

on the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 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, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1555, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The Conference report is printed in the House proceedings of the RECORD of November 5, 1999).

Mr. SHELBY. Mr. President, I ask unanimous consent that there be 60 minutes for debate with the time divided as follows: Forty minutes equally divided between the chairman and vice chairman of the Intelligence Committee; 20 minutes under the control of Senator LEVIN.

I further ask unanimous consent that following the use or yielding back of time, which we anticipate, the conference report be agreed to, the motion to reconsider be laid upon the table, and any additional statements relating to the conference report be printed in the RECORD.

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

Mr. SHELBY. Mr. President, I rise today to ask that my colleagues support the conference report on the Intelligence Authorization Act for Fiscal Year 2000.

I want to thank my colleagues in the House for their work on this legislation and especially Chairman GOSS and Ranking Member DIXON for their leadership in the conference.

I believe that the conference committee put together a solid package for consideration by the full Senate that fairly represents the intelligence priorities set forth in both the Senate and House versions of the Intelligence Authorization Act.

I am pleased to report that the conference committee accomplished its task in a bipartisan manner, and I want to thank my colleague from Nebraska, Senator KERREY, for working so closely with me to produce this legislation.

I believe that the conference report embraces many of the key recommendations that the Senate adopted in its version of the bill.

We recommended significant increases in funding for high-priority projects aimed at better positioning the Intelligence Community for the

threats of the 21st century, while at the same time reducing funds for programs and activities that were not adequately justified or redundant.

In so doing, we authorized a moderate increase in overall funding for intelligence programs above the President's request. This is a positive step and I hope that next year the administration will follow our lead and begin to reinvest in our intelligence gathering capabilities.

The conference report includes key initiatives that I believe are vital for the future of our Intelligence Community.

These initiatives include:

1. bolstering advanced research and development across the Community, to facilitate, among other things, the modernization of NSA and CIA;
2. strengthening efforts in counter-proliferation, counter-terrorism, counter-narcotics, counter-intelligence, and effective covert action;
3. expanding the collection and exploitation of measurements and signatures intelligence, especially ballistic missile intelligence;
4. boosting education, recruiting, and technical training for Intelligence Community personnel;
5. enhancing analytical capabilities;
6. streamlining dissemination of intelligence products;
7. developing our ability to process, exploit and disseminate commercial imagery; and
8. providing new tools for information operations.

I believe that the conferees have provided the funds and guidance necessary to ensure that military commanders and national policymakers continue to receive timely, accurate information on threats to our security.

At the same time, we have found some critical areas within the Community that are in need of major improvements.

In the Senate, we had a distinguished panel of Americans with a broad range of expertise—our Technical Advisory Group—that took a look at some key areas within the Intelligence Community and brought forward some very important recommendations.

We thank all the members of the Technical Advisory Group for their time and efforts.

I will briefly summarize some of their findings, to the extent that I can in open session, along with some of the other findings of our conference.

First, our ability to collect and analyze information on the proliferation of weapons of mass destruction requires renewed emphasis and innovative thinking.

As our potential enemies seek out the ability to produce chemical, biological, and nuclear weapons, we must develop the ability to detect these efforts.

This bill places a great deal of emphasis on our ability to collect such in-

formation known as Measurements and Signatures Intelligence or MASINT.

Second, both the House and Senate Intelligence Committees agree that our Intelligence Community and our Defense Department must move quickly to address what our Technical Advisory Group identifies as a critical shortfall in our ability to properly task, process, exploit, and disseminate intelligence information collection by our airborne and overhead imagery assets.

As we modernize our Imagery Intelligence or IMINT architecture, the Intelligence and Armed Services Committees agree that we should not be spending the taxpayers money on collection architectures that we may not be able to utilize fully.

Third, we have once again placed strong emphasis on recapitalizing the National Security Agency's information technology infrastructure.

As we demand more from our Intelligence Community in a number of areas, we also demand fiscal responsibility. The conference report includes a number of reductions to programs that were not adequately justified or were redundant with other elements within the Intelligence Community.

The legislation contains some important new authorities for the Intelligence Community. I'll mention some of the highlights:

First, there are new protections for the identities of former covert agents and for the operational files of the National Imagery and Mapping Agency or "NIMA."

Second, there are new counterintelligence authorities—these include provisions allowing access to government computers used in classified work by executive branch employees. Also, there are new requirements for the FBI to begin its consultation with agencies that they are investigating at a far earlier stage than before.

Third, we have established a commission to study the role and missions of the National Reconnaissance Office or "NRO." This commission will look at the NRO from top to bottom—its findings and recommendations to us and the Senate Armed Services Committee will serve to guide our committees on the future funding and operations of the NRO.

I look forward to working with the chairman and ranking member of the Senate Armed Services Committee to ensure that the best candidates are selected for membership on this very important commission.

If any Member of the Senate wishes to review the classified portions of the bill, they are available off the Senate floor.

Finally, Mr. President, there is a significant piece of legislation in this bill that is intended to go after foreign international drug traffickers and those that support their illicit activities.

Title eight of this bill, the so-called "Foreign Narcotics Kingpin Designation Act," is modeled after the Executive Order that targets the assets of named Colombian traffickers and those that assist them in their trafficking activities.

Mr. President, I support strongly efforts to target and destroy significant foreign drug trafficking organizations. I have placed significant emphasis on counter-narcotics in this and every Intelligence Authorization bill since I became Chairman of this Committee. The record is clear.

The existing Colombian program has been highly successful. I would be the first to support the President if he chose to expand the program in a thoughtful and measured way. In fact, the Chief Executive already has the constitutional and statutory authority to do so. The President does not need this legislation to expand the scope of this program.

Accordingly, Mr. President, I, along with other Members of Congress, have expressed concern with this legislation because it may have some very serious unintended consequences for innocent American citizens.

Although the express language of the "Kingpin" legislation deals exclusively with foreign persons and entities, it will affect American citizens. Lurking within the seemingly innocuous language is the real possibility of unwitting and innocent American citizens being caught up in its global net. For example, an American business owner may be a joint venture partner with a foreign company that has been designated as "supporting" the activities of a foreign narcotics trafficker. Although the American person may be completely unaware of the illicit activities of their foreign partner, their own assets will also be blocked if they are jointly held.

The "Kingpin" legislation does not provide an opportunity for an American person to seek judicial review of the blocking of their jointly held assets. The result is that Americans may be deprived of their property without due process of law. Let me repeat that, Mr. President, Americans may be deprived of their property without due process of law.

Mr. President, I strongly support the expansion of this successful program. I do not, however, support depriving innocent Americans of their fundamental right to due process.

Many attempts were made to amend the "Kingpin" legislation in conference to make it clear that American citizens have an immediate avenue into Federal District Court should they be snared unjustifiably in this trap. Unfortunately, the sponsors and proponents of this bill in the House and Senate opposed any effort to clarify this fundamental American right. In fact, I have been told that if we were to

expressly state that a United States citizen has the right to immediate judicial review, this would, quote, gut the bill, unquote. I disagree.

Thomas Jefferson said that our "Bill of Rights is what the people are entitled to against any government on earth . . . and what no just government should refuse, or rest on inference." Mr. President, I also believe that our right to due process should not "rest on inference," but rather we should state it clearly and without equivocation. We do not do that in this bill.

Mr. President, I fear that in our earnest to pass a "tough drug bill" we may have sacrificed part of our freedom. I applaud the sponsors and proponents of this bill for their dedication to protecting our shores from the scourge of illegal drugs. I caution them, however, that their enthusiasm may be dampened as the true implications of this legislation become known.

Notwithstanding my concerns, I am encouraged that the conferees did agree to include a provision in the so-called "Kingpin" legislation that creates a panel to study whether these kinds of sanction regimes affect U.S. persons doing legitimate business with foreign partners, and whether there are adequate and fair remedies for honest U.S. persons.

I commend my colleague from Nebraska, Senator KERREY, for suggesting this study and also for other areas of leadership on which I have worked with the Senator during my tenure on the Intelligence Committee. He will be leaving the Intelligence Committee at the end of this year whenever his term is up, and we will miss him because he has certainly been a friend, but he has also been a leader to put America's national security first and foremost everywhere it comes up.

In my opinion, we have put the cart squarely before the horse dealing with due process. I am confident that such a panel as I alluded to earlier will confirm my concerns and the concerns of others and make substantive recommendations that my well-meaning colleagues will ultimately acknowledge and I hope will be able to accept.

The conference committee worked closely together in a bipartisan fashion to produce the comprehensive intelligence authorization act. I urge my colleagues to support its adoption.

Mr. SMITH of New Hampshire. Mr. President, I would like to recognize and thank Senator SHELBY and Senator KERREY for their leadership and support with regard to the POW/MIA sections of the Intelligence Authorization Act that originally passed the full Senate earlier this year. I am pleased that one of these sections has remained largely intact in the conference report we are now adopting. That provision (Section 308), will require a declassification review of two assessments of

Vietnam's cooperation on the POW/MIA issue which were conducted in 1998. One of these assessments was prepared by my office and the other by the National Intelligence Council. Much of the information in both of these documents does not require continued classification, and I believe the interests of the POW/MIA families and our nation's veterans is best served by having as much information as possible in the public domain concerning Vietnam's performance on the POW/MIA question. As the Chairman will recall, there is a provision in Section 308 that allows the Director of Central Intelligence to withhold from declassification the names of living foreign individuals who have cooperated with U.S. efforts to account for missing personnel from the Vietnam War. I wish to make clear that the Congressional intent with respect to this provision was related to individuals identified in the National Intelligence Estimate as "cooperative" with U.S. officials in Hanoi. Indeed, this specific area of concern was cited by the Director of Central Intelligence in a letter to the Senate on August 3, 1998. However, this is not meant to include information pertaining to the two former Vietnamese officials who are alleged to have prepared the so-called "1205" and "735" documents which we received through the Russian government which were reviewed in both of the above-referenced assessments. Is that the Chairman's understanding as well?

Mr. SHELBY. Yes it is.

Mr. SMITH of New Hampshire. I thank the Chairman for that clarification.

Mr. President, I also want to take this opportunity to express by profound disappointment that the other section concerning release of POW/MIA information to the Congress was not adopted by the Conference because of Member opposition from the House Permanent Select Committee on Intelligence. This provision, previously adopted by the full Senate this summer with the support of the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, required our intelligence agencies to provide to Congress, within 120 days, a list of POW-MIA related documents that are still classified. This list would help the Congress exercise oversight on the POW/MIA issue on behalf of the families of missing personnel and our nation's veterans. I fail to see why such a reasonable provision could not have been adopted with the full support of the Conference. I plan to revisit this matter in the coming months, and would appreciate having the Chairman's views as to how we might proceed with respect to this important matter.

Mr. SHELBY. I share the disappointment expressed by my colleague, the senior Senator from New Hampshire.

As he knows, I have worked steadily with him over the past several years to address his well-founded concerns with respect to the way the POW/MIA issue has been addressed by our Intelligence Community. I agree that the provision to which he refers would help us with our oversight responsibilities. That is why I supported his amendment, as did my Vice-Chairman, when our intelligence bill passed the full Senate earlier this year. I want the Senator to know that I will work closely with him over the next few months to find a way to get the listing of POW/MIA reports he seeks provided to the Senate. He has a right to review these reports, as does every Member of the Senate. I would urge the Director of Central Intelligence and heads of each of our intelligence agencies to work cooperatively with the Select Committee on Intelligence on this matter. I also want the Senator to know that I will include his provision in next year's authorization measure if the information he seeks is not provided to the Senate in the next few months. I thank him for his leadership on this important matter.

Mr. SMITH of New Hampshire. I thank my distinguished colleague for that clarification and for his continued support on the POW/MIA issue.

Mr. SHELBY. Mr. President, I ask unanimous consent that, following my remarks, an editorial which appeared recently in the New York Times dealing with drug kingpin legislation, and specifically the due process problem I raised, be printed in the RECORD.

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

(See Exhibit 1.)

EXHIBIT 1

Carried Away by Drugs

The target of a new anti-drug initiative now speeding toward final congressional approval is a worthy one—big international drug traffickers. But as too often happens when Congress collaborates with the Clinton administration to toughen law enforcement policies, civil liberties stand to suffer.

The measure, called the Foreign Narcotics Kingpin Designation Act, over-whelmingly passed the House two weeks ago. A House-Senate conference committee incorporated the measure in the annual intelligence authorization bill that needs only a final floor vote in the Senate before going to the president's desk for his signature. All of this occurred without any public hearings or extended debate to explore the legislation's implications for due process and other constitutional values.

Under the measure, the government will be required to compile an annual list of those it determines to be "significant foreign narcotics traffickers" under standards that the bill does not articulate. The government would then have authority to freeze their assets in the United State without any chance for judicial review of the basis of the designation.

Americans who engage in financial dealings with a person or company on the list could have their assets blocked, again without the benefit of full judicial review. The measure makes no exception for those inves-

tors or partners who thought they were dealing with legitimate businesses.

"Is this the America we want?" asked Representative Jerrold Nadler, Democrat of New York, as he waged a lonely and futile fight against the bill in the House. "What is the remedy if the bureaucracy gets the wrong person?" Those pertinent questions were sadly lost in the rush to crack down on foreign drug lords before Congress adjourns.

Mr. SHELBY. I yield the floor.

Mr. KERREY. Mr. President, I rise to join Chairman SHELBY in urging my colleagues to vote in favor of the intelligence authorization conference report. This report is a culmination of the lengthy effort to fund intelligence activities for fiscal year 2000. It has not been easy to arrive at this point because the committee had to address many significant nonintelligence issues ranging from the reorganization of the Department of Energy to the establishment of procedures for blocking the assets of drug kingpins. We have arrived at this point because we have reached several important compromises with our House colleagues, and the report deserves the Senate's full support.

This conference report supports many new initiatives. In my view, one of the most important new initiatives is to make the year 2000 a watershed year for intelligence. The watershed represents a turnaround in spending on intelligence activities. I believe it is time to increase spending because we now have a much better understanding of the threats facing the United States of America and the important role intelligence plays in meeting those threats.

One of the most difficult parts of my job as the Intelligence Committee vice chairman has been to talk to people about the importance of intelligence. This job is difficult because most of the information is classified. Therefore, public debate on the condition of the intelligence community is extremely rare and discussing funding levels is almost impossible.

My colleagues are well aware that classified conference reports and the classified schedules of authorizations are available for their review in S-407 but you have to go there to get the details. We cannot talk about them now.

Let me say, however, intelligence is stretched very thin. Our global reach is supported by intelligence as global coverage. Without adequate coverage, we make policy mistakes. The Intelligence Community is stretched thin in trying to meet all of its commitments to policy makers. But I can't tell you on the floor of the Senate how thin it is stretched, and I can't tell you how much it's going to cost to fix. I can only tell you I'm glad fiscal year 2000 is a watershed year for intelligence.

A second initiative this bill supports is striking the balance between intelligence collection and the subsequent exploitation and dissemination of the

information collected. My colleagues should know that one of the problems of insufficient funding is that the Intelligence Community is unable properly to exploit and disseminate all of the information it gathers. If you think about it, this may seem odd. That is, the Community is collecting more information than it is able to analyze and deliver to its customers. But it is not odd. Among other things, it reflects constrained Intelligence budgets. As the Community has moved into advanced technologies, it has invested in the future by developing new intelligence collection systems. The idea was that by the time these new systems were ready to be used, we would have been able to find the funding to exploit and disseminate the information being collected. Well the future is now, and we haven't been able to find the funding to balance collection, exploitation, and dissemination. In this bill we have confronted the issue and proposed important solutions. Again, I urge my colleagues to read the classified report in S-407 in order to get the details.

Another important provision in this bill is the creation of a National Commission for the review of the National Reconnaissance Office. Mr. President, the NRO is a national treasure. They acquire and operate the nation's space reconnaissance satellites—the so-called spy satellites. They have a long and proud history of being on the leading edge of technology so that our nation's leaders could be better informed about our adversaries. We all got a glimpse at their extraordinary abilities when the Corona spy satellite imagery was released to the public. It is literally an eye-opening experience to be able to see now what our President was able to see years ago about the Soviet Union during the height of the Cold War. This is the type of effort we have come to expect from NRO.

But the NRO has come under public attack in the recent past. Unfavorable news accounts have caused some to be unsure about the NRO and the path it is following. Others have questioned whether the NRO should remain an agency resting somewhere between the authorities of the Director of Central Intelligence and the Secretary of Defense. Moreover, the end of the Cold War has altered forever the nature of the threats we face. New threats mean a changed emphasis for intelligence. Furthermore, the explosion of information technology has created new opportunities for the collection and the delivery of intelligence. Thus, the Conference decided there is a need to evaluate the NRO's roles and missions, organizational structure, technical skills, contractor relationships, uses of commercial satellite imagery, acquisition authorities, and its relationships to other agencies and departments of the Federal Government in order to assure

continuing success in satellite reconnaissance. I look forward to the Commission's work.

Finally, Mr. President, I would like to comment briefly on the "Foreign Narcotics Kingpin Designation Act" contained in the conference report. This is a significant piece of legislation intended to attack drug traffickers at the heart by blocking all of their assets either within the United States or that are under U.S. control. It establishes a procedure for the President of the United States to publicly identify drug kingpins and to block the kingpin's assets. As my colleagues may recall, a similar provision sponsored by Senators COVERDELL and FEINSTEIN was accepted as an amendment to the Intelligence Authorization Bill during floor action.

As I mentioned at the beginning of my statement, this provision has made the Intelligence Conference extremely interesting. Several of us joined the Chairman in being concerned about the right of judicial review for U.S. persons whose assets could be seized as a result of being involved in a joint venture with someone later identified as a drug kingpin. This was a matter of debate during discussions leading to the conference meeting and was addressed during the conference. The House Conference argued strenuously for their vision of the legislation which passed the House by a vote of 385 to 26. Further, the Administration supported the House version. Nonetheless, Chairman SHELBY and several of us remained concerned about due process being afforded to those who might unwittingly get caught up in the kingpin designation and subsequent blocking of assets.

The Conference agreed the concerns were of sufficient merit to warrant the appointment of a special judicial review panel to evaluate these concerns and report its findings. The commission is charged with the responsibility of reviewing judicial, regulatory, and administrative authorities relating to the blocking of assets. It also is to report on its evaluation of the remedies available to U.S. persons affected by the Government's blocking of assets of foreign persons. I believe their detailed and extended evaluation will provide the Congress insights into both the complexities of the Drug Kingpin legislation contained in the Intelligence Conference Report and the consequences to American persons when the assets of foreign persons are blocked under the International Emergency Economic Powers Act.

In conclusion, Mr. President, I would like to note this is my last Conference Report as the committee's Vice Chairman. My term on the Committee expires toward the end of January 2000. I have had the privilege of serving under highly distinguished Chairmen and Vice Chairmen: DAVID BOREN, FRANK MURKOWSKI, DENNIS DECONCINI, JOHN

WARNER, ARLEN SPECTER, and RICHARD SHELBY. In every instance, I have experienced a commitment to a bipartisan approach to intelligence.

Throughout my time on the Committee, the members always have treated intelligence activities and intelligence policy as serious issues deserving their close attention. Because the issues have always been treated very seriously, committee members have had disagreements. But, Mr. President, in the end we always found a bipartisan answer to our differences. Bipartisanship has been a hallmark of the committee because intelligence is not a partisan issue. If it ever should become a partisan issue, I believe we can look forward to a consequent politicization of intelligence.

This can be very bad for Congress and even worse for the country.

Again, I thank Chairman SHELBY for his leadership in delivering the conference report to the floor and for his commitment to finding bipartisan answers to some very complex questions. I look forward to the opportunity in the future to speak more fully on the floor concerning intelligence and its values.

Lastly, I call to my colleagues' attention and to the attention of the American people that the intelligence community is full of highly dedicated men and women who are working under some of the most difficult of circumstances. Their professionalism, their patriotism knows no bounds, and I salute them for their excellent work. Being the committee vice chairman has, indeed, been a great privilege.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1180

Mr. LOTT. Mr. President, I ask unanimous consent that the agreement relative to the Work Incentives conference report commence at 3 p.m. today and that the remaining parameters of the consent agreement remain in order.

I further ask consent that the cloture vote relative to the appropriations conference report occur no later than 5 p.m. and that if cloture is invoked, adoption of the conference report immediately occur, without intervening action or debate.

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

Mr. LOTT. In light of this agreement, there will be three back-to-back votes that will occur a few minutes before 5 o'clock this afternoon, the first being the cloture vote relative to the appropriations conference report, the second being passage of the appropriations conference report, and the third being passage of the Work Incentives conference report.

There are two very important colloquies we must have this afternoon

before the votes, one with regard to understandings with regard to the Work Incentives bill and another colloquy we will have with the leadership on the Democratic side, and I will participate in, along with Senator LUGAR and others, to discuss the overall dairy situation. We will fulfill that commitment.

I thank Senator DASCHLE, Senator KOHL, Senator FEINGOLD, and everybody who has been involved. I know how emotional and how strongly held these feelings are. I also share those feelings, and I will make that clear in a colloquy here in a few minutes.

Senator DASCHLE, do you want to do that now or in a few minutes?

Mr. DASCHLE. Mr. President, I know there are a number of other Senators who asked to be a part of this colloquy and they are not on the floor yet. I do recognize the importance of the authorization bill that is currently being considered. I know we need to give both of our managers the time they need to be able to complete their work. This is a very important piece of legislation.

Mr. LOTT. Let me just say, Mr. President, if I might, Senator DASCHLE and I will work with Senator KOHL and Senator REID and Senator LUGAR and others and will be prepared to do our colloquy when the debate is concluded on this very important piece of legislation. Thank you for allowing us to interpret at this point. If you will complete your work, we will be ready to go.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000— CONFERENCE REPORT—Continued

Mr. DASCHLE. I might also say, I heard the distinguished Chair talk about the service provided to this committee and to the Senate by the distinguished ranking member, the Senator from Nebraska. I will make a full statement at a later time, but let me say for the record now, no one has served this committee, this caucus, and this Senate more effectively, taking his intelligence responsibility more seriously, than the distinguished Senator from Nebraska. He has been an extraordinary leader, an extraordinary Member, and one who has taken his responsibilities on this committee as seriously as anybody has to date.

He departs with the actions taken today. He will leave the committee as a result of the statute requiring a certain limit of time for each Senator. I know I speak for all Senators in expressing our gratitude to him and our admiration for a job very well done, I yield the floor.

Mr. LOTT. Mr. President, if I may take a moment of my leader time to join Senator DASCHLE in those remarks.

This is a very important committee. It is a committee that operates in the best tradition of total bipartisanship,