AMENDMENT TO REFORM THE FREEDOM OF INFORMATION ACT

Mr. DENTON. Mr. President, I rise today in strong support of the amendment concerning reform to the Freedom of Information Act (FOIA) which my distinguished colleague from Vermont, Mr. LEAHY and I introduced and which was agreed to by voice vote this past Saturday. The amendment will provide for the protection from disclosure of records related to national security, foreign intelligence or counterintelligence, and international terrorism.

On December 10, 1981, FBI Director William Webster testified before the Subcommittee on the Constitution of the Senate Judiciary Committee. He described in detail cases in which hostile foreign intelligence services, members of terrorist groups, and others have used the FOIA to identify FBI informants and frustrate FBI investigations. Judge Webster revealed that, as early as 1979 and for that year alone, there were 125 cases where individuals refused to provide the FBI with information because of their fears that their names would be released under an FOIA request.

At a hearing on April 3, 1984, before the same subcommittee, W. Raymond Wannall, former Assistant Director of the DEA, testified that he had observed the debilitating effects on our national security of the 1974 amendments to the FOIA and the Privacy Act.

Similarly, the Drug Enforcement Administration has estimated that 14 percent of the investigations it conducted were adversely affected by FOIA related ploys to the extent that the investigations were aborted, significantly compromised, reduced in scope, or required significant amounts of additional work.

I firmly believe that, in order to deal more effectively with foreign intelligence operatives and international terrorism, who have become increasingly more sophisticated in their intelligence-gathering methods and who rejoice at the ease with which they are able to obtain sensitive information in our open, democratic society, we need to close the loopholes in the law that allow them access to information they should not have.

Moreover, we need to rectify the chilling effect that FOIA requests have on informants who fear exposure through information released under the act. Those informants become increasingly hesitant about cooperating with our law enforcement agencies. Finally, we should deal with the fact that, in some cases the response to a FOIA request amounts to an acknowledgement by the FBI that a file exists on a specific subject and alerts hostile intelligence services that an investigation is in progress or has taken place.

Because of the need to act quickly to protect highly sensitive information gathered for foreign counterintelligence purposes, I joined with Senator Hart in authoring this much needed amendment.

The need for an FOIA exemption for information about foreign counterintelligence and international terrorism was recognized during the Carter administration, when then Attorney General Benjamin Civiletti proposed establishing a moratorium on access through the Freedom of Information Act to any records related to terrorism, covert foreign intelligence, or foreign counterintelligence.

The need for the exemptions was also identified by the Reagan administration when it undertook its comprehensive close-out of the Freedom of Information Act during the 97th Congress. Provisions for the exemptions for foreign counterintelligence and international terrorism were included in S. 1751, which was introduced by Senators Hart and Harry F. Byrd, Jr., of Utah, on behalf of the administration on October 20, 1981. Moreover, the Judiciary Subcommittee on the Constitution incorporated exemptions on foreign counterintelligence and international terrorism from S. 1751, into the Freedom of Information Reform Act of 1981, into S. 1730, which Senator Hart had introduced 2 weeks earlier. After extensive hearings, the Subcommittee on the Constitution agreed to the amendment in S. 1730 on December 14, 1981, including the exemptions for foreign counterintelligence and international terrorism.

In the 89th Congress when Senator Hart reintroduced S. 1751 and S. 774, but without the provision for foreign counterintelligence exemptions, I advised my colleagues on the Judiciary Committee that, although I would support S. 774 as a compromise measure, the Senate and House needed to act quickly to protect information gathered for foreign counterintelligence purposes. For that reason, I introduced S. 2385.

In the 90th Congress, Senator Hart reintroduced S. 774 as the Freedom of Information Reform Act (S. 150), a bill that I cosponsored even though it lacked the necessary foreign counterintelligence and international terrorism exemptions. I therefore reintroduced S. 235 as S. 276. The amendment adopted by the Senate on September 28, incorporates the concerns which I raised in S. 235 and S. 276.

We must be able to stop the amounts to giving help to foreign intelligence services of hostile governments and international terrorism through provisions in a law which would never be intended to be used for that purpose. An amendment is needed to alter this law for the protection of the nation's security.

TRIBUTE TO DR. WILLIAM L. ROPER

Mr. HEFLIN. Mr. President, I am extremely proud to introduce Dr. William L. Roper for his selection as the first recipient of the Lloyd Noland Health Pioneer Award. The Lloyd Noland Foundation was established in December 1994 and is a nonprofit organization that is dedicated to the development of a health policy.

This past March, Dr. Roper was honored as a Public Service Champion by the White House. No other person has done more to help the American disabled person than Dr. Roper.

Dr. Roper has received a number of awards, including the prestigious Physician of the Year award, the 1986 National Leadership Award from the American Medical Association, and the 1987 National Democratic Leadership Award. He has also been named as the 1987 American Medical Association's Physician of the Year and the 1988 American Medical Association's Physician of the Year.

Dr. Roper is well known for his ability to communicate effectively and his dedication to improving the quality of health care. He has led the development of a number of national health care policy initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

Dr. Roper is a true visionary in the field of health care policy. His accomplishments are truly remarkable. His dedication to improving the quality of health care for all Americans is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

Dr. Roper is a true visionary in the field of health care policy. His accomplishments are truly remarkable. His dedication to improving the quality of health care for all Americans is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

As a member of the House Ways and Means Committee, Dr. Roper has been a strong advocate for reducing the disparity in health care costs and for increasing access to health care for all Americans. His dedication to improving the quality of health care is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

As a member of the House Ways and Means Committee, Dr. Roper has been a strong advocate for reducing the disparity in health care costs and for increasing access to health care for all Americans. His dedication to improving the quality of health care is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

As a member of the House Ways and Means Committee, Dr. Roper has been a strong advocate for reducing the disparity in health care costs and for increasing access to health care for all Americans. His dedication to improving the quality of health care is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

As a member of the House Ways and Means Committee, Dr. Roper has been a strong advocate for reducing the disparity in health care costs and for increasing access to health care for all Americans. His dedication to improving the quality of health care is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

As a member of the House Ways and Means Committee, Dr. Roper has been a strong advocate for reducing the disparity in health care costs and for increasing access to health care for all Americans. His dedication to improving the quality of health care is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.

As a member of the House Ways and Means Committee, Dr. Roper has been a strong advocate for reducing the disparity in health care costs and for increasing access to health care for all Americans. His dedication to improving the quality of health care is truly inspiring. His leadership has been instrumental in the development of a number of important health care initiatives, including the establishment of the American Health Care Association and the National Health Care Forum.