CONGRESSIONAL RECORD—SENATE

September 27, 1986

AMENDMENT NO. 3065

Purpose: To express the sense of Congress that the entertainment industry take certain steps to assist in the national war against illegal drugs.

Mr. Harkin. Mr. President, there is an amendment at the desk. I assume that it is going to be voted on and that there will be a rush of judgment to show our strength and determination to stop drug use. In that sense, I send to the desk an amendment in the nature of a substitute.

The PRESIDING OFFICER (Mr. McKEll). The amendment will be stated.

The assistant legislative clerk reads as follows:

The Senator from Iowa (Mr. Harkin) presents an amendment numbered 3065 to amendment numbered 3062:

On page 1, line 1, after " The " insert the following:

It is the sense of Congress that, whereas illegal drug consumption and alcohol consumption and the trafficking in those illegal drugs is a major problem in the country and whereas the problem of alcoholism is particularly prevalent among and harmful to the nation's young people; and whereas the values and mores portrayed in various forms of commercially produced entertainment have a profound effect on the attitudes of young people in this country, the entertainment and written media industry should voluntarily refrain from producing material meant for general or commercial use of illegal drugs and alcohol and the entertainment and written media industry should voluntarily refrain from producing material meant for general or commercial use of illegal drugs and alcohol, and whereas the written industry and drugs industry and written media further is encouraged to develop films, television programs, records, and videos and advertising which encourages the rejection of illegal drug use and alcohol use.

SEVERAL SENATORS. Vote! Vote!

Mr. DOMENICI. Mr. President, as I understand it, the amendment adds the written industry and adds alcohol to the written media. It is referred to the entertainment industry and drugs. I think the amendment is a good amendment. I accept it, and I hope the Senate will adopt this substitute.

Mr. THURMOND. Mr. President, we accept the amendment on this side.

The PRESIDING OFFICER.

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 3062), as modified by amendment No. 3065 was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3066

Mr. LEAHY. Mr. President, I have an amendment on behalf of myself, Senator Hatton, and Senator Denton, which is on the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER.

The amendment will be stated.

The bill clerk reads as follows:

The Senator from Vermont (Mr. Leahy) for himself, Mr. Hatch, and Mr. Denton proposes an amendment numbered 3066.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment thus follows:

Strike section 1802 of the bill and insert in lieu thereof the following:

SEC. 1802. CRIMINAL ORGANIZATIONS, FEES AND FEES WAIVER.

(a) Section 552(a) of title 5, United States Code, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (d): the following new subsection:

"(g) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and—

"(1) the investigation or proceeding involves a possible violation of criminal law; and

"(2) there is reason to believe that—

(i) the subject of the investigation or proceeding is not aware of its pendency; and

(ii) the existence of the records could reasonably be expected to interfere with enforcement proceedings,

the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

"(2) Whenever informant records maintained by the Internal Revenue Service, the Bureau of Investigation pertaining to foreign intelligence or counterintelligence (as defined in Executive Order 12333), or international terrorism (as defined in the Surplus Designated Intelligence Information Act), and the existence of the records is classified information as provided in subsection (b)(7)(B) and the agency may, as long as the existence of the records classified and the classified information, treat the records not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

"(3) Whenever a request is made which involves access to records maintained by the Bureau of Investigation pertaining to foreign intelligence or counterintelligence (as defined in Executive Order 12333), or international terrorism (as defined in the Surplus Designated Intelligence Information Act), and the existence of the records is classified information as provided in subsection (b)(7)(B) and the agency may, as long as the existence of the records classified and the classified information, treat the records not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

"(4) A notice to records maintained by the Bureau of Investigation pertaining to foreign intelligence or counterintelligence (as defined in Executive Order 12333), or international terrorism (as defined in the Surplus Designated Intelligence Information Act), and the existence of the records is classified information as provided in subsection (b)(7)(B) and the agency may, as long as the existence of the records classified and the classified information, treat the records not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

The amendment introduces a number of provisions regarding the use of the Freedom of Information Act (FOIA) in dealing with government records. The amendment proposes to limit the use of FOIA to certain types of records and to require agencies to provide a uniform schedule of fees for all agencies.

Mr. LEAHY. Mr. President, the bill contains language concerning release of law enforcement records under the Freedom of Information Act which was not included in the Senate in 1984. The language of our amendment addresses the problem which was the concern of the original proposal, the use of FOIA by sophisticated criminal enterprises to learn about ongoing criminal investigations. But, it is important for me to acceptable to legitimate users of FOIA, especially the news media.

In addition, our amendment addresses the problem of FOIA fees and fee waivers so that more of the costs of FOIA will be recovered, and at the same time relieve the news media of the need to pay a high cost for access to Government records.

Mr. MATHIAS. Mr. President, will the Senator yield so that I may offer an amendment to the amendment?

Mr. LEAHY. I yield.

AMENDMENT NO. 3067

Mr. MATHIAS. Mr. President, I send to the desk an amendment to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk reads as follows:

The Senator from Maryland (Mr. Mathias) proposes an amendment numbered 3067 to amendment No. 3066.