Paul Laxalt is a valued friend and colleague. I know we shall miss him and that we all wish him well.

BARRY M. GOLDWATER: PROFILE IN CONSCIENCE

Mr. PELL, Mr. President, when the 100th Congress convenes next January one of our most colorful and forceful colleagues will be absent from the Senate Chamber. After 30 years of distinguished service in the Senate, Barry M. Goldwater is retiring and returning to his native Arizona.

I have been privileged to serve with Senator Goldwater for the last 22 years of his service in this body. During that time I have grown to admire and respect his integrity, his passion for freedom and individual rights, and, above all, is candor and unsurpassed ability to "call them as he sees them."

Barry Goldwater began his political career in 1949 when he was elected to the Phoenix City Council on a reform ticket. Three years later he pulled off one of the greatest political upsets of his long history when he defeated Senate Majority Leader Barry Goldwater. In 1964, Barry Goldwater took on another giant when he opposed incumbent President Lyndon B. Johnson. Although he was defeated in that section by a wide margin, he won the respect of the American people for his refreshingly candid style of political campaigning. Many of the concerns he raised in that campaign—and several of the more controversial positions he adopted—today represent the mainstream views of the American people. As he enjoys what I hope will be a long and healthy retirement, Barry Goldwater will savor the knowledge that he was truly the political and ideological grandfather of the so-called Reagan Revolution of the 1980's.

It was after the 1964 presidential campaign that many Americans living and working abroad told Barry Goldwater of their frustration in not being able to vote. When he returned to the Senate in 1968, Barry Goldwater and I began to work on securing absentee voting rights for Americans temporally living abroad. Our effort took 9 long years, but—as in every other task he approached in the Senate—Barry Goldwater never gave up. I was privileged to serve as chairman of the Rules Committee, the authorizing committee for this legislation, when the Overseas Voting Rights bill became Public Law 95-583 in 1978.

Senator Goldwater capped his career in the Senate by serving as chairman of the Senate Armed Services Committee. No other role could have been more appropriate for Barry Goldwater. He has served and loved the military throughout his military service beginning in 1930 when he was commissioned a second lieutenant in the Army infantry reserve. Following active duty service in World War II, Senator Goldwater organized the Air National Guard. In 1947, he retired as a major general in the U.S. Air Force Reserve. Even in uniform today owes a debt of gratitude to Barry Goldwater and his unflinching commitment to improving our armed forces.

The mark of Barry Goldwater's career in the Senate reveals the diversity and depth of the man. He is a former member of the Senate Aeronautical and Space Sciences Committee and has devoted a great deal of time to aviation problems. It is well known as Mr. Communications for his dedicated work on telecommunications legislation and tenure as chairman of the Communications Subcommittee of the Senate Commerce Committee. Senator Goldwater's keen interest in photography, centered on the beautiful landscapes of Arizona, prompted his work in protecting the environment and preserving the cultural contributions of native American Indians. He and I have been serving together on the Smithsonian Board of Regents.

Senator Barry Goldwater is a man who has always loved his native land of Arizona, the Southwest. His dedication to preserving individual freedoms is an outgrowth of his Southwestern background, his prominent business career before entering politics, and his happy and enriching family life, all of which have been sources of inspiration throughout his public service. Barry Goldwater is not a Senator who will be easy to replace, and our deliberations next year will be diminished in the absence of his feisty and colorful spirit. My wife, Nuala, joins me in wishing Barry Goldwater a long, healthy, and productive retirement in his beloved Arizona.

FREEDOM OF INFORMATION ACT CHANGES

Mr. HATCH. Mr. President, several sections of this important bill will make important changes in the Freedom of Information Act, particularly those which will considerably enhance the ability of Federal law enforcement agencies such as the FBI and the DEA to combat crime, including drug offenses.

At this juncture, the Senate has made three technical amendments in this part of the bill. First, we have restored the originally intended language of exemption 7(C) to provide that that exemption applies to information which "could reasonably be expected to" cause harm to personal privacy interests. This language comports with the other changes being made to other subparts of exemption 7 in this bill. It also is precisely the language that was contained in the earlier Senate-passed bill, S. 744, from which it was agreed all exemption 7 amendments would be taken for purposes of this bill.

Similarly, we have corrected the apparently inadvertent deletion of a phrase in the "review costs" portion of the bill, section 1804 (b)(1) of the bill, section 1804 (b)(1). As corrected, the bill now reads: "Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the disclosure of the document will be closed under this section and for the purpose of withholding any portions exempt from disclosure under this section.

This language is precisely what was contained in the draft bill negotiated by the Department of Justice, the Department and the staff of the House Subcommittee on the Committee on Government Information, Justice and Agriculture this year, which I understand was what was intended to be employed for purposes of much of this bill and is certainly most appropriate.

Third, we have changed the effective date contained in section 1804 (b)(1) of the bill to specify a more realistic 180 day effective date. This change is necessary to permit the Attorney General to place a period of time in which the Office of Management and Budget and, in turn, Federal agencies, need promulgate new fee regulations. I am certain that no one in this body or in the other House intended that this amendment would prevent any proper application for FOIA fee be impaired by any difficulty or delay encountered in the development and promulgation of new fee regulations.

As Chairman of the Judiciary Committee's Subcommittee on the Constitution, which held primary responsibility for considering FOIA reform legislation in the past several years, and as a principal author of this bill's FOIA reform sections, I would like to emphasize several things about the nature of these important provisions and what they are intended to achieve.

First, it is expected that the law enforcement provision will enhance the ability of all Federal law enforcement agencies to withhold additional law enforcement information necessary for them to maximize the effectiveness with which they perform their critical functions. As Representative Tom Harkin has already observed in the House, the important alterations to the language of exemption 7 that are made by this bill serve to modify the scope of this exemption.

There should be no misunderstanding that, as they derive precisely from the provisions of S. 744, they are intended to broaden the reach of this exemption and to ease considerably a Federal law enforcement agency's burden in invoking it.

For example, I do think it should be noted particularly that the bill's substantial broadening of exemption 7(E) is designed to permit agencies to withhold without question all "guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circum-
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It is also quite significant that the reformulated fee waiver standard retains the firm requirement that, regardless of the fee amount, waivers not be granted where disclosure would be "primarily in the commercial interest of the requester." The term "commercial" here, as elsewhere, should of course be given its common meaning so as to permit the use of fee waivers to bona fide commercial enterprises. The "first-hand" disseminators of information who do so at a price as the means of their economic self-sufficiency, should not qualify under this language. Such requests, of course, would hardly qualify under any reasonable construction of the term "media"; indeed, such requests should be required to pay the new review costs provided for in this bill.

Finally, it is not intended that the general approach of the Justice Department's 1983 fee waiver guidelines be repudiated by this bill's alteration of the general fee waiver standard. Those guidelines logically required agencies to make full determinations about the circumstances surrounding a FOIA request before determining that a waiver was warranted under the statutory standard. That task will fundamentally be no different under this bill, because agencies will continue to have the responsibility of reaching the judgment, based upon all information provided by requesters, as to the propriety of a fee request. Agencies will expect to fully document and, where necessary, attest to, the facts which they say warrant the expenditure of public funds on their immediate behalfs.

PROFILE OF A UNIQUE RHODE ISLAND FAMILY

Mr. PELL. Mr. President, the Providence Journal recently profiled a very fine family uniquely dedicated to serving the community. Matthew and Laura Lopes of East Providence. Their five children have excelled in athletics and academics, and brought credit not only to their proud parents but to their entire community. I ask unanimous consent that the text of the article, entitled "East Providence Lopes: They're solid athletes ... and solid citizens," be printed in full in the Record.

Their being no objection, the article was ordered to be printed in the Record, as follows:

EAST PROVIDENCE LOPES: THEY'RE SOLID ATHLETES AND SOLID CITIZENS

(Bob Leddy)

East Providence—Families, say the sociologists, are the backbone of a society. Cohesiveness, they say, don't need experts to see cohesiveness at work in the Lopes household of East Providence. The ties that bind Matthew and Laura Lopes with their five children are not only the most common, but also the strongest. "Out of three of the Lopes offspring those of sports, too.

"As for the additional legal enforcement provisions of the bill, there likewise should be no misunderstanding that they will logically operate as exclusions—not as mere exemptions—to be applied whenever the special circumstances specified in them are found by the agency to exist. Thus, these provisions are not analogous to section 301, which authorizes an agency to request fees in excess of those normally charged for the continued viability of fees charged under "a statute specifically providing for setting the level of fees for particular types of records." It is plain to preserve the fee structure of any such statute, such as the one we now proposed by the National Technical Information Service (NTIS) statutory scheme, without any particular other limitation.

As for the bill's new general fee waiver standard itself, it should be analyzed, as always, in light of its relationship to the existing provision. The term "fee waiver" as used in the bill means a fee waiver standard found in existing law. The new standard should serve to clarify the law in this area and to guide agencies, under the regulations of the Office of Management and Budget and the guidance of the Department of Justice, to make less controversial fee waiver determinations.

For example, this change will give greater effect to the administrative judgment belatedly reached in the case of Better Government Association v. Department of State, 780 F.2d 86 (D.C. Cir. 1985), in which the agency determined that the "public interest" fee waiver standard was appropriate. Indeed, this standard focuses on only those disclosures determined "likely to contribute significantly to public understanding of the operations and activities of Government," which establishes a considerable standard to be satisfied. It is intended that the word "significantly" in this formulation be given its common force and meaning, such as to require a breadth of benefit beyond any particularly narrow interests that might be presented.