crimes (Section IV). 21 U.S.C. §874(h) provides that ''[w]hen requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance to him for carrying out his functions under [the Controlled Substances Act] . . .'' Section 1.8(b) of Executive Order 12333 tasks the Central Intelligence Agency to ''collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking.'' Moreover, authorization for the dissemination of information concerning narcotics violations to law enforcement agencies, including the Department of Justice, is provided by sections 2.3(c) and (i) and 2.6(b) of the Order. In light of these provisions, and in view of the fine cooperation the Drug Enforcement Administration has received from CIA, no formal requirement regarding the reporting of narcotics violations has been included in these procedures. We look forward to the CIA's continuing cooperation with the Department of Justice in this area.

In view of our agreement regarding the procedure, I have instructed my Counsel for Intelligence Policy to circulate a copy which I have executed to each of the other agencies covered by the procedures in order that they may be signed by the head of each such agency.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, DC, March 2, 1982.

Hon. WILLIAM FRENCH SMITH,
Attorney General, Department of Justice, Washington, DC.

DEAR BILL: Thank you for your letter of 11 February regarding the procedures on reporting of crimes to the Department of Justice, which are being adopted under Section 1–7(a) of Executive Order 12333. I have signed the procedures, and am returning the original to you for retention at the Department.

I am pleased that these procedures, which I believe strike the proper balance between enforcement of the law and protection of intelligence sources and methods, will now be forwarded to other agencies covered by them for signing by the heads of those agencies.

With best regards,

Yours,

WILLIAM J. CASEY.

Enclosure.

REPORTING AND USE OF INFORMATION CONCERNING FEDERAL CRIMES

I. SCOPE

Section 1–7(a) of Executive Order 12333 requires senior officials of the Intelligence Community to:

Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures.

These procedures govern the reporting of information concerning possible federal crimes to the Attorney General and to federal investigative agencies acquired by agencies within the Intelligence Community in the course of their functions. They also govern the handling and use of such information by the Department of Justice and federal investigative agencies in any subsequent investigations or litigation. These procedures are promulgated under the authority of 28 U.S.C. §535 and Executive Order 12333, §1–7(a).

II. DEFINITIONS

A. ''Agency'' means those agencies within the Intelligence Community, as defined in Executive Order 12333, §3–4(f) except for the intelligence elements of the Federal Bureau of Investigation and the Department of the Treasury.

B. ''Department'' means the Department of Justice.

C. ''Employee'' means:

1. A staff employee or contract employee of an Agency;

2. Former officers or employees of an Agency, for purposes of offenses committed during their employment; and

3. Former officers or employees of an Agency, for offenses involving a violation of 18 U.S.C. §207.

D. Except as specifically provided otherwise, ''General Counsel'' means the general counsel of the Agency or the department of which it is a component or a person designated by him to act on his behalf.

III. GENERAL CONSIDERATIONS

A. These procedures govern the reporting of information which the Agency or its current employees become aware of in the course of performing their functions. They do not authorize the Agency to conduct any investigation or to collect any information not otherwise authorized by law.

B. These procedures require a current employee of the Agency to report to the General Counsel facts or circumstances that appear to the employee to indicate that a criminal offense may have been committed. Reports to the Department of Justice or to a federal investigative agency will be made by the Agency as set forth below.

C. When an Agency has received allegations, complaints or information [hereinafter ''allegations''] tending to show that an employee of that agency may have violated any federal criminal statute, or another person may have violated a federal criminal statute contained within one of the categories listed in Section IV below, the Agency shall within a reasonable period of time determine through a preliminary inquiry whether or not there is any basis to the allegations (that is, are clearly not frivolous or

false). If the allegations can be established as without basis, the General Counsel will make an appropriate record of his findings and no reporting under these procedures is required. If the allegations cannot be established as without basis, the reporting procedures set forth below will be followed. A preliminary inquiry shall not include interviews with persons other than current employees of the Agency or examination of premises not occupied by the Agency without the prior notification and approval of the Department of Justice, except that the Agency may interview a non-employee for the sole purpose of determining the truth of a report that such non-employee has made an allegation or complaint against an Agency employee. The foregoing provisions shall neither limit the techniques which the Agency may otherwise be authorized to use, nor limit the responsibility of the Agency to provide for its security functions pursuant to Executive Order 12333.

D. Allegations shall be reported pursuant to the procedures in effect at the time the allegations came to the attention of the Agency.

E. Allegations that appear to involve crimes against property and involve less than $500 need not be reported pursuant to the procedures set forth below. The General Counsel will, however, make an appropriate record of his findings.

F. In lieu of following the procedures set forth below, the General Counsel may orally report periodically, but at least quarterly, to the Department concerning those offenses which, while subject to these reporting requirements, are in the opinion of the General Counsel of such a minor nature that no further investigation or prosecution of the matter is necessary. If an oral report is made, the General Counsel will meet with the Assistant Attorney General or a designated Deputy Assistant Attorney General of the Criminal Division, Department of Justice to obtain his concurrence or nonconcurrence with the General Counsel's opinion. If such concurrence is obtained, no further reporting under these procedures is required. If concurrence is not obtained, the reporting procedures set forth below will be followed.

IV. NON-EMPLOYEE REPORTABLE OFFENSES

A. Allegations concerning offenses in the following categories are reportable, if they pertain to a person other than an employee.

1. Crimes involving intentional infliction or threat of death or serious physical harm. Such crimes may include:

Assault—18 U.S.C. §§111–113(A).

Homicide—18 U.S.C. §§1111–14, 1116, 2113(e).

Kidnapping—18 U.S.C. §1201.

Presidential assassination, assault or kidnapping—18 U.S.C. §1751.

Threats against the President and successors to the President—18 U.S.C. §871.

2. Crimes likely to impact upon the national security, defense or foreign relations of the United States. Such crimes may include:

Communicating classified information—50 U.S.C. §783(b).

Espionage—18 U.S.C. §§793–98.

Sabotage—18 U.S.C. §§2151–57.

Arms Export Control Act—22 U.S.C. §2778.

Atomic Energy Act—* * * U.S.C. §§2077, 2092, 2111, 2122.

Export Administration Act—50 U.S.C. App. §2410.

Neutrality offenses—18 U.S.C. §§956–60.

Trading with the Enemy Act—50 U.S.C. App. §§5(b), 16.

Agents of foreign government—18 U.S.C. §951.

Government employee acting for a foreign principal—18 U.S.C. §219.

Communication, receipt or disclosure of restricted data—42 U.S.C. §2274–77.

Registration of certain persons trained in foreign espionage systems—50 U.S.C. §§851.

Foreign Agents Registration Act—22 U.S.C. §618(a).

Unlawfully entering the United States—8 U.S.C. §1325.

Any other offense not heretofore listed which is contained within Chapter 45 of Title 18 U.S.C.

3. Crimes involving foreign interference with the integrity of United States governmental institutions or processes. Such crimes may include, when committed by foreign persons:

Bribery of public officials and witnesses—18 U.S.C. §§201–208.

Conspiracy to injury or impede an officer—18 U.S.C. §372.

Election contributions and expenditures—2 U.S.C. §§441a–j, 599–600.

4. Crimes which appear to have been committed by or on behalf of a foreign power or in connection with international terrorist activity. Such crimes may include:

Aircraft piracy—49 U.S.C. §1472(i).

Distribution, possession, and use of explosives—18 U.S.C. §§842(a)–(i).

Unlawful electronic surveillance—18 U.S.C. §§2511(l), 2512(l), 50 U.S.C. §1809.

Passport and visa offenses—18 U.S.C. §§1541–44, 1546.

Distribution, possession, transfer, and use of firearms—18 U.S.C. §922, 924; 26 U.S.C. 5861.

Transporting explosives on board aircraft—49 U.S.C. §1472(h).

Conspiracy to injure or impede an officer—18 U.S.C. §372.

Counterfeiting U.S. obligations—18 U.S.C. §471–74.

False statements and false official papers—18 U.S.C. §§1001–02, 1017–18.

Obstruction of justice—18 U.S.C. §§1503–06, 1508–10.

Perjury—18 U.S.C. §1621–23.

B. Any conspiracy or attempt to commit a crime reportable under this section shall be reported if the conspiracy or attempt itself meets the applicable reporting criteria.

C. The General Counsel will make an appropriate record of any matter brought to his attention which he determines is not reportable under this section.

D. Notwithstanding any of the provisions above, the General Counsel may report any other possible offense when he believes it should be reported.

V. REPORTING PROCEDURES—FORMAT

The fact that a referral has been made pursuant to these procedures shall be reflected in a letter or memorandum sent by the Agency to the entity designated to receive the referral under these procedures. In each instance that a referral is required, information sufficiently detailed to allow the Department of Justice to make informed judgments concerning the appropriate course of subsequent investigations or litigation shall be transmitted, either orally or in writing, to the Attorney General, the Assistant or a designated Deputy Assistant Attorney General, Criminal Division, Department of Justice, or the Assistant Director, Criminal Investigative or Intelligence Division, Federal Bureau of Investigation. The Agency shall supplement its referral when any additional information relating to the original referral comes to its attention.

VI. REPORTING PROCEDURES—NO SECURITY CONSIDERATIONS INVOLVED

A. Where the Agency determines in accordance with these procedures that a matter must be reported, and where the Agency further determines that no public disclosure of classified information or intelligence sources and methods would result from further investigation or prosecution, and the security of ongoing intelligence operations would not be jeopardized thereby, the Agency will report the matter to the appropriate federal investigative agency, or to the appropriate United States Attorney for an investigative or prosecutive determination. In each such instance, the Agency shall also notify the Department of Justice, Criminal Division of the referral.

B. The Agency will inform the entity receiving such report that, unless notified otherwise by the Agency or by the Department, the security and consulting requirements set forth in Section VII of these procedures need not be followed.

C. A federal investigative agency or United States Attorney receiving information from the Agency pursuant to Section VI of these procedures is required promptly to advise the Agency of the initiation and conclusion of any investigation or prosecution involving such information.

VII. REPORTING PROCEDURES—SECURITY CONSIDERATIONS INVOLVED

A. Where the Agency determines in accordance with these procedures that a matter must be reported, and where the Agency also determines that further investigation or prosecution of the matter would or might result in a public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, the Agency will report the matter to the Assistant Attorney General or a designated Deputy Assistant Attorney General, Criminal Division, Department of Justice or Assistant Director, Criminal Investigative or Intelligence Division, Federal Bureau of Investigation, in the manner described in section V, above. In any instance in which a matter is reported to the Federal Bureau of Investigation, the Agency shall also notify the Department of Justice, Criminal Division of the referral. Upon request, the Agency will explain the security or operational problems that would or might arise from a criminal investigation or prosecution.

B. Persons who are the subject of reports made pursuant to this section may be identified as John Doe _____ in any written document associated therewith. The true identities of such persons will be made available when the Department of Justice determines that they are essential to any subsequent investigation or prosecution of the matter reported.

C. Information contained in Agency reports will be disseminated to persons other than the Assistant or Deputy Assistant Attorney General or the Assistant Director, Criminal Investigative or Intelligence Division, FBI, only as follows:

1. No Department or Federal investigative employee will be given access to classified information unless that person has been granted appropriate clearances, including any special access approvals. The Assistant or Deputy Assistant Attorney General or the Assistant Director, Criminal Investigative or Intelligence Division, FBI, will ensure that access by an employee is necessary for the performance of an official function and that access is limited to the minimum number of cleared persons necessary for investigative or prosecutorial purposes. The Department will provide the head of the Agency with a detailed report regarding any disclosure not authorized by these procedures and will take appropriate disciplinary action against any employee who participates in such a disclosure.

2. With regard to information reported to the Criminal Division, Department of Justice, which the general counsel of an Agency designates in writing as particularly sensitive and for which special dissemination controls are requested pursuant to this provision, dissemination will only occur after

consultation with the General Counsel of the Agency. The designation of information as particularly sensitive may be made only by the general counsel or acting general counsel of an Agency.

3. Except as permitted by these procedures, classified information which has been received by the Department, the FBI, or other federal investigative agency pursuant to these procedures may not be disseminated outside of that entity without the advance written consent of the General Counsel or the head of the Agency.

D. When it becomes apparent to the Department or federal investigative agency that any investigative or legal action may result in the disclosure of classified information or intelligence sources or methods, the Department or federal investigative agency will, at the earliest possible time, fully advise and consult with the Agency to determine the appropriate course of action and the potential harm to intelligence sources and methods by the contemplated use or disclosure of the classified information. Except in exigent circumstances no investigative or legal action will be taken without such advance notice and consultation.

1. ''Exigent circumstances'' means situations in which a person's life or physical safety is reasonably believed to be in imminent danger, or information relating to the national security is reasonably believed to be in imminent danger of compromise, or expiration of a statute of limitations is imminent, or loss of essential evidence in any of these cases is imminent, or a crime is about to be committed, or the opportunity to arrest a person is about to be lost where there is probable cause to believe that the person has committed a crime.

2. If, due to exigent circumstances, any investigation or significant contemplated action in any legal proceeding is taken without advance notice or consultation, the Department or federal investigative agency, within twenty-four hours of taking such action, will provide the reporting agency an explanation of the circumstances requiring that action. Thereafter, there will be full adherence to the notification and consultation requirements of these procedures.

3. For purposes of this provision, consultation will include the specific investigative and legal actions the Department or federal investigative agency purposes to take and a specification of legal and investigative issues involved. The purpose of the consultation is to assure an opportunity for the Agency to provide its judgment to the Department or federal investigative agency regarding the potential damage, if any, to the national security of the disclosure or use of the information at issue. During this process, the Agency will promptly provide as detailed an identification and analysis as is possible at the time of the potential consequences for the intelligence sources or methods and for the national security from the contemplated disclosure or use of the classified information. The Agency will also provide any changes to or elaborations of this analysis as soon as they become evident.

4. If the Agency and the Department or federal investigative agency agree that the risk of the use or disclosure and any resulting consequences are acceptable, the contemplated investigative or legal action may commence or proceed.

5. If the Agency and the Department of Justice or federal investigative agency are unable to agree as to the appropriate use of classified information provided pursuant to these procedures by the Agency, each entity will be responsible for pursuing timely resolution of such issues as may exist through appropriate channels within their respective organizations. Each entity will provide notice to the other entity if it intends to seek a resolution of the issues by a higher authority in the other entity's department or agency. Where issues remain, they shall be referred to the Attorney General for final determination after appropriate consultation with the head of the Agency, and, where appropriate, the Director of Central Intelligence. The decision of the Attorney General may be appealed to the President with prior notice to the Attorney General and the Director of Central Intelligence. While such an appeal is pending, no action will be taken that would render moot the President's decision.

E. When security considerations warrant such action, any matter may be reported directly by the head of the Agency to the Attorney General or the Acting Attorney General, in the manner described in section V above. In considering such reports, the Attorney General or the Acting Attorney General may consult with any person whose advice he considers necessary and who has the required security clearance, provided that the Attorney General or the Acting Attorney General will consult with the head of the reporting agency or the General Counsel thereof concerning dissemination of material designated ''Eyes Only.''

F. If requested by the Agency, classified information provided by the Agency to the Department or a federal investigative agency will, to the maximum extent possible and consistent with investigative and prosecutive requirements, be stored by the Agency.

VIII. RELATION TO OTHER PROCEDURES AND AGREEMENTS

A. If the Agency for administrative or security reasons desires to conduct a more extensive investigation into the activities of its employees relating to any matter reported pursuant to these procedures, it will inform the Department or federal investigative agency, as is appropriate. The Agency may take appropriate administrative, disciplinary, or other adverse action at any time against any employee whose activities are reported under these procedures. However, such investigations and disciplinary action will be coordinated with the appropriate investigative or prosecuting officials to avoid prejudice to any criminal investigation or prosecution.

B. Nothing in these procedures shall be construed to restrict the exchange of information among the Agencies in the Intelligence Community or between those Agencies and law enforcement entities other than the Department of Justice.

C. If the subject of a referral is an employee of another agency other than a person subject to the Uniform Code of Military Justice, the Criminal Division may refer the matter to that agency for preliminary investigation and possible administrative action. The employing agency will report the results of any such preliminary investigation under the procedures for reporting possible crimes by agency employees.

D. Notwithstanding the November 23, 1955, Memorandum of Understanding between the Department of Defense and the Department of Justice, notice of crimes which violate both federal criminal statutes and the Uniform Code of Military Justice shall be given to the Department of Justice as provided. Thereafter, the handling of matters relating to individuals subject to the Uniform Code of Military Justice shall be coordinated by the Criminal Division with the appropriate military service in accordance with existing agreements between the Departments of Justice and Defense.

WILLIAM FRENCH SMITH,
Attorney General.

WILLIAM J. CASEY,
Director of Central Intelligence.

REPORTING OF FEDERAL CRIMES COMMITTED BY OFFICERS OR EMPLOYEES OF AGENCIES IN THE INTELLIGENCE COMMUNITY

Executive Order 12036, §1–706, requires senior officials of the intelligence community to:

Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency . . .

These procedures govern the reporting of possible federal crimes committed by officers or employees of the intelligence agencies. They are promulgated under the authority of 28 U.S.C. §535 and E.O. 12036, §§1–706, 3–305. Except to the extent indicated in paragraph G, *infra*, they supersede all previous agreements or guidelines.

A. DEFINITIONS

1. ''Officer or employee'' shall mean:

a. All persons defined as employees in E.O. 12036, §4–204;

b. former officers or employees when the offense was committed during their employment; and

c. former officers or employees when a basis for referral exists with respect to violation of 18 U.S.C. §207.

3. ''Basis for referral'' shall mean allegations, complaints, or information tending to show that any officer or employee may have violated a federal criminal statute that the agency cannot establish as unfounded within a reasonable time through a preliminary inquiry.

B. DETERMINING BASIS FOR REFERRAL

1. When an agency has received allegations, complaints, or information tending to show that any officer or employee may have violated a Federal criminal statute, it shall determine whether a basis for referral exists.

2. In determining a basis for referral, an agency will not attempt to establish that all elements of the possible violation have occurred or that a particular employee is responsible before referring the matter to the Department of Justice.

3. When the allegations, complaints, or information received are not sufficient to determine whether a basis for referral exists, an agency shall conduct a preliminary inquiry, limited to the following methods:

a. Interviews with current employees;

b. Examination of the records of the agency;

c. Examination of the records of other agencies;

d. Examination of premises occupied by the agency not constituting a physical search, physical surveillance, or electronic surveillance; or

e. Under procedures approved by the Attorney General and in conformity with other legal requirements, physical search, electronic surveillance, or physical surveillance of officers and employees of the agency on premises occupied by the agency.

A preliminary inquiry shall not include interviews with persons who are not current employees of the agency or examination of premises not occupied by the agency, except that the agency may interview a non-employee for the sole purpose of determining the truth of a report that such non-employee has made an allegation or complaint against an agency employee.

C. REFERRAL TO THE DEPARTMENT OF JUSTICE

Referrals shall be made in the following manner:

1. (a) In cases where no public disclosure of classified information or intelligence source and methods would result from further investigation or prosecution, and the security

of ongoing intelligence operations would not be jeopardized thereby, the agency will report the matter to the cognizant office of the Federal Bureau of Investigation, other appropriate United States Attorney or his designee for an investigative or prosecutive determination. Cases involving bribery or conflict of interest will be reported to the Criminal Division.

(b) A record of such referrals and any subsequent agency action to dispose of the matter shall be maintained by the agency, and on a quarterly basis, a summary memorandum indicating the type of crime, place and date of referral and ultimate disposition will be forwarded to the Assistant Attorney General, Criminal Division, or his designee. Referrals made by covert facilities to the United States Attorney, the FBI or other Federal investigative agencies will also be included in the quarterly report with due regard for protection of the security of said installations.

2. In cases where preliminary investigation has failed to develop an identifiable suspect and the agency believes that investigation or prosecution would result in public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, the Criminal Division will be so informed in writing, following which a determination will be made as to the proper course of action to be pursued in consultation with the agency and the FBI.

3. (a) In cases where preliminary investigation has determined that there is a basis for referral of a matter involving an identifiable agency officer or employee to the Department of Justice, the future investigation or prosecution of which would result in the public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, a letter explaining the facts of the matter in detail will be forwarded to the Criminal Division. The agency will also forward to the Criminal Division a separate classified memorandum explaining the security or operational problems which would arise from a criminal investigation or prosecution, including, but not limited to:

(1) Public disclosure of information needed to prove the offense or to obtain a search warrant or an electronic surveillance order under chapter 119 of Title 18, United States Code;

(2) Disclosure required by a defense request for discovery of information under Rule 16 of the Federal Rules of Criminal Procedure, 18 U.S.C. 3500, or *Brady* v. *Maryland*, 373 U.S. 83 (1963); and

(3) Interference with the voluntary provision of cover or other services necessary for intelligence operations by persons other than employees.

(b) In reporting such matter, the agency shall inform the Criminal Division of the steps it has taken to prevent a recurrence of similar offenses, if such action is feasible, as well as those administrative sanctions which may be contemplated with respect to the prospective criminal defendant.

(c) The Criminal Division, after any necessary consultation with the agency and the FBI, will make a prosecutive determination, informing the agency in writing of such determination.

4. Officers or employees who are the subject of such referrals to any component of the Department of Justice may be identified as John Doe _____ in any written document associated with the initial referral. The true identities of such persons will be made available when the Department determines that they are essential to any subsequent investigation or prosecution of the matter referred.

D. FURTHER ACTION BY AGENCIES

If, as a result of the preliminary inquiry, the agency desires to conduct a more extensive investigation for administrative or security reasons, it will inform the Department of Justice component to which the matter is referred. The agency may take appropriate administrative, disciplinary, or other adverse action at any time against any officer or employee whose activities are reported under these procedures. However, internal agency investigations and disciplinary action in referred matters will be coordinated with the appropriate investigative or prosecuting officials to avoid prejudice to any criminal investigation or prosecution.

E. FORMAT OF REFERRALS

All referrals required by these procedures shall be in writing and in such detail as the Department of Justice component receiving the referral shall determine.

F. DIRECT REPORTS TO THE ATTORNEY GENERAL

When the head of an agency within the intelligence community believes that circumstances of security warrant it, he may directly report to the Attorney General in writing any matter required to be referred by these procedures, in lieu of following the reporting procedures of paragraphs C–E, *supra*.

G. RELATION TO OTHER PROCEDURES AND AGREEMENTS

1. Notwithstanding the November 25, 1955 Memorandum of Understanding between the Department of Defense and the Department of Justice, notice of crimes committed by an officer or employee which violate both federal criminal statutes and the Uniform Code of Military Justice shall be given to the Department of Justice as provided herein. Thereafter, the investigation and prosecution of individuals subject to the Uniform Code of Military Justice shall be conducted as provided by the 1955 Memorandum of Understanding.

2. These procedures do not affect the reporting of possible offenses by regular, permanent FBI employees to the Office of Professional Responsibility, Department of Justice.

3. Nothing in these procedures shall be construed to restrict the exchange of information between agencies in the intelligence community required by other procedures or agreements made under E.O. 12036.

GRIFFIN B. BELL,
Attorney General.

PROCEDURES FOR REPORTING FEDERAL CRIMES BY NON-EMPLOYEES UNDER E.O. 12036 § 1–706

Section 1–706 of Executive Order 12036 requires senior officials of the intelligence community to:

Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by other persons of those federal criminal laws specified in guidelines adopted by the Attorney General.

These guidelines specify the violations of federal criminal statutes by non-employees which must be reported and provide reporting procedures.

A. DEFINITIONS

1. ''Agency'' shall mean:

a. The Central Intelligence Agency;

b. the National Security Agency;

c. the Defense Intelligence Agency;

d. offices within DoD for the Collection of specialized national foreign intelligence through reconnaissance programs;

B. POLICY AND INTERPRETATION

1. These procedures govern the reporting of information of which the agency or its employees become aware in the course of performing their lawful functions. They do not authorize an agency to conduct any investigation or to collect any information not otherwise authorized by law.

2. These procedures require an employee of an agency in the intelligence community to report to the general counsel of his department or agency facts or circumstances that appear to the employee to indicate that a criminal offense has been committed. Reports to the Department of Justice will be made by the general counsel of the department or agency or his delegate only as set forth below.

C. REPORTABLE OFFENSES

Information or allegations showing that the following federal offenses may have been committed shall be reported:

1. Crimes involving intentional infliction or threat of death or serious physical harm. Pertinent federal offenses include:

Assault—18 U.S.C. §§ 111–113(a).

Homicide—18 U.S.C. §§ 1111–14, 1116, 2113(e).

Kidnapping—18 U.S.C. § 1201.

Congressional assassination, assault or kidnapping—18 U.S.C. § 1751.

Threatening the President—18 U.S.C. § 871.

2. Crimes that impact on the national security, defense or foreign relations of the United States. Pertinent federal offenses include:

Communicating classified information—50 U.S.C. §783(b).

Espionage—18 U.S.C. §§ 793–9.

Sabotage—18 U.S.C. §§ 2151–57.

Arms Export Control Act—22 U.S.C. § 1778.

Export Control Act—50 U.S.C. § 2405.

Neutrality offenses—18 U.S.C. §§ 956–60.

Trading with the Enemy Act—50 App. U.S.C. §§ 5(b), 16.

Acting as an unregistered foreign agent—18 U.S.C. § 951.

Communicating classified information—50 U.S.C. § 783(b).

Government employee acting for a foreign principal—18 U.S.C. § 219.

Communicating restricted data—42 U.S.C. § 2274–77.

Espionage—18 U.S.C. §§ 793–98.

Failure to register as foreign espionage trainee—50 U.S.C. §§ 851–55.

Foreign Agents Registration Act—22 U.S.C. § 618(a).

Sabotage—18 U.S.C. §§ 2151–57.

Unlawful entering the United States—8 U.S.C. § 1325.

The general counsel of the agency, by agreement with the Criminal Division, may develop categories of specific crimes which need not be reported because that Particular category could have no significant impact on national security, defense or foreign relations.

3. Any crime meeting any of the following criteria:

a. The crime is committed in circumstances likely to have a substantial impact on the national obstruction of justice—18 U.S.C. §§ 1503–06, 1508–10.

Perjury—18 U.S.C. § 1621–23.

4. The general counsel may report any other possible offense when he believes it should be reported to the Attorney General.

5. Any conspiracy to commit a reportable offense shall be reported.

6. The general counsel shall keep records of any matters referred to him which contain information or allegations of a felony in violation of federal law which the general counsel determines is not reportable under these provisions.

D. REPORTING PROCEDURES

When information or allegations are received by an agency that a subject has committed or is committing a reportable offense, the agency shall transmit the information or

allegations to the Department of Justice in the following manner:

1. In a case where no public disclosure of classified information or intelligence sources and methods would result from further investigation or prosecution, and the security of ongoing intelligence investigations would not be jeopardized thereby, the agency will report the matter to the cognizant office of the Federal Bureau of Investigation, other appropriate Federal investigative agency, or to the appropriate United States Attorney or his designee for an investigative or prosecutive determination.

2. In a case where further investigation or prosecution would result in the public disclosure of classified information or intelligence sources and methods or would jeopardize the conduct of ongoing intelligence operations, a letter explaining the facts of the matter in detail will be forwarded to the Criminal Division. The agency will also forward to the Criminal Division a separate classified memorandum explaining the security or operational problems which would arise from a criminal investigation or prosecution, including, but not limited to:

a. Public disclosure of information needed to prove the offense or to obtain a search warrant or an electronic surveillance order under chapter 119 of Title 18, United States Code;

b. disclosure required by a defense request for discovery of information under Rule 16 of the Federal Rules of Criminal Procedure, 18 U.S.C. § 3500, or *Brady* v. *Maryland*, 373 U.S. 83 (1963); and

c. interference with the voluntary provision by the subject or persons associated with the subject of cover or other services necessary for intelligence operations.

The Criminal Division, after necessary consultation with the agency, will determine whether to further investigate or prosecute. The agency will be informed of such determination in writing.

E. If the subject of a referral is an employee of another agency other than a person subject to the Uniform Code of Military Justice, the Criminal Division may refer the matter to that agency for preliminary investigation and possible administrative action. The employing agency will report the results of any such preliminary investigation under the procedures for reporting possible crimes by agency employees.

F. If the subject of the referral is a person subject to the Uniform Code of Military Justice, the Criminal Division will coordinate the handling of the matter with the appropriate military service in accordance with existing agreements between the Departments of Justice and Defense.

G. All referrals required by these proceedings shall be in writing and in such detail as the Department of Justice component receiving the referral shall determine.

H. When the head of an agency believes that circumstances of security warrant it, he may directly report to the Attorney General in writing any matter required to be reported by these procedures in lieu of following the procedures of paragraphs D–G.

I. Nothing in these procedures shall be construed to restrict the exchange of information among agencies in the intelligence community required by other procedures or agreements made under E.O. 12036.

GRIFFIN B. BELL,
Attorney General.

MEMORANDUM OF UNDERSTANDING: REPORTING OF INFORMATION CONCERNING FEDERAL CRIMES

I. INTRODUCTION

Section 1.7(a) of Executive Order (E.O.) 12333 requires senior officials of the Intelligence Community to—

Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures.

Title 28, United States Code, Section 535(b) requires that—

[a]ny information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of title 18 involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, unless—

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

This Memorandum of Understanding (MOU) sets forth the procedures by which each agency and organization within the Intelligence Community shall report to the Attorney General and to federal investigative agencies information concerning possible federal crimes by employees of an intelligence agency or organization, or violations of specified federal criminal laws by any other person, which information was collected by it during the performance of its designated intelligence activities, as those activities are defined in E.O. 12333, §§ 1.8–1.13.

II. DEFINITIONS.

A. ''Agency,'' as that term is used herein, refers to those agencies and organizations within the Intelligence Community as defined in E.O. 12333, § 3.4(f), but excluding the intelligence elements of the Federal Bureau of Investigation and the Department of the Treasury.

B. ''Employee,'' as that term is used herein, means:

1. a staff employee, contract employee, asset, or other person or entity providing service to or acting on behalf of any agency within the intelligence community;

2. a former officer or employee of any agency within the intelligence community for purposes of an offense committed during such person's employment, and for purposes of an offense involving a violation of 18 U.S.C. § 207 (Conflict of interest); and

3. any other Government employee on detail to the Agency.

C. ''General Counsel'' means the general counsel of the Agency or of the Department of which it is a component or an oversight person designated by such person to act on his/her behalf, and for purposes of these procedures may include an Inspector General or equivalent official if agency or departmental procedures so require or if designated by the agency or department head.

D. ''Inspector General'' or ''IG'' means the inspector general of the Agency or of the department of which the Agency is a component.

E. ''Reasonable basis'' exists when there are facts and circumstances, either personally known or of which knowledge is acquired from a source believed to be reasonably trustworthy, that would cause a person of reasonable caution to believe that a crime has been, is being, or will be committed. The question of which federal law enforcement or judicial entity has jurisdiction over the alleged criminal acts shall have no bearing upon the issue of whether a reasonable basis exists.

III. SCOPE

A. This MOU shall not be construed to authorize or require the Agency, or any person or entity acting on behalf of the Agency, to conduct any intelligence not otherwise authorized by law, or to collect any information in a manner not authorized by law.

B. This MOU ordinarily does not require an intelligence agency or organization to report crimes information that was collected and disseminated to it by another department, agency, or organization. Where, however, the receiving agency is the primary or sole recipient of that information, of if analysis by the receiving agency reveals additional crimes information, the receiving agency shall be responsible for reporting all such crimes information in accordance with the provisions of this MOU.

C. This MOU does not in any way alter or supersede the obligation of an employee of an intelligence agency to report potential criminal behavior by other employees of that agency to an IG, as required either by statute or by agency regulations, nor affect any protections afforded any persons reporting such behavior to an IG. Nor does this MOU affect any crimes reporting procedures between the IG Offices and the Department of Justice.

D. This MOU does not in any way alter or supersede any obligation of a department or agency to report to the Attorney General criminal behavior by Government employees not employed by the intelligence community, as required by 28 USC § 535.

E. This MOU does not affect the obligation to report to the Federal Bureau of Investigation alleged or suspected espionage activities as required under Section 811(c) of the Intelligence Authorization Act of 1995.

F. The following crimes information is exempted from the application of this memorandum if the specified conditions are met:

1. Crimes information that has been reported to an IG;[1]

2. Crimes information received by a Department of Defense intelligence component concerning a Defense intelligence component employee who either is subject to the Uniform Code of Military Justice or is a civilian and has been accused of criminal behavior related to his/her assigned duties or position, if (a) the information is submitted to and investigated by the appropriate Defense Criminal Investigative Organization, and (b) in cases involving crimes committed during the performance of intelligence activities, the General Counsel provides to the Department of Justice a report reflecting the nature of the charges and the disposition thereof;

3. Information regarding non-employee crimes listed in Section VII that is collected by the intelligence component of a Department also having within it a law enforcement organization where (a) the crime is of the type that the Department's law enforcement organization has jurisdiction to investigate; and (b) the Department's intelligence organization submits that crimes information to the Department's law enforcement organization for investigation and further handling in accordance with Department policies and procedures;[2]

4. Crimes information regarding persons who are not employees of the Agency, as those terms are defined in Section II, that involve crimes against property in an amount of $1,000 or less, an amount of $500 or less. As to other relatively minor offenses to which this MOU would ordinarily apply, but which, in the General Counsel's opinion, do not warrant reporting pursuant to this MOU, the General Counsel may orally contact the

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*Footnotes appear at end of Memorandum of Understanding.

Assistant Attorney General, Criminal Division, or his/her designee. If the Department of Justice concurs with that opinion, no further reporting under these procedures is required. The General Counsel shall maintain an appropriate record of such contacts with the Department. If deemed appropriate by the General Counsel, he/she may take necessary steps to pass such information to the appropriate law enforcement authorities; or

5. Information, other than that relating to homicide or espionage, regarding crimes that were completed more than ten years prior to the date such allegations became known to the Agency. If, however, the Agency has a reasonable basis to believe that the alleged criminal activities occurring ten or more years previously relate to, or are a part of, a pattern of criminal activities that continued within that ten year interval, the reporting procedures herein will apply to those activities.

F. The procedures set forth herein are not intended to affect whether an intelligence agency reports to state or local authorities activity that appears to constitute a crime under state law. In the event that an intelligence agency considers it appropriate to report to state or local authorities possible criminal activity that may implicate classified information or intelligence sources or methods, it should inform the AAG, or the designated Deputy AAG, Criminal Division, in accordance with paragraph VIII.C, below; the Criminal Division will consult with the intelligence agency regarding appropriate methods for conveying the information to state or local authorities. In the event that an intelligence agency considers it appropriate to report to state or local authorities possible criminal activity that is not expected to implicate classified information or intelligence sources or methods, it should nevertheless provide a copy of such report to the AAG, or to the designated Deputy AAG, Criminal Division.

IV. GENERAL CONSIDERATIONS: ALLEGATIONS OF CRIMINAL ACTS COMMITTED BY AGENCY EMPLOYEES

A. This Agreement requires each employee of the Agency to report to the General Counsel or IG facts or circumstances that reasonably indicate to the employee that an employee of an intelligence agency has committed, is committing, or will commit a violation of federal criminal law.[3]

B. Except as exempted in Section III, when the General Counsel has received allegations, complaints or information (hereinafter allegations) that an employee of the Agency may have violated, may be violating, or may violate a federal criminal statute, that General Counsel should within a reasonable period of time determine whether there is a reasonable basis to believe that a federal crime has been, is being, or will be committed and that it is a crime which, under this memorandum, must be reported. The General Counsel may, as set forth in Section V, below, conduct a preliminary inquiry for this purpose. If a preliminary inquiry reveals that there is a reasonable basis for the allegations, the General Counsel will follow the reporting procedures set forth in Section VIII, below. If a preliminary inquiry reveals that the allegations are without a reasonable basis, the General Counsel will make a record, as appropriate, of that finding and no reporting under these procedures is required.

V. PRELIMINARY INQUIRY INTO ALLEGATIONS AGAINST AN AGENCY EMPLOYEE

A. The General Counsel's preliminary inquiry regarding allegations against an Agency employee will ordinarily be limited to the following:

1. Review of materials submitted in support of the allegations;

2. review of Agency indices, records, documents, and files;

3. examination of premises occupied by the Agency;

4. examination of publicly available federal, state, and local government records and other publicly available records and information;

5. interview of the complainant; and

6. interview of any Agency employee, other than the accused, who, in the opinion of the General Counsel, may be able to corroborate or refute the allegations.

B. Where criminal allegations against an Agency employee are subject to this MOU, an interview of that employee may only be undertaken in compliance with the following conditions:

1. Where the crime alleged against an Agency employee does not pertain to a serious felony offense,[4] a responsible Agency official may interview the accused employee; however, such interview shall only be conducted with the approval of the General Counsel, the IG, or, as to Defense and military employees, the responsible military Judge Advocate General or the responsible Defense Criminal Investigative Organization.

2. Where the crime alleged against an Agency employee is a serious felony offense, the Agency shall ordinarily not interview the accused employee, except where, in the opinion of the General Counsel, there are exigent circumstances[5] which require that the employee be interviewed. If such exigent circumstances exist, the General Counsel or other attorney in the General Counsel's office may interview the accused employee to the extent reasonably necessary to eliminate or substantially reduce the exigency.

3. In all other cases of alleged serious felonies, the General Counsel, or the General Counsel's designee, may interview the accused employee only after consultation with the Agency's IG, a Defense Criminal Investigative Organization (for Defense and military employees), or with the Department of Justice regarding the procedures to be used during an interview with the accused employee.

Any interview of an accused employee that is undertaken shall be conducted in a manner that does not cause the loss, concealment, destruction, damage or alteration of evidence of the alleged crime, nor result in the immunization of any statements made by the accused employee during that interview. The Agency shall not otherwise be limited by this MOU either as to the techniques it is otherwise authorized to use, or as to its responsibility to provide for its security functions pursuant to E.O. 12333.

VI. GENERAL CONSIDERATIONS: ALLEGATIONS OF CRIMINAL ACTS COMMITTED BY NON-EMPLOYEES

A. This MOU requires each employee of the Agency to report, to the General Counsel or as otherwise directed by the Department or Agency head, facts or circumstances that reasonably indicate to the employee that a non-employee has committed, is committing, or will commit one or more of the specified crimes in Section VII, below.

B. When an Agency has received information concerning alleged violations of federal law by a person other than an employee of an intelligence agency, and has determined that the reported information provides a reasonable basis to conclude that a violation of one of the specified crimes in Section VII has occurred, is occurring, or may occur, the Agency shall report that information to the Department of Justice in accordance with Sections VIII or IX, below.

VII. REPORTABLE OFFENSES BY NON-EMPLOYEES

A. Unless exempted under Section III, above, allegations concerning criminal activities by non-employees are reportable if they pertain to one or more of the following specified violations of federal criminal law:

1. Crimes involving intentional infliction or threat of death or serious physical harm. These include but are not limited to homicide, kidnapping, hostage taking, assault (including sexual assault), or threats or attempts to commit such offenses, against any person in the United States or a U.S. national or internationally protected person (as defined in 18 U.S.C. §1116 (b)(4)), whether in the United States or abroad.

2. Crimes, including acts of terrorism, that are likely to affect the national security, defense or foreign relations of the United States. These may include but are not limited to:

a. Espionage; sabotage; unauthorized disclosure of classified information; seditious conspiracies to overthrow the government of the United States; fund transfers violating the International Emergency Economic Powers Act; providing material or financial support to terrorists; unauthorized traffic in controlled munitions or technology; or unauthorized traffic in, use of, or contamination by nuclear materials, chemical or biological weapons, or chemical or biological agents; whether in the United States or abroad;

b. Fraudulent entry of persons into the United States, the violation of immigration restrictions or the failure to register as a foreign agent or an intelligence trained agent;

c. Offenses involving interference with foreign governments or interference with the foreign policy of the United States whether occurring in the United States or abroad;

d. Acts of terrorism anywhere in the world which target the U.S. government or its property, U.S. persons, or any property in the United States, or in which the perpetrator is a U.S. person; aircraft hijacking; attacks on aircraft or international aviation facilities; or maritime piracy;

e. The unauthorized transportation or use of firearms or explosives in interstate or foreign commerce.

3. Crimes involving foreign interference with the integrity of U.S. governmental institutions or processes. Such crimes may include:

a. Activities to defraud the U.S. government or any federally protected financial institution, whether occurring in the United States or abroad;

b. Obstruction of justice or bribery of U.S. officials or witnesses in U.S. proceedings, whether occurring in the United States or abroad;

c. Interference with U.S. election proceedings or illegal contributions by foreign persons to U.S. candidates or election committees;

d. Perjury in connection with U.S. proceedings, or false statements made in connection with formal reports or applications to the U.S. government, or in connection with a formal criminal or administrative investigation, whether committed in the United States or abroad;

e. Counterfeiting U.S. obligations or any other governmental currency, security or identification documents used in the United States, whether committed in the United States or abroad; transactions involving stolen governmental securities or identification documents or stolen or counterfeit non-governmental securities.

4. Crimes related to unauthorized electronic surveillance in the United States or to tampering with, or unauthorized access to, computer systems.

5. Violations of U.S. drug laws including: the cultivation, production, transportation, importation, sale, or possession (other than possession of user quantities) of controlled substances; the production, transportation,

importation, and sale of precursor or essential chemicals.

6. The transmittal, investment and/or laundering of the proceeds of any of the unlawful activities listed in this Section, whether committed in the United States or abroad.

B. Any conspiracy or attempt to commit a crime reportable under this section shall be reported if the conspiracy or attempt itself meets the applicable reporting criteria.

C. The Attorney General also encourages the Agency to notify the Department of Justice when the Agency's other routine collection of intelligence in accordance with its authorities results in its acquisition of information about the commission of other serious felony offenses by non-employees, *e.g.*, violations of U.S. environmental laws relating to ocean and inland water discharging or dumping, drinking water contamination, or hazardous waste disposal, and crimes involving interference with the integrity of U.S. governmental institutions or processes that would not otherwise be reportable under Section VII.A.3.

VIII. PROCEDURES FOR SUBMITTING SPECIAL CRIMES REPORTS

A. Where the Agency determines that a matter must be the subject of a special report to the Department of Justice, it may, consistent with paragraphs VIII.B and VIII.C, below, make such a report (1) by letter or other, similar communication from the General Counsel, or (2) by electronic or courier dissemination of information from operational or analytic units, provided that in all cases, the subject line and the text of such communication or dissemination clearly reflects that it is a report of possible criminal activity. The Department of Justice shall maintain a record of all special crimes reports received from the Agency.

B. Where the Agency determines that a matter must be the subject of a special report to the Department of Justice; and where the Agency further determines that no public disclosure of classified information or intelligence sources and methods would result from further investigation or prosecution, and the security of ongoing intelligence operations would not be jeopardized thereby, the Agency will report the matter to the federal investigative agency having jurisdiction over the criminal matter. A copy of that report must also be provided to the AAG, or designated Deputy AAG, Criminal Division.

C. Where the Agency determines that further investigation or prosecution of a matter that must be specially reported may result in a public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, the Agency shall report the matter to the AAG or designated Deputy AAG, Criminal Division. A copy of that report must also be provided to the Assistant Director, Criminal Investigations or National Security Divisions, Federal Bureau of Investigation, or in the event that the principal investigative responsibility resides with a different federal investigative agency, to an appropriately cleared person of equivalent position in such agency. The Agency's report should explain the security or operational problems that would or might arise from a criminal investigation or prosecution.

D. Written documents associated with the reports submitted pursuant to this section may refer to persons who are the subjects of the reports by non-identifying terms (such as ''John Doe _____''). The Agency shall advise the Department of Justice or relevant federal investigative agency of the true identities of such persons if so requested.

E. It is agreed that, in acting upon information reported in accordance with these procedures, the Agency, the Department of Justice and the relevant federal investigative agencies will deal with classified information, including sources and methods, in a manner consistent with the provisions of relevant statutes and Executive Orders, including the Classified Information Procedures Act.

IX. WHEN ROUTINE DISSEMINATION MAY BE USED IN LIEU OF A SPECIAL CRIMES REPORT

A. Except as set forth in IX.B, below, the Agency may report crimes information regarding non-employees to the Department of Justice by routine dissemination, provided that:

1. the crimes information is of the type that is routinely disseminated by the Agency to headquarters elements of cognizant federal investigative agencies;

2. the criminal activity is of a kind that is normally collected and disseminated to law enforcement by the Agency (*e.g.*, drug trafficking, money laundering, terrorism, or sanctions violations); and

3. the persons or entities involved are members of a class that are routinely the targets or objects of such collection and dissemination.

If all three of these conditions are met, the Agency may satisfy its crimes reporting obligation through routine dissemination to the Department of Justice, Criminal Division, and to all cognizant federal law enforcement agencies, which shall retain primary responsibility for review of disseminated information for evidence of criminal activity. In all other cases, the special reporting procedures in Section VIII shall apply. As requested by the Department of Justice, the Agency will coordinate with the Department to facilitate the Department's analytical capabilities as to the Agency's routine dissemination of crimes information in compliance with this MOU.

B. Routine dissemination, as discussed in IX.A, above, may not be used in lieu of the special reporting requirements set forth herein as to the following categories of criminal activities:

1. Certain crimes involving the intentional infliction or threat of death or serious physical harm (VII.A.1, above);

2. Espionage; sabotage; unauthorized disclosure of classified information; and seditious conspiracies to overthrow the government of the United States (VII.A.2.a, above); and

3. Certain crimes involving foreign interference with the integrity of U.S. governmental institutions or processes (VII.A.3.b and c, above).

X. OTHER AGENCY RESPONSIBILITIES

A. The Agency shall develop internal procedures in accordance with the provisions of Sections VIII and IX for the reporting of criminal information by its employees as required under Sections IV.A and VI.A.

B. The Agency shall also establish initial and continuing training to ensure that its employees engaged in the review and analysis of collected intelligence are knowledgeable of and in compliance with the provisions of this MOU.

XI. RELATION TO OTHER PROCEDURES AND AGREEMENTS

A. If the Agency desires, for administrative or security reasons, to conduct a more extensive investigation into the activities of an employee relating to any matter reported pursuant to this MOU, it will inform the Department of Justice and the federal investigative agency to which the matter was reported. The Agency may also take appropriate administrative, disciplinary, or other adverse action at any time against any employee whose activities are reported under these procedures. However, such investigations or adverse actions shall be coordinated with the proper investigative or prosecuting officials to avoid prejudice to any criminal investigation or prosecution.

B. Nothing in these procedures shall be construed to restrict the exchange of information among the Agencies in the Intelligence Community or between those Agencies and law enforcement entities other than the Department of Justice.

C. This MOU supersedes all prior crimes reporting memoranda of understanding executed pursuant to the requirements of E.O. 12333. To the extent that there exist any conflicts between other Agency policies or directives and the provisions herein, such conflicts shall be resolved in accordance with the provisions of this MOU. However, this MOU shall not be construed to modify in any way the August 1984 Memorandum of Understanding between the Department of Defense and the Department of Justice relating to the investigation and prosecution of certain crimes.

D. The parties understand and agree that nothing herein shall be construed to alter in any way the current routine dissemination by the Agency of intelligence information, including information regarding alleged criminal activities by any person, to the Department of Justice or to federal law enforcement agencies.

XII. MISCELLANEOUS

A. This MOU shall become effective as to each agency below as of the date signed by the listed representative of that agency.

B. The Intelligence-Law Enforcement Policy Board, within one year of the date of the effective date hereof, and as it deems appropriate thereafter, will appoint a working group consisting of an equal number of representatives from the intelligence and law enforcement communities, including the Criminal Division. That working group shall do the following:

1. review the Agency's implementation of Sections III.F and IV.B, hereof;

2. consider whether the crimes reporting requirements of E.O. 12333 and other authorities are being met through the operation of this MOU;

3. review each of the provisions of this MOU and determine what, if any, modifications thereof should be recommended to the Policy Board, or its successor; and

4. issue a report to the Policy Board of its findings and recommendations in each of the foregoing categories.

C. The Policy Board in turn shall make recommendations to the Attorney General, the Director of Central Intelligence, and the heads of the affected agencies concerning any modifications to the MOU that it considers necessary.

JANET RENO,
Attorney General.

JOHN DEUTSCH,
Director of Central Intelligence.

MICHAEL F. MUNSON,
(For Director, Defense Intelligence Agency).

KENNETH E. BAKER,
Director, Office of Non-Proliferation and National Security, Department of Energy.

WILLIAM J. PERRY,
Secretary of Defense.

J.M. MCCONNELL,
Director, National Security Agency.

TOBY T. GATI,
Assistant Secretary of State, Intelligence and Research.

FOOTNOTES

[1] If, however, the IG determines that the reported information is not properly subject to that office's jurisdiction, but that such information may be reportable pursuant to this MOU, the IG may forward the information to the DOJ in compliance with these procedures. Alternatively, the IG may transmit the information to the Agency's General Counsel for a determination of what response, if any, is required by this MOU.

[2] This MOU does not affect the crimes reporting obligations of any law enforcement and other non-intelligence components of a department, agency, or organization.

[3] When a General Counsel or IG has received information concerning alleged violations of federal law by an employee of another intelligence community agency, and those violations are not exempted under section III.E.4, hereof, the General Counsel shall notify in writing the General Counsel of the accused employee's agency. The latter General Counsel must then determine whether this MOU requires the allegations to be reported to the Department of Justice.

[4] A ''serious felony offense'' includes any offense listed in Section VII, hereof, violent crimes, and other offenses which, if committed in the presence of a reasonably prudent and law-abiding person, would cause that person immediately to report that conduct directly to the police. For purposes of this MOU, crimes against government property that do not exceed $5,000 and are not part of a pattern of continuing behavior or of a criminal conspiracy shall not be considered serious felony offenses.

[5] ''Exigent circumstances'' are circumstances requiring prompt action by the Agency in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; or to prevent the compromise, loss, concealment, destruction, or alteration of evidence of a crime.

□ 1530

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(On request of Mr. DICKS, and by unanimous consent, Ms. WATERS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if the gentlewoman would yield to me, I appreciate very much the hard work that the gentlewoman from California has put into this, an enormous effort on her part.

I regret that, because of a technicality, the amendment will not be accepted. I guarantee the gentlewoman we will work with her to make certain that we do everything we can to come up with a strategy to be certain that the understanding that is now in place with the Attorney General is strengthened, so that, in cases where there has been illegal activity or problems, that they must be reported to the Attorney General.

I know that is the thrust of your amendment. As you know, our committee is still involved in our investigation. It may well be one of the conclusions of our investigation that we need to strengthen this area.

I pledge to the gentlewoman from California that I will work with her to get a satisfactory solution. Again, I appreciate the gentlewoman's endeavors and hard work here.

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from Washington (Mr. DICKS).

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

Ms. WATERS. Yes, I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I echo what the ranking member has said. I think the gentlewoman from California is right on in an area of critical importance; there is no doubt about that.

We are in the middle of the investigation, as the gentlewoman knows. We are going to have recommendations. Certainly this is an area of concern. I do not know what those recommendations will be, but I assure the gentlewoman that her thoughts and her input on this are being accepted, listened to, and we will be considering them as we go forward with the other information we get in our investigation.

Ms. WATERS. Mr. Chairman, I would like to thank the chairman and our ranking member and say to our ranking member that I really appreciate the fact that he has at least been able to listen to some of the ideas that I have brought to that committee.

I know that the gentleman is, by far, one of the most knowledgeable in this area and that some of the things that I am raising are things that challenge conventional wisdom. But the gentleman has been very cooperative, and I appreciate it.

Mr. DICKS. Mr. Chairman, I appreciate the gentlewoman's kind remarks.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking out ''December 31, 1998'' and inserting in lieu thereof ''December 31, 2001''.

The CHAIRMAN. Are there amendments to title V?

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) 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. 3694) to authorize appropriations for fiscal year 1999 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, pursuant to House Resolution 420, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3694, the bill just considered and passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3694, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

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

There was no objection.

ANNOUNCEMENT OF FILING DEADLINE FOR H.R. 2431, FREEDOM FROM RELIGIOUS PERSECUTION ACT

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for one minute.

There was no objection.

Mr. GOSS. Mr. Speaker, I take this time for the purpose of making an announcement.

Mr. Speaker, the Committee on Rules is planning to meet during the week of May 11 to grant a rule which may restrict amendments for consideration of H.R. 2431, the Freedom from Religious Persecution Act.

Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Committee on Rules at H–312 of the Capitol no later than 5 p.m. Tuesday, May 12.

Amendments should be drafted to the text of the H.R. 3806, a new bill introduced today, which consists of H.R.