

Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUE conferees on the part of the Senate.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to and adopts the motion to reconsider the vote whereby the conference report on H.R. 4516 was defeated.

The question is on agreeing to the conference report upon reconsideration.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—58

Akaka	Hagel	Moynihan
Bennett	Hatch	Murkowski
Bond	Hollings	Murray
Boxer	Hutchinson	Nickles
Breaux	Inhofe	Reed
Campbell	Inouye	Reid
Chafee, L.	Jeffords	Robb
Cochran	Kerrey	Rockefeller
Craig	Kerry	Roth
Crapo	Kohl	Sarbanes
Daschle	Kyl	Shelby
Dodd	Landrieu	Smith (OR)
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Durbin	Levin	Thomas
Enzi	Lott	Thompson
Fitzgerald	Lugar	Thurmond
Gorton	Mack	Torricelli
Grassley	McConnell	
Gregg	Mikulski	

NAYS—37

Abraham	Collins	Miller
Allard	Conrad	Roberts
Ashcroft	DeWine	Santorum
Baucus	Edwards	Schumer
Bayh	Feingold	Sessions
Biden	Frist	Smith (NH)
Bingaman	Graham	Snowe
Brownback	Gramm	Voinovich
Bryan	Harkin	Warner
Bunning	Hutchinson	Wellstone
Burns	Johnson	Wyden
Byrd	Lincoln	
Cleland	McCain	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The conference report was agreed to. Mr. STEVENS. That vote is not subject to reconsideration?

The PRESIDING OFFICER. The vote is subject to reconsideration because the first result was changed.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4392, the intelligence authorization.

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

The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4392, to authorize appropriations for fiscal year 2001 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, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agreed to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. SHELBY. Mr. President, the Senate has before it the conference report to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The conference report reflects the legislation, S. 2507, that was approved unanimously by the Select Committee on Intelligence on April 27, 2000, and amended and approved by the Senate on Monday, October 2.

I thank Senator BRYAN, the vice chairman of the committee for his assistance in expediting this conference report. This is Senator BRYAN's first year as vice chairman. It has been a pleasure to work cooperatively with him on a wide range of issues, and I regret that this also will be his last year on the committee and in the Senate.

The committee has been increasingly troubled by the NSA's growing inability to meet technological challenges and to provide America's leaders with vital signals intelligence, SIGINT. Success in NSA's mission is critical to our national security. Therefore, the conference report reflects the start of our investment in resources and support aimed at restoring the NSA's' capabilities.

I am proud to report that the conference report addresses the growing problem of leaks of classified information. The conferees endorsed the Senate provision that will close a gap in U.S. law to ensure the prosecution of all unauthorized disclosure of classified

information. Successive directors of Central Intelligence have decried the growing problem of leaks of classified information and the damage it causes to our national security. DCI Tenet has publically stated that the U.S. Government "leaks like a sieve."

Arguments that section 304 will stifle the freedom of the press simply don't pass muster. This provision has nothing to do with restraining publication. It simply criminalizes knowing and willful disclosure of properly classified information by those charged with protecting it. The Senate Intelligence Committee unanimously approved this provision and worked closely with the Attorney General and the intelligence community to incorporate changes requested by the Department of Justice. The Departments of Justice and State and the CIA all support the provision as approved by the conference committee.

Another provision of the bill is designed to ensure that the State Department corrects the serious, systemic security weaknesses that have repeatedly placed at risk sensitive classified intelligence information collected at considerable risk and expense. This provision would require that the Director of Central Intelligence certify that the retention and storage of Sensitive Compartmented Information (SCI) by any element of the State is in full compliance with all applicable DCI directives relating to the handling, retention, or storage of such information.

The bill requires the Director of Central Intelligence, in consultation with the Secretary of Defense, to create an analytic capability for intelligence relating to prisoners of war and missing persons. The analytic capability will extend to activities with respect to prisoners of war and missing persons after December 31, 1990.

Also, the bill strengthens the IG's requirements to be fully engaged in investigating and responding to possible wrongdoing by senior CIA officials. In the wake of the investigation of former Director of Central Intelligence John Deutch this provision will ensure that the CIA policies its senior officials.

The conference report also contains the Counterintelligence Reform Act of 2000. S. 2089 was introduced by Senators SPECTER, TORRICELLI, THURMOND, BIDEN, GRASSLEY, FEINGOLD, HELMS, SCHUMER, SESSIONS, and LEAHY in April in the wake of Congressional and other investigations into PRC espionage against the Department of Energy's nuclear weapons laboratories and other U.S. government facilities, and the U.S. government's response. Those investigations focused attention on the application of the Foreign Intelligence Surveillance Act of 1978, and highlighted coordination, information-sharing, and other problems within and among the Department of Energy, FBI, and Department of Justice. The amendment will correct some of the problems in coordinating and sharing information between federal agencies, and will