INTELLIGENCE INFORMATION ACT OF 1983

Mr. BAKER. Mr. President, next I propose that the Senate proceed to the consideration of Calendar Order No. 553, if the minority leader has no objection.

Mr. BYRD. No objection.

Mr. BAKER. Mr. President, I make that request.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1324) to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence, with an amendment in the nature of a substitute to strike all after the enacting clause and insert:

That this Act may be cited as the "Intelligence Information Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the Freedom of Information Act is providing the people of the United States with and important means of acquiring information concerning the workings and decision-making processes of their Government, including the Central Intelligence Agency;

(2) the full application of the Freedom of Information Act to the Central Intelligence Agency is, however, imposing unique and serious burdens on this Agency;

(3) the processing of a Freedom of Information Act request by the Central Intelligence Agency normally requires the search of numerous systems of records for information responsive to the request;

(4) the review of responsive information located in operational files which concerns sources and methods utilized in intelligence operations can only be accomplished by senior intelligence officers having the necessary operational training and expertise;

(5) the Central Intelligence Agency must fully process all requests for information, even when the requester seeks information which clearly cannot be released for reasons of national security;

(6) release of information out of operational files risks the compromise of intelligence sources and methods;

(7) eight years of experience under the amended Freedom of Information Act has demonstrated that this time-consuming and burdensome search and review of operational files has resulted in the proper withholding of information contained in such files, and, therefore, the Central Intelligence Agency should no longer be required to expend valuable manpower and other resources in the search and review of information in these files;

(8) the full application of the Freedom of Information Act to the Central Intelligence Agency is perceived by those who cooperate with the United States Government as constituting a means by which their cooperation and the information they provide may be disclosed;

(9) information concerning the means by which intelligence is gathered generally is not necessary for public debate on the defense and foreign policies of the United States, but information gathered by the Central Intelligence Agency should remain accessible to requesters, subject to existing exemptions under law;

(10) the organization of Central Intelligence Agency records allows the exclusion of operational files from the search and review requirements of the Freedom of Information Act while leaving files containing information gathered through intelligence operations accessible to requesters, subject to existing exemptions under law; and

(11) the full application of the Freedom of Information Act to the Central Intelligence Agency results in inordinate delays and the inability of the Agency to respond to requests for information in a timely fashion.

(b) The purposes of this Act are—

(1) to protect the ability of the public to request information from the Central Intelligence Agency under the Freedom of Information Intelligence Agency under the Freedom of Information Act to the extent that such requests do not require the search and review of operational files;

(2) to protect the right of individual United States citizens and permanent resident aliens to request information on themselves contained in all categories of files of the Central Intelligence Agency; and

(3) to provide relief to the Central Intelligence Agency from the burdens of searching and receiving operational files, so as to improve protection for intelligence sources and methods and enable this Agency to respond to the requests of the public for information in a more timely and efficient manner.

SEC. 3. (a) The National Security Act of 1947 is amended by adding at the end thereof the following new title:

TITLE VII—RELEASE OF REQUESTED INFORMATION TO THE PUBLIC BY THE CENTRAL INTELLIGENCE AGENCY

"DESIGNATION OF FILES BY THE DIRECTOR OF CENTRAL INTELLIGENCE AS EXEMPT FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE

"SEC. 701. (a) In furtherance of the responsibility of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure as set forth in section 102(d)(3) of this Act (50 U.S.C. 403(d)(3)) and section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g), operational files located in the Directorate of Operations, Directorate for Science and Technology, and Office of Security of the Central Intelligence Agency shall be exempted from the provisions of the Freedom of Information Act which require publication or disclosure, or search or review in connection therewith, if such files have been specifically designated by the Director of Central Intelligence to be—

"(1) files of the Directorate of Operations which document foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; or

"(2) files of the Directorate for Science and Technology which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems; or

"(3) files of the Office of Security which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources:

Provided, however, That nondesignated files which may contain information derived or disseminated from designated operational files shall be subject to search and review. The inclusion of information from operational files in nondesignated files shall not affect the designation of the originating operational files as exempt from search, review, publication, or disclosure: *Provided further,* That the designation of any operational files shall not prevent the search and review of such files for information concerning any special activity the existence of which is not exempt from disclosure under the provisions of the Freedom of Information Act or for information reviewed and relied upon in an investigation by the intelligence committees of the Congress, the Intelligence Oversight Board, the Office of General Counsel of the Central Intelligence Agency, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, Executive order, or Presidential directive in the conduct of an intelligence activity.

"(b) The provisions of this section shall not be superseded except by a provision of law which is enacted after the date of enactment of this section and which specifically cites and repeals or modifies its provisions.

"(c) Notwithstanding subsection (a) of this section, proper requests by United States citizens, or by aliens lawfully admitted for permanent residence in the United States, for information concerning themselves, made pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) or the Freedom of Information Act (5 U.S.C. 552), shall be processed in accordance with those Acts.

"(d) The Director of Central Intelligence shall promulgate regulations to implement this section.

"(1) Such regulations shall require the appropriate Deputy Directors or Office Head to—

"(A) specifically identify categories of files under their control which they recommend for designation;

"(B) explain the basis for their recommendations; and

"(C) set forth procedures consistent with the statutory criteria in subsection (a) which would govern the inclusion of documents in designated files. Recommended designations, portions of which may be classified, shall become effective upon written approval of the Director of Central Intelligence.

"(2) Such regulations shall further provide procedures and criteria for the review of each designation not less than once every ten years to determine whether such designation may be removed from any category of files or any portion thereof. Such criteria shall include consideration of the historical value or other public interest in the the subject matter of the particular category of files or portion thereof and the potential for declassifying a significant part of the information contained therein.

"(e)(1) On the complaint under section 552(a)(4)(B) of title 5, United States Code, that the Agency has improperly withheld records because of improper designation of files or improper placement of records solely in designated files, the review of the district court, notwithstanding any other provision of law shall be limited to a determination whether the Agency regulations implementing subsection (a) conform to the statutory criteria set forth in that subsection for designating files unless the complaint is supported by an affidavit, based on personnal knowledge or otherwise admissable evidence, which makes a prima facie showing that—

"(A) a specific file containing the records requested was improperly designated; or

"(B) the records requested were improperly placed solely in designated files.

If the court finds a prima facie showing has been made under this subsection, it shall

order the Agency to file a sworn response, which may be filed in camera and ex parte, and the court shall make its determination based upon these submissions and submissions by the plaintiff. If the court finds under this subsection that the regulations of the Agency implementing subsection (a) of this section do not conform to the statutory criteria set forth in that subsection for designating files, or finds that the Agency has improperly designated a file or improperly placed records solely in designated files, the court shall order the Agency to search the particular designated file for the requested records in accordance with the provisions of the Freedom of Information Act and to review such records under the exemptions pursuant to section 552(b) of title 5, United States Code. If at any time during such proceedings the Agency agrees to search designated files for the requested records, the court shall dismiss the cause of action based on this subsection.

"(2) On complaint under section 552(a)(4)(B) of title 5, United States Code, that the agency has improperly withheld records because of failure to comply with the regulations adopted pursuant to subsection (d)(2), the review of the court shall be limited to determining whether the Agency considered the criteria set forth in such regulations.".

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII—RELEASE OF REQUESTED INFORMATION TO THE PUBLIC BY THE CENTRAL INTELLIGENCE AGENCY

"Sec. 701. Designation of files by the Director of Central Intelligence as exempt from search, review, publication, or disclosure.".

SEC. 4. The amendments made by section 3 shall be effective upon enactment of this Act and shall apply with respect to any request for records, whether or not such request was made prior to such enactment, and shall apply to all cases and proceedings pending before a court of the United States on the date of such enactment.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

Mr. GOLDWATER. Mr. President, I rise in support of S. 1324, a bill amending the National Security Act of 1947. This legislation will relieve the CIA from the overwhelming burden of searching and reviewing certain operational files under the Freedom of Information Act. In turn, this relief will enable the Agency to become more efficient so that other FOIA requests may be answered speedily.

S. 1324 was reported from the Senate Select Committee on Intelligence earlier this month with every single Senator on the committee voting in favor of it. And the reason this legislation was supported by all 15 Members of our committee was because we took great care drafting this legislation and its accompanying report.

On June 21 and June 28, we held open hearings on S. 1324. The Central Intelligence Agency, American Bar Association, American Civil Liberties Union, Association of Former Intelligence Officers, newspaper publishers, historians, and journalists were all here to provide comment. And we listened. And then we went back and discussed some more how we could address all these interests.

These negotiations and discussions were very successful because everyone went away with most of what they needed. Reaching unanimous agreement on this bill is a good example of how our democratic process should work. Everyone gave a little and in the long run got a lot more in return.

The CIA is getting relief from the almost impossible burden the FOIA has placed on it, burdens which I do not think Congress really contemplated when it passed the 1974 amendments.

Presently, FOIA mandates that if someone requests all the information on a certain subject, all the files have to be located. In an intelligence agency, most of the information is classified. But that does not end the agency's job. As experienced person must go through stacks and stacks of these papers—sometimes they are many feet tall—to justify why almost every single sentence should not be released. If this is not done well, a court could order the information released.

However, very little information, if any, is ever released from operational files when the requestor seeks information concerning the sources and methods used to collect intelligence. Even then, the information released is usually fragmented.

Also, there is always the risk that there will be a mistaken disclosure or that some court may order the release of information which could reveal a source's identity or a liaison relationship. That is why only these most sensitive operational files would be exempt from search and review under the provisions of my bill.

The FOIA requestors will get something in return. They are going to get better service. I have talked with the CIA and they have agreed not to reduce the budgetary and personnel allocation for FOIA processing for 2 years immediately following passage of this bill. This means that, to the extent that resources are freed up as a result of S. 1324, the Agency will utilize those resources for FOIA processing.

I particularly want to thank Senators DURENBERGER, LEAHY, and HUDDLESTON for their time and interest in helping the committee reach agreement on this bill. I thank all 15 committee members for their support of S. 1324 and ask my colleagues to support its passage at this time.

Mr. MOYNIHAN. Mr. President, I support S. 1324, the Intelligence Information Act of 1983. I wish to commend the chief sponsor of S. 1324, the senior Senator from Arizona (Mr. GOLDWATER), the distinguished chairman of the Select Committee on Intelligence. The committee is grateful for his leadership in bringing to fruition our longstanding effort to formulate legislation which strikes a proper balance between the security requirements of the Central Intelligence Agency and the public's right to know. This undertaking began in earnest in 1980 when the distinguished Senator from Kentucky (Mr. HUDDLESTON) introduced the Intelligence Charter bill, which included additional exemptive relief from the Freedom of Information Act for the CIA (S. 2284, 96th Congress). At the same time, I offered a bill providing a similar exemption for all intelligence agencies (S. 2216). Unfortunately, the press of time on other matters prevented the committee from taking any action.

In the last Congress, Senator CHAFEE introduced S. 1273, which provided an exemption essentially the same as the one in my earlier bill. The committee held hearings in July 1981, but we encountered an impasse. The CIA rejected the limited relief provided in that bill, asserting that FOIA was fundamentally incompatible with the Agency's mission and insisting on nothing less than a virtually complete exemption from the act.

On that occasion, I noted that I was not prepared to accept the suggestion that subjecting the CIA to a public disclosure statute was an absurdity. Rather, I offered this alternative thesis: That the application of the freedom of information concept to the Agency is a paradox; that is to say, while seemingly a contradiction in terms, in reality it expresses a great truth. It is a truth reflected in our constitutional tradition of balancing the requirements of secrecy in national security matters with other values including those of free speech and press. We see this manifested in the extent of congressional oversight of our intelligence community, which is unique in the world. The accountability of our intelligence agencies to standards of conduct stipulated in statutes and in a public Executive order is equally singular.

The Freedom of Information Act is in keeping with this tradition. In large measure, it is an attempt—perhaps an imperfect one—to find a prudent way to reconcile the need for people to know about the workings of their Government, which is implicit in the first amendment, and the need for secrecy in certain national security matters, which is vital to the survival of our country. Thus, Congress exempted our intelligence agencies from the act, but only to the extent thought necessary to protect sources and methods and properly classified information.

So I then urged my colleagues to keep the American character of our intelligence service in mind as we studied the important issues raised in the FOIA debate. I further suggested that any broadening of current exemptions should be commensurate to the need as demonstrated by the evidence.

The Intelligence Information Act of 1983 (S. 1324) was drafted in this

spirit. And it was in this spirit that our chairman, the Senator from Arizona, worked so diligently to accommodate the legitimate concerns of the witnesses at our public hearings and our colleagues on the committee. Thus, several amendments were incorporated in the substitute bill which we ordered reported to the Senate. Three of these are of especial importance:

First, the amended bill assures that the CIA's new exemptive authority will be subject to judicial review. A court will have jurisdiction to determine whether implementing regulations conform to statutory criteria; that is to say, whether they have a rational basis. Broader review is required if a plaintiff makes a prima facie showing that a specific file was improperly designated or that a document was improperly placed in a designated file. This preliminary threshold was considered appropriate in light of the special source and method sensitivity of operational files. Upon a proper showing, the court must order the Agency to file a sworn response, which may be in camera and ex parte if it contains classified information, and must order an appropriate search if it finds against the Agency.

Second, the amended bill makes it clear that any information reviewed and relied upon in an official investigation of any alleged improper or illegal intelligence activity will remain subject to search and review under FOIA, even if found exclusively in an exempt designated file. It is understood and agreed that any record in such a file which is relevant to an investigation, but was overlooked or deliberately withheld, would be accessible through the judicial review provisions of the bill. Such a record would be deemed improperly placed in an exempt designated file.

The third amendment requires that implementing regulations provide procedures and criteria for the review of each exemption designation not less than once every 10 years. The criteria will include the historical or other public interest value of the subject matter of the file and the potential for declassifying a significant part of the contents. In this connection, the Director of Central Intelligence, Mr. Casey, has indicated his willingness to expand the CIA's rather limited program for reviewing and declassifying historical intelligence files. I certainly will join in efforts to assure that adequate resources are provided.

I am pleased that the CIA has expressed its support for the measured approach to the Freedom of Information Act represented by S. 1324, as amended. The Agency's cooperation with the committee in finding compromises on difficult issues has resulted in a bill which should serve the public interest in more efficient processing of FOIA requests, while giving better protection to intelligence sources and methods. I wish also to thank my distinguished colleagues, the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Hawaii (Mr. INOUYE) for the suggestions we incorporated in this legislation.

Mr. President, I believe that the amendments to this legislation constitute significant improvements. The committee shares this view as evidenced by its unanimous vote to report S. 1324 favorably to the Senate. I urge that our colleagues join us in supporting passage of this bill.

Mr. DURENBERGER. Mr. President, the bill before us today is a clear signal that the system works. It demonstrates a strong oversight role by the Senate in matters of intelligence; it validates the principles which underlie the Freedom of Information Act; and it recognizes the compelling need to provide security for those matters which must remain secure, while insuring the maximum possible public understanding of the role which our intelligence agencies play in policy. In short, the bill is a sound balancing of the need for information and the need for security.

I'd like briefly to remind my colleagues of just how far we have come with this measure. I clearly recognize that there are legitimate limits on, and exemptions from, the FOIA when we are dealing with intelligence matters. However, as introduced, S. 1324 did not adequately address certain important concerns.

In a statement before the committee on June 28, I expressed my reservations about these specific issues. I felt that the initial proposal could have denied to historians and other analysts needed information which could inform future generations; that it could have been misinterpreted, ironically, to prevent the release of information already declassified; and that it could have been construed as an absolute claim of exemption from judicial review.

I was not alone in these and other concerns. As a result, several of us on the committee spent many hours discussing these important issues. The result, after prolonged discussions with Director Casey and others, is the bill before us today. I think it is a good piece of work, and that it deserves our support.

Let me close by noting one aspect of this bill which I feel merits special attention—the procedures created to permit the maximum possible research by historians and others.

Policymakers assume office with a fixed amount of intellectual capital. They draw on that capital over time when making crucial decisions. If they lack a sufficient understanding of how the processes of government have failed in the past, they are likely to make avoidable mistakes. It is imperative for sound Government that those who serve have the best possible understanding of history and policy. The better the understanding, the better the performance on the job.

Persons who devote an entire career to one agency or bureaucracy are likely to develop that kind of understanding over time. But senior officials of the Government, who are appointed from other positions, must bring that knowledge with them. They can only get it through a lifetime of study, reading, education, and reflection.

I do not want to suggest that history always repeats itself. It does not. But patterns of behavior can often reoccur. That is why for instance, scholars and others spend so much time comparing and contrasting such things as the crises which led to World War I and World War II. The differences among these crises are important, and they inform much of our ongoing debate about things like deterrence, crisis management, and defense budgets. We all benefit from the massive research which has gone into those and other major events.

When a vital policy area is potentially exempt from all study, however, regardless of specifics, nobody benefits. Who among us does not wish that the senior officials charged with final authorization for the Bay of Pigs fiasco had spent a little more time reading and thinking about the limits of paramilitary operations? And who among us does not think that the decision to declassify sensitive information during the Cuban missile crisis was a major factor in both resolving that crisis and contributing to greater public understanding of the importance of good intelligence?

Had this legislation continued to deny access to selective historical files, nobody would have been well served. But in early October, Director Casey made an important concession when he wrote to me stating that the CIA would cooperate with the Archivist and other historicans in the selective declassification of older files which are historically significant. Director Casey asked only for the extra money to hire more historians to assist in that matter. He is entitled to that funding, and this bill provides for it. It is money which is truly spent in the public interest, and I want once again to congratulate Bill Casey for his willingness to work with us on this and other matters.

Mr. President, I believe that the work which went into this bill shows that the public can continue to have full faith and confidence in its intelligence agencies and in the committees which oversee those agencies. I hope that we will pass the bill quickly.

Mr. THURMOND. Mr. President, I rise in strong support of S. 1324, the Intelligence Information Act of 1983, as reported by the Select Committee on Intelligence. I was pleased to join the distinguished Senator from Arizona, Chairman GOLDWATER, as an original cosponsor of this measure when it was introduced last spring.

S. 1324 minimizes the expensive and burdensome task currently imposed on the Central Intelligence Agency, of searching reams of documents in response to requests under the Freedom of Information Act, where virtually no useful information would be subject to disclosure under that act. After receiving testimony from a variety of witnesses, the Intelligence Committee developed amendments which address certain concerns, while preserving the original goals behind the bill. The fact that it was reported by the committee unanimously indicates that it satisfies a wide variety of views and appropriately balances the universal interests in encouraging open Government, the national security, and efficiency.

I commend the chairman of the committee and his staff for the excellent work that they have done on this legislation. Through their diligence, work on this bill has been expeditious. It is my hope that the Senate will also be able to act on the Freedom of Information Reform Act reported by the Judiciary Committee, in the very near future.

In the interest of reducing unnecessary administrative burdens on the Central Intelligence Agency, while preserving open Government, I urge my colleagues to give this important measure their full support.

Mr. HUDDLESTON. Mr. President, before I discuss the bill as a whole, I would like to address a question to the sponsor (Mr. GOLDWATER), the chairman of the Select Committee on Intelligence. There is a provision in the bill which states that "the designation of any operational files shall not prevent the search and review of such files for information concerning any special activity the existence of which is not exempt from disclosure under the provisions of the Freedom of Information Act." My question deals with the legal requirements under the provisions of the Freedom of Information Act for determining whether the existence of a special activity is or is not exempt from disclosure. I understand that this is an issue in pending litigation and that various arguments may be made in these and future cases. It is correct that neither this bill nor the report of the Select Committee attempts in any way to address or resolve these issues, except to note that "[c]ourts have held that where an authorized executive branch official has officially and publically acknowledged the existence or nonexistence of a specific special activity the existence of that special activity is no longer a classified fact exempt from disclosure under the provisions of the FOIA."

Mr. GOLDWATER. That is correct.

Mr. HUDDLESTON. Mr. President, I want to express my full support for enactment of the Intelligence Information Act, as reported by the Intelligence Committee, and my gratitude to the sponsor, Senator GOLDWATER, for taking into account the concerns expressed by representatives of the news media, historians, and civil liberties groups, as well as others interested in public access to Government information.

In 1980 I introduced one of the first bills to exempt the CIA's operational files from search and review under the Freedom of Information Act. That bill was the National Intelligence Act of 1980, the comprehensive intelligence charter legislation developed in consultation with the intelligence community. It would have been better, in my view, to consider this issue as part of an intelligence charter that laid down clear legislative standards for intelligence operations, especially those that might affect the rights of Americans.

The CIA relies for its legal authority on the sketchy provisions of the National Security Act of 1947. In recent years we have added two new significant provisions to the 1947 act, and this bill will be a third. These additions to the 1947 act implement key recommendations from the charter legislation.

The first provision dealt with congressional oversight. In 1980 the Senate passed the Intelligence Oversight Act, which was subsequently enacted as part of the Intelligence Authorization Act for Fiscal Year 1981. It amended the National Security Act of 1947 to add a new section setting forth the duties and responsibilities of the intelligence agencies to keep the House and Senate Intelligence Committees "fully and currently informed of all intelligence activities" and to provide prior notice of "any significant anticipated intelligence activity" such as covert action operations.

In 1982, the Congress adopted the Intelligence Identities Protection Act, which amended the 1947 act to provide criminal penalties for disclosure by current and former government employees of the identities of covert intelligence agents. The new criminal penalties also applied to such disclosures by other persons under very stringent standards requiring proof of "a pattern of activities intended to identify and expose covert agents."

The bill before us today would continue this process of expanding the 1947 act to include important provisions from the charter legislation. The new provisions on release of requested information to the public by the Central Intelligence Agency are designed to serve both the CIA's desire for some relief from current requirements to search and review highly sensitive operational files in response to requests under the Freedom of Information Act and the public's need for more timely release of information from CIA files.

The report on the bill filed by the Select Committee on Intelligence, and the additional views of Senators DURENBERGER, INOUYE, LEAHY, and myself explain in detail how the bill is intended to work. I urge everyone concerned about this problem to look at the report and to consider as well the assurances and commitments made by the CIA and the select committee.

The basic point we have tried to make is that the bill should preserve public access for search and review of those CIA files that are likely to contain releasable information. Specific provisions of the bill insure continued search and review for information about certain CIA covert action operations, illegal or improper intelligence activities, other historically significant matters, and U.S. citizens or resident aliens who request information on themselves. Moreover, the procedures for judicial review guarantee that the CIA will not be the sole judge of whether its decisions comply with the requirements of the law.

Finally, we have stressed importance of this bill for enhancing the CIA's responsiveness to FOIA requests information in its files that remains accessible for search and review under the bill. Because of the assurances given by the CIA and the commitments made by the select committee in its report, this bill should be a positive gain for the principles of freedom of information.

This kind of balanced and constructive legislation strengthens the statutory framework for our intelligence agencies. It demonstrates that the Congress has the ability to follow through on the intelligence charter agenda that was developed by 1980. There is, however, more on that agenda that should be considered by the Congress.

I support the Intelligence Information Act, therefore, as part of a continuing process of building a complete and up-to-date statutory framework for the conduct of U.S. intelligence activities. And I look forward to joining with other members of the select committee in examining other areas where legislation can clarify the authority and enhance the legitimacy of our intelligence community.

Mr. LEAHY. I would like to ask the sponsor of the bill, Senator GOLDWATER, a question about the section of the report of the Select Committee on Intelligence that deals with actions to improve CIA responsiveness to FOIA requests. In that section, the select committee states that it "has requested the CIA to provide a specific program of administrative measures the Agency will take to improve processing of FOIA requests following enactment of this legislation" and that "this program should include a detailed plan for eliminating the present backlog of FOIA requests and a description of the bill's impact on the Agency's ongoing efforts to process promptly those requests that do not require extensive search, review, and coordination and to expedite other requests under criteria established by the Justice Department."

The report also states: "With respect to the allocation of resources and personnel freed by the bill's impact on

search and review requirements, the committee requests the Agency to appropriately apply such resources and personnel to the task of eliminating the present backlog. To accomplish this, the committee expects the Agency not to reduce its budgetary and personnel allocation for FOIA during the period of 2 years immediately following enactment of this legislation."

Is it correct that the CIA has agreed to these requests for a program and for resource allocations?

Mr. GOLDWATER. That is correct, after the bill is enacted.

Mr. LEAHY. I thank the chairman, and I want to stress the importance of these commitments by the CIA.

The PRESIDING OFFICER. Is there any further discussion?

Without objection, the bill is ordered to be engrossed for a third reading and to be read the third time.

The bill (S. 1324) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN WILDLIFE REFUGES

Mr. BAKER. Mr. President, if the minority leader does not object, I ask unanimous consent that the Senate turn to consideration of Calendar Order No. 148 H.R. 1723.

Mr. BYRD. Mr. President, there is no objection.

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

The Senate proceeded to consider the bill, H.R. 1723, to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.

AMENDMENT NO. 2646

(Purpose: To make authorized funds available until expended and to expand boundaries of Minnesota Valley National Wildlife Refuge)

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of Senator CHAFEE for himself, Mr. DURENBERGER, and Mr. STAFFORD, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. CHAFEE, Mr. DURENBERGER, and Mr. STAFFORD, proposes an amendment numbered 2646.

Mr. BAKER. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

Amendments to Section 1. Great Dismal Swamp National Wildlife Refuge.

On page 1, line 7, insert "as amended," immediately before "is".

On page 2, line 1, strike "$34,100,000".

On page 2, line 2, strike "and ending September 30, 1986" and insert in lieu thereof "$34,100,000, to remain available until expended".

Amendments to Section 2. Minnesota Valley National Wildlife Refuge.

On page 2, line 7, strike all through line 19, and insert in lieu thereof the following:

"(a) Section 4(a)(1) of the Act entitled the 'Minnesota Valley National Wildlife Refuge Act', approved October 8, 1976 (Public Law 97-466, 90 Stat. 1993), is amended by—

"(1) striking '9,500' and inserting in lieu thereof '12,500'; and

"(2) striking 'November 1975' and inserting in lieu thereof 'October 1983'.

"(b) Section 4(b)(1) of such Act of October 8, 1976 (90 Stat. 1993), is amended by—

"(1) striking ', within 6 years after the date of enactment of this Act,'; and

"(2) adding at the end thereof the following new sentence: 'Notwithstanding any "least interest" policy, the Secretary shall accept and acquire by donation any lands, water, and interests therein, within the boundaries of the refuge, which are offered as a donation by any State or local government agency, person, or private organization.'.

"(c) Section 10(a) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out '$14,500,000 for the period beginning October 1, 1977, and ending September 30, 1983' and inserting in lieu thereof '$29,500,000, to remain available until expended'.

"(d) Section 10(b) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out '$6,000,000 for the period beginning October 1, 1977, and ending September 30, 1986' and inserting in lieu thereof '$9,000,000, to remain available until expended'."

Amendments to section 3. San Francisco Bay National Wildlife Refuge.

On page 3, line 1, insert "as amended," immediately before "is" and insert "the close of" immediately after the quotation mark following "out".

On page 3, line 2, strike "September 30, 1986" and insert in lieu thereof "expended".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2646) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

BILL HELD AT DESK—H.R. 4336

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 4336, a bill to make certain miscellaneous changes in laws relating to the civil service, it be held at the desk pending further disposition.

Mr. BYRD. I have no objection, Mr. President.

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1098.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1098) entitled "An Act to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".*

TITLE I—NONLIVING MARINE RESOURCES

AUTHORIZATION

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $800,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, polymetallic sulfide analyses and research.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

AUTHORIZATION

SEC. 201. (a) Section 212 of the National Sea Grant Program Act (33 U.S.C. 1131) is amended by inserting immediately after paragraph (3) the following new paragraph:

"(4) Not to exceed $42,000,000 for fiscal year 1984 and not to exceed $46,000,000 for fiscal year 1985.".

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by inserting immediately after paragraph (3) the following new paragraph:

"(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

AUTHORIZATION

SEC. 301. Section 406 of the Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) is amended—

(1) by striking out "and"; and

(2) by striking out "1983." and inserting in lieu thereof "1983, not to exceed $620,000 for the fiscal year ending September 30, 1984, and not to exceed $800,000 for the fiscal year ending September 30, 1985.".