IN THE MATTER OF REPRESENTATIVE JAMES A. TRAFICANT, JR.—Continued

Mr. DELAHUNT changed his vote from “no” to “aye.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will notify the Governor of the State of Ohio of the action of the House.

GENERAL LEAVE

Mr. HEPFLEY. Mr. Speaker, due to the significance of these proceedings and the desire of many Members to express their views on these grave and somber proceedings, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks for the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 497

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 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. All points of order against consideration of the bill 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. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. 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 on Intelligence. After general debate the rule is a modified open rule, providing for 1 hour of general debate, equally divided between the chairman and ranking member of the Permanent Select Committee on Intelligence.

The rule further provides for the consideration of only pro forma amendments for the purpose of debate and those amendments printed in the CONGRESSIONAL RECORD prior to their consideration, as we heard in the Clerk’s reading. This has allowed for vetting of amendments regarding classified matters in years past and has proved to be good practice.

Finally, this rule provides for a motion to recommit with or without instruction. So I think it is a very clear, fair rule that suits the purpose well.

Mr. Speaker, just one year ago we met to consider this bill in the wake of the tragic terrorist attacks and rallied support for our intelligence community and national security initiatives. Our country has come a long way since then, but there is still a lot more that needs to be done. This year’s intelligence authorization bill contains the most significant investment by the administration for the intelligence community in more than 8 years. This is an important bill. These funds allow the Permanent Select Committee on Intelligence to continue the work that we have been promoting to address many of the longstanding shortfalls that have besieged our intelligence community throughout the 1990s.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. First let me thank my good friend from Florida (Mr. Goss) on the Committee on Rules, and I look forward to rejoining him on the Permanent Select Committee on Intelligence in the near future.

Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 4628, the Intelligence Authorization Act for Fiscal Year 2003. The rule is a modified open rule, as Mr. Goss has said, requiring that amendments be preprinted in the CONGRESSIONAL RECORD. As we all know, the preprinting requirement for the intelligence authorization bill has been the accepted practice of this Chamber for several years because of the sensitive nature of much of the bill and the need to protect classified information.

The underlying bill, H.R. 4628, is non-controversial, was crafted by the Permanent Select Committee on Intelligence by a unanimous vote, Members who wish to do so can go to the Permanent Select Committee on Intelligence office to examine the classified schedule of authorizations for the intelligence and intelligence-related activities of the National Intelligence Program.

This includes authorizations for the CIA, as well as the foreign intelligence and counterintelligence programs within, among others, the Department of Defense, the National Security Agency, the Departments of State, Treasury and Energy and the FBI.

I might add, for Members who have not done so at any point, as a Member having served most recently on the Permanent Select Committee on Intelligence and hoping to rejoin it again in the future, I would urge them to take advantage of the opportunity to review the programs and activities of the Permanent Select Committee on Intelligence.

Also included in the classified documents are the authorizations for the tactical intelligence and related activities and intelligence program of the Department of Defense.

Today, more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscores the importance of this legislation, and I am pleased that it has been brought to the floor before the August recess.

Mr. Speaker, this bill is non-controversial, it is not closed to improvement. Today is not the first time that I have noted on the floor that experts in the intelligence community continue to argue that our intelligence operations must not only be a strong and flexible intelligence apparatus, but also a diverse one. For the past 15 years, Members of the Permanent Select Committee on Intelligence and the directors of our country's largest intelligence agencies have labored to create a more diverse intelligence community. Although their efforts have borne some fruit, much more needs to be done.

Later this evening I will be offering two amendments to H.R. 4628, both of which are aimed at increasing diversity in our Nation's intelligence agencies. The first of the two amendments expresses the sense of Congress that the CIA, DIA, NSA and NIMA make minority recruitment a priority in their hiring decisions that ultimately make up the U.S. intelligence community, only the DIA boasts a minority population that even comes close to the average percentage of minorities in the Federal workforce.

The second amendment instructs the Director of Central Intelligence to issue an annual report to Congress on the hiring and retention of minorities by the intelligence community. Such a report will allow this body to monitor the progress of the intelligence community's efforts to recruit and retain minorities.

I do hope that my colleagues will support both of the amendments, and I believe they will be supported, having spoken with the chairman in this regard.

Further, I would also like to urge my colleagues to support the amendment which will be offered by my good friend, the gentleman from Indiana (Mr. ROEMER), and he is my good friend.

The Roemer amendment establishes an independent commission to examine the events leading up to and ensuing the September 11 attacks. Although later this week the House may pass a bill creating a new Department of Homeland Security, the bill will in no way identify nor fix the inherent weaknesses that currently exist in the United States intelligence community. The Roemer amendment, in examining the intelligence failures of September 11, will provide a comprehensive examination and critique on this issue, and I urge my colleagues to support it.

Mr. Speaker, H.R. 4628 provides authorizations and appropriations for some of the most important national security programs in this country. Any hesitation by this body in passing it would be a disservice to the American people.

I urge my colleagues to support this rule, and I ask that they support my amendments, the Roemer amendment and the underlying bill.

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

Mr. GOSS. Mr. Speaker, I am privileged to yield 5 minutes to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science and a member of the Permanent Select Committee on Intelligence.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of a very fair rule.

Mr. Speaker, this bill is complex in its specific recommendations, but simple in its intent: To restore our Nation's intelligence capabilities so that we can absolutely minimize the possibility of another terrorist attack on our homeland. Our goal; no more surprises, no more attacks.

The President is absolutely correct; homeland security is and must continue to be the number one priority of my government at all levels, and the first priority of the Federal Government is to guarantee, as much as humanly possible, the peace and security of the
American people. They, we, all of us, have a right to live our lives without fear.

The largest increase in spending for our national intelligence activities in over a decade is provided for in this bill.

For the first time in many years, the administration has requested an increase in intelligence operations and capabilities. We are providing the total funding the President requested, placing greater emphasis on areas which require the most attention.

Specifically, this bill addresses not just with words, but with deeds, dollars, to back up what we say: the shortfall in human intelligence with essential language capabilities. We must aggressively pursue a program to significantly increase a number of foreign language-qualified individuals in the intelligence community. It adds significant funding for initial and follow-on training for linguists, and there is a provision to create a new language university for the entire intelligence community.

I believe this is critical to developing the human intelligence officers of the future that will be able to collect and, more importantly, analyze information on those who would pose a threat to the United States of America. It does not serve national interests if we are the best at collecting intelligence if we are lacking in our ability to analyze and disseminate to decision-makers sensitive information in a timely manner. That possibility exists today because of our deficiencies in language capabilities.

This bill takes on, in a very direct way, the issues of intelligence, collection, analysis, and production against threats of terrorism. We do so by placing added emphasis and resources where they are most needed: on human intelligence, our eyes and ears with a global reach.

Let me state the obvious. It does not do much good if we have the right people in the right places dealing with collecting or analyzing if they do not have the language ability to understand what is being collected or what is being analyzed.

Mr. Speaker, as I said, the intent of this bill is simple. It is designed to provide the necessary resources, direction, and authorizations for the Nation’s intelligence community to provide the best foreign intelligence possible to defend the United States against the many worldwide threats. The threats are not going to go away; and from my days as a boy scout, I know we must be prepared.

Mr. Speaker, I will close with a thank you. Thank you to the dedicated men and women of the U.S. intelligence community. We owe them a debt of gratitude for the tough and unheralded work they do for all of us. The memory of a failure of intelligence to present something as horrific as September 11 will forever be seared in our minds. It is important to never forget the untold numbers of threats that never materialized into anything but words, with no action following, because of the endless number of intelligence success stories where the system worked.

The system is not perfect; it probably never will be. But we must continue to strive for perfection. This bill is a contribution toward that end. Thank you, all of you, in the intelligence community for quietly being there, working behind the scenes, to discover and counter the threats to our security and our liberties.

I also want to thank the committee chairman, the gentleman from Florida (Mr. Goss), and the ranking member, the gentlewoman from California (Ms. Pelosi), for their leadership and hard work on this bill. And I want to express my respect and admiration for my colleagues on the Permanent Select Committee on Intelligence for their very capable professional staff. They work hard, very hard for the cause.

Mr. Speaker, I urge my colleagues to support H.R. 4628.

Mr. HASTINGS of Florida, Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Georgia (Mr. Bishop), my good friend, and he is my friend.

Mr. BISHOP. Mr. Speaker, I appreciate the gentleman yielding me this time and recognize the gentleman from California.

I want to talk about the need in this bill and in our intelligence community for diversity. Intelligence and the intelligence community has a mission for providing the best real-time information for our policymakers and our warfighters. It is about information. It is about having a heads-up; and if 9-11 has taught us anything, it certainly has taught us that we need to have a heads-up.

All of the professionals, as has been stated already, have indicated to us that if we are to be the best that we can be in our intelligence community, we must have the best human assets for collecting information and the best technical assets for collecting information; and we must be able to process, analyze, and disseminate that information where it needs to go.

But the problem that we face, the challenge we face, is that as hard as we try, the majority of our human intelligence capability is working to gather the necessary information so that when our servicemen and women go into harm’s way they know what they will be facing, we still do not have adequate human assets and the kind of technical assets that will allow us to have the information that we need real-time.

Why should we not have diversity in the intelligence community? Every intelligence collection head, the heads of the CIA, NSA, DIA, NIMA, Army intelligence, naval intelligence, all have indicated that we will be much more effective in our collection by our human assets, if our targets are hard to distinguish from our collectors. So if we need to have information about Islamic culture, our intelligence collectors need to be knowledgeable of that. Yes, if we are going into Rwanda and we need information of what is happening there, our intelligence collectors ought to be a part of our collection force, Somalis or Pakistanis or Afghans or Africans or Latinos; Asian Americans, Arab Americans, Indian Americans, Mexican Americans, Cuban Americans, Turks or Germans or Nigerians or Muslim Americans, Christian Americans, Jewish Americans, Irish Americans, human assets. We must have racial diversity, cultural diversity, and language diversity if we are to be effective in our efforts.

When we put the men and women who fight and defend this country and who go all over the world protecting American interests, when we put them in harm’s way, they need to know what threats are facing them. They will be faced with, and the policymakers who send them there need to have that real-time information; and they need to have the best quality information. They need to be able to penetrate the sources of the information so that we can, indeed, have a heads-up.

The creation of a more diverse intelligence workforce must be a priority, the intelligence agencies, the undergraduate training programs that use these programs to increase their minority efforts. I was proud this morning to be able to go out to one of the agencies and participate in the graduation ceremony of one of the programs designed to help create that diversity. But this is a start. We have a long way to go. We have challenges that we face, and unless we accelerate our efforts to create and maintain the kind of diversity in our intelligence community, we will not achieve the success that we desire.

Racial diversity, cultural diversity, language diversity are necessities. They not only are the right thing to do, but they make good business sense for gathering and disseminating and analyzing and understanding the information that we must have.

Mr. Speaker, this is a good rule; this is a good bill. With the amendments, it will be a better bill; and I urge my colleagues to support it so that we can have the best intelligence-gathering apparatus that our country can possibly have.

Mr. GOSS. Mr. Speaker, I am very happy to yield 5 minutes to the distinguished gentleman from California (Mr. Cunningham), a very valued member of this committee.

Mr. CUNNINGHAM. Mr. Speaker, it is an honor to serve on the Committee on Intelligence with Members on both sides of the House. I also sit on the Subcommittee on Defense of the Committee on Appropriations. I believe that what I have learned from these Members I think that work together in this House, together for national security and the best interests of the American
the SU can meet the threat of the SU, the only airplane in the system that we need the F. Its effectiveness with stealth? Why do today through our intelligence agencies, the F is because every time we deployed, our military thin. We only had 22 percent re-enlistment, and people were stretched. The reason I bring it up is because every time we deployed, our intelligence agencies had to deploy also, and many of the systems that they had on the drawing board to give us SIGINT and ELINT and HUMINT in formation had to be scuttled because it went to pay for the war.

This committee, in a bipartisan way, is attempting to rectify some of those things. We cannot make that up over the next 5 years. But the committee is doing the best it can, based on the testimony from our services. That is why it is such a neat deal to work on this committee. We are doing something very, very positive and something good for this country.

Is the war on drugs dead? No. But we have problems there as well as with al Qaeda.

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

Mr. GOSS. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this rule and this bill. No one is more qualified to guide our intelligence legislation than the gentleman from Florida (Mr. GOSS). Our intelligence community grew from World War I and the Cold War to be supremely able to monitor foreign militaries and governments.

No more Pearl Harbors and powerful support to the war fighter. I served for 13 years as a reserve Naval intelligence officer and received vital intelligence that saved American lives in Haiti, Bosnia, Kosovo and Iraq.

Our intelligence community must now be upgraded to meet the terrorist threat. Our system is supremely designed to monitor foreign militaries, but has left ability to monitor clandestined terror organizations backed by familiar relations. We must upgrade our linguistic defenses. We have Russian linguists but now need to speak Pashto, Dari, Urdu and dozens of other languages where terrorists are recruited from. Our defense language institute must monitor foreign militaries will play a key part of that role.

Analysts now receive huge numbers of messages but they need back up to rapidly translate and analyze information to develop actionable intelligence in time. We are all aware of the failures of September 11. We should know more about the successes of the intelligence community in defeating the millennium bombers and Hezbollah in Bosnia or dozens of other victories we won but never talked about.

I want to thank the professionals from DIA, CIA, NSA, NIMA and the military services who are on watch tonight protecting America. This bill provides more and, more importantly, new flexibility to meet the new challenge. We face terrorists, wealthy terrorists who may one day have weapons of mass destruction. Without the intelligence community, we would some day face a nuclear Pearl Harbor. With this bill we will be able to extend security and freedom for our people and allies. I urge adoption of the rule and the bill.
This is a very good bill that was crafted on a bipartisan basis. In fact, I think it more appropriate, I should say, nonpartisan basis. And it passed unanimously from our committee.

This would not have been possible without the attention and involvement of all of our stellar members, and I truly mean that, but especially the tireless efforts of our ranking member, the gentlewoman from California (Ms. Pelosi), who, I am sorry to say, is on other duties before the Committee on Rules now which is never a great place to be if you can be on the intelligence community.

I cannot say enough about her support and guidance in this process, all in the spirit of ensuring that our intelligence community is positioned in the best possible way to protect our Nation. I want to thank the gentlewoman for the number of hours that she has contributed to the committee’s all-important work and for the good nonpartisan work and for the leadership she provides for her side.

Mr. Chairman, this bill turns a corner on rebuilding our intelligence capabilities. The administration has requested a significant amount of investment in these capabilities, and frankly long overdue. More importantly, the bill lays the groundwork for sustained investment in programs that will take a while to rebuild, but they are crucial, absolutely crucial to our success against today’s and tomorrow’s threats, which we have begun to better recognize and this bill begins to address some of the issues that have heretofore been placed on a back burner, despite the fact that some of us have been urging they be moved to a more forward place.

In some ways, I see this bill as emphasizing the needs to get back to the basics of intelligence. Often of the last decade especially, many have gotten overly enamored with technology and the importance the bill lays the groundwork for sustained investment in programs that will take a while to rebuild, but they are crucial, absolutely crucial to our success against today’s and tomorrow’s threats, which we have begun to better recognize and this bill begins to address some of the issues that have heretofore been placed on a back burner, despite the fact that some of us have been urging they be moved to a more forward place.

In some ways, I see this bill as emphasizing the needs to get back to the basics of intelligence. Often of the last decade especially, many have gotten overly enamored with technology and finding ways to collect data with the least amount of risks, the intelligence version of the no-casualties policy.

Although, I will be the first to emphasize the need to keep on top of various technologies and the importance of them to our intelligence capabilities, our real security relies on some of the most fundamental aspects of intelligence. Unfortunately, Mr. Chairman, despite our concerns and warnings, we learned the tragic way how important these fundamentals really are, notwithstanding the extraordinarily good work a great many men and women representing our country are doing. We have expanded by something like 25 percent in terms of our membership and staff. We have been given many extra responsibilities because of 9-11 and every responsibility is a risk. I must say the committee staff has impressed me every day. When I arrive at 8:30 in the morning, I admire their work ethic and their understanding of the very complex and arcane activities of the Intelligence Community. I think they represent the committee and Congress very well. Special thanks to staff director Tim Sample, Mike Sheehy, the senior minority staffer who worked to make sure the functions of the committee occur in the least partisan atmosphere possible. And I am extremely proud of that accomplishment on their part. Thank to Chris Barton, our chief counsel, and Chris Healey, a minority counsel, as well as Michele Lang, our deputy chief counsel, and Mike Meermans, our budget coordinator for their tireless work on preparing this bill.

Obviously, each and every person on this staff beyond those I named deserve our thanks and praise for jobs well done.

In the atmosphere I want to particularly thank our security staff who have been given some extraordinary problems to cope with and I think they have done an amazingly good job. Mr. Chairman, I ask my colleagues to support this bill.

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

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

Mr. Chairman, I rise in support of H.R. 4628. The committee has worked hard to provide the resources that our military forces and the Intelligence community require in order to prevail in the war on terrorism and to safeguard all of our other national security interests.

This is a bipartisan bill for which thegentleman from Florida (Mr. Goss), the ranking Democrat, the gentlewoman from California (Ms. Pelosi), my counterpart on the technical
tactical subcommittee, the gentleman from Delaware (Mr. CASTLE) and all of the other committee members deserve great credit.

I want to thank the committee staff for the tireless hours and the hard work that they have put into the preparation of this bill. It is a good bill. And I urge all of my colleagues to support it.

I want to emphasize a few points to my colleagues in the House as well as the administration about what the bill accomplishes, as well as some of my concerns for the future.

As is well known from press accounts, unmanned aerial vehicles performed superbly in Afghanistan. With some exceptions in the past, reconnaissance systems flew over or passed the battlefields in a matter of seconds or minutes, and therefore provided only a sort of snapshot of what was going on. Given the time delays in getting that information to our tactical forces, it was extremely difficult to attack mobile targets. What these UAVs provide is persistence, a constant presence. Once targets are detected, UAV’s can loiter and track them until an attack can be mounted as demonstrated repeatedly in Afghanistan.

The Secretary of Defense and the Chairman of the Joint Chiefs are advocating adding persistent surveillance capability from space. For example, by launching many small radar satellites that can detect and track moving vehicles, the military can direct next generations collection systems must take. DOD is also right to plan on buying many UAV’s and equipping them with capable sensor, but so far DOD has failed to plan to buy the communication and ground processing capacity necessary to support these platforms.

This makes no sense and clearly it must be corrected.

The war also showed that no single sensor system alone is able to perform all of the functions necessary to attack mobile targets, wide area surveillance, target detection, identification, tracking and precise target location. The only solution is to work the separate sensor systems together in a network. Building this network of sensors is feasible and it is very affordable, but although DOD appears to understand its importance, progress has been slow. NIMA’s modernization program, The committee compromised this problem by redirecting other funds to that area. The committee also added funds to begin acquiring the capability to receive and process airborne imagery.

I am encouraged with regard to commercial imagery by the NIMA director’s assertion that NIMA is now developing a geospatial information asset acquisition strategy for the first time. However, NIMA to date has received funding adequate to support only one satellite collection company but no policy guidance to rely on a single source. If NIMA is to support multiple companies and meet DOD’s readiness requirements for geospatial products, NIMA must receive more funding. It is as simple as that. That key issue must be resolved, if it is not resolved soon. I have already written to the NIMA Director.

Finally, a word about the National Security Agency. Unfortunately, NSA’s serious acquisition management problems persist, preventing the agency from keeping pace with the global telecommunications industry. These problems contributed to limiting NSA’s operational capabilities in key areas relevant to the war on terrorism and other so-called transnational threats as noted in the report of the Subcommittee on Terrorism and Homeland Security on the events of September 11.

NSA’s problems could have very serious consequences and, in my opinion, demand more attention from the Secretary of Defense.

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

Mr. GOSS. Mr. Chairman, I am privileged to yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished vice-chairman of the committee, who also takes care of all of the policy coordination on our committee, which always dazzles me.

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

Mr. BEREUTER. Mr. Chairman, this Intelligence Authorization Act addresses a number of pressing intelligence needs. For example, the legislation takes steps to strengthen the intelligence community’s absolutely critical analytical core.

In recent years, the U.S. has been forced to focus on terrorists, proliferators and drug traffickers. These are far more difficult targets to track, and frankly, the intelligence community has had difficulty adapting to these new threats. It did not reach out aggressively to recruit the human intelligence sources that could have provided us with invaluable information. We lost far too many skilled analysts whose job was to provide early warning.

This legislation provides much-needed funding to help rebuild a dynamic, wide-ranging, global analytical capability. It is an effort for which this committee has been serving a leading role for some years now.

A second important component of the Intelligence Authorization Act relates to terrorist finances. One of the major intelligence initiatives in the wake of 9/11 has been a serious effort to attack the financial assets of terrorist organizations and their supporters. Terrorist networks such as al Qaeda obviously cannot function without significant financial backing.

Al Qaeda, for example, is supported by, among other things, a shadowy network of fundraisers, money lenders and shakedown artists; two, businesses and charities serving as front organizations; and three, unscrupulous facilitators and middlemen. However, with the decision of the executive branch to fully exploit its existing authorities to target terrorist finances, and with the granting of additional authorities under the U.S. PATRIOT Act, we are now aggressively pursuing the money flow. To date, over $100 million in suspected terrorist money has been seized or frozen by the United States and its allies.

Mr. Chairman, this is an important and powerful set of financial tools in the war on terrorism.

Mr. Chairman, there are other important initiatives here, but I want to say that I think one of the important things that we have clearly recognize an important loophole caused by the Freedom of Information Act. Our adversaries were able to make requests that had to be dealt with for very sensitive information, and we have taken a commonsense approach to ending that loophole.

Mr. Chairman, I would conclude by congratulating the gentleman from Florida (Mr. GOSS), the chairman of the committee and the distinguished gentleman from California (Ms. PELOSI) for the leadership they have demonstrated in bringing this genuinely bipartisan product to the floor. This legislation is a very serious effort and was unanimously approved by the Permanent Select Committee on Intelligence.

Each and every member of the committee and our extraordinary staff dedicated long hours to the hearings and drafting of the bill. Each member, I think, and the staff recognizes the importance of our actions and our responsibilities to the body, and I think my colleagues can take, if I may say so, justifiable pride in the efforts of HPSCI and our staff and particularly the leadership of the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI).

Mr. Chairman, I urge strong support and the adoption of H.R. 4628.

Mr. BISHOP. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California (Ms. HARMAN), the ranking member on the Subcommittee on Terrorism and Homeland Security.

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

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding commend him for his leadership on the Subcommittee on Technical and Tactical Intelligence, and commend our colleagues for their strong bipartisan contributions to this committee.

I rise in strong support of the Intelligence Authorization Act and join others in expressing my pride in the bipartisan way in which this committee works. For those who question whether this House can tackle the tough ones, tonight proves it. Our actions over the past three hours in the Traficant matter are a remarkable example of bipartisanship and facing up to our responsibilities. This bill is another such example.
Members of this committee have traveled all over the world and have met U.S. intelligence personnel working in many shabby and often dangerous conditions. They do this despite their family’s understandable fears that they may be harmed or killed. This bill is designed to give good people better tools, to fill gaps in performance. It is not about gaps in the dedication, commitment and patriotism of thousands of Americans who work in the intelligence agencies, both here and abroad.

Many issues addressed in this bill, Mr. Chairman, were identified in a report that our Subcommittee on Terrorism and Homeland Security released last week. Our full Intelligence Committee wants no time to elapse before implementing that report’s recommendations, and this bill recommends action, action that the families of those who died on 9/11 deserve.

Our report said, for example, that inadequate penetration of the al Qaeda target stemmed in large part from too few resources devoted to counterterrorism and an overreliance on assistance from allies to collect information. We fix that in this report: we insist that we invest more resources in human intelligence (humint), and we spell out how that should happen.

Penetration of the al Qaeda target, our report says, requires multiyear investment and cutting edge technologies. This bill directs that mission-critical technology is available and improved.

Our report said that watch lists were inadequate. This bill calls on the intelligence community to provide global coverage and common access to information, which should help fix the watch list problem.

Our report said that we were concerned about the HUMINT career structure. Too often, individuals get promoted based on their broad and general knowledge in wide-ranging areas. Those who stay focused in one area or even one country, where an understanding of local political conditions is key to our fight against terrorism, are not being given the credit or rewards deserved. This bill recommends that those rewards be given.

Regrettably, there is a huge language problem. This bill addresses that problem.

As in past years, this bill also expresses continuing concern about the organizational framework in place to produce intelligence capabilities that can meet future national security demands. This bill addresses that problem.

Mr. Chairman, our language is terse, our calls for resources are urgent, but we also state that “the successes of the intelligence community normally go unnoticed for obvious and correct reasons... The problem is not with the individuals, but with the tools and the organizational framework within which they work.” This is a good bill. I urge its support, and I urge support later this week for a bipartisan homeland security bill.

Mr. GOSS. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Technical and Tactical Intelligence, and former Governor of Delaware.

Mr. CASTLE asked and was given permission to revise and extend his remarks.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for that introduction and for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 4628, the fiscal year 2003 intelligence authorization bill. Before I move to the substance of my statement, I would like to recognize and commend the gentleman from Florida (Mr. Goss), the chairman of the committee, and the ranking member, the gentlewoman from California (Ms. PELOSI), for the outstanding leadership they have provided to the Nation and particularly to the intelligence community during this past year.

This has been a difficult time for our intelligence community. There have been failings, but there have been many successes that have not and should not be publicized. The gentleman from Florida and the gentleman from Delaware have been at the forefront of efforts to ensure our professional intelligence offices get the resources necessary to do their vital work for our national security. I thank them both.

Mr. Chairman, those of us on the Permanent Select Committee on Intelligence are among the few who understand that the world has not changed, despite the tragedy that befell us on September 11. We have been painfully aware for a long time that while many regions of the world are working together with us to promote peace and stability, there are many elements that are committed to undermining such efforts.

We are intimately familiar with the difficult tasks our intelligence professionals are up against, and, moreover, with the outstanding work they do day in and day out around the globe. For all they do, I would like to extend my gratitude, to them, for all their unheralded successes.

Oddly, their past successes have resulted in the American public having a combination of a low awareness of the magnitude of the threats and the high expectation that the intelligence community would always be able to counter them. The difficulty of such a task is daunting. What makes this intelligence community all the more special is that they have done as well as they have, in spite of years of resource neglect.

This year’s funding request begins to restore the capabilities that have withered over the years. Today, the intelligence community’s challenges remain large, but we will continually assess them in an effort to stay ahead of the game. I urge my colleagues on the Senate side to move to the substance of their report, to adopt this bill, and for yielding me this time.

Mr. BISHOP. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER), who is a very hard-working member of the Permanent Select Committee on Intelligence.

Mr. CASTLE. Mr. Chairman, while we insist that we invest more resources necessary to do their vital work for our national security, I thank the gentleman, I thank the gentleman from Indiana, whose work I have come to appreciate and value.

Mr. CASTLE. Mr. Chairman, the bill before us today, Mr. Chairman, is designed to give good people better tools, to fill gaps in performance. It is not about gaps in the dedication, commitment and patriotism of thousands of Americans who work in the intelligence agencies, both here and abroad.

As chairman of the Subcommittee on Technical and Tactical Intelligence, I understand the critical need to invest in and modernize our technical intelligence systems. These systems take years to field and tens of thousands of highly skilled scientists and engineers to complete. In this bill, I am happy that we are addressing the resource strain of the legacy programs in hopes that we avoid sacrificing our future.

I am concerned that the U.S. technology industry has not held itself to a high standard and that these are accountable entities. When the country needs special capabilities, we cannot be held captive to a single contractor, regardless of their performance, simply because there are no alternatives. I believe everyone in the Administration must take some calculated risks in order to ensure we acquire the kinds of capabilities that future threats demand.

The bill before us details how we intend to ensure the country is on an appropriate and sustainable technology path for the future.

Although this budget represents a significant increase over the past years, we need to support it with the full knowledge and understanding of what the Administration is willing to sustain the investment through the duration necessary to deliver the new capabilities.

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The bill before us details how we intend to ensure the country is on an appropriate and sustainable technology path for the future.
Mr. ROEMER. Mr. Chairman, I thank my good friend from the State of Georgia for yielding me this time; and I want to note, as some of my colleagues may have, that this is the first entire budget put together by the United States Congress since the horrific attacks on our people, our homes, and our country on September 11. I could not be more proud to serve in this Chamber and with the people that have put this intelligence budget together: our chairman, the gentleman from the State of Florida (Mr. Goss), who it is a pleasure to work with; the gentlewoman from California (Ms. Pelosi), who provides such strong leadership; the other members of the committee, who do such honorable work; and the bright and dedicated staff that we serve with and who serve us so well.

Mr. Chairman, we have debated many bills this year. I am not sure we will debate a more important one for the security and the strength of our Nation – none, are now badly in need of retooling. This is not something we are able to afford. The community will be hastened by this bill.

Mr. CHAMBLISS. Mr. Chairman, I urge passage of this bill. The neglect of the 1990s in the form of decreasing resources and political support for intelligence can never be allowed to be repeated in this country. And it will necessarily require considerable time and effort on all our parts to correct. America needs and deserves better. It will be able to make the necessary investments in our intelligence capabilities that H.R. 4628 provides.

The neglect of the 1990s in the form of decreasing resources and political support for intelligence can never be allowed to be repeated in this country. And it will necessarily require considerable time and effort on all our parts to correct. America needs and deserves better.
any longer to make the necessary investments. H.R. 4628 will make America safer.

Mr. BISHOP, Mr. Chairman, I yield 7 minutes to the gentlewoman from California (Ms. PELOSI), the ranking member of the Permanent Select Committee on Intelligence.

Ms. PELOSI, Mr. Chairman, I thank the distinguished gentleman for managing this bill for the Democrats and for the gentleman’s distinguished work on the committee.

I have to be excused for having to be upstairs in the Committee on Rules speaking for the rule on the homeland security bill which will come to the floor hopefully tomorrow.

I begin by complimenting the gentleman from Florida (Chairman GOSS) for the manner in which he has guided the committee. He has been consistently fair and always true to his word. I think that is a great compliment and one that he deserves completely. The committee’s reputation for bipartisanship has been enhanced by his disposition toward encouraging and respecting the views of all of our members, as will be clear when we see how easy it is for this bill to pass on the floor.

The chairman has explained well the provisions in the bill. It recommends substantially more money, many billions of dollars more, than was provided for the current fiscal year. If the amounts recommended in the bill are appropriated, the community will receive a 10 percent increase in funding on a percentage basis in at least the last two decades. Much of this increase is directly attributable to the September 11 attacks.

Although no amount of money can guarantee that there will not be additional instances of terrorism, the funding recommended by this bill should make it harder to undertake in a successful way future terrorist attacks like those conducted on September 11. The committee’s priority must be on making sure that this money is spent well on programs and activities that will produce results, not only against terrorism, but against other important intelligence targets as well.

We have worked very closely in a bipartisan way on our committee under the leadership of the gentleman from Florida (Mr. GOSS). I want to commend the gentleman from Georgia (Mr. BISHOP), the gentlewoman from California (Ms. PELOSI), the gentleman from California (Mr. CONDEE), the gentleman from Indiana (Mr. ROEMER), the gentleman from Texas (Mr. REYES), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Minnesota (Mr. PATERSON), and the gentleman from Alabama (Mr. CRAWFORD) for their distinguished service on the committee as well, and join others in commending the staff for the excellence of their work and their service to our country.

I leave it to the distinguished chairman to recognize the majority members, but every one of them makes a tremendous contribution to our country’s security.

Intelligence is integral to that security, to the protection of the American people and our national interests at home and abroad. Whether our interests are defined as providing security to a special operations team in Afghanistan or protectors in an airliner in the skies over California or providing and reliably intelligence is a necessity.

Although there may be differences over the manner in which some intelligence activities are conducted, and indeed we do, I think we all place a high value on the protective responsibility being discharged effectively by the intelligence community. To do that, a big investment in technology and in people is needed. The investments necessary to enhance mission success in this area are recommended in this bill.

Mission success is produced by things other than money. The world has changed greatly since I joined the committee 10 years ago. I think I have been served more than anyone. Now my service is coming to an end. At that time, 10 years ago, the intelligence community was primarily focused on the aftermath of the collapse of the Soviet Union. Today, as we know, it is primarily focused on fighting terrorism.

I have been concerned that the intelligence agencies have not been quick enough to recognize the changes in training, tactics and methods of operation required to shift from dealing with a fixed target, like the Soviet Union, to more nimble targets like the terrorists and the proliferators of weapons of mass destruction. I think the record suggests that the shift has been harder to accomplish than had been presumed. In fact, in some areas it has not been fully implemented yet.

For example, the pace toward creating a more diverse workforce in the intelligence community, and in improving the language capabilities of the workforce, have been too slow. Although I recognize that the relatively small number of new employees able to be hired across the community since the end of the Cold War made that a difficult challenge, today a significant increase in the workforce is happening through an acceleration in hiring, and it presents a tremendous opportunity for us to attract and reach out for the diversity that will make mission success more possible.

I expect that community leaders will use this opportunity by redoubling their efforts to attract and advance people with diverse religious, ethnic, and cultural backgrounds, and with capabilities in those languages in which the agencies have traditionally been weak.

H.R. 4628 does much to emphasize language training and to provide incentives to maintain proficiency. Partnerships with entities outside the government to improve the language skills of current employees, as well as new hires, are encouraged. An amendment is expected to study the feasibility of establishing a reserve core of linguists. These are good initiatives which do much to address one of the intelligence community’s biggest needs. I commend the gentleman from Indiana (Mr. ROEMER), the gentleman from California (Mr. CONDEE) the gentleman from Texas (Mr. REYES), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Nevada (Mr. GIBBONS) for their leadership within the committee on the language issue. Their efforts have been assisted from outside the committee by the gentleman from California (Mr. FARR). He knows well the importance of this issue, the Defense Language Institute is located in his district, and he has worked tirelessly to improve language training programs.

The bill continues to emphasize the kind of human and technical collection programs necessary to deal with targets like terrorist groups. This emphasis, however, should not ignore the important intelligence between the community between collection and the ability to make use of that which is collected through timely processing, exploitation, and dissemination.

Progress has been made on dissemination, which was one of the most important intelligence issues during the Gulf War, but not enough attention has been paid to making sure that analytic capabilities are sufficient.

Agencies need more analysts, more translators, and more equipment to speed the process of converting data into intelligence. This bill provides some much needed funding in these areas. I hope that the administration will sustain these important initiatives in future budget submissions.

Finally, Mr. Chairman, we are rapidly approaching the anniversary of September 11. The terrorist attacks of that day are always on our minds. Although the World Trade Center site has been cleared and the rebuilding of the Pentagon proceeds, the mourning for the victims continues and the life of the Nation has been affected profoundly. The committee is engaged in a process of evaluating the performance of the intelligence agencies in the months leading up to the attacks and in assessing how that performance can be improved to better ensure our security in the future.

An important step in that process was taken last week with the release of the report on intelligence capabilities prepared by the Subcommittee on Terrorism and Homeland Security, ably led by the gentleman from Georgia (Mr. CHAMBILIS) and the gentlewoman from California (Ms. HARMAN). The report will be a valuable tool for the inquiry being conducted jointly by the House and Senate Intelligence Committees. When the report of the joint inquiry is completed, I believe the Nation will have a better understanding of the strengths and weaknesses of our
intelligence agencies on September 11 and how weaknesses can be addressed.

The report of the joint inquiry, however, will be limited necessarily by the jurisdiction of the intelligence committees. Despite our best efforts, many of the questions of the families of the victims will not be answered by the committee's work. We owe those families the most thorough and independent investigation possible. Examining all of the issues raised by the attacks will require, in my judgment, an independent commission. I hope such a commission will be established soon. I commend the gentleman from Indiana (Mr. ROEMER) for his leadership on this issue. I look forward to discussing his amendment.

In closing, I want to acknowledge, again the contributions of my colleagues. I will continue my remarks during the amendment process.

Mr. GOSS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), a decorated pilot from the services and the distinguished chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence which covers quite a spectrum.

Mr. GIBBONS. Mr. Chairman, I rise in support of the intelligence authorization bill and I thank my friend and colleague from Florida for yielding me this time.

This is a good bill, Mr. Chairman. It addresses intelligence needs that were identified in past years by the Permanent Select Committee on Intelligence, but only now, after the deaths of many innocent Americans, are these needs getting the broad attention they deserve.

Throughout much of the 1990s, after the end of the Cold War, there was a debate over whether America really needed to spend so much on defense. As for intelligence, some people even said there was no longer any need for the CIA. I believe, and indeed I believe America believes, that this debate is now over. As we know now, prior to September 11, we simply did not have enough intelligence on the plans and intentions of foreign terrorist groups. We paid a high price for that lack of intelligence. The bill before you today will allow intelligence agencies build up their capabilities.

If you want to know the plans and the intentions of terrorist groups, you have to have HUMINT, human intelligence. This is the information you get from human sources, known as 'assets' or 'agents' or just plain 'spies.' I want to emphasize that this year's intelligence authorization bill does a great deal to strengthen our HUMINT capability.

Four things, there is money to hire more CIA operations officers. Last fall after the September attacks, our committee freed CIA's operations officers from the Deutch guidelines, implemented by former CIA Director John Deutch, which literally tied the hands of our CIA intelligence operatives working against so-called "unsavory characters," such as terrorists and narcotics traffickers.

Since the events of September 11, America's intelligence operatives have been doing a great job, but they are now few and far between. We need more and this bill will help ensure that there will be more. This bill also provides money to hire more intelligence analysts and language specialists, critical defenders of the nation, funding for foreign language training. It is not hard to understand that if your operations officers and analysts have not learned the language of your enemy, you will not succeed in learning his plans and intentions.

In addition, to help strengthen our linguistic expertise nationwide, my Intelligence Committee colleague the gentleman from Indiana (Mr. ROEMER) has offered an amendment to establish a national tutoring and foreign language initiative. I am happy to cosponsor his amendment. These HUMINT and foreign language-related items are just some of the good provisions in this intelligence authorization bill. They are long overdue.

In sum, this bill that provides the proper resources to the intelligence community for this year. The clock is ticking and America's enemies continue with their planning. I urge your support for our intelligence professionals, and I urge your support for this bill.

Mr. BISHOP. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES), a very valuable member of our committee who has former ties to the Border Patrol.

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

Mr. Chairman, I rise in strong support of this bill. First I want to thank both Chairman Goss and Ranking Member PELOSI for developing a bill that is designed to meet the intelligence challenges that our Nation is currently facing. Their leadership on critical intelligence issues has been an inspiration and very noteworthy for all of us on the committee.

Since the events of September 11, we have been wrestling with many issues in our quest to enhance our intelligence-gathering capabilities. It is apparent to us all that intelligence is the cornerstone in successfully prosecuting the war on terror and securing our homeland. Chairman Goss and Ranking Member PELOSI have ensured that this outstanding bill provides for the funding and the policy guidance to get this job done. I thank them for their continued commitment to our Nation and to our committee.

One of the things that we have also learned is the need for reliable human intelligence. The lives of our citizens and much of our battle to be trusted to proxy agents. This bill addresses this issue. We need analysts and case officers with language skills and expertise in foreign areas. At both the NSA and CIA, literally thousands of pieces of data are never analyzed, or are analyzed after the fact because there are too few analysts and even fewer with the necessary language skills.

I am proud to have played a role in the construction of this bill, especially the components of it that exemplify the mindset of thinking out of the box, something that will be essential in our future success in fighting terrorism. If we do not innovate and ride the dragon of change, then surely that dragon will ride us. That is why I am especially proud to be a cosponsor of the gentleman from Indiana's amendment to authorize additional funding for the national security education program and to establish the national flag language initiative.

One of the lessons we have learned in the current conflict is a shortage of linguists, which are critical to intelligence-gathering operations such as interrogations and signals intelligence. This bill will alleviate that shortage.

Mr. Chairman, I urge all my colleagues to support this bill.

Mr. GOSS. Mr. Chairman. I am very pleased to yield 2 1/2 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I rise in support of the intelligence authorization bill and thank our good friend and colleague, the gentleman from Florida (Mr. Goss) for the good work that he does and also the gentlewoman from California (Ms. Pelosi) for the good work that she does and all the members of the committee and the staff.

I would like to take just a couple of minutes also to praise the dedicated men and women of our intelligence agencies. America's premier intelligence specialists were working hard prior to September 11. Since then they have been working overtime and in overdrive, and there is no let-up in sight. Our intelligence bill gives these dedicated professionals the resources they need. I strongly urge colleagues to support it. I am proud of our committee's work. It has been a strong bipartisan effort that we can all be proud of.

This year's bill helps build its human intelligence capabilities. HUMINT, the information we get from human sources overseas, is something we need a lot more of. We need to know more about the meetings and plans of terrorist groups. Every American understands that we have enemies who are plotting future attacks. We need to maximize our ability to neutralize these plots, and this bill provides for the funding and the policy guidance to get that job done just that. The bill helps address the crying need for more foreign language expertise in the intelligence agencies. Each agency has traditionally been responsible for hiring and train an adequate number of linguists, many of whom have never been able to meet its goals, and the lack of foreign language capability remains a community-wide problem.
Ladies and gentlemen, it stands to reason that if America’s intelligence officers cannot understand what our enemies are saying to each other, we will never be able to adequately protect our citizens and our interests.

However, with our bill Congress steps into increased resources for language training and for transition efforts across the entire intelligence community.

Let me just say that when the amendment of the gentleman from Indiana (Mr. ROEMER) to establish a commission comes before the floor, I will strongly oppose that amendment and speak against it as strongly as I can. I think it is an ill-timed amendment, and I hope we do not pass it.

In conclusion, I repeat I am proud of America’s rank-and-file intelligence professionals, and I likewise am proud of the Permanent Select Committee on Intelligence’s work to provide them the resources they need. I urge strong support of all Members for this bill.

Mr. BISHOP. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I want to congratulate the gentleman from Florida (Mr. Goss), the gentlewoman from California (Ms. PELOSI), and all of the members of the committee for bringing forward an excellent bill. I encourage all of my colleagues to support the legislation.

I wholeheartedly agree with the committee’s report that the success of intelligence normally goes unnoticed, for obvious and correct reasons, while failures seem to be immediately brought to the public’s eye.

I want to commend the dedicated and hard-working employees of the NSA in my district who work tirelessly in secret with little public reward or praise for their many accomplishments.

Mr. Chairman, I have visited NSA on many occasions, and I agree with the committee report that there are two critical challenges that NSA faces. One is sufficient linguists. We have talked about that already today, the fact is that budget support to attract sufficient linguists has compromised NSA’s mission and that we need to improve the current language programs. The legislation before us authorizes additional funds for us to be able to accomplish that very important challenge.

The second issue is how to deal with the buy-versus-make policy for the outsourcing of nonmission critical programs. I think the committee report addresses that issue appropriately.

Mr. Chairman, the bottom line is that this legislation provides the additional resources to our intelligence community so they can collect and analyze the necessary information, set the priorities as to what is important for national security, and do that in a timely way. It also at NSA provides resources for additional research to protect U.S. communications.

I think this is a very balanced bill. It is a bill that responds to the security challenges of our Nation, providing the resources and providing the direction that is necessary, and I urge my colleagues to support the legislation.

Mr. GOSS, the gentlewoman from California (Ms. HOEKSTRA), a very valuable member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I rise in strong support of H.R. 4628, the Intelligence Authorization Act for Fiscal Year 2003. Over the past decade, Americans have witnessed extraordinary changes in the international security environment. To the average American, some of these new threats were unforeseen. To others, they were simply unimaginable.

We live in a different world than that which existed prior to September 11, 2001; and this body is obligated to ensure that every step is taken to protect our Nation against all threats, new and old.

Mr. Chairman, H.R. 4628 provides important funding that permits the intelligence community to better confront these threats and ensure greater security of Americans at home and abroad. It is a good, a bipartisan bill. H.R. 4628 addresses numerous intelligence needs, some of which have been underscored by the dramatic events of the past year.

One of the country’s most important weapons in the war on terrorism is a diverse, well-trained and experienced intelligence personnel. Intelligence officers, whether they are collectors, analysts, linguists or support personnel, have been working in an overload capacity since 9-11. These brave, patriotic men and women deserve the recognition of this body, and H.R. 4628 takes steps to encourage these officers to continue their tireless service to the country by recommending for them fair compensation, benefits and stronger career planning.

In addition to receiving enhanced specialized training and collecting and analyzing critical intelligence, these officers need strong foreign language skills to operate effectively in parts of the world where our adversaries might lurk. H.R. 4628 addresses the intelligence community’s critical need for better language training, targeting specific training for its officers as well as the long-standing issue of the re-capitalization of specific technological intelligence platforms.

Mr. Chairman, this Member urges support for H.R. 4628.

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

Mr. GOS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. BURR.)

Mr. BURR of North Carolina. Mr. Chairman, I rise today in support of the Intelligence Authorization Act for Fiscal Year 2003. As a member of the Subcommittee on Terrorism and Homeland Security, I am particularly excited by this bill to law.

During the course of the 107th Congress, the subcommittee, which began as a Speaker’s working group in January 2001, heard testimony from dozens of intelligence officials, both at home and abroad, from counterterrorism commissioners, foreign officials and hosts of other terrorism experts. In the end, we found an intelligence community that has suffered severely over the protracted period from budget shortfalls and poor internal management decisions about the allocation of available resources. Significant collection gaps, not just in the realm of counterterrorism, were identified, and many of these problems have proven to be systemic.

H.R. 4628 provides a significant new resource for the most neglected areas of the community and guidance for how the most pressing gaps can be expected to exist in a counterintelligence’s most crucial counterterrorism shortcomings, as we judged in a classified report released in unclassified summary form last Wednesday, are as follows: a chronic linguistic shortfall across the community; a shortage of core human intelligence collectors out on the streets in bazaars hunting potential terrorist spies; a culture of risk aversion that has permeated collection operation and is manifest in the CIA’s analysis of “Internal Intelligence Guidelines” promulgated by Director of Central Intelligence John Deutch. These management-generated guidelines have tied the hands of those brave men and women on the front lines for far too long.

George Tenet finally repealed these guidelines just last Thursday, the day after the counterterrorism gaps report was released, and some 7 months after the 9-11 Commission directed to him the fiscal year 2002 intelligence authorization.

The community also lacks analysts in sufficient numbers and with sufficient skills at the CIA, FBI, and NSA to connect all the dots out there that are being unearthed and examined in isolation. The FBI needs to change its culture and traditional methods of operating from emphasis on after-the-fact.

Does H.R. 4628 solve all the problems? No one authorization could possibly do that. But this bill takes us further in terms of targeting resources than we have seen in some time. I submit this bill is critical in getting the intelligence community on the right track and that there is no time to waste in this endeavor.

Mr. GOSS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Alabama (Mr. EVANZONI), a valued member of the committee as well.

Mr. EVERETT. Mr. Chairman, I, too, rise today in strong support of H.R.
I am proud of the bipartisan effort that went into the crafting of this bill. The gentleman from Florida (Chairman Goss) and the ranking member, the gentlewoman from California (Mrs. Pelosi), deserve a great deal of credit for this bipartisan effort and the great product that we have before us today.

It would be disingenuous to state that all is well within the United States intelligence community. The House Permanent Select Committee on Intelligence has been for a number of years identifying a number of major shortfalls and providing for our foreign intelligence needs. We have identified shortfalls, major limitations in human intelligence officers and assets. We have pointed out the limited capabilities this nation has with respect to foreign language specialists. We have identified problems with aging systems and capabilities. And we have identified a serious problem with respect to calculating risks in collecting critical intelligence against those who would do our Nation harm.

Mr. Chairman, this bill represents a major step forward in correcting many of these problems by funding programs, operations, and personnel that are vital to the security of the United States. This bill represents the largest increase for foreign intelligence funding in our a decade and necessary resources for improving our efforts to protect the homeland and support our forces—civilian, military and diplomatic—waging the current war on terrorism. The policies and programs in this bill will enable us to strengthen our intelligence capabilities to ensure the best foreign intelligence efforts possible.

This bill is important, in particular, in that it begins to focus on modernizing and upgrading our signals intelligence capabilities. It provides funding authorizations to modernize capabilities that have long been ignored. Although I am supportive of the fund recommendations and policy directions in the bill, I have been personally concerned that it may be difficult for the National Security Agency to effectively obligate the large infusion of funding. Therefore, the bill directs specific executive oversight actions for these acquisition programs of the National Security Agency. I believe the guidance and direction in the bill will result in honest appraisals and recommendations to the Congress to ensure the taxpayers' dollars are most effectively spent.

Mr. Chairman, I urge my colleagues to support H.R. 4628. I am proud of the bipartisan work that went into the crafting of the bill. Chairman Goss and our Ranking Member, NANCY PELOSI, deserve a great deal of credit for this bipartisan effort and for the great product that we have before us today.

It would be disingenuous to state that all is well within the United States Intelligence Community. The House Permanent Select Committee on Intelligence has been for a number of years systematically identifying a number of major limitations in human intelligence needs. We have identified funding shortfalls, major limitations in human intelligence officers and assets. We have pointed out the limited capabilities this nation has with respect to foreign language specialists. We have identified problems with aging systems and capabilities. And, we have identified a serious problem with respect to calculating risks in collecting critical intelligence against those who would do our Nation harm.

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Mr. Chairman, this bill puts a great deal of emphasis on getting the Intelligence Community "back to the basics." In short, this bill begins to correct the systemic problems that left us under-prepared for warning against the terrorist attacks on America. Although I support many of the changes that begin to focus on modernizing, it maintains a fair balance to ensure that current and legacy capabilities continue to be viable and contribute to our national security efforts by providing the necessary collection and analysis capabilities.

Mr. Chairman, I urge my colleagues to support H.R. 4628.
has terrorized Greece for over 25 years killing more than a dozen diplomats, civilians and police officers.

One person killed by that group was Richard Welch, the CIA station chief in Athens, whose name had been exposed by an anti-intelligence publication. Masked gunmen had cut his throat in front of his home, a few days before Christmas. I remember his murder well. Later I would meet his widow and work with the late Senator John H. Chafee to pass the Intelligence Identities Protection Act in 1982 to protect other clandestine operatives from similar assassination.

The dismantlement of this group is timely in that it reminds us of the importance of intelligence work today, and the risks involved for many who serve in our intelligence community. I find comfort that the assassins of Richard Welch have been captured, that Greek citizens are free of its terror, and that justice may finally be served.

Mr. Chairman, our intelligence community remains on the front lines of the war on terrorism. Many of them serve with great courage and with great sacrifice. Many of them gather information at great risk to their lives and those of their families. They provide information of great value to the defense of our nation. This bill brings more resources, tools, skills, and more assets to the people whose tireless and courageous efforts help protect our nation.

I strongly support this legislation and applaud the members of the committee and the staff on their fine work.

Mr. GOSS. Mr. Chairman, I too am happy to yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Pritt). All time for general debate has expired.

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

The text of the committee amendment in the nature of a substitute 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 2003’’.

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

**TITLE I—INTELLIGENCE ACTIVITIES**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**— Funds are hereby authorized to be appropriated for fiscal year 2003 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.


(12) The Coast Guard.

**SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.**—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings referred to in section 303, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are specified in the classified schedule of authorizations prepared to accompany the bill H.R. 6628 of the One Hundred Seventh 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 make the 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 Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2003 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, the number of percent of the authorized personnel authorized under such section for such element.

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

**SEC. 104. 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 2003 the sum of $276,179,000. Within such amount, funds authorized in the Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2004.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Community Management Account of the Director of Central Intelligence are authorized 350 full-time personnel as of September 30, 2003. Personnel serving in such elements may be permanent employees of the Community Management Account detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2003 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2004.

(d) **AUTHORIZATION OF PERSONNEL.**—In addition to personnel authorized under section 203(b) for elements of the Community Management Account as of September 30, 2003, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(e) **REIMBURSEMENT.**—As excepted in section 113 of the National Security Act of 1947 (50 U.S.C. 404a), disbursements by 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.

(f) **NATIONAL DRUG INTELLIGENCE CENTER.**—(1) **IN GENERAL.—**Of the amounts authorized to be appropriated in subsection (a), $34,100,000 shall be available for the National Drug Intelligence Center. Within such funds, the Attorney General shall utilize funds so appropriated for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

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

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

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

SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2002.

(a) AUTHORIZATION.—Amounts authorized to be appropriated for fiscal year 2002 under section 201 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108) for the conduct of the intelligence activities of elements of the Intelligence Community listed in such section are hereby increased, with respect to any such amount authorized, by the amount by which appropriations pursuant to such authorization were increased by the following:

(1) The Emergency Supplemental Act, 2002 (contained in division B of Public Law 107-117), including section 304 of such Act (115 Stat. 2300).

(b) An emergency supplemental appropriation in a supplemental appropriations Act for fiscal year 2002 that is enacted after May 1, 2002, amount authorized to be appropriated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 191(b)(2)(A)).

(c) RATIFICATION.—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of those amounts shall be specifically authorized by the Act referred to in subsection (a)(1) and by the supplemental appropriations Act referred to in subsection (a)(2) is hereby ratified and confirmed.

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 2003 the sum of $351,300,000.

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. 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. 304. SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS (SITA).

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 411 et seq.) is amended by adding at the end the following new section:

“SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS (SITA).

"SEC. 118. (a) SEMIANNUAL REPORT.—On a semianual basis, the Secretary of the Treasury (acting in his capacity as head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees (as defined in subsection (c)) that fully informs the committees concerning intelligence operations against terrorist financial networks. Each such report shall include with respect to the preceding six-month period—

(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

(2) the total number of applications for asset seizure and designations of individuals or entities suspected of having engaged in financial support of terrorist activities, that were granted, modified, or denied;

(3) the total number of physical searches of offices, residences, or financial records of individuals or entities suspected of having engaged in financial support for terrorist activity; and

(4) whether the financial intelligence information seized in these cases has been shared on a full and timely basis with the all departments and agencies, and other entities of the United States Government involved in intelligence activities participating in the Foreign Terrorist Asset Tracking Program (established by the Counterterrorism Center of the Central Intelligence Agency).

(b) IMMEDIATE NOTIFICATION FOR EMERGENCY AGENCIES.—In the case of a designation of an individual or entity, or the assets of an individual or entity, as having been found to have engaged in terrorist activities, the Secretary of the Treasury shall report such designation within 24 hours of such a designation to the appropriate congressional committees.

(c) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means the following:

(1) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives.

(2) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(d) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 117 the following new item:

“Sec. 118. Semiannual report on financial intelligence on terrorist assets.”

(b) CONFORMING AMENDMENT.—Section 901(f) of the National Security Act of 1947 (50 U.S.C. 413(f)) is amended by inserting before the period the following: ‘‘, and includes financial intelligence activities’’.

SEC. 305. MODIFICATION OF EXCEPTED AGENCY VOLUNTARY LEAVE TRANSFER AUTHORITY.

(a) IN GENERAL.—Section 6339 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b); and

(3) by inserting after subsection (b) (as so redesignated by paragraph (2)) the following:

“(c)(1) Notwithstanding any provision of subsection (b), the head of an excepted agency may, at his sole discretion, by regulation establish a space-available basis as a Department of Defense sponsored program to defray the additive instructional costs.

“(2) Except as the Secretary determines necessary, an award recipient who receives instruction at the Center shall be subject to the same regulations with respect to attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

“(3) In this subsection, the term ‘award recipient’ means an undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) who—

“(A) is in good standing;

“(B) has completed all academic study in a foreign country, as provided for under the scholarship or fellowship;

“(C) would benefit from instruction provided at the Center.”.

“(d) To the extent practicable and consistent with the protection of intelligence sources and methods, any program established under paragraph (1) shall be consistent with the provisions of this subchapter outside of this section and with any regulations issued by the Office of Personnel Management implementing this subchapter.”.

SEC. 306. ADDITIONAL ONE-YEAR SUSPENSION OF TERRORISM REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.


(1) in the heading, by striking ‘‘ONE-YEAR’’ and inserting ‘‘TWO-YEAR’’; and

(2) in the text, by striking ‘‘October 1, 2002’’ and inserting ‘‘October 1, 2003’’.

SEC. 307. PROHIBITION ON COMPLIANCE WITH REQUESTS FOR INFORMATION SUBMITTED BY FOREIGN GOVERNMENTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) subparagraph (A) by inserting ‘‘and except as provided in subparagraph (B),’’ after ‘‘of this subsection,’’; and

(2) by adding at the end the following:

“(B) An agency, or part of an agency, that is an element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall not make any record available under this paragraph for—

(i) any government entity, other than a State, territory, commonwealth, or district of the United States, or any subdivision thereof; or

(ii) a representative of a government entity described in clause (i).’’.

SEC. 308. COOPERATIVE RELATIONSHIP BETWEEN THE NATIONAL SECURITY EDUCATION PROGRAM OFFICE AND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

Section 802 of the David L. Boren National Security Education Act of 1993 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

“(A) USE OF AWARDS TO ATTEND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.—(1) The Secretary shall provide for the admission of award recipients to the Foreign Language Center of the Defense Language Institute (hereinafter referred to as the ‘‘Center’’). An award recipient may apply a portion of the applicable scholarship or fellowship award for instruction at the Center on a space-available basis as a Department of Defense sponsored program to defray the additive instructional costs.

“(B) An award recipient who receives instruction at the Center shall be subject to the same regulations with respect to attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

“(C) In this subsection, the term ‘award recipient’ means an undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) who—

“(A) is in good standing;

“(B) has completed all academic study in a foreign country, as provided for under the scholarship or fellowship;

“(C) would benefit from instruction provided at the Center.”.
SEC. 309. ESTABLISHMENT OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.
(a) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—
(A) by striking “and” at the end of subparagraph (B)(i);
(B) by striking the period at the end of subparagraph (C) and inserting “; and”;
(C) by adding at the end the following new subparagraph:
“(D) awarding grants to institutions of higher education to carry out a National Flagship Language Initiative established in subsection (c);”
(2) PROVISIONS OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—Such section, as amended by section 308, is further amended by adding at the end the following new subsection:
“(1) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1) Under the National Flagship Language Initiative, institutions of higher learning shall establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(2) An undergraduate student who has been awarded a scholarship under section (a)(1)(A) or a graduate student who has been awarded a fellowship under section (a)(1)(B) may participate in the activities carried out under the National Flagship Language Initiative.

(3) An institution of higher education that receives a grant pursuant to subsection (a)(1)(D) shall give special consideration to applicants who are employees of the Federal Government.

(4) For purposes of this subsection, the Foreign Language Center of the Defense Language Institute and any other educational institution that provides training in foreign languages operated by the Department of Defense or an agency in the intelligence community is deemed to be an institution of higher education, and may carry out the types of activities permitted under the National Flagship Language Initiative.

(2) WAIVER OF FUNDING ALLOCATION RULES.—Subsection (a)(2) of such section is amended by adding at the end the following Flush sentence:
“The funding allocation under this paragraph shall be based on the methodology prescribed by the Secretary of Defense (1)(D) for the National Flagship Language Initiative described in subsection (i). For the authorization of appropriations for the National Flagship Language Initiative, see section 811.”

(4) BOARD REQUIREMENT.—Section 803(d)(4) of such Act (50 U.S.C. 1904(d)(4)) is amended—
(A) by striking “and” at the end of subparagraph (C);
(B) by striking the period at the end of subparagraph (D) and inserting “; and”;
(C) by adding at the end the following new subparagraph:
“(E) which foreign languages are critical to the national security interests of the United States as determined by the Secretary of Defense (1)(D) relating to grants for the National Flagship Language Initiative.”

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

“SEC. 311. ADDITIONAL ANNUAL AUTHORIZATION APPROPRIATIONS.

“(a) IN GENERAL.—In addition to amounts that may be made available to the Secretary under the National Security Education Trust Fund (in this Act) for fiscal year 2003, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

“(b) AVAILABILITY OF APPROPRIATED FUNDS.—Any amounts appropriated pursuant to the authorization under subsection (a) shall remain available until expended.”.

SEC. 310. DEADLINE FOR PUBLICATION OF VARIOUS OVERDUE REPORTS.

(a) DEADLINE.—The reports described in subsection (c) shall be submitted to Congress not later than 180 days after the date of the enactment of this Act.

(b) NONCOMPLIANCE.—(1) If all the reports described in subsection (c) are not submitted to Congress by the date described in subsection (a), amounts obligated or expended after that date to carry out the functions or duties of the following offices shall be reduced by 50:

(A) The Office of the Director of Central Intelligence.

(B) The Office of Community Management Staff.

(2) The reduction applicable under paragraph (1) shall not apply if the Director of Central Intelligence certifies to Congress by the date referred to in subsection (a) that all reports referred to in subsection (c) have been submitted to Congress.

(c) REPORTS DESCRIBED.—The reports referred to in subsection (a) are reports mandated by law for which the Director of Central Intelligence has sole or primary responsibility to prepare, or required to be submitted by the Director of Central Intelligence, which, as of the date of the enactment of this Act, have not been submitted to Congress by the date mandated by law.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. TWO-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) in subsection (f), by striking “September 30, 2003” and inserting “September 30, 2005”;

(2) in subsection (i), by striking “or 2003” and inserting “2003, 2004, or 2005”.

SEC. 402. PROHIBITION ON IMPLEMENTATION OF COMPENSATION REFORM PLAN.

No plan under the Central Intelligence that would revise the manner in which employees of the Central Intelligence Agency, or employees of other elements of the United States government that conduct intelligence and intelligence-related activities, are compensated may be implemented until the plan has been specifically authorized by statute.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. USE OF FUNDS FOR COUNTER-DRUG AND COUNTERTERRORISM ACTIVITIES IN COLOMBIA.

Notwithstanding any other provision of law, funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counter-drug activities for fiscal year 2003 may be obligated and expended for the following:

(1) To fund the National Reintegration and Reconciliation Center of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

SEC. 502. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 105C (50 U.S.C. 403–5c) the following new section:

“PROTECTION OF OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE

“SEC. 105D. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Reconnaissance Office, with the concurrence of the Director of Central Intelligence, may exempt operational files of the National Reconnaissance Office from the provisions of section 522 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

“(2)(A) Subject to subparagraph (B), for the purposes of this section, the term ‘operational files’ refers to operational files of the National Reconnaissance Office (hereafter in this section referred to as ‘NRO’) that document the means by which foreign intelligence or counterintelligence is collected.

“(B) Files which are the sole repository of dissemi- nated intelligence are not operational files.

“(3) Notwithstanding paragraph (1), exempted operational files shall be subject to search and review for information concerning—

“(A) United States citizens or aliens lawfully admitted for permanent residence who have re- ceived information on intelligence related to the provisions of section 522 or 552a of title 5, United States Code;

“(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 522 of title 5, United States Code; or

“(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

“(i) The Select Committee on Intelligence of the House of Representatives;

“(ii) The Select Committee on Intelligence of the Senate;

“(iii) The Intelligence Oversight Board;

“(iv) The Department of Justice;

“(v) The Office of General Counsel of NRO;

“(vi) The Office of the Director of NRO.

“(4)(A) Files that are not exempted under paragraph (1) which contain information derived from exempted operational files shall be subject to search and review.

“(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) may subject the exemption under paragraph (1) of the originating operational files from search, review, publication, or disclosure.

“(C) The declasification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

“(D) Records from exempted operational files which have been disseminated and referred to files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

“(E) The provisions of paragraph (1) may not be designed except as a provision of law which is enacted after the date of the enactment of this section, and which specifically cites and repeals or modifies its provisions.

“(F)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that NRO has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(B) Judicial review shall not be available in the manner provided for under subparagraph (A).”.

SEC. 503. REORGANIZATIONAL PROVISIONS.
an Executive order to be kept secret in the interest of national defense or foreign relations is filed with, or produced for, the court by NRO, such information shall be examined ex parte, in camera, by general order, and shall be guarded.

(1) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

(2) The complainant alleging improper withholding of records shall support such allegations with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

(3) If the complainant alleges that requested records are improperly withheld because of improper excep­tion of operational files, NRO shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

(4) The court shall, to the fullest extent practicable, determine the issues of fact based on any exempted operational file or submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

(5) The court may order NRO to review the content of any exempted operational file or files in order to make the determination required under subsection (1), unless the complainant disputes NRO’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

(6) The court may review the content of exempted operational files or in order to make the determination required under subsection (1), unless the complainant disputes NRO’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

(7) The court shall dismiss the claim based upon such complaint if the court determines that the complainant has failed to exhaust the administrative process prior to filing suit.

(8) The court shall not review the content of exempted operational files or in order to make the determination required under subsection (1), unless the complainant disputes NRO’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

(9) Amended by an amendment added by the following new subsection:

(10) Any information filed with, or produced for the court pursuant to clauses (i) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

(11) If the court finds under this paragraph that NRO has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NRO to search and review the appropriate exempted operational file or files for the requested records and, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

(12) If at any time following the filing of a complaint pursuant to this paragraph NRO agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

(13) Any information filed with, or produced for the court pursuant to clauses (i) and (iv), shall be coordinated with the Director of Central Intelligence prior to submission to the court.

(14) The functions of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 503. ELIGIBILITY OF EMPLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS FOR PRESIDENTIAL RANK AWARDS.

Section 1007 of title 10, United States Code, is amended by adding at the end the following new subsection:

(15) Award of Rank to Employees in Intelligence Senior Level Positions—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 403 of title 5 to employees in Intelligence Senior Level positions designated under this subsection. The award of such rank shall be made in a manner consistent with the provisions of this section.

The CHAIRMAN pro tempore. No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to this bill?

AMENDMENT NO. 9 OFFERED BY MR. ROEMER.

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ROEMER: At the end (page 30, after line 7), add the following new title:

TITLE V—THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the “Commission”).

SEC. 602. COMPOSITION OF THE COMMISSION.

(a) Members—Subject to the requirements of subsection (b), the Commission shall be composed of 18 members, of whom—

(1) 6 members shall be appointed by the minority leader of the Senate;

(2) 6 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) Quaifications—

(1) National Security Affiliation—Not more than 5 members of the Commission shall be from the same political party.

(2) Nongovernmental Appointees—No member of the Commission shall be an officer or employee of the Federal Government or any State or local government.

(3) Other Qualifications—It is the sense of Congress that the Commission should have prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service and intelligence gathering.

(c) Chairperson; Vice Chairperson—

(1) In General—Subject to the requirements of paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) Election; Removal—The Chairperson and Vice Chairperson shall not be from the same political party.

(d) Initial Meeting—After the initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission, including the hiring of staff.

(e) Vacancies—Vacancies of any kind shall be filled by the Commission, including the hiring of staff.

SEC. 603. FUNCTIONS OF THE COMMISSION.

(a) In General—The functions of the Commission are to—

(1) review the implementation by the intelligence community of the findings, conclusions, and recommendations of—

(A) the Select Inquiry into the Terrorist Attacks of September 11, 2001; and

(B) other reports and investigations of the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001;

(b) other reports and investigations of the Permanent Select Committee on Intelligence of the Senate Select Committee on Intelligence of the House of Representatives and the Senate Select Committee on Intelligence of the Senate; and

(c) other such executive branch, congressional, or independent commission investigations of such the terrorist attacks or the intelligence community.

(2) make recommendations on additional actions for implementation of the findings, recommendations and conclusions referred to in paragraph (1);

(3) review resource allocation and other prioritizations of the intelligence community for counterterrorism, including consideration of recommendations for such changes in those allocations and prioritization to ensure that counterterrorism receives sufficient attention and support from the intelligence community;

(4) review and recommend changes to the organization of the intelligence community, in particular the division of agencies under the jurisdiction of the Secretary of Defense and the Director of Central Intelligence, the dual responsibilities of the Director of Central Intelligence as head of the intelligence community and as head of the Central Intelligence Agency, and the separation of agency, with responsibility for intelligence collection, analysis, and production.

(5) determine what technologies, procedures, and capabilities are needed for the intelligence community to effectively support and conduct future counterterrorism missions, and recommend how these capabilities should be developed, acquired, or both from public and private sectors of the intelligence community, including from private entities;

(b) Definition of Intelligence Community—In this section, the term “intelligence community” means—

(1) the Office of the Director of Central Intelligence, which shall include the Office of the Deputy Director of Central Intelligence and the National Intelligence Council;

(2) the Central Intelligence Agency;

(3) the National Security Agency;
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(4) the Defense Intelligence Agency;
(5) the National Imagery and Mapping Agency
(6) the National Reconnaissance Office;
(7) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;
(8) the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, the Federal Bureau of Investigation, the Department of Commerce;
(9) the Bureau of Intelligence and Research of the Department of State; and
(10) such other elements of any other department or agency designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community under section 3(4)(J) of the National Security Act of 1947 (50 U.S.C. 401a(4)(J)).

SEC. 604. POWERS OF THE COMMISSION.

(a) Hearings and Evidence.—The Commission may, for purposes of carrying out this title—
(1) hold hearings, sit and act at times and places to receive testimony, evidence, and administer oaths; and
(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) Subpoenas.—
(1) the date subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.

(2) Enforcement.—
(A) In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) Additional Enforcement.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(c) Closed Meetings.—Notwithstanding any other provision of law, the Commission may hold meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.

(d) Information.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(e) Information from Federal Agencies.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(f) Transportation.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(g) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(h) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 7503(b) of title 5, United States Code.

Sec. 605. STAFF OF THE COMMISSION.

(a) Director.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(b) Staff.—The Chairperson, in consultation with the Vice Chairperson, may appoint such persons and make such appointments as are necessary to enable the Commission to carry out its functions.

(c) Application of certain civil service laws.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 45 of title 5 or other provisions of title 5 relating to classification and General Schedule rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 86, 87, 89, and 90 of that title.

(d) Details.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detail shall retain the rights, status, and privileges of his or her regular employment.

(e) Consultant Services.—The Commission is authorized to procure the services of experts and consultants in accordance with the provisions of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Sec. 606. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission shall be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 7503(b) of title 5, United States Code.

Sec. 607. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

Mr. ROEMER. Mr. Chairman, I offer an amendment which is bipartisan, by Democrats and Republicans, to create a bipartisan commission, a blue ribbon commission, to look back at what happened prior to 9-11 and fix the problems, not through a political witch hunt, not through blame, but looking back to fix mistakes so we can move forward and prevent future terrorist attacks.

This is a bipartisan amendment offered by the gentleman from New Jersey (Mr. SMITH), the gentleman from New Jersey (Mrs. ROUKEMA), the gentleman from New York (Mr. QUINN), the gentleman from New Jersey (Mr. FINKENSTEIN), the gentleman from California (Mr. ROHRABACHER), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from California (Ms. PELOSI),
the gentleman from Mississippi (Mr. SOWS), and a host of other 108 Members, including the gentleman from Washington (Mr. DICKS), distinguished former chairman; and the gentleman from Missouri (Mr. SKEELTON), distinguished former chairman.

Back on 9-11, I distinctly remember just a few days after our Twin Towers were hit in New York City, going up to that site with members of the Permanent Select Committee on Intelligence. We were talking to emergency workers, family members, people affected in New York directly by these attacks. It is one of the most difficult things I think anybody can do in public life, and I can only imagine what the people themselves have been through, losing wives and husbands, brothers and sisters.

Now, we might say, why should we create this blue ribbon commission? The United States, after Pearl Harbor was attacked, it took them 11 days to create a commission to look into what happened. President Roosevelt acted and acted immediately. After Kobar Towers were attacked, we put a commission together. When the Marines were killed in Lebanon, we put a commission together. When the embassies were attacked in Africa, we put a commission together.

Why have we not put a commission together yet after we lose 3,000 Americans in the worst terrorist attack in the Nation’s history? That is what I am asking. We need to do it.

Second, we will hear some arguments that we need some of my colleagues, that we are doing a joint inquiry with the House and the Senate. I serve on that joint inquiry, and I am very proud of it. But when we have lost 3,000 people, when this report that we read yesterday, where we do see a host of different intelligence problems out there, language, human intelligence, analytical capabilities, too much stovepiping, not enough communication between Departments, not enough coordination between the Departments in Washington and field offices, a host of problems across the board, we are not going to take another 18 months to look at these and fix them? We cannot get Lee Hamilton or George Schultz or people that know the right answers and questions and have worked on these things without elections intervening, without timelines in the way, without politics, to look at this, when we have done it almost every other time?

I think we need two looks. The joint inquiry will do a nice job, and so can this blue ribbon commission.

We also, thirdly, Mr. Chairman, will be creating a Homeland Security Department or the next one; 170,000 people, $20 billion, $30 billion. We should get it right. We should make sure that that can attack our enemy who is not a sovereign state, but comprised of cells across the world, of four people. Let us make sure this commission can get it right.

Finally, Mr. Chairman, let me conclude. I recently met with a woman, Kristen Breitweiser, who lost her husband in the attacks in 9-11. In my office, she handed me a ring that was around her finger, just like the one I have. And she said, Mr. ROEMER, I want you to help create this commission. This is my husband’s ring that fell at the World Trade Center when it collapsed. This is all I have left. Congress has not done anything yet to answer the questions. My daughter does not have the answers. You have done it every time in U.S. history. Why not now? Why not have a blue ribbon commission for the future?

Mr. Chairman, I urge my colleagues to support this bipartisan blue ribbon commission.

Mr. GOSS. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

Mr. Chairman, I wish I could agree with everything that my colleague, the gentleman from Indiana (Mr. ROEMER), just said. I agree with a great deal of what he just said. The problem is, this is the wrong vehicle, and this is the wrong type of blue ribbon committee.

In fact, in order to be germane to this bill, this blue ribbon committee will be limited in what it can do to just what the oversight and intelligence committees actually do. Otherwise, this would be a nongermane amendment, and actually the intelligence committees are planning to continue doing just what they are doing. And, in fact, they are not only doing their daily job but we are doing a joint bicameral 9-11 review.

So virtually actually everything that the gentleman from Indiana (Mr. ROEMER) said this blue ribbon commission could do, is being done by the committee in their daily work and the joint committee, the 9-11 review.

I would add, that while I agree with the gentleman’s idea, to have a genuine bona fide blue ribbon national committee that has much broader scope to deal with this as they did in Pearl Harbor, that would include such things as Presidential appointees in addition to the congressional appointees, that would include such things as looking into the oversight of how Congress does its job. We should be held accountable too on the oversight committees. And a true blue ribbon commission could do that. This commission is not going to be able to do that.

What we basically have is a proposal that is a little strung out in order to comply with the germaneness rules. So what we have is a lot of duplication of what we are already doing. In fact, a lot of work that the gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from California (Ms. Harman) and their subcommittee did so well and so proudly, and I think it is being duplicated in part of this. Then we have a part of this that talks about a lot of provisions that I do not think are very well crafted. I am not sure how the noninterference provision works, and we do not want to have interference with the 9-11 work that is ongoing because it is extremely important.

I know a good faith effort was made to make sure there is no interference but I am not sure that is actually the result. I think there does need to be an executive branch appointment to this. I do not think Congress should reserve the right to make all the appointees.

I would also point out there are other committees of jurisdiction that should be involved in appointing a blue ribbon committee. We have not had hearings on that. I know there is a freestanding bill which I believe deserves to be heard by those committees. They should go through the process, and we should come out with a blue ribbon committee that actually provides the views of the working standing committees of this House and all of those who have equity in it, rather than to try at midnight on this lovely day to put together what is really sort of a jury-rigged proposal. Well-intended, I take nothing away from that.

I think, finally, the one thing I want to congratulate the gentleman for is I agree entirely with him. He is doing something which is very important here which is requiring that there be a look at intelligence architectural reform. I totally support him in that effort. I think that part of this is good, but when you add it all up, I do not think this is the right place to do what he wants to do. And I am afraid his co-sponsors from New Jersey are going to be very disappointed. They are going to be hearing a lot of stories from survivors who are also talking to me, believe me, and we have some in my district. This is not going to do the job they want because it does not have the scope to do it.

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

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

Mr. ROEMER. As the Chairman knows, if we had crafted the amendment the way that would have suggested to be a bit broader, he probably would have objected to it on a point of order. And the Committee on Rules did not protect my amendment to do those very things. Does the gentleman have a suggestion?

Mr. GOSS. Finally using my time, there are four other chairmen and four other ranking committee members, and all the members of those committees who are counting on the rules of the House to make sure that they get their equivalent protection in what the gentleman is trying to propose.

And the gentleman knows, and as we have talked before, I am not opposed to
Mr. Chairman, I move to strike the last word.

Mr. Chairman, last fall the committee approved a creation of an independent commission to examine all aspects of the September 11 attacks. In the course of the legislative process, that proposal was first weakened and ultimately eliminated. I supported the commission concept not because I was concerned that the intelligence committees could not review adequately the performance of the intelligence agencies in the months leading up to September 11, but because I knew that review would be limited necessarily to those agencies.

The September 11 story extends beyond the intelligence agencies, and to be told comprehensively, needs to assess the performance of agencies outside the intelligence community. A commission that is unencumbered by jurisdictional concerns could take that kind of comprehensive look at September 11.

I would hope that the House tonight would have a chance to again consider a commission proposal like the one that was approved by the Permanent Select Committee on Intelligence last year. Although that will apparently not be the case, I believe the commission amendment offered by the gentleman (Mr. Rohrabacher) will make a valuable contribution to a better national understanding of the September 11 events and what is being done within the intelligence community to respond to them. Therefore, I urge the adoption of the amendment.

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

We have a blue ribbon commission. It has a commission proposal established. The gentleman is a member of it. We are standing around here for an hour praising each other about what great experts we are, what a great chair we have, what a great ranking member we have. Does the gentleman know why? Because they are all experienced people. Some of the people having done the work for years.

I have only been on it for 2½ years. I know the gentleman from Indiana (Mr. Roemer) could not tell me one thing that you are an expert. In certain areas you are an expert. Yes, you are. You know you are.

I certainly think the gentlewoman from California (Ms. Harman) and the gentleman from Georgia (Mr. Chambliss) are experts after the work they did on the anti-terrorism report that they just came out with. And no one would deny that the gentleman from Florida (Mr. Goss) and the gentlewoman from California (Ms. Pelosi) are experts.

We have a blue ribbon commission and it has been working. We have 25 professional staff people from both sides that are working very hard on this. And the last thing we need to do is establish another commission that would take a year to establish, to hire staff. You talk about being behind the eight ball and getting answers for people, it is not happening.

What about the leaks? The two chairmen just sent a letter to the FBI asking for an investigation of leaks. So what are we going to do? Share information with the world? Under the Roelicker and the Rove kind of environment you will not have public hearings. They can bring in the CIA director, the FBI director, they will testify before the whole world. What purpose will that serve, particularly when we are trying to help the intelligence community become better at what they are doing? Not by sharing it with the world, not by having subpoena power, not by allowing people to hold public meetings.

This is a ridiculous idea, particularly given the fact that we have a blue ribbon commission by the people that are already experts in it anyway.

We had this debate a year ago in the committee. We had a real, real spirited debate and we had it here on the floor. And eventually when the bill, the conference committee from the Intelligence Committee came forward, this was not included because I think people realize what a bad idea it is. There is really a bad idea.

The gentleman talked about four commissions, and he cited them very well but what did they accomplish? I guarantee that their reports are sitting on shelves somewhere around here. What the recommendations they made, nobody could probably really cite. So I do not know what purpose they really have served.

This is a bad idea because it would take too long to establish, to hire the staff. They do not have good people working on this. And the last thing I think we want to is really infringe on the ability of the intelligence community, to be subpoenaed, to testify in public, to reveal the secrets.

If people wanted to see the bill that we are going to pass here, it is not here. Do you know why? If you want to go up to the committee you can see it, but it is not here because we do not want people to know how much money we are spending, how many more people we are going to hire because that really infringes on the ability of the Permanent Select Committee on Intelligence to do their work. And yet the gentleman wants to have a commission established to shine light on 9-11.

We all want answers, and I think we will get answers. We have gotten some answers from the good report that was done by the gentlewoman from California (Ms. Harman) and the gentleman from Georgia (Mr. Chambliss). We will get answers from our joint staff committee. We have great staff people working on that. I think the last thing we need to do is ask distinguished Americans, who would take a long time to appoint, to come forward and do this.

I really ask Members to think about this. This is very bad for the intelligence community. It is very bad for the families of victims. I have no doubt of that because we have good people working on this. And I think in the end, we will come out with a report that will shed light and give answers to many of the things that we need to know.

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I hope Members will vote against this; and I hope when we do vote it down, this will be the end of it, and we will not have to revisit this again because this just does not make any sense for the kind of work that we do in the intelligence-gathering community.

So I ask Members to vote against this, very bad amendment. It is a lousy amendment. It is not going to serve any purpose, and it really does not make any sense. I think all the other activities we are doing around here, all the activity that is going on, all the staff that are hired and collecting information and trying to figure out what is happening.

All the members of the committee have been sitting through those 2-day-a-week full-day hearings that are going on by our joint committee. There is a lot of information. Members really have to pay attention, and to think that some blue ribbon group from across the country is going to get up to speed on this, it is going to take a year to appoint them, and then to get up to speed, it will be another 2 years with a recommendation.

Bad idea, bad amendment. Vote it down. My colleagues will be doing a favor to the intelligence community.

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

I rise in very strong support of this well-thought-out amendment. Let me preface my remarks by saying how much respect and admiration I have for the members of the Permanent Select Committee on Intelligence. I want to acknowledge the hours and hours of work they have put in, their integrity, their dedication to this process. I think they have done their country a great service, and I commend each and every member of the committee for that.

Many Members of the Chamber will remember a lot about the events of September 11, 2001. As do I. I also remember how I felt on the morning of September 12, 2001. I woke up, and the first thought that came to my mind was:
was that in the 11 years that I had served in this body I had voted to spend about a half a trillion dollars’ worth of taxpayers’ money on building an intelligence establishment; and I asked myself what role I had, what responsibility I had to avoid to a failure of that establishment to defend our country against the calamities of September 11.

I am not here tonight to point any fingers at any agency or any person. I do not know what the chain of causation has led to the events of September 11, but here is one thing that I do know. I do know that each one of us and each Member in the other body and each institution in American government has questions that need to be asked about it and about its role.

I want to reemphasize, the leadership and work of the individuals who served on the Permanent Select Committee on Intelligence is not the point of my remarks. I wish that we all had the degree of effort and effort that these individuals have put in, but I think we have to ask some hard questions about the House and about the other body, about what we have done, about what we have failed to do, about what policy-making institutions in this country have done dating back to 1995 and some of the other controversial decisions and policies that have been implemented.

I think we are never going to be able to go forward and put together a prospective strategy to do everything we can to avoid another calamity like the one we saw last September unless every institution is subjected to scrutiny; and with all due respect to my colleagues in this House, I do not believe that we can subject ourselves to that same kind of scrutiny because we have a vested interest in the answer to that question.

No impugning of anyone’s integrity or ability, but I would simply make the point that this assessment of the future strategy of success for our intelligence capability must include answering the hard question. What responsibility do we have to bear for the failures and intelligence system failures that our defense and intelligence systems failed on September 11, so that we can prevent future tragedies and we can say with assurance that there were defense and intelligence system failures on September 11, and in order to identify those, we need help, for people to step back and look at it.

There is a place for the kinds of studies that the committee has done. There is a place for internal evaluations in each of the Federal agencies involved, but with the Roemer amendment, we would establish an independent commission consisting of, say, 10 Members, and I would say that commission would report its findings and conclusions in a way that would earn the trust of the American public; and believe me, we need to do that if we are going to come up with conclusions that serve America in preventing future calamities.

Some would say that investigations will be used to play politics, but this amendment is not about politics. This independent commission is about fact finding, we need to look at our government’s weaknesses and correct them. It is our duty as legislators.

A few weeks ago, I joined a group of central New Jerseyans, principally widows and surviving family members of those who were killed in the attack on the World Trade Center. I joined them at a rally here in Washington where they were calling for just this kind of commission, and I would say any of my colleagues who spoke with those family members that day or since would understand why passing this amendment is so important.

Our government leaders from the White House keep telling the public that another terrorist attack is inevitable. It is not a question of whether, but when, they say. Well, another attack would be inevitable only if we do not learn from our mistakes, if we do not fully examine what went wrong prior to September 11, 2001. I urge my colleagues to pass this amendment.

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

Mr. Chairman, I may be in a minority of one on this floor on this subject. I was not a fan of the broad commission proposal of the narrower version that the gentleman from Indiana (Mr. ROEMER) is offering. I believe I am the only person on this floor and I may be the only person in the House to have served on an independent national commission on terrorism.

I was appointed by the minority leader in 1999 to serve on a 10-member commission, sounds a lot like this one, that was to investigate the terrorist threat. It was ably chaired by Ambassador L. Paul Bremer, called the Bremer Commission, and I became one of the 10 commissioners.
Representatives and the Senate Select Committee on Intelligence of the Senate;
C, other such executive branch, congressional, or independent commission investigations of such terrorist or the intelligence community; and make recommendations on additional actions for implementation of such findings, recommendations and conclusions. In fact, the mission of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

It goes on in point (2) to say, review resource allocation and other prioritizations of the intelligence community for counterterrorism, which are current missions of the House and Senate intelligence committees;
(3) to review and recommend changes to the organization of the intelligence community, in particular the division of responsibilities of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

(4) determine what technologies, procedures and capabilities are needed for the intelligence community to effectively support and conduct future counterterrorism missions, and recommend how these capabilities should be developed, acquired, or both from entities outside the intelligence community, including from private entities. Again, a current mission of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

Let me just say to my colleagues that I commend the gentleman from Indiana (Mr. ROEMER). The gentleman is impassioned on this. We have a joint inquiry currently in progress of the House and Senate committees. Our hope is that by the end of the year to come to this body, the Senate, and the American people with a report, and it will be important, then the House and Senate committees to make sure the recommendations, to make sure the findings, to make sure the changes, to make sure the resources, and to make sure the technologies that have been identified are incorporated.

It is the core responsibility of the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence today to take up practically every point of this amendment. I would urge my colleagues, let us do our work on the House Permanent Select Committee on Intelligence without the burden of people looking over our shoulders, questions being done. Let us get to the facts, let us keep the focus that we have, let us make progress at fixing those things that we find are broken, and we will air them to the American people in the correct way.

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

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

Mr. Chairman, I rise in very strong support of this amendment by the gentleman from Indiana (Mr. ROEMER). I served for 8 years on the Permanent Select Committee on Intelligence, and I have no doubt that the chairman, the gentleman from Florida (Mr. Goss), and the gentlewoman from California (Ms. PELOSI) can do a fine investigation.

What I think is important for the credibility for the American people is an independent commission, standing alone, with experts who can take a longer view. We all know what the jurisdiction of the Senate and House are, and that Members have multiple responsibilities, and we understand the time it takes to do one of these jobs, to focus in on this and get it right.

President Roosevelt understood this after Pearl Harbor. He set up a commission, a public commission. I think that is a very good model for this.

And I would say to my friends tonight, late in the evening, does anyone have a doubt that this debate might be the most revealing of if Al Qaeda were in the United States or if Bill Clinton were still President? I can remember all of the investigations of President Clinton, one after another. There was great energy on the other side of the aisle to have every imaginable investigation.

I can remember the Permanent Select Committee on Intelligence looking into Haiti, looking into Iranian arms to Bosnia, technology transfer to China, campaign finance reform, and impeachment.

I think the American people understand the politics of this body, and I think we will do ourselves a great service to have an independent commission looking at this so that the people of this country will have confidence that objective people have looked at it not from a political perspective.

The gentleman from California (Mr. COX) and I did a great job with our select subcommittee on the transfer of technology. We had a unanimous recommendation. But I could still see a commission having dealt with that. And I think on this issue, because of its importance to the country, the importance to our history, having a commission look at this that the American people can have complete faith in, I believe, is the right way to go, and I think we should all support the Roemer amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words, and I apologize to my colleagues, because the time is getting late.

Mr. Chairman, I have 80 families who lost loved ones in 9-11; sons, daughters, fathers, mothers, sisters, brothers, husbands, wives, best friends, and they want to know why. And I want to know why.

I know it is beyond just a little part. It is Congress, it is the White House, it is a whole array of things that have to be looked at. And with no disrespect, no disrespect to the Permanent Select Committee on Intelligence, they are one part of this issue. And, frankly, they are a part of it. They are not independent.

I chair the Subcommittee on National Security, and we had 19 hearings before 9-11. We tried as hard as we could to get someone from the CIA to testify. They never came. They had no jurisdiction slip from the Permanent Select Committee on Intelligence that said they did not have to testify. We wanted them to come testify because we wanted to know how was the CIA talking to the FBI. My committee has jurisdiction of terrorism at home and abroad. We had jurisdiction. We wanted to know how did they communicate, and we could not get them before the committee because they had a permission slip from one of our committees saying they did not have to come.

We need an independent commission. And the gentleman from Indiana (Mr. ROEMER) is on target in what he wants to accomplish. Unfortunately, his amendment does not offer the kind of amendment he needs to, give it jurisdiction. We need a presidential commission that is independent that will tell us ultimately what we all know.

If we had just listened to what the terrorists said in Arabic, we would have known about this attack.

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

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

Mr. DICKS. Mr. Chairman, on the point that the gentleman made about that this amendment is not perfect. This amendment could be perfected in the conference committee between the House and the Senate.

I would suggest to the chairman and the ranking member, if they have some problems with this particular amendment, work it out in the conference committee. That is what we have done over the years.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, I think there are many ways to work it out. I ultimately believe this should be a commission of people outside Congress, outside working for the administration. It needs to be people totally independent; people like a Sam Nunn or a Warren Rudman, or some others of that status.

There should not be so many from the Speaker or the minority leader. We should not be saying these are our people and the other side of the aisle’s people.

I believe the victims, the families of September 11, are ultimately going to get a commission because they deserve it, and so do the American people. I salute my colleague for bringing this forward, but it is not the kind of commission that I would hope we would have.

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

Mr. Chairman, I rise with my strong support of the Roemer amendment being offered this evening. I believe it is the right thing to do because this is what great democracies
do; they let the sunshine in. It is never easy to air dirty laundry for anyone, or to admit to certain shortcomings or failings, but there are still many unanswered questions that the American people have.

A democracy that derives our power by the consent of the people, that can only function if we have the faith and confidence of the people, need an independent review of what happened to our Nation on September 11. This is a precedent, this is a precedent. Prior Presidents have called for this when great tragedy was visited upon this country. As the gentleman from Indiana (Mr. ROEMER) acknowledged, 11 days after the attack on Pearl Harbor, President Roosevelt called for an independent commission based on the attack at Pearl Harbor. President Reagan did the same thing after the Marine barracks incident in Lebanon.

Let me also state that this is not an easy amendment for the gentleman from Indiana (Mr. ROEMER) to bring. He is a distinguished member of the Permanent Select Committee on Intelligence. He, as do I, has a great deal of respect for all of our colleagues serving and working on the Permanent Select Committee on Intelligence, along with the very capable and bright staff working on that committee. This is not an indictment or questioning the work that they are doing. Yes, there is a joint review and an investigation taking place between the Senate and the House looking into the events of September 11. We should be doing that, and it is being done.

But what is a little bit sad in the course of this debate this evening is that we are having to have this discussion at 12:30 in the morning when the House of Representatives when the President of the United States himself should have been calling for the establishment of an independent commission looking into the events of September 11. That is the type of leadership that we need right now in this country, and it can only be provided by the President of the United States.

I appreciate the concerns of the gentleman from Florida (Mr. Goss) regarding the wording of this amendment and certain restrictions that the gentleman from Indiana (Mr. ROEMER) had to meet in order. An amendment of this magnitude would mean so we could at least have a discussion of this important topic this evening; but if the President were to move forward by calling for a commission, certain accommodations can be made so that the commission can be comprised of a distinguished panel of individuals, and we all have a list of who those people could be serving on it, that could approach this subject in a cool, dispassionate, and nonpartisan fashion.

They could conduct their work without interfering with the ongoing duties and responsibilities taking place in the Permanent Select Committee on Intelligence. They could also conduct their work so that it protects the basic operation and methods of intelligence gathering so we do not air to the rest of the world, especially our enemies and future terrorists, how we gather this type of information.

These things can be done because they have been done in the past. That is why I think this amendment has merit. I think ultimately the American people will not be satisfied unless they get an active answer by a distinguished panel of outside experts that can come in, take a look at this, take the time that they need to analyze what happened on September 11, not with the purpose to assess blame or point fingers, but to find answers so the changes that we have to make will be made.

In the next 24 hours we may be debating the greatest single change of the Federal Government in the last 55 years. The President is requesting $40 billion for a new homeland security agency. I agree with that. We need to restructure the government to deal with current threats; but all of this will not matter if we do not get the intelligence aspect of defending our Nation and preventing future terrorist attacks right.

That has to be done. I think there is a great deal of wisdom in calling upon a group of outside experts, those who have served in the Congress, those who have served in the executive and analysis of intelligence gathering, to give them the authority on a parallel track along with the investigation, the review that is currently taking place between the Permanent Select Committee on Intelligence, and working with the administration to learn from the mistakes of the past and then recommend the policy changes, the structural changes that we have to make and move forward on in order to enhance the intelligence-gathering capabilities in order to answer by preventing another tragedy from occurring against the United States of America. I encourage my colleagues to support the Roemer amendment.

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

Mr. Chairman, I rise in very strong support of the Roemer amendment. I hope that our colleagues will join in a bipartisan fashion voting ‘aye’ at the end of this debate. This is a very important debate for our country. Not only do I support the Roemer amendment for an independent commission, I authored legislation for an independent commission last year. Indeed, that commission was accepted by the Permanent Select Committee on Intelligence. It was not until we came to the floor when others chimed in that my commission was changed and then struck from the bill in conference.

But I want to read from the conference committee bill from last year because I think it is important for the committee to know why an independent commission is necessary. The Permanent Select Committee on Intelligence said, ‘The committee believes that the commission will only be successful if it is seen to be truly independent of any perceived notions about the effectiveness of the different agencies and departments and it will review. Appointing members with a reputation for challenging conventional wisdom, wide perspective, bold and innovative thought and broad experience in dealing with complex problems will contribute directly to instilling the commission with an independent spirit which will enhance the credibility of its work. Those given the authority to appoint members of the commission are urged to be especially sensitive to the committee’s concerns in this regard.’

I read this, Mr. Chairman, because I think it speaks directly to the difference between what this commission’s product could be and the work of the joint inquiry. It has served 10 years, longer than anyone on the Permanent Select Committee on Intelligence, and I do not mean to equate longevity with expertise, certainly our distinguished chairman’s reputation for knowledge in the intelligence community is unsurpassed, but that does not mean that we cannot have a disagreement about how we should go forward.

In our committee we are engaged in a joint inquiry into September 11. We are the families affected by that tragedy; some answers. We need to reduce risk to the American people, and finding out how September 11 happened will help us protect the American people.

Tomorrow we will start debate on the floor on the Department of Homeland Security which too has as its goal to reduce risk and increase safety for the American people. But there is more that we can do to give some answers to the families affected and indeed to every person in America about how we can increase safety as much as is humanly possible in the world that we live in today.

What is the harm, I ask Members, of finding out more? What is the disadvantage of having fresh eyes look at a situation? When we have had some of the family members come to visit us about the September 11 tragedy, they tell us that just a simple thing like a plane flying overhead or a warning of a suspected terrorist attack, and that is not ordinary, fills them with terror.
report, largely because of the leadership of the gentleman from Florida (Mr. Goss) in the House and Senator Graham in the Senate and the rest of us working closely in a bipartisan fashion. We know firsthand the excellent work that is being done in the intelligence community. They need answers, too, I believe, from an independent commission with fresh eyes and an entrepreneurial look at what the possibilities are.

We have reviewed in our committee the intelligence aspects. That is what the gentleman from Indiana’s amendment serves to do as well. I would have hoped that he could have gotten a waiver from the Committee on Rules for a broader investigation so that we could assess the performance of every agency of government which had every responsibility. Since that is not the case, I urge our colleagues to support this narrower commission, fresh eyes, more safety. We need the 9/11 commission.

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

Mr. Chairman, I rise in opposition to this amendment. There has been some comparison with what happened at Pearl Harbor and what happened in another number of incidents around the world in recent decades, comparing that to September 11.

September 11 was not a military failure. September 11 was a massive intelligence failure. There is a marked difference. There is a difference because our intelligence community operates behind closed doors. It operates in a fashion where it needs to operate in order to gather information on terrorist groups and criminal organizations around the world. The terrorist groups around the world would love for us to open up our intelligence community to their eyes. I think that is a terrible mistake that we would be making and a bad precedent that we would be setting.

Our subcommittee has been working for the last 8 months on a report. We have a 142-page classified report on record in the Permanent Select Committee on Intelligence. We issued a nine-page summary of that report. That is the difference. There are nine pages out of 142 pages that we can talk to the American public about. In our report, we did not pat the intelligence community on the back. We criticized the intelligence community where they needed to be criticized and we pointed out where their shortfalls existed leading up to September 11.

The current bicameral committee, the joint inquiry committee, is focusing not. Our committee was a broader investigation, but the joint committee is focusing on the plot of September 11. The 19 hijackers involved, we are looking into exactly where they came from, how they got here, what their mindset was and what they did leading up to September 11. I assure you at the end of the day when that inquiry is completed, there will be another classified report that will be a massive document. But there will also be a summary report that the American people will have that will focus on the plot and the American people will have a very good idea of what happened leading up to September 11 in the minds of those 19 hijackers.

There has been conversation, also, publicly and it has been stated over and over here tonight that we may be subject to another attack. God forbid we could assess the performance of every intelligence agency of government which had every responsibility. Since that is not the case, I urge our colleagues to support this narrower commission, fresh eyes, more safety. We need the 9/11 commission.

I think that this would be one more report that Congress would ignore. Maybe this report would tell us that Congress failed in its duty to the American people by ignoring Hart-Rudman. Maybe there was negligence in this body by not addressing Hart-Rudman, because apparently it indicated a lot of things that we should have been paying attention to in the intelligence community but we were not.

The think of when NASA lost the space shuttle and the argument was, in and out of NASA, how this was going to be done and what had to be done to correct it and get the fleet back up and get it flying and do our missions; all laudable goals. But think of the moment when the member of the independent commission, Dr. Feynman, took the O-ring and put it into the ice water. Think of that moment and what that meant to the American people and what was wrong with the shuttle program and assumptions that were made about temperature and launches and weather conditions, all of which could be justified but turned out to be catastrophically wrong. When other great systems, complicated systems and sophisticated systems suffer catastrophic failures, in the business world they generally turn immediately to outside experts.

When we suffered the catastrophic failure of the oil rigs in the North Sea, we immediately turned to outside experts. The Alaska pipeline. The catastrophic fire in the London subway. You say, well, that is not 9/11. But when they turned to outside experts, they found everyday practices that every day put people’s lives at risk in the subway. I think it was a Georgia company that did the studies, experts in catastrophic failures. Why? Because over time they had built up practices that were at odds with the safe passage of people in the subway and it had to be redesigned.

What is the other reason this is important? There are a number of them. One, an obligation to the families as has been mentioned by so many already. There is also another obligation to the American people. The American people have a lot at stake. They have a lot on the table with the outcome of this study. What do they have on the table? They have their freedoms, their livelihoods. The best question that this is simply a failure of laws, new laws that need to be enacted or old laws, and that is simply the failure.
That may be the case. But we do not know the people are being asked to given up their freedoms, people are being asked to let their neighbors spy on them, people are being asked to have their freedom of travel changed, all of which appears necessary to me. But we do not know that, because we do not know the threat assessment versus those freedoms and the failures of the system prior to that.

But somehow we cannot do this. Somehow we are told that if we have an independent review, that would be catastrophic. This system, and all the arguments are interesting, they just do not go to the point of whether or not we are going to participate.

Mr. GEORGE MILLER of California. Mr. Chairman, I urge support of the Roemer amendment. The Roemer amendment is the most important amendment that we have on this bill. The amendment is now before the committee.

Somehow we are told that if we have an independent review, that would be catastrophic. This system, and all the arguments are interesting, they just do not go to the point of whether or not we are going to participate.

The CHAIRMAN pro tempore (Mr. SMITH of New Jersey). Mr. Chairman, I ask unanimous consent that the gentleman from California be allowed to offer an amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the amendment to the 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Mr. Chairman, I represent the district that had perhaps the most impact here. The World Trade Center used to stand in the middle of it, and the catastrophe that was visited on my district and on the entire country, represented, among other things, a monumental and catastrophic failure of intelligence. When such a thing happens, I think it behooves us to take a complete and fresh look at it.

Look at every aspect of it. Look at every aspect of every establishment that we have to deal with that, and that includes, frankly, the way this Congress and its intelligence and other committees that are relevant deal with it. That is why I support the Roemer amendment for an independent blue ribbon commission.

Now, maybe we have not spent enough on intelligence. I have joined in the past in voting for amendments to cut the intelligence budget. Maybe we were wrong. Maybe, on the other hand, we have spent too much but we have not spent it properly. Maybe we spent too much on electronic intelligence and not enough on human intelligence. Maybe people were not talking to each other who should have been. Maybe the analytical capability was neglected in favor of just collecting huge amounts of information which could not then be analyzed in time. I do not know.

Maybe the Permanent Select Committees on Intelligence of this Congress have functioned perfectly admirably, and maybe they have not, and maybe there are changes we could make in our own establishment and how we set up things. That is why we need a totally new and outside and independent look and why I support the Roemer amendment.

Let me also say one word in opposition to the amendment by the gentleman from New Jersey (Mr. SMITH). There are plenty of survivors and family members of victims in my district, and they certainly have a very great interest in all of this. I have supported the role of victims in commissions and on committees and so forth in determining the type of memorial to be erected in New York and the rebuilding and so forth. But the fact that someone is a relative of someone who died in the World Trade Center does not make that person an expert on intelligence, does not make that person an expert on the military; and, frankly, this commission ought to be not a commission of people who we put there sentimentally because we sympathize with their loss. It ought to be a commission of people who are experts in the things that have to be examined, experts determined by the President, by the leadership of the House and the Senate, the other body, and so forth.

So I urge, Members, do not add sentimentality to this commission which will not really accomplish anything, but do approve the Roemer amendment.

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

Mr. Chairman, I think I know the direction of the debate here, but I think it is important that we do not deceive ourselves. All of the impassioned comments that I have heard here in the last few minutes are for a commission that would not be created by the Roemer amendment. The Roemer amendment is a very narrow shadow of the independent commission the gentleman from California described, a broad-based commission. And I would say, to the gentleman’s credit, he understands this, because he had to craft something that would be germane to this legislation.

This legislation, if we take a look at the four points that are covered here, focuses exclusively on the intelligence community. The first element is to make sure that the inquiry, the joint inquiry if it is implemented, well, that can take place only after we have seen it; but I will tell my colleagues one thing, a joint committee, or a joint inquiry by the two intelligence committees’ recommendations to itself can be ignored by the two intelligence committees.

Now, what happened on 9-11 was certainly representative of deficiencies in the intelligence community, no doubt about that; and there may be some failings. But the biggest deficiencies were in the law enforcement community, I say to my colleagues, and the relationship of the law enforcement community to the domestic agencies.

In the particular terrorist event that ravished this country on that day, both here across the river and in New York City, of course, it was the failure, the link between the FAA and the commercial airlines and the law enforcement agencies, at least the Federal law enforcement agencies. That was the failure.

The gentleman from New Jersey, just a few minutes ago, said some things that he would like to see it broadened. Well, if we are going to have a commission that would be germane to this legislation, if we take a look at the four points that are covered here, and I am not opposed to it, it is going to have to look at the whole array of problems that we had. We cannot simply look at the intelligence community. We have to look at where the response to information would be acted upon.

If we take a look at all of the agencies, a part of which are being merged under the proposed homeland security agency or department, those are all of the elements of domestic response and law enforcement that we have to be there to do something with the intelligence we hope we have. We were surprised, we had deficiencies in intelligence.

I say to my colleagues, it is not going to give us the Commission that everybody here is looking about. It is not going to give us that comprehensive examination. I say it is a cruel hoax to suggest to the families of the victims of what happened across the river and in New York City that such a commission is going to give us those answers. It is too narrowly focused. It had to be, to be offered by way of this amendment. So we may vote for it, but let us not kid each other. This is not going to do the job that my colleagues think it. It is a part of it; it is not the significant part, in my judgment.

The biggest failures that took place on 9-11 were in the law enforcement and domestic agency fronts.

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

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

Mr. DICKS. But does the gentleman not agree, Mr. Chairman, that we could fix it in the conference committee between the House and Senate committees? We have done that many times in the past. If the committee wants to change this commission and make it broader, make it more effective, and come up with a broad range, we could do that in the conference between the House and the Senate, and we could agree to it when the conference report comes back.

Mr. BERUETER. Mr. Chairman, reclaiming my time, the gentleman from Florida has already pointed out the problems that this creates for the other committees of this Congress, that they should have some input in the preparation of a conference report.

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

Mr. Chairman, I have not heard much that I disagree with. As one of the more recent persons to serve on the Committee on Intelligence, I certainly would not come here to the floor of the House of Representatives and suggest that the joint select committee or the joint committee of the House and Senate that is doing the work now of looking back with reference to what happened on 9-11 will not do a good job. But a good job is not good enough in this particular situation. We need the very best.

The fact of the matter is that this group of persons who are doing the work are from inside this body and the other body. We tend to think we know everything, and no one else can tell us that we do not know everything. It is sort of like as an aside and not meant to be either of the States, but I lived in New York and California, and I left California thinking that Californians thought they knew everything, but I knew that New Yorkers knew they knew everything.

The fact is, we do not. And in this instance when the report is finished, which will be a magnificent work, it can become the starting point for an independent group.

Now, let me give my colleagues three things that have been taken place in our history in addition to those that have pointed out how swiftly President Roosevelt, after Pearl Harbor, appointed an independent commission. We have
had in our lifetimes three significant, and there are others kinds of reports about what happens, in our government. When President Kennedy was killed, we had a select committee to do an investigation. When we found ourselves with President Nixon’s problems in Watergate, we had a select committee of the House and Senate. But when we had civil rights disturbances and immense destruction in this country, we went to an independent commission that is called the Kerner report that all of us that are old enough to remember know as the seminal report on race in America that is still looked to by all intellectuals in academia and in other people.

Mr. DICKS. Mr. Chairman, I object. The Committee is not in order. The gentleman deserves to be heard. He is making a very eloquent statement and I think the Members ought to pay attention.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The gentleman is correct. The House will be in order.

Mr. HASTINGS of Florida. Mr. Chairman, I come here with good friends and colleague from Washington and the Speaker for seeing to it that this debate itself is carried on in a manner consistent with all of our thoughts. Everybody has made major contributions and listening to what he has to say, and our feelings and passions run high.

What I was saying is that the Kerner Commission became the seminal report for all in America and is still looked to as the most definitive matter that has underreported and under surveyed of race in America. That said, what we have from Watergate from our inside base select committee still puzzled by what transpired? I do not even have to begin to tell my colleagues the conspiracy theories that have been spawned by virtue of yet another of those inside groups of people who made a determination.

Now, I do not think we have anything to hide, and I do not think we should try to hide, and nor should we be going to do that. None of the Members of the committee that is presently working for the House and the Senate are going to do anything other than the best that they can. These are the finest Americans that anybody could possibly expect that will look at this matter. But I can assure my colleagues that when they finish, they will have made a determination that an independent commission of people could not will not allow for the kind of credibility that all of us deserve in this country.

What happened to us is mind-numbing. It boggles the mind, as the gentleman from California (Mr. LANTOS) is fond of saying, all who were stunned by what transpired. We need to get beyond ourselves, and the only way to do that is to allow some other people who have an approach to this situation that may not be one that is politically motivated in some respects, yet out of the conviction of our beliefs, we think that we will have done all that is necessary.

We will do something, and the American public will still have questions. Let us give them more input than just those of us who represent them.

I urge this body to help us learn how we can identify and fix the problems that all of us know was created by virtue of that terrible tragedy.

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

Mr. Chairman, I rise in support of the Roemer amendment. Let us note tonight the gravity of what we are talking about. America has been relying on an arrogant, bloated and incompetent intelligence bureaucracy to protect us against foreign threats. We spend billions of dollars and the likes of bin Laden blindsides us and slaughters our people; 3,000 Americans were slaughtered on 9-11. And it was not a tragedy not beyond our control. It was a failure of the system and a failure of the people in the system.

bin Laden was, let us note, the number one target of American intelligence prior to that attack, the number one target of American intelligence for a year or more before that attack. Yet this operation was of this magnitude with millions of dollars being spent, being transferred from one account to another, hundreds of people being involved in many different countries, yet it went undetected. The FBI, the CIA, the National Security Agency, the DIA, our intelligence community let us down.

And let us note this, they let us down in such a way that we deserve to know that everything has been done to straighten the situation up so it cannot happen again. We should all know about a major house-cleaning that has been going on in our intelligence community. I know nothing about a major house-cleaning. In fact, it appears to me that the same people are in charge in the intelligence community today as were in charge before.

We cannot go on with business as usual; and I am sorry, relying on those briefings, we, as the elected officials of this land, that make the policy, and not the intelligence briefings because there was nothing secret given to us? There was nothing that gave us any more insight than what we could read in the newspaper. It is time for Congress to reassert that we are not going to stand by with “business as usual” after a tragedy of this magnitude.

This was a catastrophic failure of American intelligence. Those people who have been running American intelligence should have the decency to step down, but at the very least we need to hold them accountable. You hear time and again people saying, oh, this commission will not be assigning blame or pointing fingers? Oh, yeah. Why not? We should be assigning blame and pointing fingers. Three thousand of our citizens have been slaughtered. We have let the intelligence community keep us at arm’s length for too long.

This is a free society and we will remain free as long as they know that we, as the elected officials of this land that make the policy, and not the intelligence community that will lead us around like they think we were dumb bells.

Tonight, by passing the Roemer amendment, whether or not it is the specific wording and the specific outline, we send a message that we will do something about this failure.

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

Might I thank the Chairman for the leadership he is showing this evening on a very important debate.

Mr. Chairman, might I associate myself with the words of my colleague from California (Mr. GEORGE MILLER), that there can be no time limit on expressing the need to tell the truth to the American people; and that is what this debate is about, Mr. Chairman. The American people need to know and deserve to know the truth. And whether or not this amendment is narrowly drawn, I agree with the gentleman from Washington (Mr. Dicks) that the wise people who will be assigned to the conference committees can expand the definition of this commission.

And might I read to my colleagues the definition or the establishment of this commission. The language says, ‘‘there is established a national commission on terrorist attacks upon the United States.’’

It is important that we realize that after September 11, and even before
that, we turned a new page in American history. We are subject to terrorist attacks. Before I came to this Congress I represented the family of someone who was lost in Pan Am 103, before we even understood about the terrorism that struck America through that tragic airplane crash.

Today the family does not know all the details as to what happened and whether or not that was a terrorist attack on the United States of America.

The family of those Marines who were lost in Fallujah, Lebanon, today do not know the facts about that terrorist attack.

We are in need, Mr. Chairman, of the truth. We are in need of understanding the impact on families, if you will, by investigation on what happens or what the follow-up is, if you will, on families who have been subjected to terrorist attacks by those who they lost. We need to know that. We need to understand what Coleen Rowley was speaking about.

And even though my good friend indicated that the way this is framed we will not find about why law enforcement agencies did not communicate with each other, I have confidence we can decide that in the conference committee. We need to understand why the FBI and CIA were not talking to each other, and we have the procedures in a commission structure to make sure that classified documents are not released.

Mr. Chairman, some few years ago I served as a staff person on the Select Committee on Assassination because the people wanted to know about the assassination of Martin Luther King Jr. And they wanted to understand even better the assassination of one of their closest Presidents, President John F. Kennedy. The American people wanted to know, and even today we realize that there are still questions about those two terrible acts.

I do not believe we get anything, Mr. Chairman, by hiding the ball. And the gentleman from Indiana (Mr. ROEMER) has drafted a very reasonable, very reasonable amendment that frames this commission seeking the expertise of those in America who understand intelligence but understand societal issues, understand psychological issues that deal with the failing that we have experienced.

So, Mr. Chairman, I believe that this legislation will add to that question, though I had different legislation and still believe that the Committees of Armed Services, Judiciary and International Relations should have their opportunity to review this question.

We need to know the truth, Mr. Chairman, and let me share something with my colleagues for a moment that went almost unnoticed a few days ago or maybe a week ago.

About a week ago, the U.S. attorney decided in the Virginia District to agree to a plea bargain by John Walker Lindh. It was under the pretense that his trial would open up his opportunities or the opportunities for the American people to see and hear issues that they should not hear, that the intelligence community would be paraded before the American people in an open way.

Mr. Chairman, that they could have prevented classified information and witnesses that should not have been shown from being shown.

A decision was made. They gave Mr. John Walker Lindh 20 years. Right after that decision was made or that plea bargain was accepted, to the shock of the judge, it leaked out that he may not know that much anyhow.

What do we say to the Spann family, a member of the CIA who lost his life? What do we say to those who could have benefited from understanding and getting information that might have been helpful to us by an open airing of what happened?

I understand that this young man’s family loves him and I expect for them to support him, but when his father came out and suggested that this young man was Nelson Mandela, I think we stretched it beyond recognition.

Mr. Chairman, that we support this commission, support the gentleman from Indiana’s (Mr. ROEMER) amendment, because the American people need to know the truth.

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

Mr. Chairman, I was not going to speak on this issue, but as my colleagues know, I devote a great deal of time to our national security and issues in emerging threats, and I have done so for the past 16 years.

I heard some accusations made earlier that the problem with 9/11 was basically a domestic problem of the FBI. That is not true, Mr. Chairman, and therefore, I rise to support this amendment.

We think we have all the answers. Let me tell my colleagues something. I think back to NIE 95-19 where the intelligence community told us that the emerging threat to our security was 15 years away. We challenged that. We challenged that through an independent commission. It was not challenged through our intelligence community. It was challenged through the Rumsfeld Commission, five members appointed by the Republican side and four Members appointed by the Democratic side, and what did they prove? They proved the intelligence community was wrong, that NIE 95-19 was politicized, that the threat was going to be much sooner than 15 years.

The Rumsfeld Commission shared by Donald Rumsfeld led to the passage of H.R. 4, my bill on missile defense, which passed with bipartisan support and a veto-proof margin. What does that mean? It means that we have the procedures in a commission structure to make sure that classified documents are not released.

We need to send a signal to the CIA and the FBI counterparts of that, that open-source information would have been fused with the raw data of the immigration service, of the Customs Department, of the CIA and the FBI, and we would have seen the picture of what was about to occur, and this Congress called for that for three years.

Why did we not do it? Deputy Secretary of Defense John Hamre said to me, Curt, I agree with you; the problem is the CIA and the FBI will not go along with it. He said, So I have a suggestion for you, why do you not bring over the CIA and the FBI counterparts to me and let us have a meeting in your office. So I did in 1999.

The deputy director of the CIA and the deputy director of the FBI and John Hamre, deputy director of Defense, and John Hamre said I will pay the bill, I will foot the bill for this new data fusion center but the agencies have to go along. The CIA’s response was, well, we are doing the bill all we need and that was not what we were talking about. We were talking about an integrated capability of all 33 Federal classified systems.

When General Downing just stepped down at the White House, the top advisor to President Bush, what did General Downing say? He said that his top priority when he was there was to build a national data fusion center. What did he say when he left? The FBI and the CIA do not want it. Thus, General Downing left his job and walked away.

The CIA is not above this institution. I have held myself back for too long because I have seen on the inside the agencies manipulating the process, and as someone who cares desperately about emerging threats, I am not satisfied that we in this body can do service to an investigation of our intelligence, and therefore, I come to the conclusion that the gentleman from Indiana’s (Mr. ROEMER) idea is a good one because we need to have a picture of all we know and the FBI. They are not the end all and the cure-all. They do not determine the end result of analysis and they can fuse
data and they can do it and yet information so that we do not affect an individual's civil liberties of people whose names may surface.

In fact, every major defense company, Lockheed Martin, Northrup-Grumman, the Army at their LIWA Center down at Fort Belvoir, the Air Force, Navy and SPAWAR, special forces command down in Florida all have data fusion capabilities. They are all doing it now, but do my colleagues know how to do it? The CIA and the FBI because they do not want to share their data. They do not want raw intercepts being provided to other agencies, and that does not give us the best intelligence analysis for the warfighter or the policy-makers.

So I urge my colleagues to do the right thing and support the Roemer amendment.

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

I rise in support of the Roemer amendment. Mr. Chairman, 3,000 Americans died on September 11, and I think that the Roemer amendment is a way to acquire the kind of approach that the gentleman from Indiana (Mr. ROEMER) has taken in asking for the creation of a national commission on terrorist attacks upon the United States.

I have been listening to this debate both in the Chamber and from my office, and as the ranking Democrat on the oversight subcommittee that has jurisdiction over national security, I will understand the concerns that have been articulated here this evening regarding an intelligence failure, but I will also say to my friends who have advanced that position here tonight, that they can support this amendment even if they strongly believe in the capabilities of our intelligence community.

As a matter of fact, I am certain that the Roemer amendment does not stem from lack of appreciation for the work of the defense men of the CIA and the FBI. I happen to believe that our FBI and our CIA are actually very competent, and it may be and they themselves, even without the analysis that a commission could offer.

So I certainly think that such a commission is warranted. And then maybe we can take another look at proposals to create a national spy network through the TIPS program, the proposal that the gentleman from Texas (Mr. ARMEY) fortunately rejected for a national ID card through drivers licenses; raise questions about cameras that have been put all over this campus and in other cities; questions about barricades everywhere; questions about military tribunals and suspension of habeas corpus.

I mean, our way of life has been dramatically changed, and we have lacked a sufficient evaluation as to whether or not those changes are even potential to be able to challenge the root causes of 9-11. The approach has been totally reactive.

Now, I say America is a Nation of strength, and it is weakness which does not seek to know the truth. America is a Nation of courage, and it is fear which seeks not to know the truth. America is a Nation of light, and it is darkness where the truth is not asked. You shall know the truth and the truth shall set you free.

Freedom is what we seek to reclaim, and we will reclaim our freedom when we have a commission that will enable us to get to the truth.

Mr. WU. Mr. Chairman, I move to strike the requisite number of words. The hour is late, Mr. Chairman, and I am sicker than a dog, so brevity will have to substitute for eloquence.

It has been an aphorism in American culture at least since the days of Benjamin Franklin, that those who will not learn from the past are doomed to repeat it. If we do not support this common sense amendment to form an independent commission to investigate exactly what happened around September 11, will we have done everything within our power to learn what happened and to avert future tragedies?

I would like each Member who is considering voting against this amendment to consider the pain they have felt in their heart. If there is a future recurrence, will you be able to look in your heart and say to yourself we did everything we could to learn from the past and to prevent future recurrences?

I ask you to vote for this common-sense amendment to fully investigate September 11 and prevent future tragedies from occurring.

Mr. ROEMER. Mr. Chairman, will the gentleman yield to me?

Mr. WU. I yield to the gentleman from Indiana.

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

As the gentleman from Washington stressed so well, it is time to vote. We have had a good lively debate for 1:30 in the morning. We started out on a bipartisan bill in a bipartisan way with comity and respect toward one another. We have had bipartisan agreement with much of this amendment. And, Mr. Chairman, thank you for the honorable way you have conducted yourself in the chair at this late hour and this long day.

Mr. Chairman, I put the question on the Smith amendment.

The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH) to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment to the amendment was agreed to.

The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER), as amended.

The question was taken; and the CHAIRMAN pro tempore (Mr. WHITFIELD). The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH) to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER), as amended.

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

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 219, noes 188, not voting 27, as follows: (Roll No. 347)
CONGRESSIONAL RECORD — HOUSE

July 24, 2002

Mr. WALSH, Mr. EHlers and Mrs. KELLY changed their vote from “aye” to “no.”

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri: Mr. Speaker, during rollcall vote No. 347, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. GOSS, Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. WHITFIELD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4628.

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that it be in order at any time on Thursday, July 25, 2002, to consider a conference report to accompany H.R. 3763; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

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

There was no objection.

PERSONAL EXPLANATION

Mr. PHELPS, Mr. Speaker, I regret that I was inadvertently detained and missed rollcall vote 343 on H.R. 4965, the Partial-Birth Abortion Ban Act of 2002. I have very strong convictions against very partial-birth abortions.

Please let the record show I would have voted yes on rollcall 343.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4628, INTELLIGENCE AUTHORIZATION ACT OF FISCAL YEAR 2003

Mr. GOSS, Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4628 in the Committee of the Whole pursuant to House Resolution 497, no further amendment to the committee amendment in the nature of a substitute may be offered after the legislative day of July 24, 2002, except pro forma amendments offered by the chairman or ranking minority member of the Permanent Select Committee on Intelligence or their designees for the purpose of debate.

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

There was no objection.
TITLE VI—INFORMATION SHARING

SEC. 601. SHORT TITLE.
This title may be cited as the “Homeland Security Information Sharing Act”.

SEC. 602. FINDINGS AND SENSE OF CONGRESS.
(a) FINDINGS.—The Congress finds the following:

(1) The Federal Government is required by the Constitution to provide for the common defense, which includes terrorist attack.

(2) The Government relies on State and local personnel to protect against terrorist attack.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

(4) Some homeland security information is needed by the State and local personnel to prevent and prepare for terrorist attack.

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to protect the protected status of such information and to protect the sources and methods used to acquire such information.

(6) Granting security clearances to certain State and local personnel is one way to facilitate the sharing of information regarding specified terrorist threats among Federal, State, and local levels of government.

(b) PROCEDURES FOR SHARING OF HOMELAND SECURITY INFORMATION.
(1) Under procedures prescribed by the President, all appropriate agencies, including the intelligence community, shall, through information sharing systems, share homeland security information with appropriate State and local personnel to the extent such information may be shared, as determined by the President, together with assessments of the credibility of such information.

(2) Each information sharing system through which information is shared under paragraph (1) shall—

(A) have the capability to transmit unclassified or classified information, through the procedures and recipients for each capability may differ;

(B) have the capability to restrict delivery of information to specified subgroup by geographic information, position of a recipient within an organization, or a recipient’s need to know such information;

(C) be configured to allow the efficient and effective sharing of information; and

(D) be accessible to appropriate State and local personnel.

(3) The procedures prescribed under paragraph (1) shall establish conditions on the use of information shared under paragraph (1). To the extent practicable, that information sharing system through which information is shared shall ensure that the greatest extent practicable, that the information sharing system through which information is shared under such paragraph include existing information sharing systems, including, but not limited to, the National Law Enforcement Telecommunications System, the Regional Information Sharing System, and the Terrorist Threat Warning System of the Federal Bureau of Investigation.

(4) Such procedures shall not change the substantive requirements for the classification and safeguarding of classified information.

(5) Such procedures shall not change the requirements and authorities to protect sources and methods.

(a) PROCEDURES FOR DETERMINING EXTENT OF SHARING OF HOMELAND SECURITY INFORMATION.
(1) The President shall prescribe and implement procedures under which relevant Federal agencies determine—

(A) whether, and to what extent homeland security information may be shared with appropriate State and local personnel, and with which such personnel it may be shared;

(B) how to identify and safeguard homeland security information that is sensitive but unclassified;

(C) to the extent such information is in classified form, whether, how, and to what extent to remove classified information, as appropriate, from such information; and

(D) to share, with others who have access to such information sharing systems, the homeland security information of their own jurisdictions, which shall be marked appropriately as pertaining to potential terrorist activity.

(2) Under procedures prescribed jointly by the Director of Central Intelligence and the Attorney General, appropriate Federal agencies may, as determined by the President, shall review and assess the information shared under paragraph (6) and integrate such information with existing intelligence.

(c) SHARING OF CLASSIFIED INFORMATION AND SENSITIVE BUT UNCLASSIFIED INFORMATION WITH STATE AND LOCAL PERSONNEL.—
(6) The procedures prescribed under paragraph (1) shall ensure that appropriate State and local personnel have classified or otherwise protected after the determinations prescribed under the procedures set forth in subsection (a).

(2) It is the sense of Congress that such procedures may include one or more of the following means:

(A) Carrying out security clearance investigations with respect to appropriate State and local personnel.

(B) With respect to information that is sensitive but unclassified, entering into nondisclosure agreements with appropriate State and local personnel.

(C) Increased use of information-sharing partnerships that include appropriate State and local personnel, such as the Joint Terrorism Task Forces of the Federal Bureau of Investigation, the Anti-Terrorism Task Forces of the Department of Justice, and regional terrorism early warning systems.

(d) RESPONSIBLE OFFICIALS.—For each affected Federal agency, the head of such agency shall designate an official to administer the Act with respect to such agency.

(e) FEDERAL CONTROL OF INFORMATION.—
Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a recipient to disclose information shall not apply to such information.

(f) DEFINITIONS.—As used in this section:

(1) The term “homeland security information” means any information that includes individually identifiable information collected solely for statistical purposes possessed by a Federal, State, or local agency that—

(A) relates to the threat of terrorist activity;

(B) relates to the ability to prevent, interdict, or disrupt terrorist activity; and

(C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or

(D) would improve the response to a terrorist act.

(2) The term “intelligence community” means the intelligence community having specific terrorist threats among Federal, State, and local entities.

(3) The term “State and local personnel” means any of the following persons involved in prevention, preparation, or response for terrorist attack:

(A) State Governors, mayors, and other elected officials.

(B) State and local law enforcement personnel and firefighters.

(C) Public health and medical professionals.

(D) Presidents, regional, State, and local emergency management agency personnel, including State adjutant generals.
SEC. 604. REPORT.
(a) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to the congressional committees specified in subsection (b) a report on the implementation of section 603. Such report shall include recommendations for additional measures or appropriation requests, beyond the requirements of section 603, to increase the effectiveness of sharing of information between and among Federal, State, and local entities.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:
(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the Senate.
(2) The Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out section 603.

SEC. 606. AUTHORITY TO SHARE GRAND JURY INFORMATION.
Rule 6(e) of the Federal Rules of Criminal Procedure is amended—
(1) by striking the words “and, or” at the end of subparagraph (A) and inserting “, or”;
(2) by striking “or, of a foreign government” from subparagraph (A)(ii) and inserting “or” instead thereof; and
(3) by striking “of a foreign government” after “including personnel of a state or subdivision of a state”.

SEC. 607. AUTHORITY TO SHARE ELECTRONIC INTELLIGENCE INFORMATION.
Section 2517 of title 18, United States Code, is amended by adding at the end the following:—
“(7) Any investigatory or law enforcement officer, or other Federal officer in carrying out official duties, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or other electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to any appropriate Federal, State, local, or foreign government or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure, and foreign investigative or law enforcement officers may use or disclose such contents or derivative evidence to the extent such use or disclosure is appropriate to the proper performance of their official duties.

SEC. 608. FOREIGN INTELLIGENCE INFORMATION.
(a) DISSEMINATION AUTHORIZED.—Section 203(d)(1) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001 (Public Law 107-56; 50 U.S.C. 403-5d) is amended by adding at the end the following:—
“Consistent with the responsibility of the Director of Central Intelligence to protect intelligence sources and methods, and the responsibility of the Attorney General to protect sensitive law enforcement information, it shall be lawful for information revealing a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power, within the United States or elsewhere, for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary to carry out official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.”.
Mr. SHAYS. Mr. Chairman, will the gentlewoman yield?

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

Mr. SHAYS. Mr. Chairman, I am delighted to join the authors of this legislation—the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN). I am not an author, but I am a cosponsor, because at the 30 hearings my Subcommittee on National Security has had, this issue has shown up almost at every instance.

Protecting the safety and security of the Nation against terrorist attacks requires unprecedented cooperation between Federal, State and local agencies. Timely information sharing is an absolutely indispensable element of the Nation’s ability to detect and preempt, disrupt or respond to any terrorist attack.

I absolutely am amazed at how stubborn the procedural process has been. The ones that have blocked the information sharing on the local level. These individuals on the local level need to have the ability to gain security clearance. We need to encourage the Federal and State to interact better.

I just commend the gentleman from Georgia (Mr. CHAMBLISS), and I commend the chairman of the Permanent Select Committee on Intelligence and ranking member for their recognizing the need for this legislation and their past support.

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

Mr. Chairman, as has been noted, this amendment is substantially the same as the Homeland Security Information Sharing Act which was overwhelmingly passed and endorsed by the House last month. I was pleased to be a cosponsor of that bill.

I commend the gentlewoman from California (Ms. HARMAN), the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Michigan (Mr. CONyers), the gentleman from Wisconsin (Mr. SENSEnBEHNER), the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. WEINER) again for their hard work on it.

Timely and effective information is one of the most important tools in the fight against terrorism. Local communities need to be able to count on receiving that kind of information.

This amendment will help in that effort, and I certainly urge its adoption.

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

Mr. Chairman, I want to thank those involved in this amendment. I know that this has been a success story already on the floor, but I am pleased it is added to the bill. I think it is important as it has been explained. I congratulate the gentlewoman from California (Ms. HARMAN), the gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from Connecticut (Mr. SHAYS). The committee accepts the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS).

The CHAIRMAN pro tempore (Mr. WHITFIELD). The question is on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. PELOSI

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. Pelosi: Amend section 501 to read as follows:

SEC. 501. USE OF FUNDS FOR COUNTER-DRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) AUTHORITY.—Funds are hereby designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counter-drug activities for fiscal years 2002 and 2003, and any unobligated balances available of the intelligence community for such activities for a prior fiscal year, shall be available to support a unified campaign against narcotics trafficing and terrorist activities by the Colombian Armed Forces and terrorist organizations designated as terrorist organizations (such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC)), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) REQUIREMENT FOR CERTIFICATION.—(1) The authorities provided in subsection (a) shall not be exercised until the Secretary of Defense certifies to the Congress that the terms of paragraph (2) have been complied with.

(2) In order to ensure effectiveness of United States support for such a unified campaign, prior to the exercise of the authority contained in subsection (a), the Secretary of State shall report to the appropriate committees of Congress that the newly elected President of Colombia has—

(A) committed, in writing, to establish the Colombian Armed Forces; and

(B) committed, in writing, to implement significant budgetary and personnel reforms of the Colombian Armed Forces; and

(C) committed, in writing, to support substantial financial and other resources to implement such policies and reforms, particularly to meet the country’s previous commitments under “Plan Colombia.”

In this paragraph, the term “appropriate committees of Congress” means the Permanent Select Committee on Intelligence and the Select Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

After “The authority provided in subsection (a) shall cease to be effective if the Secretary of Defense has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the control of guerrilla organizations.”
as voted out of conference and approved by the House on July 23, 2002. Therefore, the Committee accepts the amendment and thanks the gentlewoman for the gracious and harmonizing effort to make this all work better.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Florida (Ms. PELOSI). The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GOSS
Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GOSS: At the end of title I (page 9, after line 4), insert the following new section:

SEC. 106. LIMITATION ON USE OF CERTAIN APPROPRIATIONS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the amounts requested in the letter dated July 19, 2002 of the Deputy Director for Central Intelligence to the Permanent Select Committee on Intelligence of the House of Representatives may not be obligated or expended to correct programmatic or fiscal deficiencies in major acquisition programs which have not achieved initial operational capabilities within two years of the date of the enactment of this Act; and

(b) LIMITATIONS.—The amounts referred to in subsection (a)—

(1) may only be obligated or expended for activities related to identifying, responding to, or protecting against acts or threatened acts of terrorism;

(2) may not be obligated or expended to correct programmatic or fiscal deficiencies specified in the letter dated July 19, 2002 of the Deputy Director for Central Intelligence to the Permanent Select Committee on Intelligence of the House of Representatives;

(c) MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk, and that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. There objection to the request of the gentleman from Florida (Mr. Goss) to dispense with the reading?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the modification.

The text of the modification is as follows:

Modification to amendment No. 5 offered by Mr. Goss:

The amendment is modified as follows:

SEC. 106. LIMITATION ON USE OF CERTAIN APPROPRIATIONS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the amounts requested in the letter dated July 30, 2002, of the President to the Speaker of the House of Representatives, related to the Defense Emergency Response Fund and that are designated for the incremental costs of intelligence and intelligence-related activities for the war on terrorism are authorized.

(b) LIMITATIONS.—Subject to paragraph (1), the following limitations apply:

(1) ‘‘amounts’’ includes all funds designated for intelligence and intelligence-related activities in the Defense Emergency Response Fund that are designated for the war on terrorism, but it has now turned into just another vehicle to fund items that the intelligence community did not receive funding for through the regular budgetary process. It is bad budget practice and bad government that Congressional oversight is minimized, and finally, the committee believes that the supplemental gravy train will not last.

In any sustained ‘‘crisis’’ action, there comes a point where short-term stopgap practices must be phased out and long-term strategic plans put into place. This amendment is meant to highlight this concern to the administration.

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

Mr. Chairman, I am pleased to join Chairman Goss on this amendment. As he has explained, the amendment seeks to ensure that money authorized for intelligence activities in the Defense Emergency Response Fund is used for the war on terrorism. The amendment makes clear that the DERF funds are not to be used to address shortfalls in the intelligence programs not directly related to the terrorism campaign, and that Congress shall be notified before these funds are obligated or expended.

I understand that the language in the amendment as modified has been worked out with the Committee on Appropriations.

Congress needs to oversee carefully the operations of the DERF. This amendment will contribute to effective oversight and I support it, and I commend the gentleman for his amendment and am pleased to join in it.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. Goss).

The amendment, as modified, was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. ENGEL

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ENGEL: At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES.

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

‘‘LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES.’’

(b) LIMITATIONS.—Notwithstanding any other provision of law, no assistance in the form of lethal military equipment may be provided, either directly or indirectly, by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof.

(c) REQUIREMENTS OF OTHER POINTS OF ASSISTANCE.—With respect to forms of assistance other than the provision of lethal military equipment, provided by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof, such assistance may only be provided if the assistance is designed to—

(1) reduce the number of security services of the Palestinian Authority to no more than two; and

(2) reform such security services so that its officials, employees and members—

(A) respect the rule of law and human rights; and

(B) no longer fall under the command of, or report to, Yasir Arafat; and

(C) are not compromised by, and will not support, terrorism.

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

Mr. Chairman, I am pleased to join Chairman Goss on this amendment. As he has explained, the amendment seeks to ensure that money authorized for intelligence activities in the Defense Emergency Response Fund is used for the war on terrorism. The amendment makes clear that the DERF funds are not to be used to address shortfalls in the intelligence programs not directly related to the terrorism campaign, and that Congress shall be notified before these funds are obligated or expended.

I understand that the language in the amendment as modified has been worked out with the Committee on Appropriations.

Congress needs to oversee carefully the operations of the DERF. This amendment will contribute to effective oversight and I support it, and I commend the gentleman for his amendment and am pleased to join in it.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. Goss).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ENGEL

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ENGEL: At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES.

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

‘‘LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES.’’

(b) LIMITATIONS.—Notwithstanding any other provision of law, no assistance in the form of lethal military equipment may be provided, either directly or indirectly, by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof.

(c) REQUIREMENTS OF OTHER POINTS OF ASSISTANCE.—With respect to forms of assistance other than the provision of lethal military equipment, provided by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof, such assistance may only be provided if the assistance is designed to—

(1) reduce the number of security services of the Palestinian Authority to no more than two; and

(2) reform such security services so that its officials, employees and members—

(A) respect the rule of law and human rights; and

(B) no longer fall under the command of, or report to, Yasir Arafat; and

(C) are not compromised by, and will not support, terrorism.

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

Mr. Chairman, I am pleased to join Chairman Goss on this amendment. As he has explained, the amendment seeks to ensure that money authorized for intelligence activities in the Defense Emergency Response Fund is used for the war on terrorism. The amendment makes clear that the DERF funds are not to be used to address shortfalls in the intelligence programs not directly related to the terrorism campaign, and that Congress shall be notified before these funds are obligated or expended.

I understand that the language in the amendment as modified has been worked out with the Committee on Appropriations.

Congress needs to oversee carefully the operations of the DERF. This amendment will contribute to effective oversight and I support it, and I commend the gentleman for his amendment and am pleased to join in it.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. Goss).

The amendment, as modified, was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. ENGEL

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ENGEL: At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES.

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

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(b) LIMITATIONS.—Notwithstanding any other provision of law, no assistance in the form of lethal military equipment may be provided, either directly or indirectly, by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof.

(c) REQUIREMENTS OF OTHER POINTS OF ASSISTANCE.—With respect to forms of assistance other than the provision of lethal military equipment, provided by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof, such assistance may only be provided if the assistance is designed to—

(1) reduce the number of security services of the Palestinian Authority to no more than two; and

(2) reform such security services so that its officials, employees and members—

(A) respect the rule of law and human rights; and

(B) no longer fall under the command of, or report to, Yasir Arafat; and

(C) are not compromised by, and will not support, terrorism.
provided and whether any member of the security services of the Palestinian Authority who received any such assistance has committed an act of terrorism.

(2) After the submittal of the report under paragraph (1), the Director of Central Intelligence shall submit to the appropriate committees of Congress quarterly reports on the foreign and domestic programs of the Central Intelligence Agency provided during the preceding calendar quarter and progress toward—

(A) reducing the number of security services of the Palestinian Authority to no more than two;

(B) ensuring that officials, employees, and members of such security services are not compromised by, and will not support, terrorism;

(C) reforming the security services of the Palestinian Authority so that they respect the rule of law and human rights; and

(D) ensuring that the security services of the Palestinian Authority are no longer under the control of Yasir Arafat.

(b) Clerical Amendment. —The table of contents for the National Security Act of 1947 is amended by inserting after the item provided during the preceding calendar quarter and progress toward—

(1) the term ‘‘lethal military equipment’’ has the meaning given the term for purposes of the Foreign Assistance Act of 1961; and

(2) After the submittal of the report under paragraph (1), the Director of Central Intelligence shall submit to the appropriate committees of Congress quarterly reports on the foreign and domestic programs of the Central Intelligence Agency provided during the preceding calendar quarter and progress toward—

(A) reducing the number of security services of the Palestinian Authority to no more than two;

(B) ensuring that officials, employees, and members of such security services are not compromised by, and will not support, terrorism;

(C) reforming the security services of the Palestinian Authority so that they respect the rule of law and human rights; and

(D) ensuring that the security services of the Palestinian Authority are no longer under the control of Yasir Arafat.

Sec. 118. Limitations on assistance to the security services of the Palestinian Authority.

Mr. ENGEL. Mr. Chairman, at the conclusion of offering this amendment, I will request to withdraw it by unanimous consent.

Mr. Chairman, 1 month ago today, President Bush, I guess 1 month ago yesterday now, President Bush made a very important speech on the Middle East, the speech, the United States would support the establishment of a Palestinian state, but only if Palestinian leaders meet specific benchmarks, including reformed, noncorrupted political processes, a new leadership not compromised by terror, and a unified restructured security force. I strongly supported the President’s speech and his plan. The Palestinians need new leaders. Yasir Arafat is too compromised by terrorism, not only to fight Hamas, Islamic jihad, but stand up to elements of the PLO itself. Under Arafat’s watch, his own PLO Fatah faction, which includes the Al Aqsa Martyrs Brigade, has established a long track record of terror attacks against innocent Israeli civilians. The Palestinians desire leaders who will stand up for their interests, not turn down peace plans like the one presented at Camp David 22 months ago.

I agree with the President that the Palestinian Authority’s security apparatus has failed so far, and it can effectively fight terrorism, and I am glad that CIA Director Tenet will take personal hold of this project. The amendment I offer, and will shortly withdraw, is in line with U.S. policy and designed to support Tenet’s effort to create a functional, unified Palestinian security network by providing guidelines for his efforts.

First, the amendment would prohibit the sale of lethal suspected Palestinian security officials, employees or members. I have seen report after report of PA security personnel participating in or inciting acts of violence. There are some very unsavory characters throughout the Palestinian Authority, and we should not arm its security apparatus. Although I will withdraw my amendment, we must be very careful that we do not try to create a security force of people who have been behind the violence of the last 22 months or even those who have known and looked the other way.

Secondly, my amendment states that other types of U.S. assistance must be designed to promote reform in the PA security apparatus. Precisely what President Bush called for in his June 24 speech, and in my amendment American assistance should reduce the number of PA security services to a unified command structure and, by all means, not more than two separate units. As my colleagues are likely aware, the PA has more than 10 security services which Arafat plays off against each other for his own purposes. In fact, some have competed as to which can more effectively fight and kill innocent Israelis.

American training and other help must further be designed to reform the security service so that its members or employees respect the rule of law on human rights, are no longer commanded by Yasir Arafat, and are not compromised by terrorism. These guidelines for U.S. assistance are in line with the policy laid out by President Bush and should be the basis for CIA Director Tenet’s program.

Finally, my amendment would direct the Central Intelligence Agency to report about the assistance we give the Palestinian Authority security services in the 1990s, and every 3 months thereafter, the progress we are making in reforming the Palestinian Authority security services. Even after I withdraw this amendment, consultation with Congress about our program to reform the Palestinian security services should be expanded.

Once again, I support the President’s policy of reforming the Palestinian Authority and security services. The Palestinians need better leadership and a security force which will actually and faithfully strive to halt terror. While I strongly support this effort, it should not proceed without boundaries.

I believe that my amendment would have passed today. However, in a few days, CIA Director Tenet will send an assessment team to the region to begin analysis of what reform might require. As this process is just beginning, I have decided that now is not the time to legislator limitations. Yet, if the process gets off track, I will be back here on the floor trying to set the program straight. In the meantime, it is my hope with this amendment, which I now ask unanimous consent to withdraw, to the request of the gentleman from New York.

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

The CHAIRMAN. The time of the gentleman from New York (Mr. ROEMER) has expired.

By unanimous consent, Mr. ENGEL was allowed to proceed for 2 additional minutes.

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

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

Ms. PELOSI. Mr. Chairman, I want to join the distinguished chairman in congratulating the gentleman from New York (Mr. ENGEL) for his leadership, not only tonight but on an ongoing basis on this very important issue, addressing violence in the Middle East and our desire for peace there. I appreciate the constructive nature of his amendment and the more constructive nature of his with drawing it at this time and look forward to working with him to ensure an end to violence and promotion of peace in the Middle East.

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

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

There was no objection.

Amendment No. 1 offered by Mr. ROEMER.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROEMER:

At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. REPORT ON ESTABLISHMENT OF A CIVILIAN LINGUIST RESERVE CORPS.

(a) Report.—The Secretary of Defense, acting through the Director of the National Security Education Program, shall prepare a report on the feasibility of establishing a Civilian Linguist Reserve Corps comprised of
individuals with advanced levels of proficiency in foreign languages who are United States citizens who would be available upon a call of the President to perform such services on behalf of the United States with respect to such foreign languages in the Federal Government as the President may specify. In preparing the report, the Secretary shall consult with such organizations and individuals as the Secretary determines appropriate.

(b) MATTERS CONSIDERED.—In conducting the study, the Secretary shall develop a proposal for the structure and operations of the Civilian Linguist Reserve Corps. The proposal shall establish standards for performance of duties and levels of proficiency in foreign languages of the members of the Civilian Linguist Reserve Corps, including maintenance of language skills and specific training required for performance of duties as a linguist of the Federal Government, and shall include recommendations on such other matters as the Secretary determines appropriate.

(2) CONSIDERATION OF USE OF DEFENSE LANGUAGE INSTITUTE AND LANGUAGE REGISTRIES.—In preparing the proposal under paragraph (1), the Secretary shall consider the appropriateness of using—

(A) the Defense Language Institute to conduct testing for language skills proficiency and performance, and to provide language refresher courses; and

(B) foreign language skill registries of the Department of Defense or of other agencies or departments of the United States to identify individuals with sufficient proficiency in foreign languages.

(3) COMPLETION OF REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the report prepared under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense $300,000 to carry out the amendment.

(c) COMPLETION OF REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the report prepared under subsection (a).

Looking outside the ranks of current employees for highly skilled linguists who are willing to bring their talents to bear in an emergency situation is an idea that is well worth exploring. This amendment would permit a thorough study of the idea, which would, in turn, permit reasoned judgment to be made on the potential.

I urge the adoption of the amendment and I congratulate those who have offered it. It is very well taken.

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

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

Mr. GIBBONS. Mr. Chairman, I also rise in strong support of this amendment. I want to congratulate my colleague and friend from Indiana (Mr. ROEMER) for his leadership on this issue. I have worked very diligently on language issues and have a distinguished institute that comprehensively addresses all of the issues involved in establishing a civilian linguist reserve corps.

This amendment requires the Secretary of Defense, acting through the National Security Education Program, to prepare a report on the feasibility of establishing a civilian linguist reserve corps comprised of individuals with advanced skill levels in foreign languages.

The idea behind the amendment is to move forward on an idea that has been brought forth in this country's multi-faceted problem of finding qualified linguists to serve in the Federal Government. Often, the Federal Government finds it suddenly needs linguists with skills in relatively obscure languages for a relatively short-term crisis, but these linguists cannot be found among regular government employees.

A reserve corps would help ensure that individuals with skills in a wide variety of languages were trained and ready when needed to come to the aid of the government.

We would like the Secretary of Defense to give us not just a report, but an action plan that comprehensively addresses all of the issues involved in establishing a civilian linguist reserve corps.

We expect the National Security Education Program to utilize organizations with expertise in language issues to conduct this study, such as the National Foreign Language Center at the University of Maryland. This Center is a leading institution on language issues and has already begun work on how a reserve corps could be made operational.

The report should also take into account the assets that already exist in the Federal Government that might facilitate the establishment of the corps, such as the capability of the Defense Language Institute to test for language proficiency and maintenance of skills. Foreign language skill registries, such as the one proposed by the gentlemen from California, Mr. FARR, could also be the basis for drawing up a reserve corps.

I am grateful to the Secretary of Defense, Mr. FARR and Mr. REYES, for their work on this issue and for proposing the idea of a reserve corps. This amendment is co-sponsored by Messrs. GIBBONS, FARR and REYES.

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

Mr. Chairman, I want to begin by congratulating the gentleman from Indiana (Mr. ROEMER), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Texas (Mr. REYES), the gentlewoman from New York (Mr. BOEHNER), the gentleman from New York (Mr. BOEHLERT), and the gentleman from California (Mr. FARR) for their work on this amendment. They have been leaders on the language issue, constantly seeking creative solutions to what is a very serious problem.

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

Mr. Chairman, I want to begin by congratulating the gentleman from Indiana (Mr. ROEMER), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Texas (Mr. REYES), the gentlewoman from New York (Mr. BOEHLERT), the gentleman from New York (Mr. BOEHLERT), and the gentleman from California (Mr. FARR) for their work on this amendment. They have been leaders on the language issue, constantly seeking creative solutions to what is a very serious problem.

Looking outside the ranks of current employees for highly skilled linguists who are willing to bring their talents to bear in an emergency situation is an idea that is well worth exploring. This amendment would permit a thorough study of the idea, which would, in turn, permit reasoned judgment to be made on the potential.

I urge the adoption of the amendment and I congratulate those who have offered it. It is very well taken.
who have really focused on what I think is a very important issue. I think while we are thanking them we also have to thank the desk staff would have been here all day and they have to be back here early tomorrow morning. This has been a long day, and the old adage of you cannot comprehend what the seat cannot endure, I hope we can continue to finish this work.

What this amendment is all about is recognizing, America has linguists and we have language teachers and we have language institutions but we have not brought them all together so we can make them skilled linguists. And in order to do that, I come from a district where we have a really relevant assets, relevant institutions to do that, to teach the languages.

The largest foreign language school in the world is the the old Army language school now called the Defense Language Institute Monterey, California, and next to it a private nonprofit called the Monterey Institute of International Studies which offers the Nation’s only masters degree in translation and interpretation.

The committee has clearly identified one of the major problems in intelligence collection efforts and that is how do you keep training and upgrading and learning how to train with the technology that we have skilled linguists. So I applaud my colleagues on the committee on their efforts to improve the assets by calling for the Intelligence Community Language University. There can be no doubt that the time is now to stand up this new foreign language school. It does not necessarily have to be a new place at a new university so to speak. It could be a university within a university and that is what the report will inform us.

The committee adopted another initiative at my suggestion to foster a cooperative relationship between the National Security Education program and the Defense Language Institute to enhance the development of national security professionals and foreign area experts with high levels of foreign language proficiency.

In the effort to help the Federal Government meet the challenge of hiring linguists more quickly, I was successful in adding report language to the DOD appropriations bill and the DOD authorization bill this year to create the National Language Skills Registry. What happens is that we train people as linguists and as long as they are in the Federal employment, we can keep track of them; but the minute they leave the Federal employment, we have no knowledge of them.

So by creating this National Foreign Language Skills Registry, it is a voluntary program where ones with these skills could be kept in a file and an electronic file, and we would know exactly where our language assets are around the United States rather than having, as we saw last year after 9-11, the FBI director having to go out and advertise for people, people that spoke Farsi and other languages.

The Permanent Select Committee on Intelligence will look at the national foreign language skills registry as a starting point and consider the resources of the Defense Language Institute in making its recommendation to create a civilian linguistic reserve create.

Taken together I think my colleagues on the House Permanent Select Committee on Intelligence are taking the first real substantial step to close the gap in language capacity among our intelligence community. I urge the adoption of this amendment, and I really want to thank our colleagues. The hour is late. They have done a marvelous job, and I appreciate their focus on this very important issue.

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

I thank the gentleman from Indiana (Mr. ROEMER), the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. FARR) and several others hard at this in this area and they have actually made a very valuable contribution in offering this amendment to establish a civilian linguist reserve corps.

I think it is a good idea, and I think I read an article not too long ago by Jeff Porter saying that we had capabilities that were not being properly utilized in this area, and I think this is a very creative response and I am very happy to accept it.

The events of September 11, 2001, and the ongoing war against terrorism has shown us that America must have a linguistic quick response capability, and there is no reason why we cannot.

On behalf of the committee, I am very pleased to include those involved in this and to accept the bipartisan amendment that we have.

The CHAIRMAN pro tempore. (Mr. WHITFIELD). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

AMENDMENTS NO. 6 AND NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman I offer the amendments, No. 6 and No. 7, and I ask unanimous consent they be considered on bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments. The text of the amendments are as follows:

Amendments No. 6 and No. 7 offered by Mr. Hastings of Florida:

At the end of the title III (page 21, after line 11), insert the following new section:

SEC. 311. ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES IN THE INTELLIGENCE COMMUNITY.

Amendments of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(a) Annual report on hiring and retention of minority employees.

(b) Sense of Congress.

(1) The Director of the Federal Bureau of Investigation (with respect to the intelligence and intelligence-related activities of the Bureau), the Director of Central Intelligence Agency, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency should make the creation of a more diverse workforce a priority in their recruitment efforts through the undergraduate training program provided for under law.

AMENDMENT No. 7. At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES IN THE INTELLIGENCE COMMUNITY.

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

(“C) Annual report on hiring and retention of minority employees.—(1) The Director of Central Intelligence Agency, in its annual budget, submit to Congress a report on the employment of covered persons within each element of the intelligence community for the preceding fiscal year.

(2) Each such report shall include disaggregated data by category of covered person from each element of the intelligence community on the following:

(A) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

(B) Of all individuals employed in the element during the fiscal year involved at the levels referenced in clauses (i) and (ii), the percentage of covered persons employed at such levels:

(1) Positions at levels 1 through 15 of the General Schedule.

(2) Positions at levels above GS–15.

(C) Of individuals hired by the head of the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

(3) Each such report shall be submitted in unclassified form, but may contain a classification annex.

(4) Nothing in this subsection shall be construed as providing for the substitution...
of any similar report required under another provision of law.

(5) In this subsection, the term ‘covered persons’—

(A) racial and ethnic minorities;

(B) women, and

(C) individuals with disabilities.’.

The CHAIRMAN pro tempore. Is there a request of the gentleman from Florida?

Mr. HASTINGS of Florida. Mr. Chairman, let me join those that have thanked everyone that has been involved in developing this very fine legislative undertaking, and especially thank all of the staff that have worked with all of us in developing this. Specifically I would like to thank Wendy Parker for her efforts in working with my office, as well as other members of the staff and also to thank the court reporters and the desk staff from the Clerk’s office who have stayed with us throughout the night.

With the permission of the Chair, and with the ranking member designee’s permission and the Chair’s permission, my request is that neither of the amendments that I am offering are likely to be controversial, and in the interest of time, I am placing my full statement in the RECORD, and allow me, since they know that one of these measures speaks to the subject of diversity and ethnicity and helps to strengthen our ability to achieve that, as has been stated by many in the agencies that they wish to accomplish.

The other amendment facilitates the reporting, segueing off of the one that we just finished in an effort to fill some of the community’s gaps in language and analytical skills, and I am submitting the statement for the RECORD.

Mr. Chairman, I rise to introduce the second of two amendments I am offering to H.R. 4628. The first calls for increased minority recruitment by the intelligence community, in an effort to fill some of that community’s gaps in language and analytical skills. The second amendment facilitates Congressional oversight of that process.

Mr. Chairman, the amendment I am offering at the current moment instructs the Director of Central Intelligence to issue an annual report to Congress on the hiring and retention of minorities by the intelligence community. Such a report will allow this body to monitor the progress of the intelligence community’s efforts to recruit and retain minorities.

Like my previous amendment and the underlying bills, this amendment is non-controversial. After all, intelligence agencies have been providing reports on minority hiring and retention to the House Permanent Select Committee on Intelligence since the early 1990’s. My amendment simply makes the unclassified versions of those reports available to the larger Congress.

Likewise, this amendment does not in any way jeopardize our national security by revealing the number of individuals working at our various intelligence agencies. Figures published in the report would be percentages, not absolute numbers. This provision is in keeping with current guidelines for maintaining the integrity of classified information.

Mr. Chairman, let me reiterate, minority recruitment is critical to the maintenance of our national security. Congress has a role in the maintenance of our intelligence infrastructure. That role is to provide effective oversight. This amendment will allow myself and my colleagues in this body to do just that. I urge my colleagues to support my amendment.

Mr. Chairman, it was just 3 years ago that the Director of Central Intelligence, George Tenet, stated, and I quote:

‘To combat the threats our country will be facing in the decades ahead, we will need [intelligence] collectors from diverse ethnic backgrounds and with a wide range of expertise who can think and communicate like our targets and pierce their human and technical fortifications. Analysts whose deep knowledge of other societies, cultures and languages can bring important perspectives to intelligence assessments.

At the time that Mr. Tenet made this statement, only 11 percent of the case officers at the CIA were racial or ethnic minorities. Tragically, that number has barely changed in the intervening years.

Realize, Mr. Chairman, this country is attempting to gather information on a world which is 50 percent non-white with an intelligence apparatus that is barely 11 percent non-white.

How can we expect to understand them if we do not talk like them? How can we expect to infiltrate them if we do not look like them? How can we expect our intelligence community to make significant progress in the area of failure to recruit and retain minorities brought us? Today, Mr. Speaker, there are large areas of this globe where the United States is unable to collect intelligence for want of agents who possess the requisite cultural literacy and language skills. At the CIA, NSA and NIMA, untranslated tapes of wiretapped conversations pile up, awaiting analysts with the proper language skills to translate them.

Right now, as we sit here in this chamber, the intelligence operation in Guantanamo Bay is bogged down by a lack of translators. This sorry state of affairs must not be allowed to persist.

My amendment expresses the sense of Congress that the directors of the CIA, DIA, NIMA and the NSA use every means at their disposal to make minority recruitment and retention a priority in their hiring decisions. The CIA, DIA, NSA, and NIMA all have Undergraduate Training Programs; a minority scholar-ship program introduced by former Chairman of the House Permanent Select Committee on Intelligence, Louis Stokes, in 1987. My amendment encourages these agencies to use this existing program to increase minority recruitment.

Mr. Chairman, make no mistake, minority recruitment is critical to the maintenance of our national security. The passing of this amendment will send a strong message that the House of Representatives supports the goal of increasing minority representation in the intelligence community for the purpose of strengthening our intelligence infrastructure. I urge my colleagues to support this much needed amendment.

Mr. Chairman, in my view, few things could contribute more to enhancing the mission success in the intelligence community than increasing diversity in the workforce. When he was on the committee, the gentleman from Florida (Mr. HASTINGS) was a loud and persistent champion in this area, and I congratulate all involved and particularly the gentleman from Florida (Mr. HASTINGS) this evening.

The fact is the intelligence community does need diversity in a very bad way. This is a global world and that message needs to continue to be reinforced. So I am very pleased to accept the en bloc amendment presented by the gentleman from Florida (Mr. HASTINGS).

The one caveat I would offer is a minor caution, and that is, we have some reporting now and I want to make sure we are not creating a duplication. I would rather take what we have and make sure it is what we need and what we want rather than create another requirement. So if the gentleman from Florida (Mr. HASTINGS) will help me with that, maybe we can streamline that a little bit.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?
Mr. GOSS. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, the gentleman has my assurance that I will do everything I can to strengthen it in the way he has put forward.

Mr. GOSS. The gentleman continues to make a contribution to the committee, and we hope to see him again.

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

Mr. Chairman, the hour is late and I would like to say more, but I do want to very enthusiastically commend the gentleman for this very important amendment.

On the committee we have had a tradition of chairman Louis Stokes, our former colleague, when he was the Chair of the committee, was a champion for promoting diversity in the intelligence community. That banner was later carried by our late colleague Congressman Julian Dixon as ranking member of the committee, and now the gentleman from Florida (Mr. HASTINGS) and others on the committee are advancing this.

All of us have worked very hard to impress upon the intelligence community the value of diversity to mission success. We want the very best people, and we want to draw upon the knowledge of other cultures, the language, the possibility, the opportunities, the personalities that are in our country and that understand the culture of other countries.

Part of the success of intelligence is understanding plans and intentions. It takes a great deal of access and imagination. Diversity brings both of those in a way that I think we are missing and have a deficit in our current intelligence resources.

We have tremendous resources, however. We are blessed with courageous and patriotic people who work every day to protect the American people. That resource can be improved and enhanced by the work that the gentleman from Florida (Mr. HASTINGS) is presenting here this evening.

We cannot say it enough. We need to expand the diversity of our workforce, and we need to expand the language capabilities to another issue that was addressed here this evening. We hope that the amendment of the gentleman from Florida will build upon the work of Mr. Stokes and our dear late colleague Mr. Dixon and his colleagues.

That amendment is adopted by the Committee of the Whole?

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE GROSSMENT OF H.R. 4628, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4628, just passed, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill (H.R. 4628) to authorize appropriations for fiscal year 2003 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 SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 9 a.m. today. Accordingly (at 2 o’clock and 45 minutes a.m.), the House stood in recess until approximately 9 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–611) on the resolution (H. Res. 500) providing for consideration of the bill (H.R. 4546) relating to consideration of the Senate amendment to the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–612) on the resolution (H. Res. 501) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. K NOLLENBERG (at the request of Mr. ARMLEY) for today after 2:00 p.m. and July 25 on account of a death in the family.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title.
which was thereupon signed by the Speaker:

H.R. 4775. An act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to accordingly (at 9 o’clock and 2 minutes a.m.), the House adjourned until today, Thursday, July 25, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

8194. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the annual report detailing out and explaining activities of the Foreign Comparative Testing Program during FY 2001, pursuant to 10 U.S.C. 2530(a); to the Committee on Armed Services.

8195. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Acquisition of Vessel Propellers [DFARS Case 2002-D006] received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8196. A letter from the Register Liaison Officer, DoD, Department of Defense, transmitting the Department’s final rule — Enrollement of Certain Family Members of E-4 and Below into TRICARE Prime [0720-AA59] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8197. A letter from the Secretary, Department of the Treasury, transmitting the annual report of the Operations of the Exchange Stabilization Fund (ESF) for fiscal year 2001, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

8198. A letter from the Assistant Secretary, Department of Education, transmitting Final Priorities Rehabilitation Engineering Research Centers Program, pursuant to 20 U.S.C. 1226a; to the Committee on Education and the Workforce.

8199. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department’s final rule — Digoxin Products for Oral Use: Revocation of Conditions for Marketing [Docket Nos. 75NN-008 and Docket No. 75DN-AA12] received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8200. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department’s final rule — Secondary Direct Food Additives Permitted for Direct Addition to Food for Human Consumption: Materials Used as Fixing Agents in the Immobilization of Enzyme Preparations [Docket No. 89F-245J] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


8205. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8206. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece, Belgium, France, Israel, South Korea, the Netherlands, and the United Kingdom [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8207. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 149-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 137-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8209. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Turkey [Transmittal No. DTC 147-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8210. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece, Belgium, France, Israel, South Korea, the Netherlands, and the United Kingdom [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8211. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece, Belgium, France, Israel, South Korea, the Netherlands, and the United Kingdom [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8212. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 110-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 109-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8214. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan [Transmittal No. DTC 110-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8217. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8218. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece, Belgium, France, Israel, South Korea, the Netherlands, and the United Kingdom [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8219. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8220. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 157-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8221. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany and Turkey [Transmittal No. DTC 111-02], Pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8222. A letter from the Assistant Secretary for Legislative Affairs, Department of State,
transmitting certification of a proposed transfer of major defense equipment from the Government of Germany [Transmittal R5AT-2-02], pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Relations.

2223. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2224. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Acquisition Circular 2001-68, as received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2225. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, General Services Administration, transmitting the Administrator’s final rule Federal Acquisition Circular 2001-68, as received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2226. A letter from the General Counsel of the Department of Transportation, transmitting the Department’s final rule for the common defense and security, pursuant to 22 U.S.C. 2414a; jointly to the Committee on Foreign Relations and the Committee on the Judiciary for 2001, and evaluating the actions and responsiveness of those entities in light of the 9/11 terrorist attacks.

2227. A letter from the High Commissioner for Refugees, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; and South Atlantic; Permit Moratorium (Docket No. 023103355-2148-02; I.D. 02310355-2148-02; D.I. 02310355-2148-02) received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2228. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2229. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule — Security Zone; St. Croix, U.S. Virgin Islands (CGD07-01-048) (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2230. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN member states in the General Assembly and Security Council for 2001, and evaluating the actions and responsiveness of those governments in light of the 9/11 terrorist attacks.

2231. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN member states in the General Assembly and Security Council for 2001, and evaluating the actions and responsiveness of those governments in light of the 9/11 terrorist attacks.

2232. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN member states in the General Assembly and Security Council for 2001, and evaluating the actions and responsiveness of those governments in light of the 9/11 terrorist attacks.

2233. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN member states in the General Assembly and Security Council for 2001, and evaluating the actions and responsiveness of those governments in light of the 9/11 terrorist attacks.
Language Initiative under such Program, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, and Permanent Select Committee, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:
H.R. 5210. A bill to amend the Solid Waste Disposal Act to require implementation by brand owners of management plans that provide refund values for certain beverage containers; to the Committee on Energy and Commerce.

H.R. 1232. Mr. CARSON of Oklahoma.

H.R. 1184. Mr. BAIRD.

H.R. 1786. Mr. POMEROY.

H.R. 2037. Mr. BOSWELL.

H.R. 1190. Mr. JACKSON of Georgia.

H.R. 2250. Mr. ALLEN of Virginia.

H.R. 2357. Mr. BARCIA.

H.R. 2442. Mr. FILNER and Mr. ROSS.

H.R. 218. Mr. OBERSTAR.

H.R. 5011. Mr. JEFF MILLER of Florida.

H.R. 4963. Mr. ABERCROMBIE, Mr. EVANS, Ms. MILLER-MCDONALD, Mr. SHERMAN, Mr. VISCOGLIO, Mr. ACKERMAN, Mr. SERRANO, Mrs. CAPPS, Mr. LANDYEV, Ms. VELAZQUEZ, Ms. WATERs, and Mr. HINOJOSA.

H.R. 5002. Mr. STEARNS and Mr. DAVIS of Florida.

H.R. 5013. Mr. BILIRAKIS.

H.R. 5033. Mr. KINGSTON and Mr. CAMP.

H.R. 5047. Mr. GREEN of Texas and Mr. LI.

H.R. 5054. Mr. GILCHREST.

H.R. 5064. Mr. CAMP, Mr. TIAHRT, and Mr. BRYANT.

H.R. 5082. Mr. BOSWELL.

H.R. 5088. Ms. ENSERETH-JOHNSON of Texas, Mr. MCDERMOTT, Mr. BECERRA, and Mr. PASTOR.

H.R. 5104. Mr. FRANK.

H.R. 5112. Mr. JOHNSON of Illinois.

H.R. 5119. Mr. JENKINS.

H.R. 5136. Mr. HUNT.

H.R. 5139. Mr. SABO and Mrs. MINK of Hawaii.

H.R. 5140. Mr. JACKSON of Illinois.

H.R. 5141. Mr. ISHAEL.

H.R. 5147. Mr. BEREUTER, Mr. SHIMKUS, Mr. COLE, Mr. HUNT.

H.R. 5148. Mr. CONROY.

H.R. 5149. Mr. NADLER.

H.R. 5150. Mr. HUNTSING.

H.R. 5151. Mr. BILIRAKIS.

H.R. 5156. Mr. BELIBERE, Mr. SHIMKUS, Mr. WELDON of Pennsylvania, and Mr. GILLMOR.

H.R. 5157. Mr. SHAYS.

H.R. 5158. Mr. BOSILJEK and Mr. QUINN.

H.R. 2820. Mr. BOSWELL.

H.R. 2886. Mr. BACA.

H.R. 3154. Mr. MATHISON.

H.R. 4058. Mr. BECERRA.

H.R. 3448. Mr. FROST.

H.R. 3451. Mr. GUEGUEN.

H.R. 3464. Mr. PAXTON.

H.R. 4720. Mr. PENN of Florida.

H.R. 4728. Mr. MILLER.

H.R. 4738. Mr. DAVIS of Virginia.

H.R. 4739. Mr. MCCARTER.

H.R. 4740. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4785. Mr. HUNT.

H.R. 4786. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4787. Mr. HUNTSING.

H.R. 4788. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4789. Mr. HUNTSING.

H.R. 4790. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4791. Mr. HUNTSING.

H.R. 4792. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4793. Mr. HUNTSING.

H.R. 4794. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4795. Mr. HUNTSING.

H.R. 4796. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4797. Mr. HUNTSING.

H.R. 4798. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4799. Mr. HUNTSING.

H.R. 4800. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 4801. Mr. HUNTSING.

H.R. 4802. Mr. CUNNINGHAM, Mr. GARY G. MILLER of California, Mr. HUNTSING.

H.R. 5043. Mr. SCH eff.

H.R. 5044. Mr. UDALL of New Mexico.

H.R. 5045. Mr. FARB.

H.R. 5046. Mr. ANUNZIO.

H.R. 5047. Mr. FARB.

H.R. 5048. Mr. ANUNZIO.

H.R. 5049. Mr. FARB.

H.R. 5050. Mr. ANUNZIO.

H.R. 5051. Mr. FARB.

H.R. 5052. Mr. ANUNZIO.

H.R. 5053. Mr. FARB.

H.R. 5054. Mr. ANUNZIO.

H.R. 5055. Mr. FARB.

H.R. 5056. Mr. ANUNZIO.

H.R. 5057. Mr. FARB.

H.R. 5058. Mr. ANUNZIO.

H.R. 5059. Mr. FARB.

H.R. 5060. Mr. ANUNZIO.

H.R. 5061. Mr. FARB.

H.R. 5062. Mr. ANUNZIO.

H.R. 5063. Mr. FARB.

H.R. 5064. Mr. ANUNZIO.

H.R. 5065. Mr. FARB.

H.R. 5066. Mr. ANUNZIO.
H. Con. Res. 417: Mr. Doyle and Mr. Andrews.
H. Con. Res. 454: Mr. Berkley, Mr. Cole, and Mr. Forbes.
H. Res. 106: Mr. Lynch, Mr. Hinchey, Mr. McNulty, Ms. Millender-McDonald, Ms. Harris-Perry, Mr. Kildee, Ms. Eddin, Bernice Johnson of Texas, Ms. Woolsey, Ms. McKinney, Mr. Davis of Illinois, Mr. Frank, and Mr. Larsen of Washington.
H. Res. 225: Mr. Kucinich.
H. Res. 295: Mr. Boswell and Ms. Kilpatrick.
H. Res. 410: Mr. Cox.
H. Res. 429: Mr. Israeli, Mr. English, Mr. Forbes, Mr. Peterson of Minnesota, Mr. Frank, Mrs. Myrick, Mr. Stump, Mr. Wexler, Mr. Carson of Oklahoma, Mr. Green of Texas, Mr. Hart, Mr. Diaz-Balart, Mr. Reiley, Mr. Baker, Mr. Fossella, Mr. Baldacci, Mr. Acevedo-Vila, Mr. Vetters, Mr. Moran of Virginia, Mr. Barell, Mrs. Mink of Hawaii, Mr. Wolf, Mr. McGovern, Mr. Frost, Mr. Levin, Mr. Goode, Mr. Wynn, Mr. Bartlett of Maryland, Mr. Brady of Texas, Mr. Kirk, Mr. Turner, Mr. Taylor of Mississippi, Mr. Davis of Wisconsin, Mr. Bono, Mr. Simpson, Mr. Berry, Mr. Skeen, Mr. Calvert, Mr. Barr of Georgia, Mr. Sessions, Mr. Sandlin, Mr. Jones of Alabama, Mr. Cramer, Mr. Rohrabacher, Mr. Tahmahk, Mr. Gilman, Mr. Gilchrest, Ms. Granger, Mr. Rodriguez, Mr. Hooley, Ms. Hooley of Oregon, Mr. Yarmuth, Mr. Dingell, Mr. Brown of Ohio, Ms. Brown of Florida, Mr. Doyle, Mr. Fletcher, Mr. Cunningham, Mr. Underwood, Mr. Buxer, Mr. Wilson of South Carolina, Mr. Hollings, Mr. Palestino, Mr. Delahunt, Mr. Costello, Ms. Slaughter, Ms. McKinney, Mr. Strickland, Mr. Cooksey, Mr. Gibbs, Mr. Sullivan, Mr. Sherman, Mr. Goodlatte, Mr. Dritsas of Florida, Mr. King of North Carolina, Mr. Kingston, Mr. Rangel, Ms. Schakowsky, Mr. Cummings, Mr. Isakson, Mr. Lynch, Mr. Gonzalez, Mr. Fuehr, Mrs. Thurman, and Mr. Lipinski.
H. Res. 454: Mr. Rohrabacher, Mr. McNulty, and Mr. Lipinski.

AMENDMENTS

Under clause 8 of the rule XVIII, pro- pose amendments were submitted as follows:

H. 5905

OFFERED BY: Mr. Roe

AMENDMENT No. 4: Amend title II to read as follows:

TITLE II—DIRECTORATES OF INTEL- LEIGENCE AND OF CRITICAL INFRA- STRUCTURE PROTECTION

SEC. 201. DIRECTORATE OF INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Di- rectorate of Intelligence which shall serve as a national-level focal point for the analysis of all information available to the United States Government for the purpose of pre- venting, deterring, protecting against, pre- paring for, and responding to threats of ter- rorism against the United States and other threats to homeland security.

(b) SUPPORT TO DIRECTORATE.—The Direc- torate of Intelligence shall be supported by—

(1) through the Federal Bureau of Investigation,

(ii) the intelligence community as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a) including the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the National Secu- rity Agency, the Defense Intelligence Agen- cy, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department of State;

(iii) other agencies or entities, including those within the Department, as determined by the Secretary.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the fol- lowing:

(1) Receiving and analyzing law enforce- ment information, intelligence, and other in- formation in order to understand the nature and scope of threats to the homeland and to detect and identify threats of terrorism against the United States and other threats to homeland security.

(2) Ensuring timely and efficient access by the Directorate to—

(A) information from agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, private sector entities; and

(B) open source information.

(3) Working with the Director of Central Intelligence, the agencies described under subsection (a)(1)(B), to establish overall collection priorities and strategies for in- formation, including law enforcement-re- lated information, relating to threats of ter- rorism against the United States and other threats to homeland security.

(4) Directing the agencies described under subsection (a)(1)(B), on behalf of the Sec- retary and subject to disapproval by the President, on a case-by-case basis, to provide additional information relating to threats of terrorism against the United States and other threats to homeland security.

(5) Disseminating information to the Di- rectorate of Critical Infrastructure Protec- tion, the agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities to assist in the determination, prevention, and re- sponse to threats of terrorism against the United States and other threats to homeland security.

(6) Establishing and utilizing, in conjunc- tion with the Chief Information Officer of the Department, and in conjunction with the appropriate officers at the agencies described under subsection (a)(1)(B), to perform data analysis, commu- nications and information technology infra- structure, including data mining and other advanced analytical tools, to permit the Di- rectorate’s analysts to access, receive, and analyze law enforcement, intelligence, and other information in the possession of agen- cies, to the extent that such information may lawfully be obtained from State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(7) Developing, in conjunction with the Chief Information Officer of the Department, and in conjunction with appropriate officers at the agencies described under subsection (a)(1)(B), appropriate software, hardware, and other information technology, and security and formatting protocols, to ensure that the Federal Government databases and informa- tion technology systems containing informa- tion relevant to terrorist threats, and other threats against the United States, are—

(A) compatible with the secure commu- nications and information technology infra- structure referred to under paragraph (6); and

(B) comply with Federal laws concerning privacy and the prevention of unauthorized disclosure.

(8) Ensuring, in conjunction with the Di- rector of Central Intelligence, that all material received by the Department related to threats of terrorism against the United States and other threats to homeland security is protected against unauthorized disclosure and is uti- lized by the Department only in the course and for the purposes of fulfillment of official duties, and is transmitted, handled, and disseminated consistent with—

(A) the authority of the Director of Central Intelligence to protect law enforcement resources and methods from unauthorized disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures; or

(B) as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information, and the pri- vacy interests of United States persons as defined under section 101 of the Foreign In- telligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) Referring, through the Secretary, to the appropriate law enforcement or intelligence agency, intelligence and analysis requiring further investigation or action.

(10) Providing training and other support as necessary to provide a foundation for the Department, or consumers of informa- tion from the Department, to allow such pro- viders or consumers to identify and share in- formation related to threats of terrorism, as appropriate, to fulfill the responsibilities of the Secretary.

(11) Reviewing, analyzing, and making rec- ommendations through the Secretary for im- provements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland secu- rity within the Federal government and be- tween the Federal government and State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(12) Assisting and supporting the Secretary in conducting threat and vulnerability as- sessments and risk analyses in coordination with other appropriate entities, including the Office of Risk Analysis and Management in the Directorate of Science and Tech- nology.

(13) Requiring, analyzing, and making rec- ommendations through the Secretary for im- provements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland security, including all reports, assessments, analytical infor- mation, and other information or data that the Secretary determines necessary to ful- fill the responsibilities of the Secretary, except when the President determines otherwise in writing.

(14) Providing other related and appro- priate duties as assigned by the Secretary.

(c) ACCESS TO INFORMATION.—

(1) IN GENERAL.—The Secretary shall have authority, and appropriate directives, to subsection (a)(1)(B) shall provide, all law en- forcement, intelligence, and other informa- tion in the possession of agencies described under subsection (a)(1)(B), upon the Secretary’s determination necessary to fulfill the responsibilities of the Secretary, except when the President determines otherwise in writing.

(2) OBTAINING INFORMATION.—The Secretary may obtain information in the possession of an agency, including information contained in reports, assessments, and evaluated data the Secretary determines necessary in order to fulfill the responsibilities of the Secretary, except when the President determines otherwise in writing.

If there is uncertainty to an agency possess- ing certain information as to the re- lative nature of that information, that agency shall provide that information to the Sec- retary who shall determine the relevance of the information, except when the President determines otherwise in writing.
the Secretary with information through secure means, including direct access to specific databases, and through secure communications and information technology infrastructure with the purpose of preventing such information from unauthorized disclosure.

(3) AGREEMENTS.—To facilitate access to information under this subsection, the Secretary may enter into cooperative arrangements or memoranda of understanding with agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities, as the Secretary determines necessary for the fulfillment of the responsibilities of the Secretary.

(4) AUTHORIZATION TO SHARE LAW ENFORCEMENT INFORMATION.—The Secretary shall be deemed to be a Federal law enforcement, intelligence, protective, national defense, or national security official for purposes of information sharing provisions of—

(a) section 203(d) of the USA PATRIOT Act of 2001 (Public Law 107–56);
(b) section 2517(6) of title 18, United States Code; and
(c) rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(e) ADDITIONAL RESPONSIBILITIES.—The Under Secretary for Intelligence shall also be responsible for—

(1) developing intelligence about the means terrorists are likely to use to exploit vulnerabilities in the homeland security infrastructure;

(2) developing and conducting experiments, tests, and simulations to test weaknesses in homeland defenses;

(3) developing methods to conduct counter-surveillance of critical infrastructure and potential targets for terrorism against the United States; and

(4) conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks, the probability of successful attacks, and the feasibility of specific countermeasures; and

(5) working with the Directorate of Critical Infrastructure Protection, other offices and agencies in the Department, other agencies, State and local governments, local law enforcement and intelligence agencies, and private sector entities to address vulnerabilities.

(f) MANAGEMENT AND STAFFING.—The Directorate of Intelligence shall be staffed, in part, by analysts as requested by the Secretary and assigned by the agencies described under subsection (a)(1).

(g) SERVICE AS FACTOR FOR SELECTION.—The analysts shall be assigned by reimbursable detail for periods as determined necessary by the Secretary in conjunction with the head of the assigning agency.

(h) EMPLOYEES ASSIGNED WITHIN THE DEPARTMENT.—The Secretary may assign employees of the Department by reimbursable detail to the Directorate.

(i) SERVICE AS FACTOR FOR SELECTION.—The President, or the designee of the President, shall prescribe regulations to provide that service described under paragraph (1) or (2), or service by employees within the Directorate shall be considered a positive factor for selection to positions of greater authority within any other intelligence agency.

(j) PERSONNEL SECURITY STANDARDS.—The employment of personnel in the Directorate shall be in accordance with such personnel security standards as the Secretary shall establish to classify, protect, and use the information and intelligence as the Secretary, in conjunction with the Director of Central Intelligence, shall establish for this subsection.

(k) PERFORMANCE EVALUATION.—The Secretary shall evaluate the performance of all personnel, both civilian and delinquent, or delegate such responsibility to the Under Secretary for Intelligence.

(1) INTELLIGENCE COMMUNITY.—Those portions of the Directorate of Intelligence that concern information analysis under subsection (b)(1), and the intelligence-related components of the information sharing division by which the Chairman of the Joint Chiefs of Staff transfers authority to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States intelligence community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 202. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Critical Infrastructure Protection.

(2) DIRECTOR.—The Director shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Critical Infrastructure Protection shall be responsible for—

(1) Receiving relevant intelligence from the Directorate of Intelligence, law enforcement information, and other information in determining the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information, analyses, or assessments are provided by the Department or others) to identify priorities and support protective efforts by the Department, by other agencies, by State and local government personnel, agencies, and authorities, by the private sector, and by other entities, to protect the key resources and critical infrastructures in the United States.

(3) As part of the Strategy, developing a comprehensive national plan for securing the key resources and critical infrastructures in the United States.

(4) Establishing specialized research and analysis units for the purpose of processing, analyzing, determining vulnerabilities and protective measures in—

(A) public health;
(B) food and water storage, production and distribution;
(C) commerce systems, including banking and finance;
(D) energy systems, including electric power and oil and gas production and storage;
(E) transportation systems, including pipelines;
(F) information and communication systems;
(G) continuity of government services; and
(H) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(5) Enhancing the sharing of information regarding terrorist threats to intelligence and physical security of the United States, developing appropriate security standards, tracking vulnerabilities, proposing improved risk mitigation strategies, and providing the roles of various Government agencies in preventing, defending, and recovering from attacks.

(6) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department and assuming the responsibilities carried out by the Critical Infrastructure Assurance Office and the National Infrastructure Protection Center before the effective date of this division.

(7) Coordinating the activities of the Information Sharing and Analysis Centers to share information, between the public and private sectors, on threats, vulnerabilities, and incidents that may impact homeland security.

(8) Coordinating with the Federal Communications Commission in helping to establish cybersecurity policy, standards, and enforcement mechanisms and working closely with the Federal Communications Commission on cybersecurity issues with respect to critical infrastructure.

(9) Establishing the necessary organizational structure within the Directorate to provide leadership and focus on both cybersecurity and physical security, and ensuring the maintenance of a nucleus of cybersecurity and physical security experts within the United States Government.

(10) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, RESPONSIBILITIES, AND DUTIES.—

(1) The Critical Infrastructure Assurance Office of the Department of Commerce.

(2) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Counterterrorism Investigations and Operations Section).

(3) The National Communications System of the Department of Defense.

(4) The Computer Security Division of the National Institute of Standards and Technology of the Department of Commerce.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy.


H.R. 5005

AMENDMENT No. 5: Amend section 203 to read as follows:

SEC. 203. ACCESS TO INFORMATION.

The Secretary shall have access to all reports, assessments, and analytical information relating to threats of terrorism in the United States and to other areas of responsibility described in section 101(b), and to all information concerning infrastructure or other vulnerabilities of the United States to terrorism, whether or not such information has been analyzed, that may be collected, possessed, or prepared by any executive agency. The Secretary shall also have access to other information relating to the foregoing matters that may be collected, possessed, or prepared by an executive agency. With respect to the material to which the Secretary has access under this section—

(1) all executive agencies promptly shall provide to the Secretary—

(A) all reports, assessments, and analytical information relating to threats of terrorism in the United States and to other areas of responsibility described in section 101(b); and

(B) all information concerning infrastructure or other vulnerabilities of the United States to terrorism, whether or not such information has been analyzed;

(2) all information relating to significant and credible threats to the United States, whether or not such information has been analyzed, if the President has
provided that the Secretary shall have access to such information; and
(D) such other material as the President may further provide.
(2) The Secretary shall have full access and input with respect to information from any national collaborative information analysis capability as referred to in section 924 of the National Intelligence Act of Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1199) established jointly by the Secretary of Defense and the Director of Central Intelligence.
(3) The Secretary shall ensure that any material received pursuant to this section is protected from unauthorized disclosure and handled in a manner suitable for the performance of official duties, and that any intelligence information shared under this section shall be transmitted, retained, and disseminated consistent with the authority of the Director of Central Intelligence to protect intelligence sources and methods under the National Security Act and related procedures or, as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information.
H.R. 5005
OFFERED BY MR. ROEMER
AMENDMENT No. 6: Strike section 402(5) of the bill (and redesignate subsequent paragraphs accordingly).
In section 402(1) of the bill, strike “Except” and all that follows through “The Integrated” and insert “The Integrated”.
H.R. 5005
OFFERED BY MR. ROEMER
AMENDMENT No. 7: At the end of the bill, add the following new title:
TITLE—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 01. ESTABLISHMENT OF COMMISSION.
The President shall establish the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the “Commission”).

SEC. 02. PURPOSES.
The purposes of the Commission are to—
(1) examine and report upon the facts and causes relating to the terrorist attacks against the United States that occurred on September 11, 2001;
(2) ascertain, evaluate, and report on the evidence developed by all relevant government agencies concerning the facts and circumstances surrounding the attacks;
(3) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States’ preparedness for, and response to, the attacks; and
(4) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 03. COMPOSITION OF THE COMMISSION.
(a) MEMBERS.—Subject to the requirements of subsection (b), the Commission shall be composed of 10 members, of whom—
(1) 3 members shall be appointed by the majority leader of the Senate;
(2) 3 members shall be appointed by the Speaker of the House of Representatives;
(3) 2 members shall be appointed by the minority leader of the Senate; and
(4) 2 members shall be appointed by the minority leader of the House of Representatives.
(b) QUALIFICATIONS.—
(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be affiliated with any political party.
(2) NONGOVERNMENTAL APPOINTEE.—No member of the Commission shall be an officer or employee of the Federal Government or any State or local government.
(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the judicial practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.
(4) CHAIRPERSON; VICE CHAIRPERSON.—
(1) GENERAL.—Subject to the requirement of paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.
(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

SEC. 04. FUNCTIONS OF THE COMMISSION.
(a) GENERAL.—The functions of the Commission are to—
(1) investigate the relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure;
(2) identify and learn from the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorism attacks; and
(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.
(b) SCOPE OF INVESTIGATION.—For purposes of subsection (a)(1), the term “facts and circumstances” includes facts and circumstances relating to—
(1) intelligence agencies;
(2) law enforcement agencies;
(3) diplomacy;
(4) immigration, nonimmigrant visas, and border control;
(5) the flow of assets to terrorist organizations; and
(6) commercial aviation; and
(7) other areas of the public and private sectors determined relevant by the Commission for its inquiry.

SEC. 05. POWERS OF THE COMMISSION.
(a) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this title—
(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and
(2) require, by subpoena or otherwise, the attendance and testimony of any witnesses and the production of books, records, correspondence, memoranda, papers, and documents.
(b) SUBPOENAS.—
(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.
(2) IN GENERAL.—(A) In general.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of court.
(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.
(c) CLOSED MEETINGS.—Notwithstanding any other provision of law which would require meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.
(d) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.
(e) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this title. Each such department, agency, or instrumentality shall, to the extent determined by the President, furnish such information directly to the Commission upon request.
(f) ASSISTANCE FROM FEDERAL AGENCIES.—
(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.
(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the President determines advisable and as may be authorized by law.
(g) GIFTS.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, accept, use, and dispose of gifts or donations of services or property.
(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.
(i) POWERS OF SUBCOMMITTEE, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission, if authorized by the Commission, may take any action which the Commission is authorized to take by this section.

SEC. 06. STAFF OF THE COMMISSION.
(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.
(b) STAFF.—The Chairperson, in consultation with the Vice Chairperson, may appoint additional personnel as may be necessary to enable the Commission to carry out its functions.
(c) **Applicability of Certain Civil Service Laws.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(d) **Detainees.**—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detainee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(e) **Consultant Services.**—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

**SEC. 07. Compensation and Travel Expenses.**

(a) **Compensation.**—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) **Travel Expenses.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**SEC. 08. Security Clearances for Commission Members and Staff.**

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

**SEC. 09. Reports of the Commission; Termination.**

(a) **Initial Report.**—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing—

1. such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members; and

2. such findings, conclusions, and recommendations regarding the scope of jurisdiction of, and the allocation of jurisdiction among, the committees of Congress with oversight responsibilities related to the scope of the investigation of the Commission as have been agreed to by a majority of Commission members.

(b) **Final Report.**—Not later than 6 months after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a final report containing such updated findings, conclusions, and recommendations described in paragraphs (1) and (2) of subsection (a) as have been agreed to by a majority of Commission members.

(c) **Noninterference With Congressional Joint Inquiry.**—Notwithstanding subsection (a), the Commission shall not submit any report of the Commission until a reasonable period after the conclusion of the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001.

(d) **Termination.**—

1. **In General.**—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

2. **Administrative Activities Before Termination.**—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

**SEC. 10. Authorization of Appropriations.**

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.
HIGHLIGHTS

At 3:40 p.m. the House recognized the anniversary of the July 24, 1998 tragedy in which Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

Pursuant to Article I, Section 5, Clause 2 of the United States Constitution, Representative James A. Traficant, Jr., was expelled from the House of Representatives.


House Committees ordered reported 129 sundry measures.

Senate agreed to the Conference Report on H.R. 4775, 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States, clearing the measure for the President.

Senate

Chamber Action

Routine Proceedings, pages S7243–S7322

Measures Introduced: Thirteen bills were introduced, as follows: S. 2777–2789.

Measures Reported:

Measures Passed:

**Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act:** Senate passed S. 434, to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, after agreeing to committee amendments.

Vicksburg National Military Park Boundary Modification Act: Senate passed S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton’s Headquarters, after agreeing to a committee amendment in the nature of a substitute.


Greater Access to Affordable Pharmaceuticals Act: Senate continued consideration of S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, taking action on the following amendments proposed thereto:
Pending:
Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada.  
Page S7249
   Rockefeller Amendment No. 4316 (to Amendment No. 4299), to provide temporary State fiscal relief.  
Pages S7284–91, S7292–99
   Gramm point of order that the emergency designation in Section C of Rockefeller Amendment No. 4316 (to Amendment No. 4299), listed above, violates section 205 of H. Con. Res. 290, 2001 Congressional Budget Resolution.
   Reid motion to waive section 205 of H. Con. Res. 290, 2001 Congressional Budget Resolution, with respect to the emergency designation in Section C of Rockefeller Amendment No. 4316 (to Amendment No. 4299), listed above.
   During consideration of this measure today, Senate also took the following action:
   By 51 yeas to 48 nays (Vote No. 189), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to waive the Congressional Budget Act of 1974 with respect to Hagel Amendment No. 4315 (to Amendment No. 4299, as amended), to provide Medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 for spending in excess of allocation, was sustained, and the amendment thus fell.  
Pages S7249–63, S7282–83
   A motion was entered to close further debate on Rockefeller Amendment No. 4316 (to Amendment No. 4299), listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, July 26, 2002.
   A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, July 25, 2002, with 1 hour of debate in relation to the motion to waive section 205 of H. Con. Res. 290, 2001 Congressional Budget Resolution, with respect to the emergency designation in Section C of Rockefeller Amendment No. 4316 (to Amendment No. 4299), listed above; to be followed by a vote on the motion to waive.
Page S7303
   Supplemental Appropriations Conference Report: By 92 yeas to 7 nays (Vote No. 188), Senate agreed to the conference report on H.R. 4775, making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, clearing the measure for the President.  
Pages S7263–82
   Conferring Honorary Citizenship: Senate concurred in the amendment of the House, amendment to the preamble, and the amendment to the title to S.J. Res. 13, conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette.  
Pages S7302–03
   Defense and Legislative Branch Appropriations—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader, following consultation with the Republican Leader, may proceed to the consideration of H.R. 5121, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003; that debate on the bill and committee amendment be limited to 30 minutes; that immediately after the bill is reported, the text of the Senate committee reported bill, S. 2720, be inserted in the appropriate place in the House bill; that certain first degree amendments be proposed thereto, under a time limitation, with certain exceptions; that upon disposition of these amendments; the bill be read a third time, and the Senate vote on passage of the bill, as amended; that upon passage, Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate, without further intervening action or debate; provided further that the Senate proceed to consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, no later than Wednesday, July 31, 2002.
Page S7302
   Appointment:
   Congressional Hunger Fellows Program: The Chair, on behalf of the Majority Leader, pursuant to Public Law 107–171, announced the appointment of the following individuals to serve as members of the Board of Trustees of the Congressional Hunger Fellows Program: Senator Harkin and Representative Clayton.
Page S7319
   Executive Session: Senate agreed to the motion to proceed to executive session to consider the nomination of Julia Smith Gibbons, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.
Page S7322
   Nomination—Cloture Motion Filed: A motion was entered to close debate on the nomination of Julia Smith Gibbons, of Tennessee, to be United States Circuit Judge for the Sixth Circuit and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote on the nomination will occur on Friday, July 26, 2002.
Nominations Received: Senate received the following nominations:

Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2002.

Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2005. (Reappointment)

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2006. (Reappointment)

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003.

Robert Maynard Grubbs, of Michigan, to be United States Marshal for the Eastern District of Michigan for the term of four years.

Johnny Mack Brown, of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

Denny Wade King, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

Messages From the House:
Page S7308

Measures Placed on Calendar:
Page S7308

Additional Cosponsors:
Pages S7308–10

Statements on Introduced Bills/Resolutions:
Pages S7310–16

Additional Statements:
Pages S7307–08

Amendments Submitted:
Pages S7316–18

Authority for Committees to Meet:
Pages S7318–19

Privilege of the Floor:
Page S7319

Record Votes: Two record votes were taken today. (Total—189)
Pages S7282, S7283

Adjournment: Senate met at 10 a.m., and adjourned at 7:33 p.m., until 9:30 a.m., on Thursday, July 25, 2002.

Committee Meetings

Committee on Appropriations: Subcommittee on Transportation approved for full committee consideration an original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation held oversight hearings to examine management challenges of the Department of Housing and Urban Development (HUD), focusing on staffing, acquisition management, information systems, assessing HUD’s management environment, and formulating viable strategies and plans to address the major management challenges, receiving testimony from Alphonso Jackson, Chief Operating Officer/Deputy Secretary of Housing and Urban Development; Stanley J. Czerwinski, Director, Physical Infrastructure, General Accounting Office; and Carolyn Federoff, American Federation of Government Employees Council of HUD Locals, Boston, Massachusetts.

Hearings recessed subject to call.

WOMEN IN SCIENCE AND TECHNOLOGY
Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine barriers to the involvement and advancement of women in math, science and technology, including under representation of women at the college level and above, and what can be done to lower these barriers and encourage more girls and women in the area science, after receiving testimony from Senator Boxer; Kristina M. Johnson, Duke University Pratt School of Engineering, Durham, North Carolina; Kay Koplovitz, Koplovitz and Company, New York, New York; Nancy Stueber, Oregon Museum of Science and Industry, Portland; and Ana Maria Boitel, Women in Technology, Alexandria, Virginia.

FEDERAL ENERGY REGULATORY COMMISSION
Committee on Energy and Natural Resources: Committee concluded hearings to examine issues surrounding the Federal Energy Regulatory Commission, focusing on electric and natural gas infrastructure generation and transmission and the demand the power in the future, after receiving testimony from Pat Wood III, Chairman, Federal Energy Regulatory Commission, Department of Energy; Stephen Ward, Maine Public Advocate, Augusta, on behalf of the National Association of State Utility Consumer Advocates; M. Carol Coale, Prudential Financial, Houston, Texas; Lawrence J. Makovich, Cambridge Energy Research...
Associates, Cambridge, Massachusetts; Pete Landrieu, Public Service Enterprise Group, Newark, New Jersey; and David R. Nevius, North American Electric Reliability Council, Princeton, New Jersey.

ENVIRONMENTAL TREATIES IMPLEMENTATION
Committee on Environment and Public Works: Committee concluded joint hearings with the Committee on Foreign Relations to examine implementation of certain environmental treaties to which the United States is a party, and the United States’ international environmental agreements and commitments, after receiving testimony from John F. Turner, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; James L. Connaughton, Chairman, White House Council on Environmental Quality; Maurice F. Strong, Earth Council Institute Canada, Toronto, Ontario; John C. Dernbach, Widener University Law School, Harrisburg, Pennsylvania; and Christopher C. Horner, Competitive Enterprise Institute, Washington, D.C.

NOMINATIONS
Committee on Foreign Relations: Committee concluded hearings on the nominations of Kristie Anne Kenney, of Maryland, to be Ambassador to the Republic of Ecuador, Larry Leon Palmer, of Georgia, to be Ambassador to the Republic of Honduras, and Barbara Calandra Moore, of Maryland, to be Ambassador to the Republic of Nicaragua, all of the Department of State, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING
Committee on Governmental Affairs: Committee ordered favorably reported the nominations of James E. Boasberg, to be an Associate Judge of the Superior Court of the District of Columbia, Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency, and Mark W. Everson, of Texas, to be Deputy Director for Management, Office of Management and Budget.

Also, Committee met and reconsidered their action of May 22, 2002, when the committee ordered favorably reported, with amendments, S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism (pending on Senate calendar), but did not take any final action thereon, and will meet again tomorrow.

BUSINESS MEETING
Committee on Health, Education, Labor, and Pensions: Committee met and discussed certain committee matters, but did not take any action thereon, and recessed subject to the call.

NATIVE AMERICAN COMMERCIAL DRIVING
Committee on Indian Affairs: Committee concluded hearings on S. 1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, after receiving testimony from James E. Shanley, Fort Peck Community College, Poplar, Montana, on behalf of the American Indian Higher Education Consortium; David Fluke, Fed Ex Freight West, Citris Heights, California, on behalf of the American Trucking Associations, Inc.; and Andra Rush, Rush Trucking, Wayne, Michigan.

CORPORATE RESPONSIBILITY
Committee on the Judiciary: Subcommittee on Crime and Drugs resumed hearings to examine whether the use of criminal sanctions will help deter corporate wrong doing and ensure responsibility, receiving testimony from G. William Miller, G. William Miller and Company, former Secretary of the Treasury and former Chairman, Federal Reserve Board, Roderick M. Hills, Hills Enterprises, former Chairman, Securities and Exchange Commission, and James R. Doty, Baker Botts, former General Counsel, Securities and Exchange Commission, all of Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING
Committee on Small Business and Entrepreneurship: Committee ordered favorably reported the following bills:

S. 2335, to establish the Office of Native American Affairs within the Small Business Administration, and to create the Native American Small Business Development Program, with an amendment;

S. 2483, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns;

S. 2466, to modify the contract consolidation requirements in the Small Business Act;

S. 2734, to provide emergency assistance to nonfarm small business concerns that have suffered substantial economic harm from the devastating effects of drought, with an amendment in the nature of a substitute;

S. 1994, to establish a priority preference among certain small business concerns for purposes of Federal contracts, with an amendment;

S. 2753, to provide for a Small and Disadvantaged Business Ombudsman for Procurement in the Small Business Administration, with an amendment in the nature of a substitute; and
H.R. 2666, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program.

VA MENTAL HEALTH CARE
Committee on Veterans' Affairs: Committee concluded hearings to examine Veterans Administration mental health care issues, including clinical care services, special emphasis programs, Mental Health Intensive Case Management program, homeless veterans, post-traumatic stress disorder, and substance abuse, after receiving testimony from Robert H. Roswell, Under Secretary of Veterans Affairs for Health; Miklos Losonczy, Robert Wood Johnson School of Medicine; Ralph Ibsen, National Mental Health Association, Alexandria, Virginia; Renato D. Alarcon, Emory University School of Medicine Department of Psychiatry, Atlanta, Georgia, on behalf of the American Psychiatric Association; Colleen Evans, VA Pittsburgh Health Care System, Pittsburgh, Pennsylvania, on behalf of the American Federation of Government Employees, AFL-CIO; and Frederick Frese, Northeastern Ohio Universities College of Medicine, Akron, and Moe Armstrong, Vinfen Corporation, Cambridge, Massachusetts, both on behalf of the National Alliance for the Mentally Ill.

House of Representatives

Chamber Action
Measures Introduced: Measures introduced will appear in the next issue of the Record.

Reports Filed: Reports were filed today as follows:
Conference report on H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws (H. Rept. 107–610); Pages H5393–H5411

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative LaHood to act as Speaker pro tempore for today.

Page H5317

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Samer Youssef, Pastor, Antiochian Orthodox Church of the Redeemer, Los Altos Hills, California.

Page H5317

Moment of Silence In The Memory of Officer Jacob J. Chestnut and Detective John M. Gibson: At 3:40 p.m. the Chair recognized the anniversary of July 24, 1998 tragedy in which Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

Page H5352

Treasury and Postal Operations Appropriations: The House passed H.R. 5120, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003 by a yea-and-nay vote of 308 yeas to 121 nays, Roll No. 341.

Pages H5322–46, H5352

Agreed To:
Moran of Virginia amendment No. 21 printed in the Congressional Record of July 21 that prohibits any funding to be used to establish or enforce any numerical goal or quota for subjecting the employees of an agency to public-private competitions or converting the employees or the work they perform to private contractor performance under OMB circular A–76 or any other administrative regulation, directive, or policy (agreed to by a recorded vote of 261 ayes to 166 noes, Roll No. 336);

Pages H5322–28, H5341–42

Sanders amendment No. 7 printed in the Congressional Record of July 15 that prohibits any funding to be used by the Internal Revenue Service for activities that contravene current tax, Employee Retirement Income Security Act (ERISA) pension or age discrimination statutes (agreed to by a recorded vote of 308 ayes to 121 noes, Roll No. 339); and

Pages H5333–36, H5343–44

Barr amendment No. 23 printed in the Congressional Record of July 23 that prohibits the use of national anti-drug media campaign funding to pay any amounts pursuant to a specific contract.

Pages H5336–41

Rejected:
Hefley amendment that sought to reduce funding for the Allowances and Office Staff for former Presidents by $339,000 (rejected by a recorded vote of 165 ayes to 265 noes, Roll No. 337);

Pages H5328–30, H5342–43

Hefley amendment No. 16 printed in the Congressional Record of July 17 that sought to reduce
each amount appropriated or otherwise made available by 1 percent (rejected by a recorded vote of 147 ayes to 282 noes, Roll No. 338);

Pages H5330–32, H5343

Withdrawn:

Kucinich amendment No. 18 printed in the Congressional Record of July 17 was offered but subsequently withdrawn that sought to prohibit any funding to be used to enforce or implement discounts for the statistical value of a human life estimated during regulatory reviews through implementation of OMB Circular A–94 Guidelines and Discount Rates for Benefit Cost Analysis of Federal programs or any guidance having the same substance;

Page H5330

Jackson-Lee amendment No. 12 printed in the Congressional Record of July 15 was offered but subsequently withdrawn that sought to prohibit any funding to be used to prevent the rehabilitation of urban and rural post offices;

Page H5332

Flake amendment No. 2 printed in the Congressional Record of July 15 was offered but subsequently withdrawn that sought to prohibit any funding to be used by entities unless specifically identified by name as a recipient in the Act;

Pages H5332–33

Wynn amendment No. 8 printed in the Congressional Record of July 15 was offered but subsequently withdrawn that sought to establish a centralized reporting system to enable agencies to generate reports on efforts regarding both contracting out and contracting in; and

Pages H5344–45

Hoyer amendment was offered but subsequently withdrawn that sought to prohibit any funding to be used by the Customs Service to require reports on repairs to U.S. flag vessels on the high seas.

Pages H5345–46

The House agreed to H. Res. 488, the rule that is providing for consideration of the bill on July 18.

Partial-Birth Abortion Ban: The House passed H.R. 4965, to prohibit the procedure commonly known as partial-birth abortion by a recorded vote of 274 ayes to 151 noes with 1 voting “present”, Roll No. 343.

Pages H5352–74

Rejected the Baldwin motion that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back to the House forthwith with an amendment that inserts language that states that the prohibition does not apply to a partial-birth abortion where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother by a recorded vote of 187 ayes to 241 noes, Roll No. 342.

Pages H5371–73

Agreed to H. Res. 498, the rule that provided for consideration of the bill by a yea-and-nay vote of 248 yeas to 177 nays, Roll No. 340.

Pages H5346–52

In the Matter of James A. Traficant, Jr., The House agreed to H. Res. 495, in the matter of James A. Traficant, Jr. by a 2/3 recorded vote of 420 ayes to 1 no, with 9 voting “present”, Roll No. 346. The text of the resolution is as follows: Resolved, that, pursuant to Article I, Section 5, Clause 2 of the United States Constitution, Representative James A. Traficant, Jr., be, and he hereby is, expelled from the House of Representatives. Earlier, rejected the LaTourette motion to postpone consideration of the resolution until Sept. 4, 2002 by a recorded vote of 146 ayes to 285 noes, Roll No. 345.

Pages H5375–93

Intelligence Authorization: The House completed debate and began considering amendments to H.R. 4628, to authorize appropriations for fiscal year 2003 for intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

Pages H5375–93

Agreed To:

Smith of New Jersey amendment to the Roemer amendment No. 9 printed in the Congressional Record of July 23, that includes representation of family members of victims of terrorist attacks on the National Commission on Terrorist Attacks;

Pages H5375–93

Roemer amendment No. 9 printed in the Congressional Record of July 23, as amended, that creates a National Commission on Terrorist Attacks Upon the United States (agreed to by a recorded vote of 219 ayes to 188 noes, Roll No. 347).

Pages H5375–93

Chambliss amendment No. 3 printed in the Congressional Record of July 23, that establishes the Homeland Security Information Sharing Act;

Pages H5375–93

Pelosi amendment No. 8 printed in the Congressional Record of July 23, that clarifies the use of funds for counter-drug and counterterrorism activities for Colombia;

Pages H5375–93

Goss amendment No. 5 printed in the Congressional Record of July 23, as modified, that limits the use of the Defense Emergency Response Fund;

Pages H5375–93

Roemer amendment No. 9 printed in the Congressional Record of July 22 that requires a report on the establishment of a Civilian Linguist Reserve Corps comprised of individuals with advanced skills in foreign languages; and
Hastings of Florida en bloc amendment consisting of amendments No. 6 and 7 printed in the Congressional Record of July 23 that expresses the sense of Congress on diversity in the workforce of intelligence community agencies and requires an annual report on the hiring and retention of minority employees in the intelligence community.

Withdrawn:
Engel amendment No. 4 printed in the Congressional Record of July 23, was offered but subsequently withdrawn that sought to specify limitations on the assistance provided to the Palestinian Security Services.

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill.

Agreed to H. Res. 497, the rule that provided for the consideration of the bill by voice vote.

Order of Business—Intelligence Authorization: Agreed that during consideration of H.R. 4628 in the Committee of the Whole pursuant to H. Res. 497, no further amendment to the committee amendment in the nature of a substitute may be offered after the legislative day of July 24, 2002 except pro forma amendments offered by the Chairman or ranking minority member of the Permanent Select Committee on Intelligence or their designees for the purpose of debate.

Order of Business—Corporate and Auditing Accountability, Responsibility, and Transparency Act Conference Report: Agreed that it be in order at any time on Thursday, July 25, 2002 to consider a conference report to accompany H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

Suspensions: The House agreed to suspend the rules and pass the following measures:

National Defense Authorization Act for Fiscal Year 2003: Debated on July 23, H.R. 4547, amended, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003 (agreed to by a yea-and-nay vote of 413 yeas to 3 nays, Roll No. 335); and

Condemning the Persecution of Falun Gong Practitioners by the Chinese Government: Debated on July 22, H. Con. Res. 188, amended, expressing the sense of Congress that the Government of the People’s Republic of China should cease its persecu-

tion of Falun Gong practitioners (agreed to by a yea-and-nay vote of 420 yeas with none voting “nay”, Roll No. 344).

Recess: The House recessed at 2:45 a.m. on Thursday, July 25 and will reconvene at approximately 9 a.m. on Thursday, July 25.

Amendments: Amendments ordered printed pursuant to the rule will appear in the next issue of the Record.


Adjournment: The House met at 10 a.m. and at 2:45 a.m. on Thursday, July 25 stands in recess.

Committee Meetings

CHILD LEFT BEHIND ACT IMPLEMENTATION

Committee on Education and the Workforce: Held a hearing on “Implementation of the No Child Left Behind Act.” Testimony was heard from Gene Hickok, Under Secretary, Department of Education; William Windler, Assistant Commissioner, Department of Education, State of Colorado; and public witnesses.

TEMPORARY WAIVER—CERTAIN REQUIREMENTS UNDER CLEAN AIR ACT—AREAS IN NEW YORK WHERE ACTS OF TERRORISM DESTROYED PLANNING OFFICES AND RESOURCES

Committee on Energy and Air Quality: Subcommittee on Energy and Air Quality approved for full Committee action H.R. 3880, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism.

COMMUNITY CHOICE IN REAL ESTATE ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 3424, Community Choice in Real Estate Act. Testimony was heard from Representatives Calvert and Kanjorski; and public witnesses.

OVERSIGHT—CYBER-TERRORISM

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and
Intergovernmental Relations held an oversight hearing on “Cyber-terrorism: Is the Nation’s Critical Infrastructure Adequately Protected?” Testimony was heard from Robert F. Dacey, Director, Information Security, GAO; Ronald L. Dick, Director, National Infrastructure Protection Center, FBI, Department of Justice; John S. Tritak, Director, Critical Infrastructure Assurance Office, Department of Commerce; and public witnesses.

OVERSIGHT—COMMERCIAL ACTIVITIES PANEL—REVIEW FINDINGS

Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing entitled “An Oversight Hearing to Review the Findings of the Commercial Activities Panel.” Testimony was heard from David M. Walker, Comptroller, GAO; Angela Styles, Director, Office of Federal Procurement Policy, OMB; Joseph Sikes, Director, Competitive Sourcing and Privatization, Department of Defense; and public witnesses.

“MARSHALL PLAN” FOR THE MIDDLE EAST

Committee on International Relations: Held a hearing on Economic Development and Integration as a Catalyst for Peace: A “Marshall Plan” for the Middle East. Testimony was heard from former Senator George J. Mitchell, State of Maine; Rima Khalaf Hunaidi, Assistant Secretary-General, United Nations, Assistant Administrator and Regional Director, Regional Bureau for Arab States, United Nations Development Programme; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Europe approved for full Committee action, as amended, the following measures: H. Con. Res. 164, expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots; H. Con. Res. 437, recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey; and H. Con. Res. 327, commending the republic of Turkey and the State of Israel for the continued strengthening of their political, economic, cultural, and strategic partnership and for their actions in support of the war on terrorism.

WESTERN HEMISPHERE—COFFEE CRISIS

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on the Coffee Crisis in the Western Hemisphere. Testimony was heard from Adolfo Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, AID, Department of State; Franklin Lee, Deputy Administrator, Commodity and Marketing Programs, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 2099, amended, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve; H.R. 2301, amended, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California; H.R. 2534, amended, Lower Los Angeles River and San Gabriel River Watershed Study Act of 2001; H.R. 2748, amended, National War Permanent Tribute Historical Database Act; H.R. 3407, amended, Indian Finance Act Reform Amendment; H.R. 3434, amended, McLoughlin House National Historic Site Act; H.R. 3449, to revise the boundaries of the George Washington Birthplace National Monument; H.R. 4622, amended, Gateway Communities Cooperation Act of 2002; H.R. 4682, Allegheny Portage Railroad National Historic Site Boundary Revision Act; H.R. 4708, amended, Fremont-Madison Conveyance Act; H.R. 4917, amended, Los Padres National Forest Land Exchange Act; H.R. 4938, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska; H.R. 4953, amended, to direct the Secretary of the Interior to grant Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road; H.R. 5039, amended, Humboldt Project Conveyance Act; and S. 1105, Grand Teton National Park Land Exchange Act.

SATELLITE DATA MANAGEMENT AT NOAA

Committee on Science: Subcommittee on Environment, Technology and Standards held a hearing on Satellite Data Management at NOAA. Testimony was heard from Conrad C. Lautenbacher, Jr., Under Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; Linda D. Koonz, Director, Information Issues, GAO; and a public witness.

MISCELLANEOUS MEASURES; PROSPECTUSES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H. Con. Res. 442, recognizing the American Road and Transportation
Builders Associations for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century; H.R. 4727, amended, Dam Safety and Security Act of 2002; H.R. 5157, to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003; and H.R. 5169, Wastewater Treatment Works Security Act.

The Committee also approved several Army Corps of Engineers Survey resolutions and GSA Capitol Investment and Leasing Program resolutions.

VETERANS’ LEGISLATION
Committee on Veterans’ Affairs: Subcommittee on Benefits held a hearing on the following bills: H.R. 5111, Servicemember’s Civil Relief Act; and H.R. 4017, Soldiers’ and Sailors’ Civil Relief Equity Act. Testimony was heard from public witnesses.

Hearings continue tomorrow.

GLOBAL HOT SPOTS
Permanent Select Committee on Intelligence: Met in executive session to discuss Global Hot Spots. Testimony was heard from departmental witnesses.

FUTURE IMAGERY ARCHITECTURE
Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to hold a hearing on Future Imagery Architecture. Testimony was heard from departmental witnesses.

Joint Meetings
ECONOMIC STATISTICS
Joint Economic Committee: Committee concluded hearings to examine the measuring of economic change, focusing on international trade data, gross domestic product estimates, and electronic commerce, after receiving testimony from Donald L. Evans, Secretary of Commerce; and William D. Nordhaus, Yale University, New Haven, Connecticut, on behalf of the Bureau of Economic Analysis Advisory Committee.

CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT
Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST of July 8, 2002, p. D712)


S. 2594, to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins. Signed on July 23, 2002. (Public Law 107–201)

COMMITTEE MEETINGS FOR THURSDAY, JULY 25, 2002
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003; proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2003; proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003; and proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, 2 p.m., S–128, Capitol.

Committee on Armed Services: to hold hearings to examine the national security implications of the Strategic Offensive Reductions Treaty, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Paul S. Atkins, of Virginia, Harvey Jerome Goldschmid, of New York, Cynthia A. Glassman, of Virginia, and Roel C. Campos, of Texas, each to be a Member of the Securities and Exchange Commission, Time to be announced; Room to be announced.

Committee on Commerce, Science, and Transportation: to hold hearings to examine aviation security transition, focusing on the deployment of baggage screening equipment, cockpit security, and air cargo security, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine
S. 2672, to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, 2:30 p.m., SD–366.

Committee on Environment and Public Works: business meeting to consider S. 1602, to help protect the public against the threat of chemical attack; S. 1746, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; S. 1850, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup; proposed legislation authorizing funds for the John F. Kennedy Center Plaza; and the nominations of John S. Bresland, of New Jersey, to be a Member, and Carolyn W. Merritt, of Illinois, to be Chairperson and Member, each of the Chemical Safety and Hazard Investigation Board; and John Peter Suarez, of New Jersey, to be Assistant Administrator for Enforcement and Compliance of the Environmental Protection Agency, 11 a.m., SD–406.

Committee on Foreign Relations: business meeting to consider the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 24, 2002, at Apia on June 16, 1993 (Treaty Doc. 105–53); Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993 (Treaty Doc. 105–32); Treaty Between the Government of the United States of America and the Government of Niue on the Delimitation of a Maritime Boundary, signed in Wellington, May 13, 1997 (Treaty Doc. 105–53); S. Res. 296, recognizing the accomplishment of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 10th Anniversary of the return of his remains to Poland; S. Res. 300, encouraging the peace process in Sri Lanka; and pending nominations, 10:30 a.m., SD–419.

Committee on Governmental Affairs: business meeting to continue to reconsider the Committee's action of May 22, 2002, with respect to ordering favorably reported, with amendments S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine violence against women in the workplace, focusing on the extent of the problem and government and business responses, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine the July 2, 2002 Report of the Department of the Interior to Congress on historical accounting of Individual Indian Money Accounts, 10 a.m., SR–485.

Select Committee on Intelligence: to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

Committee on the Judiciary: to hold oversight hearings to examine the Department of Justice, 10 a.m., SD–226.

House


Subcommittee on Oversight and Investigations, hearing entitled “The U.S. National Climate Change Assessment: Do the Climate Models Project a Useful Picture of Regional Climate?” 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, hearing on the expected authorization requests on the U.S. participation in the World Bank-International Development Association and the African Development Fund, 1:30 p.m., 2128 Rayburn.

Committee on Government Reform, hearing on “Diet, Physical Activity, and Dietary Supplements—the Scientific Basis for Improving Health, Saving Money, and Preserving Personal Choice,” 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Loose Nukes, Biological Terrorism, and Chemical Warfare: Using Russian Debt to Enhance Security, 10:45 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, to mark up the following measures: H. Con. Res. 349, calling for an end to the sexual exploitation of refugees; and H. Con. Res. 351, expressing the sense of Congress that the United States should condemn the practice of execution by stoning as a gross violation of human rights, 1 p.m., 2255 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 5156, to amend the Outer Continental Shelf Lands Act to protect the economic and land use interests of the Federal Government in the management of outer continental shelf lands for energy-related and certain other purposes, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 4781, Marine Mammal Protection Act Amendments of 2002, 2 p.m., 1324 Longworth.


Subcommittee on Forests and Forest Health, hearing on the following: a measure to direct the Secretary of Agriculture to convey real property in the Dixie National Forest in the State of Utah; and H.R. 5032, to authorize the Secretary of Agriculture to convey National Forest System lands in the Mendocino National Forest, California, to authorize the use of the proceeds from such conveyances for National Forest purposes, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing and markup of the following bills: H.R. 4910, to authorize the Secretary of the Interior to revise a repayment contract
with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas; and H.R. 5123, to address certain matter related to Colorado River water management and the Salton Sea by providing funding for habitat enhancement projects at the Salton Sea, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Future Direction of the Department of Energy’s Office of Science, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, oversight hearing on Transportation Solutions in a Community Context: the Need for Better Transportation Systems for Everyone, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Benefits, to continue hearings on the following bills: H.R. 5111, Servicemember’s Civil Relief Act; and H.R. 4017, Soldiers’ and Sailors’ Civil Relief Equity Act, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following bills: the Back to School Tax Relief Act of 2002; and H.R. 4889, Patient Safety Improvement Act of 2002, 2 p.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on fraud and abuse in the Supplemental Security Income (SSI) program, 10:30 a.m., B–318 Rayburn.

Joint Meetings

Joint Meetings: Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.
Next Meeting of the SENATE
9:30 a.m., Thursday, July 25

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act, with 1 hour of debate in relation to the motion to waive section 205 of H. Con. Res. 290, 2001 Congressional Budget Resolution, with respect to the emergency designation in Section C of Rockefeller Amendment No. 4316 (to Amendment No. 4299); to be followed by a vote on the motion to waive.

Extensions of Remarks, as inserted in this issue.

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Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, July 25

Program for Thursday: Consideration of H.R. 5005, Homeland Security Bill (subject to a rule) and Consideration of the Conference report on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act (unanimous consent).

House proceedings for today will be continued in the next issue of the Record.

Congressional Record

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