

Vol. 134

WASHINGTON, THURSDAY, MAY 26, 1988

No. 76

Congressional Record



United States
of America

PROCEEDINGS AND DEBATES OF THE *100th* CONGRESS, SECOND SESSION

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, \$300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(USPS 087-390)

Taylor	Walker	Wohl
Thomas (CA)	Weber	Young (AK)
Traffant	Wheat	Young (FL)
Upton	Whittaker	
Vander Jagt		

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4556. An act to amend the provisions of the Agricultural Act of 1949 relating to certain cross compliance requirements under the extra long staple cotton program.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 306. Concurrent resolution providing for a conditional adjournment of the House until June 1 and a conditional adjournment or recess of the Senate until June 6.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1989

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1025

NOT VOTING—60

Aspin	Edwards (OK)	Lungren
Bartlett	Flake	Mack
Barton	Flipbo	MacKay
Berman	Florio	Mica
Blagel	Ford (TN)	Michel
Bilbray	Gallo	Moody
Boulter	Gejdenson	Moorhead
Brooks	Gray (IL)	Pepper
Campbell	Green	Rangel
Chandler	Guarini	Rose
Chappell	Hansen	Roukema
Clay	Holloway	Savage
Coyne	Hunter	Smith (NJ)
Craig	Kemp	Spence
Dellums	Kiecicka	Stangeland
Dicks	Konnyu	Torres
Dixon	Leland	Udall
Duncan	Lipinski	Vucanovich
Dymally	Lowery (CA)	Wells
Dyson	Lujan	Wolpe

□ 1026

Mr. BONKER changed his vote from "nay" to "yea."
So the Journal was approved.
The result of the vote was announced as above recorded.

THE REVEREND LITTLETON FOWLER

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I take great but humble pride in the honor which falls to me today to introduce to the House of Representatives my long time friend and constituent, the Reverend Littleton Fowler, now of Hugo, OK, who offered prayer opening today's proceedings.

The Reverend Fowler and Nettie, his charming bride of 52 years this coming August, are participating this week as senior interns under Close-Up Foundation coordination. The Fowlers have a son and daughter and three grandchildren and he is a fishing buddy of my son, Wade.

For 49½ years, Reverend Littleton Fowler ministered to various Methodist congregations throughout Oklahoma. Included among those people who were in his congregations is former Speaker Carl Albert of McAlester, my predecessor in the Congress, and now one of my most cherished constituents. Reverend Fowler also ministered to churches in Hugo, Seminole, Antlers, Sulphur, all in the Third District, along with Miami and Sapulpa. In addition to his direct pastoral duties at assigned churches, he was for 10 years director of the Oklahoma Methodist camp system, which are operated for both young people and adults.

Reverend Fowler was graduated from the University of Oklahoma and had further theological studies from Southern Methodist University in Dallas. He brings honor to his profession, his family, to me, to the Third District, and to Oklahoma by his years of dedicated service.

Thank you, Reverend Fowler.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1989

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 1989

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1989, and for other purposes.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, TUESDAY, MAY 31, 1988, TO FILE CONFERENCE REPORT ON H.R. 2470, MEDICARE CATASTROPHIC PROTECTION ACT OF 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Tuesday, May 31, 1988, to file a conference report on the bill, H.R. 2470, the Medicare Catastrophic Protection Act of 1987.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. BEILENSEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 456 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 401(b)(1) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), and all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and con-

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3653

trolled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California [Mr. BEILENSEN] is recognized for 1 hour.

Mr. BEILENSEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 456 is the rule providing for consideration of H.R. 4387, the Intelligence Authorization Act for fiscal year 1989. It is an open rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The rule provides for the bill to be considered for amendment by titles, rather than sections, with each title considered as read. It allows one motion to recommit.

The rule waives section 401(b)(1) of the Congressional Budget Act, which prohibits consideration of new entitlement authority which becomes effective prior to October 1 of the year in which it is reported. The rule also waives clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill.

Both of these waivers are necessary to allow consideration of the provision in H.R. 4387 establishing a new position in the Department of Defense—an Assistant Secretary of Defense for Intelligence. The Intelligence Committee has found that responsibility for intelligence matters within DOD is fragmented, and believes that there is an urgent need to have one official supervise all intelligence and intelligence-related activities in that Department. The two waivers contained in this rule will allow us to make the funds available to pay the salary for that position—\$74,500—immediately upon enactment of this bill.

Mr. Speaker, H.R. 4387, the bill for which the Rules Committee has recommended this rule, authorizes appropriations for the intelligence and intelligence-related activities of the U.S. Government for fiscal year 1989. The bill requires the explicit authorization and appropriation of any assistance provided for the military or paramilitary activities of the Contras by any department or agency of the United States. It also directs the Federal Bureau of Investigation and the Office of Personnel Management to conduct

a demonstration project aimed at improving the recruiting and retention of FBI personnel in the New York metropolitan area. And, as I mentioned earlier, it creates a new position in the Department of Defense for an assistant secretary who will oversee the department's intelligence activities.

Mr. Speaker, I urge adoption of House Resolution 456, so that we can proceed to consideration of H.R. 4387.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, the gentleman from California [Mr. BEILENSEN] has described the provisions of the rule. I will not repeat them.

However, there is one provision in this rule which is becoming too routine. That is the Budget Act waiver. In this case it is a waiver of the section 401(b)(1) of the Budget Act. This section prohibits new entitlement authority effective prior to October 1 of the year in which the bill is reported.

This intelligence authorization provides new entitlement authority by creating a new assistant secretary position in the Department of Defense. As a result, the bill violates the Budget Act.

Mr. Speaker, if we are going to have a Budget Act, then we should comply with it.

Mr. Speaker, the chairman of the Budget Committee, in his letter to the chairman of the Rules Committee concluded that " . . . the Committee on the Budget has no objection to a waiver of the Budget Act to allow consideration of the bill." However, in order to clarify the Record, it should be noted that all but one of the Budget Committee Republicans responding voted against recommending the waiver. And three of the Budget Committee Democrats took this same position. Maybe one of these days a majority will decide to follow the Budget Act requirements.

Mr. Speaker, because of the Budget Act waiver, I will vote against this rule.

Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. ROWLAND].

(By unanimous consent, Mr. ROWLAND of Connecticut was allowed to speak out of order.)

THE WALL

Mr. ROWLAND of Connecticut. Mr. Speaker, I am sure that all of us have heard about the vandalism done to the wall at the Vietnam Memorial. It was a disgraceful action done by a few misguided individuals.

Mr. Speaker, I do have some good news. Students at Weston Middle School in Weston, CT, got together and raised over \$800 in a bake sale to help repair the damage done to the wall. The students have come to Washington, DC, this week to see the

wall for themselves. They presented their check and Brian McGrath from the eighth grade has written a poem in honor of this occasion. This type of compassion, this type of concern, and this type of action by these wonderful young people certainly restores our confidence in the future of our country. I say thank you to Weston Middle School.

THE WALL

(By Brian McGrath)

Mothers, fathers, sisters, brothers
Standing side by side,
Honoring their loved ones.

For this country they have died.
Though we want to forget
The evilness of war.

We must remember the brave ones
Who have fought deep to the core.
Perhaps this wall will teach us

To always keep in our thoughts

That war is not the answer for

The troubles we have brought.

Although this wall may bring

Tears of deepening sorrow,

If we change our ways of violence

There may be a peaceful tomorrow.

Mr. LATTA. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 456 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4387.

□ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, with Mr. PICKLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

□ 1040

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4387, the Intelligence Authorization Act for fiscal year 1989. The principal purpose of this bill is to authorize appropriations for all of the intelligence and intelligence-related activities of the U.S. Government during fiscal year 1989. As in the past, the actual amounts authorized are contained in a classified schedule of authorizations which is incorporated by reference and which is available, along with a classified annex to the committee's report, in the committee's offices.

Members who read both of the classified documents will recognize that, although the committee's recommendations are slightly below those amounts requested by the administration, the committee has recognized the high priority which intelligence should enjoy within the larger national security budget. It has made appropriate recommendations so that all essential intelligence programs and activities can be funded. Most of the amounts authorized are in the defense budget.

Mr. Chairman, as it does every year, the committee has worked closely with the Committee on Armed Services to produce recommendations for the authorization of appropriations of intelligence-related activities over which the committees share jurisdiction. The amounts authorized by H.R. 4387 are therefore fully consistent with those authorized by H.R. 4264, the fiscal year 1989 defense authorization bill, as it passed the House. Both committees agreed on these amounts. I appreciate the assistance of the members and staff of the committee on Armed Services in arriving at this outcome.

Mr. Chairman, in addition to the authorization of appropriations, H.R. 4387 contains a number of legislative provisions.

Section 104 is a provision similar to that enacted in the fiscal years 1987 and 1988 acts that would limit assistance to the Contras to that specifically authorized by law.

Other provisions of title I prohibit procurement of more than three Guardrail RC-12K aircraft and sensors until the submission of a report by the Army on tactical airborne reconnaissance; establish restrictions on; provide specific authorization of appropriations and transfer authority for the Federal Bureau of Investigation with respect to its foreign counterintelligence activities; authorize transfer of \$15.1 million from the Defense Intelligence Agency to the FBI; and exempt the Defense Intelligence Agency and Defense Mapping Agency from certain statutorily required personnel reductions.

Title II would authorize \$23,745,000 and 244 personnel for the Intelligence Community Staff, which provides staff assistance for the Director of Central Intelligence. Title II also defines how personnel are to be assigned to the staff and how it is to be administered.

Title III would authorize \$144,500,000 for fiscal year 1989 for the Central Intelligence Agency retirement and disability system.

Title IV contains various general provisions repeated from previous years' intelligence authorization acts. In addition, the Committee adopted an amendment requiring submission by the Director of Central Intelligence and the Secretary of Defense of equal opportunity plans addressing any minority underrepresentation at the Central Intelligence Agency and the National Security Agency, respectively.

Title V would permit the Director of Central Intelligence to grant monetary and other relief during fiscal year 1989 to former employees whose careers were unfairly affected as a result of allegations concerning their loyalty to the United States.

Title VI would provide for a demonstration project to test the effects of lump sum and periodic payments on recruitment and retention of FBI personnel and on FBI field operations in the New York City area.

Title VII contains provisions affecting the intelligence activities of the Department of Defense. Section 701 would allow the Secretary of Defense to pay for arrangements with foreign countries for cryptologic support. Section 702 would provide for an Assistant Secretary of Defense for Intelligence who would be responsible for overall supervision of intelligence and intelligence-related activities of the Department of Defense.

Mr. Chairman, H.R. 4387 enjoys strong bipartisan support within the committee and represents, I believe, the product of an excellent working relationship by both members and staff to carefully assess the needs of intelligence and make recommendations that are consistent both with the national security and the state of the Nation's finances. I want to pay tribute to the ranking minority member of the committee, the gentleman from Illinois [Mr. HYDE], for his thoughtful and cooperative approach. My thanks also to the gentleman from Wyoming [Mr. CHENEY], the ranking minority member of the Subcommittee on Program and Budget Authorization, who has worked tirelessly and effectively in the hearings and deliberations that have produced this bill.

And, last, I want to pay tribute to the hard work, dedication, and high professionalism of the committee staff.

H.R. 4387 provides what is needed for intelligence, and I urge its adoption.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, as the ranking Republican on the House Permanent Select Committee on Intelligence, I wish to express my support

for H.R. 4387. The authorization bill is the committee's primary annual legislation, and a large number of hearings and a great deal of work have gone into it. The programs involved are many and complicated. We have all been immeasurably aided by our highly skilled and hard-working budget staff—Marty Faga, Duane Andrews, Bob Fitch, and Bob Surette, whose dedication we greatly appreciate.

Most of these programs are highly classified, so the discussion today must focus on some of the more mundane aspects of intelligence administration and oversight. The intelligence budget is largely included within the defense budget. However, it has been spared some of the deeper cuts taken by defense. The committee slightly reduced the administration's overall request in the process of augmenting a few programs, while cutting back several others.

One substantive issue which can be discussed is our deferral of the purchase of certain Guardrail aircraft pending submission of a report on tactical airborne reconnaissance. This was done without prejudice and from a belief that the program should be better thought through and coordinated, but our action was certainly not from a preconceived opposition to this program.

Unfortunately, support for military or paramilitary operations in Nicaragua continues to be banned unless specifically approved by Congress.

A number of Members have asked about the Senate Intelligence Committee's request for a budget supplement to improve collection on Soviet strategic weapons and on verification of arms control agreements. We have not yet acted upon this issue, and it is something which the two intelligence committees will have to seriously address and in some detail.

A few actions relating to administrative measures are worth mentioning. The committee specifically excepted some Defense Intelligence Agency and Defense Mapping Agency employees from personnel cuts imposed on DOD as a whole, because they are already understaffed in some areas due to assignment of new responsibilities. The bill establishes a pilot project to allow supplemental pay for FBI personnel stationed in New York City, an active area for Soviet espionage.

We want to see whether such measures will help our counterintelligence capabilities by improving recruitment and retention rates. Most counterintelligence agents do not come from the New York area, and they find the costs of establishing a home and raising families there to be prohibitively high, and some are even forced to commute from Philadelphia. Also, in the counterintelligence area, we have been concerned about FBI fund-allocation practices and whether all the money authorized to augment coun-

terintelligence activities actually is spent for that purpose.

There will be further discussions with both the Senate Intelligence Committee and the administration over the committee's recommendation that a new Assistant Secretary of Defense for Intelligence position be created. I am happy to join with the gentleman from Massachusetts (Mr. MAVEROUKES), who proposed similar legislation within the Committee on Armed Services in this effort to improve the Department of Defense's handling of intelligence matters. In particular, members of the Intelligence Committee have been very concerned about the adequacy of the Department of Defense's counterintelligence efforts and their effective use of collected intelligence when designing U.S. weapons systems.

□ 1050

Although Nicaragua remains a contentious issue, most of the bill is accepted by both Republicans and Democrats on the committee. I, therefore, endorse it and recommend it to all Members of the House.

If I may, Mr. Chairman, one final note. This is the last time the gentleman from Ohio (Mr. STOKES) will manage our annual authorization bill, and I want everyone in this House to know what an outstanding job LOV STOKES has done as our chairman. He has been fair, of exemplary integrity and above all a perfect gentleman. It has been an honor and a pleasure working with him as together we have tackled some of the most important and complicated security issues facing the Nation.

There is a line in Camelot where King Arthur says all of us are tiny drops in a vast ocean, but some of them sparkle. Even though we have struggled and fought over issues and will again shortly, I just want to say LOV STOKES is one of the sparklers.

Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BEILENSEN).

Mr. BEILENSEN. Mr. Chairman, I commend the distinguished gentleman from Ohio (Mr. STOKES), the chairman of our committee, and the distinguished gentleman from Illinois (Mr. HYDE), our ranking minority Member, for their very good work under very difficult fiscal constraints. I think they have done an excellent job.

Mr. Chairman, I rise in strong support of H.R. 4387, the Intelligence Authorization Act for Fiscal Year 1989. I believe the Intelligence Committee has made a series of balanced and careful recommendations concerning the fiscal year 1989 funding levels for intelligence and intelligence related activities. I urge my colleagues in the House who have not already done so to review the classified schedule of authorization incorporated by the bill

and also the classified annex to the committee's report. I believe that a reading of these documents will bear out my confidence in the committee's recommendations.

Mr. Chairman, I would also like to draw attention to several provisions of the bill which I believe have a particular importance for a subject to which, as chairman of the Intelligence Committee's Subcommittee on Oversight and Evaluation, I have devoted some considerable attention; that is, counterintelligence and security.

First, the committee makes a number of recommendations concerning the foreign counterintelligence activities of the Federal Bureau of Investigation. Specifically, we require that funds authorized to be appropriated for the foreign counterintelligence activities of the FBI actually be spent for this purpose. This has not been the case for a number of years. The committee has been placed in the position of agreeing to the FBI's budget request based on strong representations that every penny is needed to counter Soviet and other espionage activities in this country, only to learn that the FBI has consistently underspent the amounts authorized and appropriated because it has devoted its attention to other areas. The committee believes strongly that if, as we have been consistently told, foreign counterintelligence is such a high priority, the FBI should make every effort to devote the resources it says it needs to this problem.

The second action of the committee has been to provide additional resources within the budget request of the Bureau for the acquisition of technical surveillance equipment. I am constrained in further describing the need for this equipment but I believe the committee's classified report goes into that in compelling detail. The intent of the committee, in this case, is to help ensure the availability as soon as possible of both the quantities and the quality of equipment very clearly needed by the Bureau.

Mr. Chairman, beyond the allocation of these resources, the committee is in the process of reviewing executive branch progress in addressing the recommendations made by this committee in its 1987 report entitled "U.S. Counterintelligence and Security Concerns, 1986."

That report made numerous findings and recommendations concerning the U.S. Government's personnel, industrial security, and counterintelligence programs—recommendations that were shared or augmented by similar reports by the Senate Select Committee on Intelligence and a number of blue ribbon panels appointed by the executive branch, including one chaired by Gen. Richard Stilwell, then Deputy Under Secretary of Defense for Policy.

The 63 recommendations of the Stilwell Commission have been accepted and implemented by the Department

of Defense. DOD security regulations have been revised, and the number of security clearances in the department were ordered reduced by 10 percent, with possible further reductions to follow. As with most efforts of this magnitude, however, the problem is ensuring that broad policy directives are taken seriously, and implemented, by the military services and appropriate agencies.

While some measures, such as the actual reduction in clearances, appear to have been implemented with some degree of success, others, such as expanding the scope of background investigations into financial information, appear to be languishing—either because of bureaucratic inertia or because of a serious lack of funding.

The questions the committee has been asking itself have been broad and basic:

Have the reductions in security clearances been real, and have they had any impact on enhancing the national security?

Have all of these improvements and task forces resulted in a more secure method of hiring people, or the selection out of those who pose security risks?

All the recommendations aside, is there a commitment within the U.S. intelligence and national security community to fund the necessary improvements in security programs.

Some of the witnesses before the subcommittee have questioned one of the most basic elements of our security policy, the viability of the background investigations process. Statistics show that, of the many thousands of investigations conducted each year of newly hired and currently employed personnel, less than 1 percent are denied a clearance. Expert witnesses in the security field have suggested that this process may need to be revamped, if not eliminated, for certain large categories of personnel because it simply doesn't have a significant impact on the security picture.

The more difficult issues, of course, are those which can't be fixed with new regulations or even with money:

How do you instill in agencies, where virtually everybody has a security clearance, a rigid application of the need-to-know principle?

How do you ensure that the creation of new special access programs protects sensitive information and is not designed to eliminate oversight, either internal or external?

Mr. Chairman, the subcommittee is only at the beginning stages of examining the answers to these questions. At present, we are not in a position to recommend major new allocations of funding or drastic changes in security procedures. But it is clear to me that unless the committee and other interested committees of the Congress continue their probing and their examination of this issue. It will—like so many other difficult and large-scale prob-

lems—slip away from us and return to the status quo. The status quo is what led us to the so-called year of the spy, and to major compromises in our national security programs. We simply cannot afford the cost and the danger inherent in repeating the security lapses of the very recent past.

Mr. Chairman, your committee will continue to review counterintelligence and security programs and, to the greatest extent possible, make its recommendations and findings public. It is only on the basis of such examination and public discussion that we will move closer to the hard decisions that will be necessary to solve these very large and very complex problems.

Mr. Chairman, I thank the House for allowing me to take the time to discuss this issue at some length but I believe it is one which cannot be ignored, and one which I want Members of the House to understand that the Permanent Select Committee on Intelligence is addressing with care and persistence.

Mr. STOKES. Mr. Chairman, I just want to take a moment to commend the gentleman from California [Mr. BELLESON] for the remarks he has just made regarding the area in which he has expressed this interest. As a Member of this committee he has done an outstanding job, and I look forward to his continuing to pursue this specific area of interest to which he has so eloquently addressed his concerns.

Mr. HYDE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise at this time to be very brief and simply to express my appreciation for having had the opportunity to serve this past 2 years under the chairmanship of the gentleman from Ohio [Mr. STOKES]. It would be difficult to find two Members of the House whose voting records are farther apart than the gentleman from Ohio and myself. On many of the issues of the day we have fundamentally different approaches, and I am not one who often sings the praises of the leadership of my colleagues on the other side of the aisle. But I have enjoyed immensely my service on the committee with the gentleman from Ohio [Mr. STOKES]. As the ranking member, the gentleman from Illinois [Mr. HYDE], so ably stated earlier in his remarks, he has been an outstanding chairman.

This is one of the most difficult assignments because we are not able to talk publicly about what we do. The committee consumes a great deal of time that is not available for other purposes, but it is important work, and the issues that we have to address are extremely complex and sensitive ones.

Consistently throughout his tenure, the gentleman from Ohio [Mr.

STOKES] has proven to be extremely fair. There has been a high degree of comity on the committee and I have always been treated with respect and dignity regardless of party or regardless of my views and, frankly, Mr. Chairman, I have often felt that if we could extend the good feelings and the cooperation that exists on the Permanent Select Committee on Intelligence to the House at large this would be a much more productive body.

I urge my colleagues to approve the legislation that is before us today.

Mr. HYDE. Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

Mr. STOKES. Mr. Chairman, I just want to thank both the gentleman from Wyoming [Mr. CHENEY] and the gentleman from Illinois [Mr. HYDE] for their very gracious remarks and to say in turn, although I have already made reference to both of them and the service that they have rendered to this committee, it has indeed been a real pleasure for me to work with both of them in a leadership role, and it is an experience that I shall treasure as having served in this capacity in the House.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. PANETTA].

(Mr. PANETTA asked and was given permission to revise and extend his remarks.)

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to express my concern over the accountability of appropriated funds expended by the CIA. As the gentleman from Ohio, the distinguished chairman of the committee, knows, I am most concerned about recent abuses of taxpayer funds as illustrated by the Iran-Contra Affair. For these reasons, I introduced the CIA Accountability Act, H.R. 3603 on November 3, 1987. As the House sponsor of that legislation, I want to take a moment to commend the distinguished gentleman and chairman of the House Select Committee on Intelligence for his work on this authorization act and H.R. 3822, the Intelligence Oversight Act of 1988. I am pleased that the committee has acted to improve its oversight of CIA operations and financial activities. I understand the Intelligence Oversight Act will address prior notification of covert action activities, regulate the use of nonappropriated funds, and require improved reporting of the covert transfer of military equipment.

I am pleased to learn that the committee is planning to begin the process of developing an improved audit capability that can work with the recently created audit staff of the Senate Select Committee on Intelligence. However, I believe that additional accountability steps must be implemented.

I believe that my legislation is in keeping with the need to improve the

accountability of our Nation's intelligence oversight. The purpose of my legislation is to clarify and restate the General Accounting Office's [GAO] Comptroller General's authority to audit the financial transactions and evaluate the programs and activities of the CIA.

As the chairman knows, the CIA is the only Federal Agency whose files are not open to examination by the GAO. Yet, the National Security Agency as well as the Department of Defense's highly sensitive activities are regularly reviewed and examined by the GAO.

Currently, the only method used to ensure CIA accountability is the use of internal reviews by the CIA's inspector general, who is appointed by the CIA Director. The Iran-Contra scandal offers evidence that an aggressive director, like William Casey, without proper oversight, can circumvent any accountability system. The inspector general was unable to respond to the inquires of the Iran-Contra committees because he had no access to the information as to how the intelligence agency's funds had been expended in this regard.

Currently, there is no comprehensive manner for Congress and the American taxpayer to ensure that the CIA is carrying out its activities legally or effectively. GAO performs this auditing and evaluating function for Congress throughout the executive branch. It is a highly competent and strictly nonpartisan agency. It is the logical organization for the committee to consider to carry out this work.

The National Security Agency and numerous military services regularly permit GAO auditors with top secret clearances to review many of their highly sensitive activities, including special access programs such as highly secret weapons projects and sensitive intelligence operations. Also, the Iran committees borrowed GAO personnel to establish the money trail of the Iran-Contra affair. My measure would allow the GAO to apply to the CIA the same strict standards of financial accountability and performance that it applies to other agencies. It provides that CIA programs and activities can be subject to possible audit or evaluation. At the same time, my proposal carefully limits the GAO personnel who could be involved in CIA audits, the methods by which the GAO could obtain access to CIA personnel and records, and the dissemination of the audit results.

My measure is carefully drafted to ensure that secret activities and classified documents are not compromised. It would allow the President to shield specific employees from investigation, but no written records could be kept from GAO review. My approach insists on accountability while recognizing the unique role of the CIA.

At this point, I would ask the gentleman from Ohio, Mr. STOKES, the chair-

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3657

man of the Intelligence Committee, if he would engage in a colloquy with me concerning H.R. 3603. It is my understanding, based on my conversations and correspondence with the gentleman, that the Intelligence Committee is not willing to adopt the approach of H.R. 3603 at this time. Would the gentleman from Ohio explain to the House his reasons for this position and his position on the legislation?

Mr. STOKES. Mr. Chairman, if the gentleman will yield, I would say that I am very familiar with H.R. 3603 and I commend him for taking such a strong interest in the accountability of U.S. taxpayer funds in the intelligence field. I share the gentleman's interest in assuring that the funds appropriated for intelligence activities are neither mismanaged nor unaccountable to outside review. But, as I have indicated to you in our conversations and correspondence, I am inclined to defer to Director of Central Intelligence strongly urged concerns about the security of CIA activities and am currently of the opinion that the intelligence committees should seek to improve their own audit capability and oversight before considering the approach contained in H.R. 3603. I believe the committees have done a credible job in those audits that they have performed and I am thinking in particular of the House Intelligence Committee's audit and review of the expenditure of Contra aid funds during fiscal years 1987 and 1988.

Further, as I have indicated to the gentleman, I have not closed the door to additional financial audits. I remain open to other alternatives, such as that presented by H.R. 3603. As the gentleman has mentioned, the committee has taken steps in its adoption of H.R. 3822 and its increased audit activities to see if improved congressional oversight will do the job. If it does not, and at present I don't know whether it will or will not—then the committee will be in a position to review additional options.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for his review of this important issue and look forward to consulting with him in the future on the implementation of increased intelligence oversight. I continue to stand ready to press my legislative proposals should the approach adopted by the Intelligence Committee prove inadequate.

□ 1105

Mr. Chairman, I thank the gentleman for his colloquy and for all of his work.

Mr. STOKES. Mr. Chairman, I thank the gentleman for his comments in this very important area, and we will certainly keep his concerns in mind.

Mr. SWINDALL. Mr. Chairman, in considering my amendment to H.R. 4387, the Intelligence Authorization Act for fiscal year 1989, the issue before us is curtailing espionage by foreign diplomats in the United States. Protect-

ing our military secrets and advanced technology from our enemies is of vital interest to U.S. national security. However, I unfortunately was forced to withdraw my amendment because of a conflict with the Parliamentarian. While this temporary setback leaves the issue of hostile diplomatic travel unresolved, my colleagues can be sure that I will raise it again during next year's State Department authorization bill.

I had planned today to offer the Anti-Espionage Act of 1988 as an amendment to grant the Secretary of Defense and the FBI Director authority over individual travel requests to the State Department's Office of Foreign Missions by diplomats from Communist and terrorist countries in the United States. My amendment affects all Communist countries listed in section 620(f) of the 1961 Foreign Assistance Act and all countries determined by the Secretary of State as terrorist for purposes of the 1979 Export Administration Act. Specifically, it states that individual travel requests in the United States by personnel of hostile foreign countries and entities shall not be permitted if the Secretary of Defense or the Director of the Federal Bureau of Investigation judges that such travel might enhance the capability of those countries or entities to intercept U.S. military, intelligence or diplomatic communications or engage in forms of human intelligence collection. In either case, the Secretary of State and the Director of Central Intelligence must be consulted.

Instead of one executive branch authority having exclusive oversight of the travel requests of hostile foreign diplomats (as in current law), my amendment creates authority for two Departments to review diplomatic travel, both of which have responsibilities that are directly affected by such travel. My amendment balances our national security interests with our political and diplomatic concerns by creating a system of checks and balances within the executive branch to oversee the travel requests of hostile intelligence operatives on American soil.

This amendment differs greatly from the travel restriction compromise reached in section 162 of last year's State Department authorization bill. Instead of imposing specific restrictions on entire missions like section 162, the Anti-Espionage Act of 1988 creates a process for reviewing individual cases of hostile diplomatic travel.

My amendment does not deprive the State Department of any authority that it legitimately should have. It rests on the principle that regulating the movement of spies in the United States should properly be the responsibility of those agencies concerned with counterintelligence and national security—namely, the FBI and Defense Department. Current law allows too little input on questions of individual travel from the agencies most affected by the trips of hostile intelligence personnel in the United States.

Soviet travel within the United States increasingly will impinge directly upon Defense Department and FBI concerns. With the INF treaty, nuclear testing verification, and possibly in the future with START, there will be a great deal of on-site inspection travel and activity at or near defense and national security installations.

With the passage of the Foreign Missions Act [FMA] in 1982, Congress gave the Office of Foreign Missions [OFM] the responsibility

to decide between intelligence and reciprocity concerns in regulating diplomatic travel. Congress created OFM because of serious dissatisfaction with the State Department's disregard for the intelligence and counterintelligence interests of the United States. But in the time since OFM was established, the State Department has remained continuously hostile to the goals which Congress intended to achieve in passing the Foreign Missions Act.

The Department has not fully implemented the FMA and, in some cases, has even chosen to ignore the law completely. For example, it failed to implement Section 162 of 1987's State Department Authorization bill until 8 weeks after the deadline and five months after the bill became law. In finally applying the restrictions, the Department still chose to bypass such U.S. intelligence threats as the Hungarian and Romanian missions to the U.N. Similarly, the State Department has also chosen for 3 years not to fully implement the 1985 Roth-Hyde amendment by allowing Soviet members of the U.N. Secretariat to travel to sensitive closed areas. More recently, State has been willing to grant travel requests and allow negotiations with a known KGB agent appointed to head a new U.S.-U.S.S.R. trade commission—the obvious purpose being to improve the Soviets' efforts to acquire denied technology. In other words, smooth relations with the Soviets took precedence over the damage and even the humiliation to the West.

The precedent for my amendment rests in section 161 of the 1987 State Department authorization bill. That section, part of the bipartisan Diplomatic Reciprocity and Security Act of Representatives FASCELL, MICA, BROOMFIELD, and SNOWE, plugged the loophole in the law with respect to the acquisition of American property by hostile foreign diplomats by giving the Defense Department and FBI over future property acquisitions. This was aimed at avoiding another scandal like Soviet occupation of Mount Alto. Section 161 is identical to the substance of my amendment. The only difference is that, instead of avoiding the prospect of giving the Soviets and their allies real property to spy on U.S. military, diplomatic and intelligence matters, my amendment gives the executive authority to avoid spies having the run of the country.

My amendment is a recognition of the fact that, in addition to the State Department's legitimate political and diplomatic interests, diplomatic travel affects the FBI and DOD's internal security responsibilities. These agencies' concerns deserve to be recognized and acted upon. Diplomatic travel involves many competing interests in the executive branch. Therefore, there should be a balance of power within the executive to deal with the issue, not a single department with unilateral and final authority over the subject. Otherwise, the State Department will continue to ignore the Congressional intent and mandate of the Foreign Missions Act.

My amendment should not be misinterpreted as a DOD and FBI "veto" over travel requests because both must consult with the Secretary of State and the Director of Central Intelligence before using their authority in the amendment to deny an individual diplomat's travel. Neither the FBI or DOD would use their authority lightly. One can hardly claim that the

FBI has a history of ignoring or overriding State Department concerns. As for the FBI, they are a far smaller and less powerful agency than State, and traditionally have accommodated and deferred to the State Department except in extreme cases. Meanwhile, the Defense Department has its own concerns about reciprocity, such as ensuring that U.S. defense attaches stationed abroad have a maximum of free movement. Besides, no executive branch agency is free to disregard totally the points of view and desires of another because the head of the department always has the recourse to go to the President to seek resolution of the interagency dispute. In the case of foreign policy or national security related questions, a mechanism clearly rests within the process of the National Security Council. The current arrangement, whereby the FBI and DOD having no vested or institutional arrangement to object to individual instances of travel, does not serve U.S. national security interests.

In addition, by offering this amendment, I am allowing the FBI and DOD to specifically target those types of travel which directly threaten U.S. national security, while at the same time respecting the State Department's interests in allowing the nonthreatening types of travel to proceed unimpeded. That ability does not exist now. The present law only creates arrangements for broad travel controls rather than finely tuned restrictions. As it stands now, travel controls must apply to intelligence personnel as well as nonintelligence personnel within a given mission. Such an across-the-board, generic approach deprives the FBI, the Defense Department and the State Department the ability to respond to hostile intelligence activities on an individual basis. My amendment offers a more sophisticated, "rifle" approach to the problem, instead of the present "shotgun" approach and thereby protects both diplomatic and counter-intelligence interests.

If Congress fails to enact legislation of this kind in the future, it will be saying to the FBI and DOD that they do not deserve an institutional means of objecting to hostile intelligence activity and also tell the State Department that the congressional intent of the Foreign Missions Act no longer matters.

To underline the significance of this issue, I am including in the RECORD a backgrounder written by two brilliant Heritage Foundation analysts, Tom Dewey and Ambassador Charles Lichtenstein.

NEW MEASURES NEEDED TO FIGHT ANTI-U.S. SPYING

INTRODUCTION

Devastating security breaches at American diplomatic installations abroad have highlighted once again the unrelenting threat of Soviet espionage. Coupled with the threat itself has been near criminal neglect by top United States diplomatic officials of even the most routine security precautions.

These events abroad, however, should not divert attention from one blunt fact: the major components of Soviet espionage targeted against the U.S. are located in the U.S.—Soviet and Soviet bloc diplomatic and United Nations Missions, within the United Nations Secretariat, at commercial offices and news bureaus, and among the thousands of Soviet and Soviet bloc visitors who come to the United States each year.

Among the most important covers for Soviet and Soviet bloc espionage in U.N. Headquarters in Manhattan. Examples:

On May 20, 1971, two Soviet employees of the U.N. Secretariat, Valdik Eger and Rudolph Chernyayev, and one employee of the Soviet Mission to the U.N., Vladimir Zinyakin, were expelled from the U.S. on charges of trying to buy information about American submarine defenses.

On April 21, 1983, two "diplomats" at the Soviet U.N. Mission, Aleksandr Mikheyev and Oleg Konstantinov, along with a Washington-based Soviet "diplomat," were expelled from the U.S. on charges of espionage. All were trying to obtain secret information about U.S. weapons technology.

On August 23, 1986, Gennadiy Zakharov, a KGB operative working as a science officer in the U.N. Secretariat, was arrested for purchasing classified documents on robotics, computers, and artificial intelligence from an undercover informant.

A 1986 Senate Intelligence Committee Report¹ identified Vladimir Kolesnikov, Special Assistant to U.N. Secretary-General Javier Perez de Cuellar, as a China expert for the KGB, the Soviet Intelligence and security service.

Previous Senate reports² identified other U.N. posts as "traditional" KGB jobs. These include the post of External Relations Director of the U.N. Department of Public Information.

The abundant evidence reveals how much Moscow uses the U.N. Secretariat for hard-target espionage (buying or stealing classified government documents), for acquiring sensitive scientific and technical information, and for furthering Soviet disinformation and propaganda themes. These activities, however, are only part of the problem. Other documented cases of Soviet bloc espionage in the U.S. include agents as diverse as a California-based Polish trade official engaged in procuring top-secret information on U.S. nuclear weapons and a West German auto mechanic arrested in Florida for buying U.S. Army documents for sale to East Germany.

It is now clear, moreover, that the Soviets have been just as active at such U.N. specialized agencies as the International Atomic Energy Agency in Vienna and the United Nations Environment Program in Nairobi. This problem appeared so serious that the CIA investigated it, and, in a still classified report, details the use of such agencies by the Soviets for large-scale scientific and technical espionage.

The Reagan Administration, working with bipartisan majorities in Congress, has begun the critical job of rebuilding U.S. defenses against this multifaceted espionage threat. Major initiatives taken since 1981 include reductions in Soviet personnel at Soviet diplomatic installations, the imposition of travel restrictions on Soviet and Eastern bloc diplomats in the U.S., the creation of an Office of Foreign Missions (OFM) within the State Department to coordinate security programs, and increased funding and training for FBI counterintelligence agents. This combination of legislative and executive action is paying dividends. Says a senior FBI official: "We've hurt them."

¹ "Meeting the Espionage Challenge: A Review of United States Counterintelligence and Security Programs," Report 99-352 of the Select Committee on Intelligence of the United States Senate (Washington, D.C.: U.S. Government Printing Office, 1986), p. 23.

² See, for example, "Soviet Presence in the U.N. Secretariat," Report of the Senate Select Committee on Intelligence, S. RPT. 99-52, United States Senate (Washington, D.C.: U.S. Government Printing Office, 1985).

They have not, however, been hurt enough. If the U.S. is more effectively to counter espionage inside the U.S., steps are needed. Among them:

(1) Streamlining a number of OFM Regulations, such as the travel restrictions that currently apply to most Soviet bloc nations;

(2) Extending the reach of such OFM regulations as "closed area" restrictions;

(3) Increasing pressure for strict enforcement by the U.N. of the U.N.'s own regulations on Soviet and bloc personnel in the U.N. Secretariat;

(4) Tightening surveillance of non-Soviet bloc targets, especially the People's Republic of China, and non-diplomatic Soviet bloc personnel, such as trade and press representatives; and

(5) Expanding the OFM authority to coordinate U.S. policy toward diplomatic installations.

Through these steps cannot fully insure the U.S. against damage caused by U.S.- and U.N.-based espionage, they will enhance the odds in favor of U.S. counterintelligence.

THE SOVIET BLOC

An October 1986 Report of the Senate Intelligence Committee states: "Among foreign intelligence services, those of the Soviet Union represent by far the most significant intelligence threat in terms of size, ability and intent to act against U.S. interests."³

Soviet espionage in the U.S. (and Canada) is planned and conducted by the First Department of the First Chief Directorate of the KGB, by other operational components of the KGB, and by the GRU, the Soviet military intelligence agency. Their respective responsibilities are described in a report on foreign espionage in the U.S., recently transmitted to Congress by Ronald Reagan. It says: "Within the Soviet services, GRU personnel are targeted primarily against strategic military intelligence while KGB personnel are assigned to one of four operational components or "lines"—Political (PR), Counterintelligence (KR), Scientific and Technical (X), or Illegals Support (N)."⁴

While the tasks of the first three KGB "lines" are clear, the fourth, Line N, comprises what the presidential report identifies as "a small group involved in the operations of illegals, that is, intelligence officers and agents infiltrated into a foreign country under false circumstances for intelligence purposes."⁵ An example of a successful "illegal" operation is the case of Karl Koecher, a U.S. citizen of Czech origin who "emigrated" to the U.S. in the 1960s and worked for the CIA as a translator in the 1970s—before being uncovered as a Czech "illegal" dispatched to the U.S. to penetrate American intelligence agencies.

Dangerous East Germans and Cubans. The Soviets are aided in their espionage activities by the foreign intelligence services of their Warsaw Pact allies and by the Cuban intelligence service, the Direccion General de Inteligencia (General Directorate of Intelligence), generally known as the DGI. The capabilities of the services vary. Particularly dangerous, explains the presidential report, are the East German service (MfS), which has run several successful operations involving "illegals," and the Cuban DGI, whose "usefulness to the KGB . . . cannot be underrated."⁶

³ 1986 Select Committee Report, op. cit., p. 17.

⁴ "A Report on Foreign Espionage in the United States Department of State (Washington, D.C.: U.S. Government Printing Office, 1987), p. 4.

⁵ *Ibid.*, p. 5.

⁶ Harry Rositzke, "The KGB" (Garden City, New York: Doubleday and Company, 1981), p. 225.

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3659

Since the KGB plays a major role in operations of most of these services, the Soviets have been able to develop particular areas of specialization. Example: Romanian spies in the U.S., explains the report, "... tend to concentrate on gathering political and economic information," while the U.S.-based East Germans' "central focus" is on "a broad variety of S&T [scientific and technical] information."⁷

Some Soviet bloc espionage services cooperate with Moscow more closely than others. Observes Jeffrey Richelson, a professor of government at American University: "The relationship between the Soviet intelligence and security services and those of the Warsaw Pact nations and Cuba vary with the particular service, the Bulgarians and the Cubans being the most and the Romanians the least tightly tied."⁸ Despite this uneven cooperation and the inevitable friction between the Soviets and these subordinate services, significant information collected by Soviet bloc intelligence officers almost certainly is shared with Moscow. The Polish intelligence officers, for example, who supervised James Harper, the California-based engineer who provided the Poles with classified documents pertaining to U.S. strategic nuclear forces, received personal letters of commendation from Yuri Andropov, who then was KGB boss.

SPIES AT U.N. HEADQUARTERS

American counterintelligence against U.S.-based Soviet and Soviet bloc espionage is made particularly tough by the fact that these countries use for espionage tasks their nationals in the U.S. who are not attached to embassies or diplomatic missions.

By far the largest such permanent concentration of Soviet and Soviet bloc intelligence officers is at the U.N. Secretariat in Manhattan, where 265 Soviets and 33 Soviet bloc nationals are currently employed. The Senate Intelligence Committee confirms that between 30 and 40 percent of these ostensible "international civil servants" are in fact officers of the KGB, GRU, or their Soviet bloc equivalents; all are subject to cooptation and "spot" use by bloc services. As the current Director of Central Intelligence, William Webster, stated in a speech when he was FBI Director:

"... the U.N. is indeed a rat warren of intelligence operatives and needs to be severely constrained."⁹

The value of U.N. Headquarters in New York to the Soviet bloc goes far beyond using its U.N. employees for intelligence collection. Numerous studies indicate that, through a series of bureaucratic maneuvers, with the acquiescence of top U.N. officials, Moscow virtually now controls entire segments of the U.N. bureaucracy.¹⁰ This allows the Kremlin, for example, frequently to include Soviet disinformation and propaganda themes in U.N. publications and activities, giving such themes legitimacy they could never enjoy if delimited Moscow. It is for this reason that the "non-militarization of space" was a major theme of the U.N.'s

1986 International Year of Peace program; this theme is at the core of Moscow's worldwide propaganda effort to derail the Reagan Administration's Strategic Defense Initiative. The U.N.'s International Year of Peace program was run by a Pole.¹¹

Recruiting Third World Citizens. The U.N. community itself is a prime intelligence target for the Soviet bloc. With its thousands of accredited diplomats representing virtually every country, the U.N. offers an ideal setting to identify and recruit Third World citizens, many of whom will return home to assume high positions in their national bureaucracies or governments. Many already have access to sensitive information. Even Western diplomats are targets. Example: Norwegian diplomat Arne Treholt, who served as a high-ranking official of the Norwegian U.N. Mission, was arrested in 1984 and identified as a longtime Soviet agent. U.S. officials confirm that a significant number of non-Soviet bloc U.N. employees are Soviet agents or agents of influence. A top Soviet official boasted to Arkady Shevchenko, a former Soviet citizen who was U.N. Under-Secretary General when he defected to the U.S. in 1978, that the U.N. "is our best watch-tower in the West."¹²

NON-DIPLOMATIC COVERS

The Soviets and their bloc allies make espionage use of other permanent non-diplomatic establishments in the U.S. All the Warsaw Pact countries, for example, have trade or commercial offices in the U.S., not only in major cities like New York and San Francisco, but also in Charlotte, North Carolina and Columbus, Ohio, and other regional centers. Most Soviet bloc nations also have established so-called news bureaus in the U.S.; these routinely are used for espionage purposes, as the public explosions of TASS News Agency personnel shows.¹³ As the Soviet and Soviet bloc intelligence officers operating under U.N. cover, intelligence officers nominally employed by TASS or AMTORG (the Soviet trade agency) have the advantage of creating less suspicion in the minds of potential targets than Soviet diplomats would.

Soviet Scientists as Spies. All Soviet bloc intelligence services use visiting delegations in the U.S. as cover for intelligence officers. Soviet bloc security personnel accompany every delegation visiting the U.S. to prevent defection or "unauthorized contact" with U.S. citizens. Members of such delegations also are used for "offensive" purposes. Reports the Senate Intelligence Committee: "In one case cited in KGB training manuals, an intelligence officer spotted a possible recruit while serving as interpreter for a Soviet scientist visiting the laboratory of a private U.S. company. The KGB account states that the scientist was aware of his interpreter's intelligence function and actively assisted him in that role."¹⁴

Effective U.S. counterintelligence is thus extremely difficult, because every national from the Soviet bloc in the U.S. for whatever apparent reason, as well as the thousands of bloc visitors to the U.S., must be considered a potential agent. A cursory ex-

amination of the numbers involved (see Appendix), as well as the range of possible intelligence activities, from traditional scientific, military, political, and economic to disinformation and "active measures," make the job seem nearly impossible.

NON-SOVIET INTELLIGENCE SERVICES HOSTILE TO THE U.S.

While the Soviet and Eastern bloc services represent by far the most serious intelligence threat to the U.S., the activities of other hostile services in the U.S. cannot be ignored. Two threats are of primary importance: the intelligence activities of the People's Republic of China (PRC) and the espionage efforts of other hostile countries, including non-Warsaw Pact Communist states and states supporting terrorism.

Countering PRC espionage in the U.S. is difficult. The reasons: 1) food relations and expanding economic and military cooperation between the U.S. and PRC have made Washington reluctant to raise sensitive intelligence issues; 2) the U.S. seems to know very little about PRC intelligence, not even, it appears, how many intelligence services Beijing maintains; and 3) the huge PRC presence in the U.S. give PRC personnel excellent opportunities for espionage.

Chinese Espionage. Explains an FBI official: "The PRC is working on the 50 year plan." Meaning: The Chinese have built their espionage apparatus in the U.S. slowly. This apparatus focuses, according to the Senate report, "primarily on [obtaining] advanced technology not approved for release so as to further PRC military and economic modernization in the 1990's and beyond." Though the PRC does not engage in the systematic subversion and disinformation characteristic of the Soviets, continues the report, "... the PRC intelligence threat continues to be significant ... and justifies alerting American citizens to the current risks."¹⁵

Within the context of the valuable U.S.-PRC strategic relationship, therefore, Washington must do more to monitor and restrict PRC espionage.

Generally, the activities of the intelligence services of such nations as Vietnam, Libya, and Afghanistan pose only a relatively small long-term threat to U.S. national security. For one thing, their known involvement with terrorism makes the U.S. especially vigilant in monitoring their activities in America. For another, North Korea, Iran, and several other hostile countries are not allowed to have diplomatic relations with the U.S. In addition, they have relatively few diplomats at their U.N. Missions and in the U.N. Secretariat. And most of these countries lack sophisticated foreign intelligence services and do not conduct large-scale traditional intelligence collection operations.

Most of these countries, moreover, spend a large part of their intelligence resources simply monitoring the activities of their U.S.-based emigres.

RECIPROCITY CONSIDERATIONS

Washington's policy toward diplomatic installations in the U.S. is based generally on the principle of reciprocity. This means that the U.S. will extend to the U.S.-based diplomats of a particular country the same treatment and conditions that apply to U.S. diplomats in that country. With respect to most countries, full reciprocity is in force. Example: because the USSR places stringent travel restrictions on American diplomats in Moscow, Washington places similar restrictions on Soviet diplomats in the U.S.

¹¹ *Ibid.*, p. 19.

⁷ 1987 State Department Report, *op. cit.*, pp. 10, 11.

⁸ Jeffrey Richelson, *Sword and Shield: Soviet Intelligence and Security Apparatus* (Cambridge, Massachusetts: Ballinger Publishing Company, 1986), p. 212.

⁹ Remarks by William H. Webster, Director, Federal Bureau of Investigation, before the Society of Former Special Agents Annual Convention, Boston, Massachusetts, September 29, 1986, p. 8.

¹⁰ See, for example, Juditha Genoa Fison, "Moscow's U.N. Outpost," Heritage Foundation Background No. 307, November 22, 1983, and Charles M. Lichtenstein, "By Breaking the Rules, Moscow Keeps A Tight Grip on the U.N.," Heritage Foundation Background No. 526, July 23, 1986.

¹¹ For an excellent overview of Soviet disinformation techniques, see Richard H. Shultz and Roy Godson, *Disinformation: Active Measures in Soviet Strategy* (Washington, D.C.: Pergamon-Brassey, 1984).

¹² Arkady Shevchenko, *Breaking with Moscow* (New York: Alfred A. Knopf, 1985), p. 237.

¹³ See "Expulsions of Soviet Officials, 1984," Foreign Affairs Note, United States Department of State (Washington, D.C.: U.S. Government Printing Office, January 1987), pp. 4-11.

¹⁴ 1986 Senate Select Committee Report, *op. cit.*, pp. 26-27.

In te: Declassified and Approved For Release 2013/01/17 : CIA-RDP91B00390R000300180008-0

the generally sound policy of reciprocity is flawed. First, it is not feasible to compare the privileges and immunities granted American diplomats in Soviet bloc countries, especially the USSR, with those granted bloc personnel in the U.S. America is an open society committed to freedom of information and movement. The Soviet bloc makes good use of freedom of information and movement. The Soviet bloc makes good use of the inherent nature of U.S. society, by collecting huge amounts of information from "open" sources¹⁶ and by playing on instinctive U.S. resistance to the imposition of restrictions on free movement. In the USSR, by contrast, even if there were no restrictions on the movement of U.S. personnel, all such movement would be known and reported to the Kremlin, due to the constant surveillance and harassment that all foreigners suffer there. The situation, in short, is inherently unequal and asymmetrical.

Flawed Reciprocity. The second major flaw in the policy of reciprocity is that U.N. Headquarters is in New York City; there is no equivalent facility anywhere in the Soviet bloc. This gives the Soviets the ability to place some 450 "diplomats" in the U.S. who otherwise would not be there. U.S. intelligence enjoys no reciprocal opportunity. In fact, while there are major U.N. offices in Rome, Vienna, Geneva, Nairobi, Paris, and other large cities, there are none in any Soviet bloc nation.

A case can be made that reciprocity helps to ensure acceptable status and working conditions for U.S. diplomats in the Soviet bloc countries and also offers the U.S. intelligence collection opportunities abroad. But concerns for U.S. diplomats overseas must not deter Washington from imposing and implementing whatever restrictions on Soviet bloc personnel are necessary to deter espionage in the U.S. This is especially necessary in light of the tremendous damage done to U.S. national security by U.S.-based Soviet spies, and in light of the inherently unreciprocal situation as it affects intelligence collection opportunities.

U.S. COUNTERINTELLIGENCE AND SECURITY PROGRAMS

The Congress in 1982 established the Office of Foreign Missions within the State Department. This was one of the most important recent U.S. anti-espionage initiatives. The OFM has statutory authority to "assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled."¹⁷ By placing U.N. Missions under OFM authority, Congress and the Reagan Administration openly admitted the problems caused by U.N.-based espionage.

In 1985, the Roth/Hyde Amendment to the Foreign Missions Act expanded OFM's authority by making all restrictions that apply to diplomatic missions of particular countries applicable also to that country's

¹⁶ Intelligence professionals and scholars estimate that between 70 and 90 percent of all information gathered by the Soviet intelligence services in the U.S. comes from open, public sources. See, for example, "Remarks by William Webster before the Standing Committee on Law and National Security of the ABA," Federation Bureau of Investigation, Washington, D.C., December 1, 1985, p. 7.

¹⁷ Section 203(c), (1), Title II of the State Department Basic Authorities Act (As Added by the Foreign Missions Act), as cited in Compilation of Intelligence Laws and Related Laws and Executive Orders of Interest to the National Intelligence Community, Permanent Select Committee on Intelligence of the House of Representatives (G-45-8820), U.S. Government Printing Office, Washington, D.C., 1985.

Amendment's intent was to curtail the espionage activities of U.N. employees, primarily those from the Soviet bloc.

The most important OFM anti-espionage regulations restrict the travel of foreign diplomats and nationals in the U.S. These are now imposed, on the basis of reciprocity, on nationals of 15 countries.¹⁸ The tightest cover all Soviet nationals in the U.S., with the strange exception of certain trade officials. Restricted Soviets who now want to travel beyond a 25-mile radius of their base city must make their arrangements through the OFM Travel Service Bureau. OFM reserves the right to deny travel permission and insists that travel requests be filed 48 hours in advance, to permit checking with the FBI on the backgrounds of those wishing to travel. Since the Soviets "close" parts of the USSR to Americans, the U.S. reciprocally "closes" certain American cities and areas to Soviet travel.

Violating the Roth/Hyde Law. There are, however, serious inconsistencies in the application of these restrictions. These inconsistencies are particularly significant since the State Department has acknowledged publicly that most Soviet bloc intelligence services use their travel privileges for intelligence activities. In violation of the Roth/Hyde Amendment, for example, Soviet U.N. employees travel to "closed areas" in the U.S. As for Moscow's Soviet bloc allies, the U.S. regulations are less restrictive and coherent than those imposed on the Soviets. Though all Polish, Bulgarian, Czech, and East German personnel in the U.S. (except certain commercial and trade officials) must book travel through OFM, they can travel to "closed areas" and beyond the 25-mile radius of their base. They can do so because Washington insists on honoring what has become an asymmetrical reciprocity.

What is worse, Hungarian and Romanian officials, who cooperate extensively with the KGB, are subject to no restrictions at all. Although the Cubans at the U.N. are under the 25-mile restriction, members of their Interest Section in Washington can travel anywhere they desire in the U.S. These restrictions, distressingly, apply only to travel by commercial carrier; any national of any of Moscow's Warsaw Pact allies in New York or Washington, can get into their cars and drive where they want—to the submarine construction facility at Groton, Connecticut, or to the Navy base at Newport News, Virginia, for example.

Lack of FBI Manpower. Not only does the U.S. apply its restrictions inconsistently, but Soviet bloc personnel probably violate the restrictions. Even if all of the FBI's 9,220 agents were detailed to counterintelligence, the Bureau would still not have the manpower to ensure that the roughly 110,000 nationals of communist countries in the U.S. at any given time do not violate the restrictions.¹⁹ This is despite completion of the FBI's five-year agent expansion program and increased training and expertise in counterintelligence techniques. Even with a one to one ratio, tight surveillance would be impossible; a single FBI agent cannot keep tabs on a potential spy.

Though they now have some means of monitoring hostile intelligence officers, some counterintelligence officials still are skeptical of the efficacy of travel restrictions in curtailing espionage, particularly in light of their inconsistent application. Says

¹⁸ Afghanistan, Byelorussia, Bulgaria, Cambodia, Cuba, Czechoslovakia, German Democratic Republic, Iran, Libya, Mongolia, North Korea, Poland, USSR, Ukraine, Vietnam.

¹⁹ Figure cited in Remarks by William H. Webster, footnote 9, above.

ONE OFFICIAL: "These guys will always find a way to go about their business despite these inconveniences." Yet, combining tighter travel restrictions with strict limits on the numbers of potential hostile agents may deter Soviet bloc espionage more effectively. No actions have done as much to wound the Soviet intelligence apparatus in the U.S. as Ronald Reagan's expulsion last September of 25 Soviets from the Soviet U.N. Mission and October's expulsion of 60 Soviets from their Washington Embassy and San Francisco consulate.

In the U.N. expulsion, the entire KGB and GRU leadership was sent back to Russia, along with the ablest professional intelligence officers. In the Washington case, the Soviet technicians manning their technical collection apparatus were expelled along with the leadership cadre. Moscow's office in New York City and Washington, moreover, now will be subject to mandatory ceilings on the number of Soviets allowed at them—170 in New York (down from 275) and 251 in Washington and San Francisco (down from roughly 320).

Paying a Heavy Price for the U.N. No such actions can be taken with respect to the U.N. Secretariat, where 265 Soviets currently are employed. Although the U.S. does deny visas to known intelligence officers from time to time, the Soviets are entitled to send their citizens to serve at the Secretariat. This is one of the heavy prices that the U.S. pays for hosting the U.N. Moscow, however, is not entitled to use these individuals to control entire components of the U.N., nor does Moscow have any right to house its international civil servants in a compound protected by diplomatic immunity—as it currently does.

The U.S. can and should take steps to eliminate the manifold Soviet abuses of the U.N. The U.S. also can take measures better to protect its own secrets, to ensure that individuals with access to classified information are not security risks, and to alert all such individuals to the dangers of espionage. The most serious damage to U.S. national security has been from those already willingly working with hostile services. At last there are signs that Washington is taking more seriously the existing components of a "good defense." An encouraging example of this is the FBI's Development of Defense Counterintelligence Awareness program, or DECA, which alerts employees of U.S. defense contractors to the dangers of espionage.

Perhaps most important, Washington can try to turn the large hostile presence in the U.S. to American advantage by operations to penetrate the hostile services and known arenas of Soviet activity. The secret defection "in-place" of Arkady Shevchenko three years before it was made public, allowed him to keep his top U.N. job for that period. In that time, the U.S. learned much about Moscow's systematic use of the U.N. as cover for espionage. There is reason to believe that the U.S. has had similar success with other Soviet bloc intelligence officers, particularly during the early 1980s, when there was widespread disaffection in parts of Eastern Europe.

RECOMMENDATIONS

The U.S. probably will never be able to protect itself completely from hostile intelligence services. Washington, however, can take steps to reduce the dangers from U.N.-based espionage and other activities of hostile intelligence services. These steps include:

Increased funding for FBI manpower, training, and technical support. FBI agents in the New York Field Office should receive

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3661

"hardship post" adjustments, particularly housing allowances to offset New York City's towering rents.

Authority for the FBI and other intelligence agencies to pursue offensive counter-intelligence opportunities within the constraints of U.S. foreign policy concerns. The huge foreign presence in the U.S. presents obvious opportunities for penetrating hostile services. So do the headquarters in the U.S. of international organizations.

Placing all Warsaw Pact and Cuban diplomats in the U.S. or at the U.N. under the tight restrictions now applied to Soviet diplomats and officials. This could trigger reciprocal restrictions on U.S. diplomats in Soviet bloc countries. Nonetheless, the burden of proof must be on those officials who would justify the absence of meaningful restrictions by citing the value of intelligence collected in those countries. Given the huge amounts of intelligence collected by bloc spies in the U.S., this is a heavy burden.

Limiting the number of hostile country nationals allowed in the U.S., and requiring the Office of Foreign Missions to report to Congress every six months on the numbers of those officials.

Granting the OFM primary responsibility for enforcing all travel restrictions applied to foreign nationals. Currently, the State Department's Bureau of European and Canadian Affairs shares with OFM responsibility for the travel of Soviets.

Requiring U.S.-based officials of mainland China to use the OFM Travel Service Bureau to book all travel in the U.S. This would allow the FBI to track their movement.

Coordinating more closely the work of the numerous federal agencies involved in issuing entry visas for the U.S. Often, the FBI is advised that visiting delegations from Soviet bloc and other hostile nations are coming to the U.S. only days before the visit. This makes monitoring nearly impossible.

Insisting that the U.N. end its abuse of "secondment," whereby the Soviets have gained control of key units of the U.N. Secretariat. The U.N. should adopt a rule limiting to 50 percent the number of nationals at the U.N. which a country can have "seconded," with a waiver for small states who use "secondment" legitimately. This would cripple Moscow's ability to rotate intelligence officers in and out of the U.N. Secretariat.

Requiring that the top 3,000 professionals posts at the U.N. Secretariat be subject to five-year rotation. This would prevent nationals of the same country or groups of countries as the current occupant of a given post from replacing the incumbent in that job. This would loosen the Soviets' hold on key positions in the Secretariat. If the U.N. fails to adopt these measures, the U.S. should consider denying entry visas to "replacement" nationals of countries with more than 50 percent of their U.N. personnel on secondment.

Prohibiting by law the housing of foreign nationals lacking full diplomatic privileges and immunities in compounds protected by such immunity. Most Soviet bloc countries and China house their nationals from the U.N. Secretariat in their diplomatic compounds. Though this actually makes surveillance of them a bit easier, it makes a mockery of the separation of diplomats and "international civil servants."

In light of recent, repeated breaches of U.S. security, the Reagan Administration and Congress must cooperate to crack down on U.S.-based hostile intelligence activities. For too long, the Soviet and other hostile intelligence services have been allowed to use the facilities of the U.N. in New York

and other diplomatic and commercial installations in the U.S. as cover for large-scale espionage activities. Although the U.S. has at long last recognized the scope of the problem, and taken some important steps to deal with it, more needs to be done to reduce the danger and enhance the effectiveness of U.S. counterintelligence.

THOMAS E.L. DEWEY,
Policy Analyst.

CHARLES M. LICHENSTEIN,
Senior Fellow.

APPENDIX

Countries	Permanent official presence *	Visitors †
USSR	1,344	5,000
Bulgaria	84	1,000
Czechoslovakia	144	N/A
East Germany	98	858
Hungary	110	6,000
Poland	300	N/A
Romania	72	N/A
Afghanistan	11	N/A
Cuba	127	N/A
Iran	16	N/A
Libya	9	N/A
Nicaragua	43	N/A
North Korea	16	N/A
People's Republic of China	1,500	25,000
Vietnam	29	N/A

* "Permanent" official presence reflects the total number of officials—diplomats, consular officers, commercial and press personnel of a given country in the U.S. as of December 1986. In some cases, Cuba, for example, the number also includes working wives. In the case of USSR, the number may also reflect clerical personnel and servants, who have been used for espionage tasks.

† "Visitors" includes full time students, East-West Exchange Participants and tourists, as well as members of official visiting delegations.

Sources: Department of State, Protocol, Diplomatic and Consular Lists, 1987. List of Employees of Diplomatic Missions, Senate Report "A Review of United States Counter-Intelligence and Security Programs" 1986. Unclassified Report on Foreign Espionage in the USA.

Prepared by Lee Avrashov.

Excerpts from October 1986 Senate Intelligence Report, "Meeting the Espionage Challenge":

The hostile intelligence threat to the United States is severe, and it confronts the government and the American people with increasingly serious challenges. The threat spans all types of intelligence operations from traditional human espionage to the most sophisticated electronic devices. Every kind of sensitive information is vulnerable, including classified government information, emerging technological breakthroughs, and private financial transactions. Foreign intelligence services also sometimes target the political process, seeking both information and influence.

The research and development cost savings to the Soviet Union from illegal western technology acquisition are believed to be enormous. Taken together, the damage to national security from espionage, technology theft and electronic surveillance amounts to a staggering loss of sensitive information to the hostile intelligence services. As an open society, the United States already allows its adversaries unfettered access to vast amounts of information that must be shared widely so that our political system can function democratically and the process of free scientific inquiry can be most productive. Our openness gives hostile intelligence services the ability to focus their efforts on those few areas of our government and society where confidentiality is required.

Excerpt from 1987 unclassified State Department document:

The primary Soviet intelligence goal worldwide continues to be the recruitment of agents targeted against Americans, particularly those with access to classified and sensitive national security information. One of the gravest threats to U.S. national secu-

rity is the KGB's efforts to recruit American citizens holding sensitive positions in government, the military, and the U.S. intelligence community. Soviet intelligence expends considerable manpower, time and resources to spot, cultivate, and recruit Americans with access to classified sensitive information.

Mr. Chairman, I insert a copy of my amendment:

AMENDMENT TO H.R. 4387 OFFERED BY MR. SWINDALL

At the end of the bill, add the following new title:

TITLE VIII—ANTI-ESPIONAGE ACT OF 1988

SHORT TITLE

SEC. 801. This title may be cited as the "Anti-Espionage Act of 1988".

AUTHORITY OVER INDIVIDUAL TRAVEL REQUESTS OF PERSONNEL OF CERTAIN COUNTRIES AND ENTITIES

SEC. 802. (a) SECRETARY OF DEFENSE.—Travel in the United States by the personnel of a foreign mission of a foreign country or foreign entity described in subsection (c)(1) shall not be permitted if, in the judgment of the Secretary of Defense (after consultation with the Secretary of State and the Director of Central Intelligence), such travel might contribute to the capability of that country or entity to intercept communications involving United States Government diplomatic, military, or intelligence matters unless the Secretary of Defense determines that national security interests of the United States require such travel.

(b) DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.—Travel in the United States by the personnel of a foreign mission of a foreign country or foreign entity described in subsection (c)(1) shall not be permitted if, in the judgment of the Director of the Federal Bureau of Investigation (after consultation with the Secretary of State and the Director of Central Intelligence), such travel might contribute to the capability of that country or entity to engage in intelligence activities directed against the United States Government, other than the intelligence activities described in subsection (a) unless the Director of the Federal Bureau of Investigation determines that national security interests of the United States require such travel.

(c) DEFINITIONS.—For the purpose of this section—

(1) the term "foreign country or foreign entity" means—

(A) any country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961;

(B) any country determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979, to be a country which has repeatedly provided support for acts of international terrorism;

(C) any other country or entity which engages in intelligence activities in the United States which are adverse to the national security interests of the United States; and

(D) any country or entity with respect to which the United States withholds funds from the United Nations for International Organizations, Conferences, or Programs under section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e, note) or section 577 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Public Law 100-202); and

(2) the term "personnel of a foreign mission of a foreign country or foreign entity" includes the family members and dependents of such personnel, but such term does

not include persons who are nationals or permanent resident aliens of the United States.

(d) **REPORTS.**—The Secretary of Defense and the Director of the Federal Bureau of Investigation shall transmit to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate, and to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives, not later than 6 months after the date of enactment of this section, and not later than 6 months thereafter, a report on the actions taken by the Secretary of Defense and the Director of the Federal Bureau of Investigation in carrying out this section within the previous 6 months.

Mr. STOKES. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule by titles instead of by sections, and each title shall be considered as having been read.

The Clerk will designate title I.

The text of title I is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1989".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1989 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

(b) None of the funds authorized to be appropriated by this Act may be used to procure more than three Guardrail RC-12K aircraft and sensor suites until the Department of the Army has submitted to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and to the Committee on Armed Services of the Senate a report detailing the long-range plans and budgetary commitments to meet the future requirements for tactical airborne reconnaissance in support of the United States Army. The report should include, but not be limited to, the contribution of remotely piloted vehicles and other reconnaissance assets.

(c)(1) None of the funds authorized to be appropriated by this Act for the foreign counterintelligence activities for the Federal Bureau of Investigation may be used for any other purpose.

(2) Of the funds described in paragraph (1) not less than the amount listed for the "FBI Dedicated Technical Program" in the Schedule of Authorization described in section 102(a) shall be obligated for the development and procurement of counterintelligence technical equipment.

(3) Of the funds authorized to be appropriated in this Act for the Defense Intelligence Agency, the Secretary of Defense shall transfer not to exceed \$15,100,000 to appropriations for the foreign counterintelligence activities of the Federal Bureau of Investigation.

(d) The expiration date provided for in section 803(b) of the Intelligence Authorization Act for Fiscal Year 1986 (Public Law 99-169) shall be extended until one year after the submission of the report required by section 803(a) of such Act.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. (a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1989, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 4387 of the One Hundredth Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

(c)(1) In computing the number of non-headquarters personnel required to be reduced under subsection (b)(2)(A) of section 602 of Public Law 99-433 (100 Stat. 1065), the Secretary of Defense shall exclude personnel of the Defense Intelligence Agency and the Defense Mapping Agency, and in carrying out that reduction, the Secretary shall allocate such reduction (under the authority of the Secretary under subsection (d) of that section) so that none of such reduction is applied to personnel of the Defense Intelligence Agency or the Defense Mapping Agency.

(2) For purposes of paragraph (1), the term "nonheadquarters personnel" means members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities.

PERSONNEL CEILING ADJUSTMENTS

Sec. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1989 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

Sec. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

The CHAIRMAN. Are there any amendments to title I?

Mr. STOKES. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of H.R. 4387 is as follows:

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1989 the sum of \$23,745,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized 244 full-time personnel as of September 30, 1989. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1989, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1989, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

Sec. 203. During fiscal year 1989, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1989 the sum of \$144,500,000.

TITLE IV—GENERAL PROVISIONS

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 401. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

Sec. 402. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE V—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS.

ONE-TIME PERSONNEL AUTHORITY

Sec. 501. (a) Whenever the Director of Central Intelligence finds during fiscal year 1989 that a former employee of the Central Intelligence Agency has unfairly had his career with the Agency adversely affected as a result of allegations concerning the loyalty to the United States of such former employee, the Director may grant such former employee such monetary or other relief (including reinstatement and promotion) as the Director considers appropriate in the interest of fairness.

(b) Any action of the Director under this section is not reviewable in any other forum or in any court.

(c) The authority of the Director to make payments under subsection (a) is effective only to the extent that appropriated funds are available for that purpose.

(d) The Director shall report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives any use of the authority granted by this section in advance of such use.

TITLE VI—FBI ENHANCED COUNTER-INTELLIGENCE AUTHORITIES

DEMONSTRATION PROJECT ON MOBILITY AND RETENTION FOR THE NEW YORK FIELD DIVISION

Sec. 601. (a) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall conduct a demonstration project to ascertain the effects on the recruitment and retention of personnel, and on field operations in the New York Field Division of the Federal Bureau of Investigation of providing—

(1) lump-sum payments to personnel upon directed assignment to the New York Field Division from another geographical location, and who enter into an agreement to complete a specified minimum period of service, not to exceed three years, in the New York Field Division; and

(2) periodic payments to New York Field Division employees who are subject by policy and practice to directed geographical transfer or reassignment.

(b) Such demonstration project shall commence not later than ninety days after the date of enactment of this Act and shall terminate five years after such date, unless extended by law.

(c) The Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall jointly provide to the President and the Congress annual interim reports and, at the conclusion of the 5 year period, a final evaluation concerning the results of the demonstration project.

TITLE VII—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

Sec. 701. (a) Section 421 of title 10, United States Code, is amended to read as follows:

“§ 421. Funds for foreign cryptologic support

“(a) The Secretary of Defense may use appropriated funds available to the Department of Defense for intelligence and communications purposes to pay for the expenses of arrangements with foreign countries for cryptologic support.

“(b) The Secretary of Defense may use funds other than appropriated funds to pay for the expenses of arrangements with foreign countries for cryptologic support without regard for the provisions of law relating to the expenditure of United States Government funds, except that—

“(1) no such funds may be expended, in whole or in part, by or for the benefit of the Department of the Defense for a purpose for which Congress had previously denied funds, and

“(2) the authority provided by this subsection may not be used to acquire items or services of value for the United States that could otherwise be obtained by the use of appropriated funds.

“(c) Any funds expended under the authority of this section shall be reported to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House pursuant to the provisions of title V of the National Security Act of 1947, as amended.”

(b) The reference to section 421 in the sections at the beginning of chapter 21 of such title is amended to read “Funds for Foreign Cryptologic Support”.

ASSISTANT SECRETARY OF DEFENSE FOR INTELLIGENCE

Sec. 702. (a) Paragraph (3) of section 136(b) of title 10, United States Code, is amended to read as follows:

“(3) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Intelligence. He shall have as his principal responsibility the overall supervision of intelligence and intelligence-related activities (including intelligence oversight, counterintelligence, covert action, preparation of threat assessments, and intelligence support for net assessments) of the Department of Defense. Such responsibility includes authority for coordination of all policy, planning, budgetary, and management matters within the Department respecting such activities. The Assistant Secretary shall report directly, without intervening review or approval, to the Secretary and Deputy Secretary of Defense.”

(b)(1) Section 136(a) of title 10, United States Code, is amended by striking out “eleven” and inserting in lieu thereof “twelve”.

(2) Section 5315 of title 5, United States Code, is amended by striking out “(11)” after “Assistant Secretaries of Defense” and inserting in lieu thereof “(12)”.

REQUIREMENTS TO DISCLOSE DEFENSE INTELLIGENCE AGENCY ORGANIZATIONAL AND PERSONNEL INFORMATION

Sec. 703. (a) Section 1607 of title 10, United States Code (as added by section 603 of Public Law 100-178), is transferred to the end of chapter 21, redesignated as section 424, and amended to read as follows:

“§ 424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency

“(a) Except as required by the President or as provided in subsection (b), the Secretary of Defense may not be required to disclose information with respect to—

“(1) the organization or any function of the Defense Intelligence Agency; or

“(2) the number of persons employed by or assigned or detailed to such Agency or the name, official title, occupational series, grade, or salary of any such person.

“(b) This section does not apply—

“(1) with respect to the provision of information to Congress; or

“(2) with respect to information required to be disclosed by section 552 or 552a of title 5.”

(b) The table of sections at the beginning of chapter 21 of such title is amended by adding at the end the following new item:

“424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency.”

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, after line 18, insert the following:

EQUAL EMPLOYMENT OPPORTUNITY PLAN

Sec. 403. Ninety days after enactment of this Act, the Director of Central Intelligence and the Secretary of Defense shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report setting forth an analysis of each equal employment opportunity group's representation in the Central Intelligence Agency and the National Security Agency respectively and proposing a plan for rectifying any underrepresentation of any such equal employment opportunity group by September 30, 1991.

(b) The Director of Central Intelligence and the Secretary of Defense shall each submit interim reports on February 1 of 1989, 1990, and 1991 concerning the Central Intelligence Agency and the National Security Agency respectively detailing the efforts made, and the progress realized, by such agency in achieving the objectives of each such plan, including, but not limited to, the number of applications from, and the hiring, promotion, and training of, members of equal employment opportunity group.”

(c) For purposes of this section, the term “equal employment opportunity group” means—

- (A) white women,
- (B) black men,
- (C) black women,
- (D) Hispanic men,
- (E) Hispanic women,
- (F) Asian American and Pacific Islander men,
- (G) Asian American and Pacific Islander women,
- (H) Native American and Alaskan Native men, or
- (I) Native American and Alaskan Native women.

Mr. STOKES (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Is there any debate on the committee amendment?

If not, the question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MC HUGH

Mr. MCHUGH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCHUGH: On page 8, after line 6, add the following new section:

COMPAN Declassified and Approved
STONS WITH CIVIL SERVICE RETIREMENT AND
DISABILITY SYSTEM

Sec. 302. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new section:

"SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES
AND SECOND CHANCE TO ELECT SURVIVOR AN-
NUITY FOR CERTAIN SPOUSES

"Sec. 226. (a) The Director shall prescribe regulations under which any previous spouse (including former spouses who are also previous spouses), divorced after the effective date of this section from a participant, former participant, or annuitant whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section, shall be eligible for a survivor annuity to the same extent, and, to the greatest extent practicable, under the same conditions (including reductions to be made in the annuity of the participant) applicable to spouses of participants in the Civil Service Retirement and Disability System (CSRS) married for at least 9 months with service creditable under section 8332 of title 5, United States Code.

"(b) The Director shall prescribe regulations under which participants, retired participants, and former participants who have separated from service with a deferred annuity may make an election within two years after the effective date of this section (or, if later, at the time of retirement) to receive a reduced annuity, pay a deposit, and provide a survivor annuity for any spouse for whom survivor benefits were not elected at the time of retirement, or (if the marriage occurred after retirement) were not elected in a timely manner, and for any previous spouse (including former spouses who are also previous spouses) who is not eligible for a survivor annuity under subsection (a) of this section, under, to the greatest extent practicable, the same terms and conditions as those prescribed for participants in the Civil Service Retirement and Disability System (CSRS) by the Civil Service Retirement Spouse Equity Act of 1984.

"(c) As used in this section, the term 'previous spouse' means a former wife and husband who was married for at least nine months to a participant or former participant who had at least 18 months of service which are creditable under section 251, 252, and 253 of this Act.

"(d) This section shall take effect on the date of enactment of the Intelligence Authorization Act Fiscal Year 1989."

(b)(1) Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(A) in subsection (a)(2), by inserting "an amount equal to any survivor annuity payments made to the former spouse under section 223 and also by" after "shall be reduced by"; and

(B) in subsection (b), by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) The amendments made by paragraph (1) shall take effect as of October 1, 1986.

(c)(1) Section 225(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "and any former spouse divorced after November 15, 1982, from a participant or former participant who retired before November 15, 1982," after "1982."

(2) The amendment made by paragraph (1) shall take effect as of December 2, 1987.

(d)(1) The third sentence of section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out "one year" and inserting in lieu thereof "nine months after the date of remarriage".

(2) Section 221 of title II of such Act is amended by adding at the end thereof the following new subsection:

"(p) The election of a survivor annuity and the reduction of an annuity under subsection (f)(2) or (n) of this section shall take effect on the first day of the first month beginning 9 months after the date of marriage. For the purposes of this subsection, the 9-month period shall be deemed to be satisfied in any case in which—

"(1) the annuitant dies within such period;

"(2) the surviving spouse of the annuitant had been previously married to the annuitant and subsequently divorced; and

"(3) the aggregate time married is at least 9 months."

(3) The amendments made by this subsection shall apply to marriages which occur on or after May 7, 1985.

(e) Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

Mr. McHUGH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. McHUGH asked and was given permission to revise and extend his remarks.)

Mr. McHUGH. Mr. Chairman, I would first like to join my colleagues on the Permanent Select Committee on Intelligence in commending our chairman, the gentleman from Ohio [Mr. STOKES]. As everyone knows, the rules of the House require him to step down as chairman at the end of this year and he has served all of us with great distinction. We will miss him very much not only for his contributions substantively, but for the way in which he has conducted the committee and made his contributions. He is one of the real gentlemen of the House, not only in his service on our committee but in all of the things he does as a Member of this body. I would like to say that it has been a personal pleasure for me and an example for me to serve with him as chairman of our committee.

Mr. Chairman, this amendment consists of several technical corrections to those provisions of the CIA Retirement Act of 1964 which provide retirement and survivor benefits to former spouses. These provisions, first enacted in 1982, were expanded in 1986 and 1987. Corresponding provisions affecting civil service and Foreign Service former spouses were enacted in 1980, 1984, 1985, and 1987.

Today's technical amendment makes changes necessary to eliminate unintended inconsistencies among CIA, civil service, and Foreign Service in this area, and to correct previous drafting errors which, in some cases,

its to former spouses, usually older women without a job and without social security benefits.

The technical amendments have been cleared with the Post Office and Civil Service Committee and with the distinguished ranking Republican member of the Intelligence Committee.

The amendments makes changes in the following five areas:

1. MARRIAGE DURATION REQUIREMENT FOR
SPOUSES ACQUIRED AFTER RETIREMENT

There is presently a 1-year marriage duration requirement before a CIA Retirement Act [CIARDS] participant may provide a survivor annuity to a spouse married after the participant has retired. Consistent with the recent Civil Service Retirement Act [CSRA] and Foreign Service Act [FSA] amendments, this requirement is shortened to 9 months. In addition, if a couple has been married and then divorced, and the couple remarries after retirement, the marriage must endure at least 1 year after the remarriage or the widow or widower technically is not eligible for a survivor annuity even if the participant elects to provide one. Consistent with the CSRA and FSA amendments, the amendment provides that all periods of marriage (whether or not they are interrupted by divorce) will be considered in determining whether the 9-month marriage duration requirement has been satisfied.

2. SURVIVOR ANNUITY FOR "PREVIOUS
SPOUSES"

Consistent with the CSRA and FSA, the amendment changes CIARDS to permit a survivor annuity to be provided (by election at the time of retirement, by court order, or by spousal agreement incident to a court order of divorce, annulment or legal separation) to former husbands and wives who were divorced from CIARDS participants after at least 9 months of marriage, provided that the CIARDS participant had at least 18 months of creditable service. The survivor annuity will be funded by a reduction in the retirement annuity of the CIARDS participant.

At present, there is no satisfactory way to insure that a survivor annuity will be available to a "previous spouse" like this if the "previous spouse" does not meet the 10-year marriage duration requirement and 5-year overseas residence requirement of section 204(b)(4) of the CIA Retirement Act and thus is not a "qualified former spouse."

3. SETOFF OF SECTION 223 ANNUITY BENEFITS
AGAINST SECTION 224 ANNUITY ENTITLE-
MENTS INSTEAD OF DISQUALIFICATION

Section 223 was included in the CIA Retirement Act in 1982 to permit CIARDS participants to elect to provide a survivor annuity for former spouses who would have been qualified for a survivor annuity under section 222(b) except for the effective date provision, which excluded former spouses divorced before November 15, 1982.

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3665

The election results in a reduction in the retirement annuity of the participant. Section 224 of the CIA Retirement Act, added in 1987, provides a generous survivor annuity to individuals who were qualified former spouses on November 15, 1982, but disqualifies any former spouse who is provided a survivor annuity (no matter how small) under section 223. The ironic result from these two provisions, read together, is that if a participant cared for his former spouse enough to take a reduction in his retirement annuity to provide a survivor annuity for her under section 223 of the CIA Retirement Act, then the former spouse is entirely disqualified from receiving the more generous benefit which would otherwise have been provided to her by section 224 at no cost to the retired participant.

The amendment resolves this inequity in the same manner it has been resolved in the FSA. Instead of being disqualified to receive benefits under section 224, the benefits received under section 224 would be reduced by the amount of the benefits received under section 223.

4. SECOND CHANCE TO PROVIDE SURVIVOR ANNUITY FOR SPOUSE DESPITE FAILURE TO MAKE A TIMELY ELECTION AT RETIREMENT, OR TO MAKE A TIMELY DECISION FOR A SPOUSE ACQUIRED AFTER RETIREMENT

The 1984 amendments to the CSRA and last year's FSA amendments provided a second chance to provide a spousal survivor annuity to retirees who had elected not to produce such a survivor annuity at the time of retirement, or who had failed to make a timely election to provide a survivor annuity for a spouse married after retirement. The amendment provides a similar second chance to CIARDS retirees.

5. EXTENSION OF FORMER SPOUSE LIFETIME BENEFITS UNDER SECTION 225 TO QUALIFIED FORMER SPOUSES DIVORCED AFTER NOVEMBER 15, 1982, FROM AGENCY EMPLOYEES WHO RETIRED BEFORE NOVEMBER 15, 1982

The CIA Spouse Retirement Equity Act of 1982 granted certain former spouses of CIA employees a presumptive entitlement, subject to revision by state courts in divorce proceedings or by spousal agreement, to a pro rata share of the employee's retirement annuity. Former spouses qualified for the presumptive entitlement were those married to a CIA employee during at least 10 years of the employee's credible service, at least 5 years of which must have been spent together overseas.

The provisions of the 1982 act were made to operate prospectively, to cover only those divorced and retired after November 15, 1982. This was done because the entitlement was funded by a reduction in the employee's retirement annuity and it would not have been fair to apply such a reduction retroactively.

In the fiscal year 1987 Intelligence Authorization Act, some of the former spouse benefits were extended to cover pre-November 15, 1982, former spouses, but the cost was borne by the retirement fund, not the retiree.

Last year, in the fiscal year 1988 Intelligence Authorization Act, the full presumptive entitlement was applied retroactively, again, with the retirement fund bearing the cost. The intent of the fiscal year 1988 provision, in the words of the House Intelligence Committee's report, was to afford retirement benefits to "former spouses who were divorced prior to November 15, 1982, or whose spouse retired from the CIA prior to November 15, 1982," that is, those not covered by the 1982 act. However, the actual language in last year's act covered "any individual who was a former spouse . . . on November 15, 1982." Since "former spouse" is a defined term in CIARDS, the language had the unintended effect of excluding from coverage those individuals whose spouse retired before November 15, 1982, but whose divorce occurred after such date. The amendment corrects this error.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, the minority agrees with the gentleman from New York. This is a good amendment. We are pleased to accept it.

Mr. McHUGH. I thank the gentleman for his support.

Mr. STOKES. Mr. Chairman, if the gentleman will yield, the amendment offered by the gentleman from New York is indeed a technical amendment; it is a helpful and needed change in the generic CIA spouses law. The committee has no objection to the amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. McHUGH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 6, strike out line 3 and all that follows through the end of line 15.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, on February 29 of this year we cut off all military aid to the democratic resistance in Nicaragua. On March 23, an agreement was signed between the Sandino Communists and the Contras at Sapoa and on March 30, this House passed the House Joint Resolution 523 to send some humanitarian aid to the Contras while the negotiations pursuant to the Sapoa agreement were to be advanced.

Now in the last 60 days what has happened? Well, *La Prensa*, Nicaragua's opposition newspaper has been censored, threatened, and has twice been closed. Mobs of government-sponsored hooligans, called *Turbas Divinas*, have taunted, harassed, and

beaten citizens including repeated assaults on the elderly and desperate women whose sons are held captive in Sandinista prisons. And by the way, there are 9,000 political prisoners inaccessible to Amnesty International and the Red Cross.

The Ministry of Justice has been closed and its functions turned over to the head of the state police; peaceful demonstrations have been forcibly disrupted by the Government; independent radio stations have been closed down for opposition to the government line; journalists have been beaten and expelled; labor leaders and leaders of the internal democratic opposition have been arrested and tossed into jail.

So flagrant has been the so-called democratization of the Sandino Communists that on May 12 of this year 27 members of the democratic party sent a letter to Daniel Ortega complaining of what they were doing. This letter says in part:

First, we are troubled by the apparent unwillingness of your government to facilitate delivery to the Resistance forces of food, clothing, and medical supplies. Second, we are deeply concerned by your reported threats to launch a military offensive against the Resistance if a permanent cease-fire agreement is not signed by May 30.

Now what the Sandinistas have done is set out some very inhospitable areas and called them cease-fire zones. They have told the Contras, "If you move in there, you disarm, lay your arms down and then we'll talk democracy."

Well, we have waited from thence until now and nothing has happened.

The Soviet Union supports the Sandinistas, nobody supports the Contras. And the food and the bandages and the medicine that we, in our beneficence, legislated to give them, have not been delivered. We cannot get it into Nicaragua because the Sandinistas will not let us. It has to be flown in and if they fly it in they will be shot down.

Oh, some food has been delivered on the Honduran border. So to keep from starving, the Contras, the democratic resistance, have to leave Nicaragua and go into Honduras to eat and to keep body and soul together.

Well, I suggest today we fire a shot, a mild benign shot, but a shot nonetheless, across the bow of President Ortega.

This amendment does the following: Effective the 1st of October 1988—it does not take effect now, it takes effect when the next fiscal year starts—it eliminates all the restrictions in this bill on the executive branch's ability to provide military or paramilitary assistance to the Nicaraguan democratic resistance using funds available in the CIA's reserve for contingencies for fiscal 1989; not a lot of money, I can assure you, minuscule. It sends a clear and unmistakable signal to the Sandinistas to negotiate seriously, respect their commitments at Esquipulas and at Sapoa, institute real

democratic reforms, halt labor repression, cease harassment of the media and the internal political parties or face the prospect—and it is only a prospect—of U.S. paramilitary assistance next October. But this sends a signal to the freedom fighters they have not been abandoned, there is still support for their cause and they should not make unreasonable concessions amounting to unilateral disarmament or surrender to the Sandinistas in their efforts to reach a peaceful solution to their differences.

Mr. Chairman, this is a mild reaction to the oppression, to the arrogance, to the failure of the Sandino Communists to live up to their obligations under Esquipulas and under Sapoa.

It is pathetic that the Soviets keep pouring in military aid, economic support to the Sandino Communists while we look impotent at the border because we cannot get in food to starving campesinos who are doing only what we did back in 1776, fight to free their country from tyranny.

I hope you will vote "yes" on this amendment.

Mr. CHENEY. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, let me begin by apologizing to my colleagues for the fact that we have had to bring this amendment up without the kind of notice we would ordinarily hope to be able to exchange. The difficulty we have encountered on this side in being able to offer amendments, the growth in restrictive rules that allow no amendments to bills, led us to believe that if we did in fact surface in advance today our intention to have a debate on Nicaragua and the situation there, that we would not be allowed to do so by the leadership of the majority party. That has been our experience for several months now.

And I certainly meant no disrespect and I am sure Mr. HYDE would join with me in that, either to the gentleman in the chair or to our colleagues on the other side of the aisle on the Committee on Intelligence by not being able to give them advance notice today. But unfortunately, the way the House works these days we felt we had no other choice.

Mr. Chairman, this is a fairly straightforward proposition. The amendment simply removes from the Intelligence Authorization Act the language which prohibits the President from undertaking a covert action to support military or paramilitary operations inside Nicaragua. It would not be effective until the new fiscal year, that is fiscal year 1989, because that is all this authorization deals with. It would not take effect until October 1.

This amendment that we are proposing today does not specifically authorize the provision of military aid; it simply would permit the President at some future time if he were to undertake the normal proceedings of making a finding that he wanted to

initiate a covert action in Nicaragua that he would be able to do so. He would have to notify Congress, the oversight committees, and then he would be able to use whatever resources are available to him in the reserve for contingencies to finance military support for the democratic resistance inside Nicaragua. I want to emphasize for all my colleagues who are listening that we are not talking about sending military aid to the Contras tomorrow, perhaps none would ever go. But this would allow the President to have restored to him the same authority that he currently has with respect to any other nation in the world. He would in fact be able, once this provision took effect after the end of this fiscal year, to again provide paramilitary support for the democratic resistance.

I think it is appropriate, Mr. Chairman, that we undertake this action at this time. When we cut off military aid to the Contras earlier this year we were told that this is a worthwhile and well-conceived plan to test the good faith of the Sandinistas.

□ 1120

Some of us warned that the Sandinistas had given ample notice that they had no intention of democratizing or negotiating in good faith. I believe we have been proven right.

No sooner was the truce signed, then those who dared to demonstrate in the Managua streets for more freedom were beaten and intimidated. Some labor unions dared to strike for better working conditions. Even the Communist union in Managua raised its voice in dissent over Sandinista mismanagement and suffering by the common people. But the government's response was to beat supporters, block visitors and deliveries to the strike, and to refuse for the past 89 days even to talk to the unions.

The Government continues to claim there is freedom of the press in Nicaragua even as it cuts off periodically supplies of newsprint to the only opposition newspaper and shuts down radio stations which broadcast news the Government does not like. Statements by Sandinista officials right up to this week reaffirmed that they have no intention of negotiating opposition political rights either with the 14 opposition political parties of widely varying ideologies over the Contras themselves. The Sandinistas openly state that talks with the resistance are negotiations only in the sense that they provide cover for Contra surrender.

A few days ago, even as he declared a 30-day extension of the cease-fire, Daniel Ortega reiterated his insistence that the Contras surrender their arms before political conditions will even be discussed. We predicted the Sandinistas would drag out the negotiations and try to extend them indefinitely while the Contras' options narrowed and they withered on the vine. Those

who voted for the proposal assured us that Contra capabilities would not be affected and that humanitarian aid would be delivered promptly.

Again what we predicted has come true. The Sandinistas' first action was to dump Cardinal Obando y Bravo as mediator, apparently both because he pushed for Sandinista as well as resistance concessions and because he served as a witness to the goings on. When agreement on the cease-fire zones was near, the Sandinistas suddenly said that the Contras also were required to surrender their arms. When the Contras insisted on the original Sapoa terms, this threw the negotiations into stalemate.

On May 23 Ortega once more reiterated his insistence that the Contras surrender their arms. Stalemate over cease-fire zones in turn was used by the Sandinistas as an excuse to refuse to allow delivery of food to resistance forces. Not a single such delivery has taken place inside Nicaragua. When AID finally concluded it would have to send couriers with money for food purchases instead, the Sandinistas loudly insisted this was illegal, and they got the House Democratic leadership to agree with them.

The CHAIRMAN. The time of the gentleman from Wyoming (Mr. CHENEY) has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. CHENEY was allowed to proceed for 5 additional minutes.)

Mr. CHENEY. Resistance fighters have thus been forced to evacuate in increasing numbers. Again there were protests, both from Nicaragua and the Democratic leadership in the House. The humanitarian aid deliveries to the Honduran border were illegal. AID did not commence such deliveries until April 28, halfway through the original 60-day cease-fire.

Faced with no option worth the name, the Contras felt the disputes among themselves about the best source of action. Now the Sandinistas are proposing to extend the cease-fire for another 30 days, but warning that, if the Contras do not accede to their terms, they will launch a major military offensive, the likes of which has never been seen during all the years of the war.

Since Soviet and bloc weapons deliveries have flooded in at high rates, as Contra military supplies have been cut off, the Sandinistas have repositioned their forces to maximum advantage, and the Contras are once again huddled in a vulnerable position on the Honduran border rather than scattered throughout the country.

In light of all this, what Member can claim that the U.S. Congress has not both misgauged Sandinista intentions and forced the Contras to negotiate from a position of extreme weakness such that their only choice is to accede to Sandinista demands or perpetuate a stalemate? The Sandinistas

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3667

have made it clear that they have no intention of negotiating democratic reforms, only Contra surrender.

Mr. Chairman, what more proof do we need? The 30-day extension is a farce, and at the end the Contra position will be weakened still further. It is time for Congress to admit that we gave negotiations our best try, but so far they failed miserably, and it is time to reconsider military aid.

This amendment will restore the President's ability to use his authority to initiate covert action including supporting military operations of the democratic resistance in Nicaragua. It is prospective in that it would not take effect until the beginning of the next fiscal year, October 1. By this vote today we will end the policy of the Democratic leadership of this House of imposing unilateral surrender on the Contras. We will signal the Communist regime in Managua that failure to negotiate in good faith, failure to live up to the requirements for the restoration of democracy in Nicaragua, failure to abide by the Esquipulas and Sapoa agreements will lead to a renewal of military aid for the democratic resistance in Nicaragua.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to compliment the gentleman from Wyoming [Mr. CHENEY] on an excellent statement and mention, of course, that this amendment negates anything to the contrary in the classified annex and reemphasize nothing happens until October 1. This simply provides flexibility to the President and confines that flexibility to contingency funds that the CIA has, a relatively very small amount of money, and it gives the flexibility of the President toward Nicaragua the same flexibility that he has to all the rest of the globe.

Why we should immunize and isolate Nicaragua under the present situation I cannot understand, so I hope that people will bear that in mind, and support the amendment, and again I thank the gentleman from Wyoming for an excellent statement.

Mr. CHENEY. Mr. Chairman, I thank the gentleman and I yield back the balance of my time.

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment because it would sweep away with one brush a principal for which Congress has fought long and hard over 6 years to establish—the principle that assistance to the Contras is not a covert program. It is not a covert action in support of our foreign policy toward Nicaragua; it is our foreign policy toward Nicaragua. And as such, it ought to be subject to full debate and a requirement that any funds expended to assist the Contras be voted on openly by the Congress.

Yet, the effect of this amendment would be to sweep away a restriction

which prohibits the expenditure of intelligence contingency funds to assist the military and paramilitary activities of the Contras. Without this provision, the President could once again use secret intelligence funds to aid the Contras without congressional debate.

I think such a course would be a grave mistake, but, in any event, striking this language would leave it to the President to decide, not the Congress. I think we have come too far, Mr. Chairman, to regress to the point at which we stood in 1981 when the President first launched this unfortunate and ineffective policy.

The amendment is a terrible mistake for another reason. However imperfect, there is a cease-fire in Nicaragua between the Contras and the government. However unsatisfactory to both parties, there are continuing negotiations aimed at resolving their differences. However unwelcome, it is still a fact that only the two parties sitting down in Managua today can resolve the differences between Nicaraguans. The U.S. Congress cannot. Most assuredly, CIA assistance cannot.

It would be a tragic misstep for the United States to resume military aid to the Contras at this juncture—at a time when the regional peace accord signed by all the Central American countries has had its culmination in a series of continuing discussions between the Contras and the Sandinista government in Nicaragua.

I believe the House should continue to support the process established at Esquipulas furthered at Sapoa and continued in the negotiations in Managua today. This is in every sense of the word the worst time for the United States to once again reinsert its heavy hand into Central American affairs.

Haven't we learned enough, Mr. Chairman, about the unpopularity of the Contra war, about the ineffectiveness of Contra pressure, about the inevitability of a negotiated settlement.

Mr. Chairman, the tragedy of our policy toward Nicaragua has been that although we can all agree on major substantive goals such as democracy, freedom, and an end to war, we have so frequently split along the question of how to bring about these goals. I would have hoped that the House had learned after 6 long bloody years that the United States cannot itself alone enforce a settlement in Nicaragua, that the guns of the Contras cannot alone obtain the democratic process they say they seek.

For the first time in 8 years, Central American governments have come together to seek a solution which is regional and which is self-imposed. Now is not the time for the United States to declare that effort a failure. Now is not the time for the Congress to reject a peace process devised and implemented by Central Americans, not by the CIA or the State Department. Mr. Chairman, now is the time for the House of Representatives to continue to support the Esquipulas agreement,

the San Jose declaration, the Sapoa agreement, and the bipartisan compromise legislation to provide humanitarian assistance to the Contras and to the young victims of that long war in Nicaragua.

Mr. Chairman, United States policy toward Nicaragua has been a total failure. Let's give the Central American governments a chance to fail on their own, but let it be their failure if that is what it must be, not one generated by a return to failed and fatal assistance to the Contras.

I urge my colleagues to reject this amendment and to continue patiently to support the ongoing peace process in Nicaragua.

□ 1130

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I rise in support of this amendment because it provides an essential ingredient to the process which might ultimately provide peace, stability, and democracy to Nicaragua.

On February 2, 1988, a day which may well be recorded as a day of infamy in foreign policy for the United States of America, the U.S. Congress, with a vote of this House of 219 to 211, voted to stop Contra aid.

"Give peace a chance," we said. Give peace a chance, so we annihilated Contra aid and probably brought about the annihilation of the Contras themselves. That was the carrot. That was the carrot to the Nicaraguan Sandinistas to give peace a chance, to provide peace and stability, to provide freedom and democracy, to fulfill the promises that they made at Esquipulas and 10 years ago, when they seized power in Nicaragua with our help. That was the carrot.

The amendment today provides the stick. If the Sandinistas fail to live up to all those promises, if over the next 4 months they fail to abide by the commitments that they have made time and time again to provide peace and dignity and democracy and opportunity to their people to live in freedom without totalitarianism, then there must be a stick, and this amendment provides it to us.

Mr. Chairman, I do not think the Nicaraguan Sandinistas really want to abide by their commitments or their promises of peace and democracy, because I have listened to their words, I have read what they have said in recent weeks and months and years, and I have seen that they have reneged openly on all the commitments they have made to let the Contras and Nicaraguan citizens survive and live in peace and dignity and freedom.

On February 4, 1988, the very day after this House pulled the rug out from underneath the Contras, Daniel

MAY 20, 1988

Ortega said on national radio in Nicaragua.

The vote doesn't mean the war is over, and the Nicaraguans should complete the total defeat of the rebels.

In early March 1988, Mr. Ortega stalled the peace talks and moved 2,000 troops into Honduras. He tried to surround the Contras, and he would have succeeded and defeated them and annihilated them at that time since the Contras had no ammunition or food, except for the fact that President Reagan acted and moved United States troops into Honduras. Mr. Ortega had second thoughts, and a stalemate arose. But the Contras still had no ammunition and no food, and because of that, and as a result of this House pulling the rug out from under them, they agreed to a ceasefire and to engage in desperate talks for peace.

The talks are ongoing and will probably end by early June. Then the Contras may go back to war, but they are living on borrowed time.

The deck is stacked. Time is on the side of the Sandinistas.

Mr. Chairman, I ask this House, do you really think the Sandinistas have moderated? Do you really think that they are going to live up to all those promises that they have made? Do you really think so, when you consider that between August 1987 and January 1988, the turbas divinas, the "divine mobs," instigated by the Sandinista government, constantly and physically attacked the two human rights groups of Nicaragua?

In February 1988, the turbas divinas, the "divine mobs," inspired brutal Communist attacks on 15,000 labor protestors who were simply trying to march in hopes of better wages and better working conditions in their country. Two days later, the riot police, under the auspices of the Sandinista government, beat and arrested the leaders of the demonstrators.

On March 6, 1988, 100 women and girls marched peacefully to protest the draft, and they were dispersed by 150 club-wielding Sandinistas.

Then on May 5, more than 30 workers were arrested by the government simply for demonstrating their support for construction workers conducting a hunger strike to protest low wages.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. Livingston was allowed to proceed for an additional 2 minutes.)

Mr. LIVINGSTON. On the same day, Radio Catolica, Radio Mundial, and Radio Corporacion, despite the Sandinistas claims of free and open press, were closed down and barred from broadcasting news programs for 1 to 8 days for reporting on the workers' hunger strike. That was reported in the Washington Post.

Then on May 11, Nicaraguan President Daniel Ortega said:

We are determined to defend our nation. We have proposed a 30-day extension of the peace talks. Logically, if no reply is received, there would be no other alternative other than to continue with a military confrontation.

May 16, he said again:

The Contras should be grateful that we are not offering them the guillotine or the firing squad, which is what they deserve.

Mr. Chairman, the Sandinistas are not living up to their commitments today. They will not in the future. We have offered them a carrot. By pulling the rug out from under the Contras, we have denied them the aid and the assistance that the Contras so desperately need to fight for freedom in Nicaragua. All we ask today is to give the Contras the stick that they need to enforce the Sandinistas' commitment to peace and freedom in Nicaragua. If they do not live up to those commitments 4 months from now, then we shall go back to the drawing board, and we shall allow the CIA to pick up the pieces of this tragedy, so as to restore the stick which will compel the Sandinistas to live up to their promises, and allow us to live up to the promises that we made to the freedom fighters in Nicaragua a few years ago.

Mr. Chairman, I urge the adoption of this amendment.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

The gentleman knows that Daniel Ortega back I believe it was in December in a speech to government labor unions made the comment,

In a hypothetical case, if we would lose the election, we might turn over government, but we would never turn over power.

Mr. LIVINGSTON. As the gentleman well knows, Mr. Chairman, the Communist government has never voluntarily shared power.

Mr. LAGOMARSINO. Mr. Chairman, if the gentleman will yield further, is it not true that this amendment would only take place on October 1?

Mr. LIVINGSTON. And then only if the Sandinistas do not live up to the promises that they have made for 11 years and failed to keep.

Mr. LAGOMARSINO. Well, I thank the gentleman.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment with all the vigor I can muster this morning. I could not think of a more pernicious, ill-timed amendment, than that which has been offered to this body at this particular time. At the very minute, the very time that the Contras who have struggled for 3 weeks to put their own act together, and having done that, at the

very hour that they have come together to meet with the government of Nicaragua, with 4 days remaining on a temporary cease-fire, an amendment is offered to put the CIA back into this war.

After all we went through over the last couple months to work together in a bipartisan way to come up with a bill that will move the peace process forward, we want to mine another harbor and blow it up.

Mr. Chairman, this is ill-timed. It sends a bad signal.

For those on this side of the aisle and on my side of the aisle who care about the CIA as an agency, please keep them out of this conflict. There has been nothing that has harmed the agency more in the last 7 years than our involvement in this ill-fated adventure.

Mr. Chairman, there was a disagreement this week on where the Contra forces and the Nicaraguan Government were going to meet, one of many bumps that we have had to hurdle and overcome in the last 9 months since the Arias peace plan was first put forward last August, but it was overcome, and for those who suggest on this side of the aisle and some of my friends here that the Sandinistas have not done anything to move this process forward, I say you are absolutely wrong. They agreed to meet head to head. They agreed to meet in Nicaragua. They agreed last week to allow the Contra forces who were coming into Nicaragua to meet with church leaders, to meet with the press, to meet with political parties, and that is why they are there today discussing these issues.

This is bad timing. It sends a bad signal. It is bad for the agency and it will repudiate the overwhelming bipartisan effort that was put together by each of us here a month ago.

Do not cut the process short. There is still a week left in the negotiating process. Do not cut it short with a signal that I can almost assure you will blow this process up.

Do not corrupt, if I might say—perhaps corrupt is too strong a word—do not taint the reasonable work of the AID with this amendment.

As much as I have had problems and our leadership has had problems with the way AID is implemented, I understand how they are struggling and are caught between a wedge on this issue and within the State Department. Do not put the CIA back into the operation of this process alongside the AID and create problems for the AID in every part of this world.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

Is it not a fact that the Democratic Members of this body held a caucus and passed a resolution to remove the

AID from any operational function in this program in favor of some private organization, and so far from supporting the AID and the program that they are undergoing, it has rejected, and did not this caucus further say that delivering food to starving Contras in Honduras is illegal?

Mr. BONIOR. Well, Mr. Chairman, that is incorrect. What the caucus did yesterday was say to the AID people and to the State Department people that since the Verification Commission, and Baena Soares, the Secretary General of the EOAS has agreed, has suggested that the Pan American Development Foundation deliver the money and since the Nicaragua Government has agreed to let them do that and since the Contras have suggested that that would be an acceptable alternative, that perhaps since everyone is in agreement, we might want to participate in that regional effort to feed the Contras through that Pan American Development Foundation. That is what the caucus said.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. CHENEY, and by unanimous consent, Mr. BONIOR was allowed to proceed for 2 additional minutes.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, I have the utmost respect for the gentleman from Michigan, because I know he has worked very hard on this matter, and while we look at it from different perspectives, I have never doubted the gentleman's commitment to his beliefs or his view of the situation; but I have a recollection a couple weeks ago of a meeting that both of us participated in where a request was made by the Democratic leadership of the House to Mr. Woods of the AID that no food be delivered until the next round of negotiations with the Contras.

Our problem is that on February 3 we voted against military aid. At the end of February all resupply shipments of all kinds were cut off. There has been no resupply of food inside Nicaragua to the Contra forces whatsoever since then and no resupply of medical equipment.

□ 1145

Now the caucus has taken the position that we are not to make cash payments to the Contras that they can use to purchase food inside Nicaragua and not to deliver food inside Honduras. It is very difficult for this Member who participated in putting together that bipartisan accord to believe that there is anything bipartisan about it. It is difficult for us to see this as anything other than an exercise in which we continue to dry up the flow of support to the Contras, to guarantee they will have no choice but to surrender to the Sandinistas.

Mr. BONIOR. Mr. Chairman, reclaiming my time, the gentleman from Wyoming [Mr. CHENEY] will recall that in fact food has been delivered to the Contra forces inside Nicaragua which may in fact have been a violation, and is a violation not only of the Sapoa accords but Esquipulas. But given the fact that that has happened that is the reality. The suggestion that food should not be delivered inside Nicaragua has never been a position held by the Democratic Members on this side. We have always advocated that it be delivered but through an organization that has been agreed upon by both sides.

Mr. Chairman, I have suggested to our friend the gentleman from Illinois [Mr. HYDE] just a second ago that we have presumably reached that solution to that impasse in the last week, and we are only calling upon AID to live up to the accord and live up to what the Nicaraguan Government and the Contra forces have presumably agreed to.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BONIOR] has expired.

(On request of Mr. BURTON of Indiana and by unanimous consent, Mr. BONIOR was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I am happy to yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I just have one question, if the Contras and Sandinistas do not agree on that mutual third party to bring the food in, then the food does not get in and the Sandinistas I understand have been holding out on agreeing to a third party.

Mr. BONIOR. Mr. Chairman, reclaiming my time, they have not. No they have not.

Mr. BURTON of Indiana. If the gentleman will yield further, they have asked for the International Red Cross as I understand.

Mr. BONIOR. They asked for the International Red Cross, that was rejected by the Contra forces, and the Nicaraguan Government was waiting for a counter offer since the International Red Cross by the way which operates in these situations all over the world, but since the Contra forces rejected that, a counter offer was hopefully going to be forthcoming. It never did come so it was suggested to the Secretary General of the Organization of American States that he put something forward. He put forward the Pan-American Development Foundation for this reason, and I think it is important for Members to know, that it is the only organization that both the Contra forces and Nicaraguan Government agreed upon when they submitted their list of approved organizations for the Children's Fund.

As far as I am aware, from conversations with both parties in the last week, they both agree on the Pan-

American Development Foundation. That process of delivery presumably has been worked out and hopefully will be sanctioned today, but this amendment that we have before us I can assure my colleagues will create enormous problems in moving that forward.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Michigan [Mr. BONIOR] for yielding.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the toughest aspects of serving on the Permanent Select Committee on Intelligence is that it makes one see the world as it really is rather than as one wish it were. I would suggest respectfully that we are smoking political opium in this Chamber if we think the Sandinistas are living up to that exalted peace process we hear so much about. If ever, and I repeat if ever anyone is in the business of practicing Napoleon's dictum, "talk peace and think war," the actions of the Sandinistas, the Sandinista Communists in Nicaragua, clearly demonstrate that is precisely what Ortega and his band of Communists are doing down there.

We have been told here a few minutes ago by one of our colleagues that we send the wrong signal if we pass this modest amendment. How many clear signals have the Sandinista Communists sent to us over the past several weeks, and are we going to keep our collective head in the sand or are we going to face the harsh reality of what is happening down there?

Consider: while we have cut off aid, the Soviets are pouring in military supplies.

Consider: Radio Catolica closed for several days this month, not several months ago, this month.

Consider: Dr. Julio Garcia, representing all 14 opposition parties, said on May 14, not months ago but just a week or so ago, that as of this date President Ortega has not complied with the agreement, and Mr. Garcia refers to several points including unrestricted freedom of the press, freedom of expression, no full freedom of thought, and no immediate implementation of the general amnesty.

Consider: President Arias on May 21, just a few days ago, indicated that the Sandinistas really are not creating the conciliatory atmosphere that should exist prior to such a meeting, and Arias went on to say, "Without democracy peace will not be possible."

Mr. Chairman, I say to my colleagues unfortunately President Arias is not quite right when he says that without democracy peace will not be possible because in Nicaragua peace will be possible without democracy, the same kind of a peace that we have in the gulag, the same kind of a peace we have in Cuba, the same kind of a peace that exists in many countries

around this world, peace without freedom.

So I suggest to my colleagues let us pass this modest amendment. Let us indicate that we are pulling our heads out of the sand, and that we are willing to face harsh reality rather than hopeful unjustified optimism. Let us indicate that we are willing to support freedom in Central America by supporting the Hyde amendment.

Mr. FRANK. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. SHUSTER. Mr. Chairman, I am happy to yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, the gentleman has invoked the name of President Arias who a lot of us admire for the work he has done.

Mr. Chairman, I would ask the gentleman from Pennsylvania [Mr. SHUSTER] would he be thinking of President Arias and that President Arias would be supportive of this amendment?

Mr. SHUSTER. Certainly not. I think President Arias would not be supportive, and the reason I think he would not be supportive is that while he is a fine man, he fits the category of having on those rose-colored glasses of seeing the world as we all wish it would be rather than seeing the reality of the Communist menace in Central America and on our doorstep.

Mr. McHUGH. Mr. Chairman, I move to strike the requisite number of words.

(Mr. McHUGH asked and was given permission to revise and extend his remarks.)

Mr. McHUGH. Mr. Chairman, I am opposed to this amendment, but let me first say a word about process. I think it is clear that the Members of the House, at least on the majority side of the aisle, have had no notice of this amendment which is clearly a significant amendment.

I appreciate the explanation offered by my friend, the gentleman from Wyoming [Mr. CHENEY], to the effect that if the majority had known about this amendment the leadership would have fashioned a rule to preclude its being offered.

However, the chairman of the Permanent Select Committee on Intelligence indicated last week to the minority members that he would be recommending an open rule. This week, on Tuesday, the Committee on Rules granted an open rule. Certainly as of Tuesday, therefore, the minority was guaranteed the opportunity to offer this amendment and could have notified the Members of the House that the amendment would be offered.

I would also say that if the minority fears that the leadership will craft restrictive rules in the future, they are playing into the hands of the leadership. Many of us on the majority side believe that the minority should have an opportunity to offer serious amendments such as this, but we also believe that notice is important in fairness to

the Members of the House, and therefore if the minority withholds reasonable notice on significant amendments I will urge the leadership to craft restrictive rules. Accordingly, I would hope as a matter of fair process that the Members of the minority would consider it carefully before proceeding down this path any further.

Mr. Chairman, with respect to the amendment itself, it seems clear that this amendment if adopted would once again give to the President a blank check with regard to covert operations and to military assistance to the Contras in particular.

Section 104, which this amendment would strike, has been on the books now for 3 fiscal years. The reason Congress adopted section 104 was to assure that Congress had an opportunity to publicly debate and vote on the merits of such covert operations.

Section 104 became necessary because of how the President acted when he had the discretion to initiate covert aid unilaterally, which this amendment would give him again.

Let us not forget what happened when the President had such discretion. The President authorized the mining of Nicaraguan harbors. There was, with or without the President's knowledge, the preparation of a manual which, among other things, promoted assassinations.

There was a variety of explanations offered to the public as to why this policy was being pursued. First it was simply to interdict arms going into El Salvador. Then it was to put a little pressure on the Sandinista government for a political settlement. At other times it was to "excise the cancer" of the Sandinista government out of Central America.

This policy lost whatever public support it had because of the way this policy was pursued from the very beginning, and one result of the way in which the policy was handled was that Congress said, "Mr. President, we need to review carefully this policy before any money is spent on military or other aid in Central America."

Section 104 was put into the authorization bill 3 or 4 years ago to assure a fair opportunity for Congress to consider, debate and vote on that policy.

Mr. Chairman, my friends on the minority side are disappointed because as a result of that debate, as a result of the consideration which Congress has given to this issue over a period of time, their position has not prevailed. A majority of Congress has consciously decided to support the Arias peace proposal and, despite my minority friends' derision, to give peace a chance.

Mr. Chairman, I understand the position of the minority and I respect the thoughtful way in which many of them have proceeded even though I disagree with them, but the fact is that the effect of the pending amendment is to give the President total discretion on what will happen on aid to

the Contras and to take Congress out of the game.

Mr. Chairman, given the long history regarding the policy in Central America, some of which I have mentioned and including the diversion of funds to the Contras when Congress acted expressly to deny those funds, I think Congress would be foolish to give the President total discretion with respect to this policy and to surrender the opportunity now guaranteed to us by section 104 now, the opportunity to publicly debate and vote on aid to the Contras.

Mr. Chairman, I ask for defeat of this amendment.

The CHAIRMAN. The time of the gentleman from New York [Mr. McHUGH] has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. McHUGH was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman from New York yield?

Mr. McHUGH. Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I agree with the gentleman from New York [Mr. McHUGH]. There is nothing more painful in my congressional career than not notifying the gentleman from Ohio [Mr. STOKES] of this amendment, but until the rule was adopted we did not have an open rule. Had word of this leaked out, it is entirely conceivable we would have been back to the Committee on Rules and we would have had a losing battle where the Committee on Rules is stacked 9 to 4, even if the Republicans show up. So we had to keep it a secret and we did. It is very painful to me to do that.

Insofar as giving the President a free hand, this only talks about contingency funds that the Central Intelligence Agency has which as my colleagues know are severely limited, and this is not the only operation in the world.

Mr. Chairman, I hope the gentleman from New York [Mr. McHUGH] accepts my apology, but until that rule was adopted we did not have an open rule. Yesterday there was a rule on the foreign operations bill and there were 11 waivers of the section forbidding legislation on an appropriation bill. I had one, but I did not get a chance to offer mine. The gentleman from Wisconsin [Mr. OBEY] offered his, some of which were eccentric in my humble opinion, but that is OK because when you got the power you rule.

□ 1200

We have to do what we have to do, and I hope the gentleman understands and never has to serve in the minority.

Mr. McHUGH. I hope not as well.

Mr. DOWNEY of New York. Mr. Chairman, I rise in opposition to the amendment.

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3671

(Mr. DOWNEY of New York asked and was given permission to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Chairman, a little history first. It is quite clear that when this administration came to power, it had one goal with respect to Nicaragua: the overthrow of the Sandinistas by whatever means possible. During the 7 years that the administration has been in office, they have lived up to their stated goal. Indeed, Director Casey early on in his tenure was quoted as saying when asked about how he would get rid of the Sandinistas, he said, "Whatever it takes," and they tried almost everything.

First, as the gentleman from New York [Mr. McHUGH], my friend, mentioned, there was the illegal unauthorized mining of harbors. There was the publication of death manuals. There was the money supposedly to interdict arms to El Salvador. All of these were justifications for one purpose or another, but always the goal was the violent overthrow of the Sandinistas government.

The issue at hand here today says to the American people, "We think the CIA is better at determining the policy than are our elected officials. We believe that it is much more appropriate to allow an agency that has erred time and again to make the decision with respect to how your money is spent." That is what this amendment says: "Trust the CIA. Do not trust the Congress."

Second, it ignores, it seems to me, at your own political peril, the enormous dissatisfaction that the people of this country have with the way the administration has prosecuted public policy with respect to Latin America. The debacle of Manuel Noriega is a stain that is going to be very hard for this administration to whitewash in November; the stain and the mistakes in Nicaragua are also abundantly clear to the American people. They do not support the President. They do not support this policy, and if they had a chance, they would not support restoring discretion to the discredited Central Intelligence Agency to make these decisions.

The American people, my Republican colleagues, are not on your side. They want the war to end. They understand that the peace process is maybe not as pristine or as precise as you or I would like it, but they prefer the Arias peace plan to the Hyde amendment. They prefer the idea of talk to the continuation of war. They recognize that freedom is not guaranteed by continued warfare. This is only guaranteeing continued death.

That is why every fall the majority here and to a certain extent a limited number there support the process of allowing the process to go ahead. They do not want to see unlimited discretion in the hands of the administration or in the hands of the CIA, because, frankly, they have made too many

mistakes. We do not want to repeat the mistakes of history by taking off the wraps of restraint on what has been, in my opinion, an ineffective policy.

I will be happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would be astonished if I heard the gentleman correctly suggest that it was a bad idea to want to eliminate a Soviet-backed Communist government on the mainland of the Western Hemisphere. Did I understand the gentleman correctly?

Mr. DOWNEY of New York. No. I do not think that the gentleman either understands the import of my comments or—

Mr. SHUSTER. Is that not what you said a few moments ago?

Mr. DOWNEY of New York. Or the thrust of my comments. What I would like to see happen is peace restored to Central America. I would like to see the twin pathologies of injustice and social depredation removed from the landscape.

Mr. SHUSTER. That is not what the gentleman said a few moments ago.

Mr. DOWNEY of New York. Therefore, the seeds of communism would never have an opportunity to start.

Mr. KEMP. Mr. Chairman, I rise in support of the amendment.

Mr. HYDE. Mr. Chairman, will the gentleman from New York, my friend, yield to me for just a moment?

Mr. KEMP. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to say to the gentleman from New York [Mr. Downey], who just spoke, that he committed what logicians call the fallacy of the false alternative. Supporting the Hyde amendment buttresses support for the Arias peace plan, because it kind of makes the playing field a little more level by showing that the Contras have some support, not just the Soviets supporting the Sandinistas.

Mr. KEMP. Mr. Chairman, let me say that I think this has been a good debate. One of my disappointments over the past couple of years has been that since television started in the House, the House which we all love has turned into less of a debating forum and more of a speech forum. I want to congratulate the gentleman from Ohio [Mr. Stokes] and those who are carrying on the debate from that side of the aisle as well as the gentleman from Illinois and the gentleman from Wyoming.

The Hyde-Cheney amendment is something I strongly support. It is strongly opposed by the left side of the aisle and very frankly it is a good debate. No one is getting up and just reading speeches, and that is what should take place more often here in the Chamber. In that regard, let me just say that I am sorry the gentleman from New York [Mr. Downey] left, but when he said, "Give peace a chance, give the peace process a

chance, let us talk not fight," I was thinking about the statement that Daniel Ortega made the other day when he said the Contra or the freedom fighter or the resistance, whichever name one chooses, should be grateful to the Communists. He said, "Because we are not offering them the guillotine or the firing squad. That is what they deserve." That is kind of an example of why some of us on both sides of the aisle are profoundly concerned about the so-called give peace a chance movement, or let us talk not fight.

What I think is happening is that the Communists Sandinistas, particularly Ortega, has learned the Clausewitzian theory that the absence of war is not peace, it is war by another means. What is going on is not peace. What is going on is not the absence of war. What is going on is the prototypical Clausewitzian example of war by another method, and they are slowly starving to death the freedom fighters, and they are using the peace talks as a means by which they can destroy the Contras.

There was an interesting article a couple of days ago in the New York Times international section by Robert Pear in which he said, "The Sandinistas are preparing to attack." That did not come from the Reagan administration. It did not come from the CIA. It came from photographs of storage facilities, artillery capability, and the gathering of the Communist soldiers in the parts of Nicaragua where they can mount an attack on the Contras as a way of wiping them out if the Contras do not go into these areas to surrender. That is what is at stake here.

The gentleman from New York [Mr. Downey], the gentleman from Michigan [Mr. Bonior], the gentleman from New York [Mr. McHugh], and I am only mentioning the names not to take advantage of the fact that they may not be here at the moment but simply to remind people of their debate, kept saying that this is a pernicious amendment, and ill-timed.

I think it is exactly the right time. Today in Managua the Sandinista government of Ortega is going to meet with the resistance. They are talking and they are negotiating, but we have, on the one hand, the specter of a Sandinista gathering of their forces to wipe out the Contras. It is timely, not pernicious, but exactly the right time for the Congress to get involved in helping the talks. I think it is exactly the right thing to do to pass this amendment.

I congratulate the gentleman from Illinois [Mr. Hyde] and the gentleman from Wyoming [Mr. Cheney] for their wisdom. It is not turning it over to the CIA. It is bringing to the attention of the Sandinistas during the talks that the Congress is not going to stand by and allow them to take advantage of the peace process.

□ 1210

That is what is so desperately needed.

The gentleman from New York kept saying we need to learn the lesson of history. I do not know if any one of my colleagues last night was watching cable news. There happened to be a show on one of the cable networks, about the 1930's. It talked about exactly 50 years ago in September.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEMP] has expired.

(By unanimous consent Mr. KEMP was allowed to proceed for 3 additional minutes.)

Mr. KEMP. The show last night chronicled the anniversary of the 50th year of the Munich accords, in September 1938 when Neville Chamberlain got up on the floor of the House of Commons right after getting back from Munich, and he held up a piece of paper and he said he had Adolph Hitler's name on it. He said that Hitler did not want the Sudetenland, he did not want Czechoslovakia, he did not want living space, he had enough territory.

Neville Chamberlain was cheered in the House of Commons. A back bencher in the House of Commons with white hair got up and spoke eloquently about the fact that war was coming because of Munich. He was booed. Catcalls rang out. The House of Commons voted overwhelmingly to support the peace process at Munich, and by early 1939 the Sudetenland fell. In another 3 months all of Czechoslovakia fell, and within I guess a year from September 1938 Poland was invaded. The story is so sad.

No parallel in history is perfect, and perhaps this is not perfect. But it does teach us something about the negotiation process. To negotiate, we must negotiate from strength, and it is a sign of weakness to tell the Contras that we are going to sit here in our chairs, here in the Congress of the United States, and not be concerned about the buildup of the Communists, not be concerned about the violation of Sapoa, not be concerned about a violation of the Guatemala accords, not be concerned about violations by the Sandinistas of the Arias peace proposal, that we do not care that the Sandinistas are in violation of the promises they made to the OAS in June of 1979. For us to sit here in May 1988 and make the same mistake that was made in the House of Commons in September 1938 is to make the same historical mistake over and over again. And the gentleman from New York has said have we not learned anything from history. I want to stand here and say I think we must learn from history. We cannot expect to deny the lesson from that tragic period of the 1930's.

And I say give peace a chance by strengthening the peace process, by voting for the Hyde-Cheney amendment, and let us truly give peace a chance by supporting the amendment

of the gentleman from Illinois and the gentleman from Wyoming and suggest that we remove this restriction and send a signal to Managua that we are not going to stand by and allow the guillotine to be used by Ortega against freedom-loving men and woman

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I am glad to yield to the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEMP] has again expired.

(On request of Mr. WALKER and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding and want to congratulate him for his statement.

I just want to also say that his statement is in direct contrast to the, I think, some rather shocking statements that are coming from the other side. I mean the gentleman who spoke previous to the gentleman in the well seemed to me to revert to the "blame America first" rhetoric that we have heard all too often on this floor. It seems that when we weigh the relative questions that what we have is people on the other side who say that they believe that the actions of the CIA are far more of a threat than the actions against freedom by the Sandinistas. I think that is the point the gentleman is making, and I really find that very, very disturbing as a part of the debate.

We are literally sounding like the Parliament of England in 1938 that did not understand the disaster that was about to occur.

Mr. KEMP. I thank the gentleman for his comments and want to remind all Members I bet if we go back in the RECORD and look at this debate and look at the mention of the words "peace process," it will be redundant. Everybody wants peace. I give that motive to Members of both sides of this debate.

But there has not been a single mention of the word "freedom," and peace without freedom is not peace. It is simply the extension at least in Nicaragua of slavery.

There is peace, as the gentleman from Pennsylvania said, there is peace in Cuba, there is peace in Vietnam, there is peace in the gulag, but there is no peace with freedom there.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend, the gentleman from Massachusetts, who is an eloquent spokesman for peace in our time.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding and appreciate that. I would ask the gentleman from New York for his help in understanding history.

If the general analogy was 1938, I assume the Communists played the role of the Nazis and the general analogical theme of totalitarianism.

Mr. KEMP. Totalitarianism.

Mr. FRANK. The Communists have the totalitarian role, which was presumably the Nazis in 1938, and I presume that Gorbachev is somewhat analogous to Hitler, but with a lot of changes.

Mr. KEMP. The gentleman's point is correct.

Mr. FRANK. So if I follow the analogy, my question is now as Ronald Reagan is over there talking to Gorbachev, whom he has called his friend, where does Ronald Reagan fit in this analogy to 1938 as the Russians have replaced the Germans and Gorbachev has replaced Hitler, but where does Ronald Reagan fit in?

Mr. KEMP. I will take back my time.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEMP] has again expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, it is a valid point that the gentleman from Massachusetts raises, and he is an eloquent spokesman for his point of view.

Let me just say the jury is out on what is going to happen in Moscow. My hope is that it turns out to be the fact that we have developed a stronger Nation, a stronger foreign policy, a resistance to communism in Central America and throughout the world and those negotiations are different than the negotiations that were held in the 1930's.

But I did want to make the point to the gentleman from Massachusetts, before I yield to my friend from California, there is no doubt about it, and if the President does not say it, I will. In fact I would like to quote Hannah Arendt, who wrote about the nature of the 20th century and the drama that is unfolding before the American people, and she said there are two evils on the Earth. One is nazism and the other is communism, and Hannah Arendt said the central drama of the 20th century is the struggle between totalitarian evil and freedom, and I think those men and women who are on the side of freedom in history are going to be on the right side, notwithstanding the eloquent point of the gentleman from Massachusetts.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, first a correction. The gentleman from Pennsylvania [Mr. WALKER] stated the expression that Jeane Kirkpatrick coined the "blame America first crowd." To use those words denotes there is someone else to blame secondarily, I believe now we have advanced in the last 2 or 3 years since Ambassador Kirkpatrick used that expression to a simple blame America, there is no second point, there is no blaming of the Soviet Union, there is just blame America.

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3673

Mr. KEMP. Or the CIA, or Reagan. And I want to say on the eve of his trip to Moscow that I am glad that it is going to be Ronald Reagan in Moscow and not Neville Chamberlain. I am glad that it will be Ronald Reagan in Moscow and not Jimmy Carter. I am glad it is Ronald Reagan in Moscow and not Michael Dukakis.

Mr. DORNAN of California. Amen.

Mr. MAVROULES. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I just want to make three very quick points. First, to take an action on May 26, an action that would take effect on October 1 of this year in my judgment would be very presumptuous, and I quite frankly do not see why the makers of the amendment find an emergency here this morning so that they have to come forth with this kind of an amendment. We do not have an emergency.

Second, in my judgment, I think the policy of the administration has been quite flawed for 7 years and the lives of 40,000 innocent people have been affected, whether through death, malignment, or injury.

Finally, Mr. Chairman, my opposition to this is that we do not have a policy put forth to give this peace process a chance. The question I want to ask is how many innocent people have been killed during this peace process? I challenge anyone to get up and state that innocent people are being killed by the wayside while this process is going on.

I think that is the bottom line, Mr. Chairman, and that is why we ought to reject the amendment.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to my colleague, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank my friend, the gentleman from Massachusetts, for yielding.

I was very surprised at the notion that my colleagues would put forward that what we should do to respond to this is put the CIA back in with no restraints.

As to blame America first, no, I do not do that. I am amused when I hear that from some of my colleagues, not amused, but we say that to be polite, because one of the major subjects facing America today is a problem of the trade deficit. When it comes to blaming America and letting others off the hook when we deal with trade, that comes from the other side. Those of us who think that Americans ought to be given a chance with trade to defend themselves, and when we talk about unfair practices, blaming America first comes from the other side. But we ought to talk here about the merits.

We have an acknowledged set of facts from the CIA, and we are not talking about the CIA as an entity, we are talking about leadership under

this administration, which in my judgment corrupted the CIA by having members of that agency violate the law. That has been admitted. Assistant Secretary Abrams admitted that to the Congress, and what we have now is a proposal to reward people for an explicit policy of breaking the law and of lying to Congress on what we before we are told is on behalf of the Arias peace plan. But we also heard the gentleman from Pennsylvania, and I appreciate his candor in this regard, say that President Arias is opposed to this effort to implement the Arias plan. This is more Arias than Arias. It is not an effort to implement that Arias plan, it comes from people who were frustrated and unhappy when the Contras signed that accord, and we know that as a fact. We know that Assistant Secretary Abrams and the others in the administration, and some of those here, thought the Contras made a mistake and do not want the Contras to go ahead with that process.

The notion that they are being starved is simply false, as was pointed out by the gentleman from Michigan. The Nicaraguan Government has agreed on the Pan American Development Foundation. That is an offshoot of the OAS. If the OAS is considered somehow to be a tool of the Communists, I misread the last 20 years. The OAS if anything would have been accused of being too close to us. We are fortunate that it is there. There is the OAS Pan American Development Foundation today which is acceptable I would think to everyone to give out the food.

This is not about food, and it is not about negotiating tactics. It comes from people who are frustrated that there was a peace talk, and as the gentleman from Massachusetts pointed out, that peace talk has accomplished one very important thing: The absence of killing. I do not regard that as mere artifice. I think that is a very important goal. We are hoping that we will continue to go forward with this.

But to say that the CIA should go back into this with no restraint is not only bad for the peace process, it is bad for the CIA. I think my colleagues on the other side made an error when they take what should be our intelligence agency, that we all want to have as a respected and important agency, and make it bear the burden of this mistaken policy when they say to the CIA we will impose a leadership on you that will distort your mission, that will take the great bulk of you and entangle you in illegal efforts which we will admit we have done as they had admitted. That is a very grave error. This would be bad for peace, bad for the CIA, and it is not an effort to advance the peace process. This comes from people who never wanted to see it work in the first place.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, I would ask the gentleman from Massachusetts a question. He made a very strong statement that CIA employees have broken the law or committed a crime. I wonder if the gentleman could tell me who at the CIA has been accused of any crime?

Mr. FRANK. I am glad to tell the gentleman that at the CIA they fired some people. I cannot tell him exactly who because they kept changing their names, but there were some. I remember acknowledgments.

Mr. CHENEY. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MAVROULES] has expired.

(By unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, during the Iran-Contra hearings there were several acknowledgments of people who acted in violation of the law, who misled and in some cases lied to the Congress. I believe the mining of the harbors was an illegal act, so there are several cases of that being done. We have a number of allegations against some people who are no longer alive and cannot defend themselves, but there were several allegations. In fact, people were dismissed from the CIA, and I really cannot recall all of the names because the names changed several times who acted in violation of what the laws were restricting certain actions that were being taken. There was cooperation by the CIA and a couple of people in carrying out things they were told they should not be doing by law, not asked not to do, but told they should not be doing.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I am delighted to yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding. I think it is very important, I would say to my colleague from Massachusetts, that we not malign the reputation and integrity of the men and women who oftentimes put their lives on the line for the United States by their services at the Central Intelligence Agency.

No member of the CIA has been charged with a crime in connection with any of these activities. If I may, no member of the CIA has been indicted, and no member of the CIA has been convicted of any crime.

□ 1225

The gentleman is entitled to his opinion, but he should get the facts correct. The facts are that to say the

CIA employees committed a crime is simply wrong.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MAVROULES] has expired.

(On request of Mr. FRANK and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, I think I spoke precisely. I did not say anyone was convicted. There are crimes committed for which there are no convictions. There are people who admit breaking the law. The fact that they are not convicted does not mean that crimes were not committed.

When people violate the law and there are people who violate the law and who are not always convicted, there are acknowledgments that the law was violated by people at the CIA. And I agree we should not malign the great bulk of CIA agents.

I think it is my friends on the other side who are unfair to the CIA because we have political leadership being imposed by this administration unfairly involving the CIA in things which they should not be doing. I believe it is that effort to use them to frustrate the peace process that does a great disservice to the CIA.

But I would differ with the gentleman to say that because no one has been convicted or even indicted, that does not mean no one has committed a crime.

I believe a few people have admitted breaking the law.

Mr. McEWEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have seen a great deal of progress in the course of this debate. I can remember during the early part of this decade when we were lectured to at length by certain Members of this House that those involved in the Sandinista Government were not Communists. And then after repeated statements on behalf of the Sandinista leadership that they were Communists, they began to backpedal just a bit and say well, they were not expansionists, that they were really just good Communists and we should not interfere in the operations of a neighboring country.

Then as you are fully aware, Daniel Ortega said, "We are like Che Guevara, we are committed to taking our struggle to other lands." Then in about 1984 or so they began to say, "Well, all right, they are expansionist Communists but they are not subjects of the Soviet Union."

Little by little we began to see, as millions of dollars of aid were flowing into the country, even to the point where they did not even bother to

paint over the Soviet symbols of the Hind helicopters they were delivering to attack their neighboring countries, that it was obviously a Soviet expansionist base inside Central America.

So about 36 months ago, out of great frustration, certain Members of this House created a cocoon. They began to say that every option that is available to the President, every option that is available to our defense agencies will not be available to this particular island, this one little country in Central America that is involved in Soviet Marxist expansionist revolution, that we will create a cocoon around them whereby other assets that are available to the President and to our National Government will not be allowed to be employed.

Now whenever we discuss matters of this type, it happens, as has been said in a court of law, when you have the facts you argue the facts, when you have the law you argue the law, and when you have neither the facts nor the law you argue.

So there has been a great deal of discussion about what this amendment does. This amendment does not really do anything. What it does is remove the cocoon that was created around a particular country. It strikes out some words that give special privileges to the Marxist Sandinista Government in Nicaragua. It does not put the CIA back in charge of any wars, it does not allow mining of any harbors, it is not a pernicious amendment, it is not a blank check to anyone; it allows only the United States government to engage in activities in Central America that it is allowed to engage in elsewhere with the complete and mandatory oversight not only of this House but particularly of the intelligence committees.

The question was raised as to why the emergency is now? The emergency is now simply because this bill is on the floor now. The emergency is now because we have played this game now for many, many months. We have taken every step that has been lectured to us by those who use the phrase that we are supposed to give peace a chance, we have reneged from our commitments to help the democratic resistance.

We have given the extended arm of support to those who want to negotiate. We have done everything on our side. What has happened in response? This afternoon one of the members of the original Sandinista directorate, Violetta Chamorro, will be here. One of the people who was a part of the revolutionary guard in 1978 that led to the ultimate establishment of the new government will be here to explain exactly what is going on. They pledged not more than a few weeks ago and we were told and lectured in this very Chamber and in the well of this House that there were going to allow freedom of the press. This editor of La Prensa will explain that they do not allow freedom of the press because

they do not allow any newsprint to be available to those involved in printing the newspapers.

The fact of the matter is that the time has come that we must no longer be blind, deaf, and dumb. There comes a time when intelligent people must face facts. And when the facts come to the floor that we have been played for a fool time after time after time, no longer can we give special privileges to the Sandinista Government, no longer should this cocoon be allowed to be established around this one particular government. But the United States of America, its President and its Congress should be allowed to engage in the same sort of national security interests in this area of the world as it does elsewhere.

That is simply what the amendment does. It makes no special privileges. It gives nothing to the CIA. It does not involve us in any sort of conflict. It simply removes a special privilege from those who are dedicated to supporting that Marxist expansionist government in Nicaragua.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, there are two cardinal principles I think we must keep in mind in dealing with the situation in Nicaragua. One is we must assure the Contras that we have not abandoned them. Second, we must let the Sandinista government know that we mean business when we say we insist that they negotiate to bring peace and democracy to Nicaragua. This amendment in my opinion is in furtherance of those two objectives.

I support the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Michigan [Mr. BROOMFIELD].

(Mr. BROOMFIELD asked and was given permission to revise and extend his remarks.)

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I merely rise to compliment the gentleman from Florida for his consistent support of the situation in Nicaragua to make sure that the Contras are not eliminated from meaningful negotiations for peace in that country. I just want the gentleman to know that it is deeply appreciated. He is very, very sincere and what he has to say should mean a lot to all the Members.

Mr. Chairman, I strongly support the amendment offered by my distinguished colleague on the Foreign Affairs Committee and ranking Republican member of the Intelligence Committee, Mr. HYDE of Illinois.

Although the time is late, we should renew our efforts to support genuine negotiations by keeping the Contras a viable force for freedom and democracy in Nicaragua.

"This amendment would keep the pressure on the Sandinista government to negotiate in

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3675

good faith," knowing that the President could resume assistance to the freedom fighters in October.

The main advantage of this amendment, is the Sandinistas could not just "wait out" the remaining days of this administration by stalling the negotiations.

The Sandinistas could not simply starve the Contras into submission.

This amendment would put the President back into the driver's seat on foreign policy. The Sandinistas would no longer be able to negotiate directly with Congress and exclude the Secretary of State.

With United States leverage taken away, the Sandinistas have dragged their feet in the negotiations, repressed domestic opposition, censored the press and restricted labor unions, and continued to accept huge Soviet arms deliveries.

Mr. Chairman, it's time we removed the straitjacket from our policy on Nicaragua.

This amendment would not undermine the Sapoa agreement, but instead would restore the pressure that is needed to keep the Sandinistas at the bargaining table.

I strongly urge adoption of the Hyde amendment.

Mr. PEPPER. I thank the gentleman.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, as I listened to this debate, I am sort of surprised because something is missing. We have had on this floor amendments coming for all sorts, in all sorts of other situations dealing with what I would call the drug mania that is sweeping this body, the other body and everywhere else.

Yet one of the areas where we should be having the most concern about drugs is in Central America, with the Contras. There have been all sorts of allegations that the Contras involved themselves or some members of the Contras in drug trafficking in one way or another. And yet here where we have one of the few provisions that would be able to control the things that the Contras are doing, we do not get any amendment from the other side, any mention that perhaps we should not do anything until the Contras are drug free. I mean, after all, if we are going to hold every American contractor and every American business to a very, very tough and rigorous standard, should we not hold probably one of the greatest contractors of this Government, of this administration, the Contras—they have received I think over \$1 billion over the course of the years, far more than many of those affected by the gentleman from Pennsylvania's amendment would receive—should we not hold them to the same standard?

So I would plead with my colleagues from the other side of the aisle who have been so tough on drugs in the work place, in every appropriation that has come up, before they rush to this amendment which, after all, brings some controls on the Contras—and I have always believed the prob-

lem that we have in Central America is not that the Sandinistas are so wonderful, but that the Contras are so bad—I would ask my colleagues on the other side of the aisle if they have any intention of bringing up some kind of amendment here on this proposal that would say, "Certify the Contras are drug free." And before we take off the little controls that we have on the Contras as in section 104, could we get some kind of provision that would make the Contras or attempt to make the Contras drug free? Because, after all, we all know that the drugs that start out in South and Central America end up in Miami and New York and Chicago and Los Angeles. They are every bit as damaging. It is every bit as damaging to have Contra members selling drugs here, who knows with what funds, as it would be to have some worker be smoking a marijuana cigarette and having a whole factory of 10,000 people closed down.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Illinois [Mr. Hyde].

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman and I want to compliment him. He has added so much to this debate that if he needs extra time I will be happy to try to get it for him.

Mr. SCHUMER. I thank the gentleman. I wonder if the gentleman is going to propose that kind of amendment today? And if not, why not?

Mr. HYDE. Only if it applies to the Democratic Cloakroom.

Mr. SCHUMER. Well, I would say that that is not a response worthy of the gentleman from Illinois.

Mr. HYDE. Then I ask it be stricken from the record.

Mr. SCHUMER. I thank the gentleman.

We on this side are waiting for some kind of amendment that would help make the Contras as drug-free as we seek to make the rest of the American workplace.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, as one of the previous spokesmen has said, serving on the intelligence committee does give you an opportunity for some real insights that you might not get any other way. However, this debate I think can be dealt with on public statements made by the participants to the process in Central America.

One of those I would like to refer to is Mauricio Diaz Avila in his February 22 statement upon his ouster from a National Assembly leadership position because his party was one of the 14 opposition parties engaged in the national dialog with the government. He said that that action showed "the Sandinista party tendency to force the assembly's political parties to either assume servile roles or be left

out. . . . The FSLN is demonstrating an enormous lack of tolerance for its opponents. This shows that it is not one bit democratic and that it intends to stay in power forever. We have been demanding these reforms since the 1984 elections. How many victims, how many deaths could have been avoided if they had complied with what they signed in 1984? However, they are intransigent and inflexible; they prefer monolog to dialog." Now that is someone who is involved in the process who asks us and the world how many deaths could have been prevented if the Sandinistas had lived up to the promises they made in 1984?

Let us get back to the central debate here, ladies and gentlemen. It is a question of peace with honor, it is a question of peace with freedom, it is a question of essential democracy that is to be given to the people of Central America in our own hemisphere.

Dr. Julio Garcia, a member of the Social Christian Party, on behalf of those 14 opposition parties said just 10 days ago on Managua Radio, "As of this date President Ortega has not complied with the Esquipulas II agreement, particularly the points referring to, among other things, unrestricted freedom of the press and freedom of expression, full freedom of thought and the immediate implementation of the general amnesty."

Dr. Garcia went on to say in that interview on radio, "We maintain that the definitive cease-fire will not last long unless there is a true democratization process in Nicaragua. There is no democracy if there is no peace and there can be no peace if there is no democracy."

In the context of all of this, what does Daniel Ortega say? Daniel Ortega says if the Contras do not agree to what he has presented to them, "We will use all the human and material resources necessary to combat and annihilate them." Not pat them on the head, but annihilate them! "We are determined to employ every means we have to annihilate and destroy those who refuse to accept this peace process and prolong the war."

He has set out the terms of the debate. He has said, "When you are at the bargaining table, accept our bargain or we will annihilate you."

How can he say this? He can say this because there is a continued flow of Soviet support, of Communist country support to his side and we have cut off any support and any threat of our support from our side.

□ 1240

If you want to look at bargaining positions, as an attorney you look and see if the people who are at the table have equal bargaining positions. In the law we sometimes say that if someone has an unequal bargaining position, the contract is invalid. Why? Because the one party can take advantage of the other party.

What is the difference between that and when you have people negotiating their very lives in the peace process in Central America? And what we have is we have created an unequal bargaining position. The Sandinistas on one side have the steadfast support of the Soviets, and they can back up their threat. They can back up their threat to annihilate the Contras if the Contras do not genuflect and bow to them at the bargaining table.

And what do the Contras have? They look here to Washington, and what do they see? They see us afraid to even say the President of the United States could consider, starting next October, the possibility of assistance to counterbalance in some way what the Sandinistas are getting. We are talking about several months hence. But what have we done? We have said we are going to pick one group, one fighting force, one freedom fighter group, the Contras, out of all the rest of them in the world and say, "No matter what happens, we are not going to give you the possibility of support that you need to bring an equal bargaining position to the table when you are negotiating today." That is what we have now before us.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(By unanimous consent, Mr. LUNGREN was allowed to proceed for 1 additional minute.)

Mr. LUNGREN. So, Mr. Chairman, I would just say this: We have had a lot of debate. Some Members want to make some strong debating points about the drug issue. Some Members want to say we are trying to further the killing. Yet the people who are down there negotiating on the part of the opposition parties are telling us the killing has been prolonged because of the intransigence of the Sandinistas.

They are asking for support from us. The humane thing for us to do is to support the Hyde amendment. It is the humane thing because it gives hope to the people who wish to have an opportunity for democracy. We owe them at least that much. I would rather give them that much than tell them that I am going to send my 14-year-old son down to Central America 5 years from now when this policy fails. And that is what you are doing: You are putting those of us who have children at risk of sending our sons down there to Central America in 5 years because we do not have the guts to give a reasonable threat on behalf of the Contras at the bargaining table.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, when I came here nearly a year ago, this was the first vote I made on the floor, the vote for the intelligence authorization. A lot has happened in the peace process since that time. President Arias was

recognized as a Nobel Peace Prize winner for its efforts for peace in Central America. We have had the Sapoa agreement, and indeed even today, talks will be resumed in Managua. But not much progress has been made on the other side of the aisle in terms of peace in Central America. This Hyde amendment is the same old thing. I see no growth, no responding to changing circumstances in Central America, no response to the wishes of the people of Central America, no response to the wishes of the people of the United States.

A few years ago I visited Central America and I resolved—and this is one of the reasons I worked hard to come to Congress—to do whatever I could in my power to stop the suffering there.

My colleague addressed the issue of his 14-year-old son 5 years from now. I would like to address the issue of the 14-year-old children fighting this illegal war in Central America just because it happens to be a policy preference of our colleagues in the House on the other side of the aisle.

We have heard much talk about peace today, but the fact is that if we want peace, we should heed the words of Pope Paul VI, who said, "If you want peace, work for justice."

If we want peace, we should eliminate the embargo in Central America and give the Nicaraguan people their own chance for peace. We should reject the Hyde amendment for the Nicaraguan people and their children. Are these Sandinista children? They are not Sandinista children; they are Nicaraguan children, children of Contras, children of Sandinistas, children of Nicaragua. These are 15- and 16-year-old boys who are losing their lives and their limbs because of the misguided policies of this Reagan administration.

We should end the suffering of young children and the babies born in camps because there is no respect here for self-determination in Nicaragua, again because of the misguided policies of this administration.

We have heard the Hyde amendment characterized by some of our colleagues on the other side of the aisle, and I would say we should recognize it for what it is. The Hyde amendment would increase the militarization of the area. It is not in support of peace in Central America. It would remove any restriction on the use of the CIA in Nicaragua. It would dump the bipartisan support of the peace process. It would put the House on record for more war in Nicaragua, more suffering, more dying, and more killing of children in Central America on the same day, the very same day that the Contras and the Sandinistas are talking about peace.

Mr. Chairman, the Hyde amendment would say no to the Central American peace process. It would reopen the Contra war to the full establishment of the CIA contingency fund, and it

would end congressional participation in making peace, not war, in Central America.

Mrs. BOXER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to my colleague, the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, I want to compliment my colleague, the gentlewoman from San Francisco, CA, on her effort, and I would associate myself with her remarks. I am proud to serve with the gentlewoman in representing that city.

I would like to say that the gentlewoman is right, this amendment brings us back to the same old thing. We have seen those planes go down with weapons and come back with drugs. We do not want that same old thing. We do not want to see the same people who brought us General Noriega. I would say to the Members who support this Hyde amendment, "I don't know where you people have been." Noriega is looking at America with a sword over his head, and we are going to take the same old people who brought us Noriega and put them in charge of our Nicaraguan policy.

Mr. Chairman, I ask the Members to vote "no" on that policy, vote "no" on the Hyde amendment.

Ms. PELOSI. Mr. Chairman, I would like to say that I would like to see some response by this Congress to the efforts being made by the people of Nicaragua for their own peace.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

(Mr. Mr. EDWARDS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Chairman, this is almost surreal. I feel as though we have been frozen in time. I would say that while we have disagreed, I cannot really find fault with those Members who place their hope in a peace process. We all have times when we are guided by our dreams and by our hopes, but this is not the week of the unveiling of the Arias peace plan, this is not the week of the signing of the agreement at Esquipulas, and this is not the week of the signing of the agreement at Sapoa. This is the week the talks come to an end with no agreement because the Sandinistas have said to the President, said to JIM WRIGHT, and said to you, "You can take your plan and your list of reforms and your democratic process and shove it."

Then we hear this debate, and this place becomes like a twilight zone. It is as though none of the past 6 months had even happened, as though none of the articles had appeared as though none of the trips to Central America had been made, as though none of the speeches by Ortega had been made. It is as though Major Miranda had not defected and told us of the Sandinista military plans. It is as though the Sandinistas had not moved their troops

into Honduras. It is as though the Sandinistas were not threatening and preparing a new military offensive. It is as though news print had not been held from newspapers, as though labor leaders had not been thrown into jail, as though journalists had not been beaten, as though peaceful demonstrations had not been broken up, and as though the ministry of justice had not been closed and its functions turned over to the police. You can ignore the fact that you voted for food and it was not delivered.

□ 1250

My colleagues could ignore the fact that Daniel Ortega and the Sandinistas are laughing at them, but my colleagues cannot ignore the fact that they are destroying the last hope of freedom and democracy for millions of Nicaraguans. Nicaraguans may have dark skin, and they may speak a foreign language, but they have every bit as much right to a free press, and free elections and free speech as my colleagues have. To have not voted against Contra aid months ago, with what my colleagues knew then, is understandable, but to vote against this amendment is absolutely indefensible.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I am wondering if the gentleman from Oklahoma would present to us the evidence that he apparently has that indicates that talks are breaking off, that there is somehow a conclusion that we have not heard about. I think most of us heard the Sandinistas were willing to extend the cease-fire another 30 days, and the talks continue today in Managua. What evidence is there that we have reached the end of our rope? Is there some information that the gentleman has that is not publicly available?

Mr. EDWARDS of Oklahoma. Oh, I think it is very publicly available. I say to the gentleman from California, if he reads the papers, if he talks to the Contras, if he listens to what the Sandinistas are saying, the Sandinistas are willing, of course, to be able to continue the sham while the Contras run out of food, while they have no ammunition and to keep the pressure on.

But these talks, the gentleman from California knows and I know, are not going to go anywhere unless the Sandinistas are willing to provide some of the democracy that, not only the Contras have been willing to fight and die for, but that this Congress in the Dreier and Chandler resolution said we insisted upon.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, with all due respect to my friend from Oklahoma, that is not what the Con-

tras told us. The directorate, who appeared before the Democratic leadership just 2 days ago, they have a plan. They are in agreement on the Pan American Development Foundation for delivery of food, as is the Nicaraguan Government. They are meeting seriously now in Managua with the rights to visit the church, the right to visit La Prensa, the right to visit friends, the rights to associate with political parties while they are in Managua.

Why would the gentleman want to do this today when it took 3 weeks to put together the whole Contra thing when it fell apart? Now they have got some semblance of order when it took us 8 months to put together a bipartisan package. Why in God's name would the gentleman want to come to this floor today and propose this thing that has the effect of blowing it all up?

Mr. EDWARDS of Oklahoma. Three weeks to put it together? Is this the same gentleman from Michigan with whom I have been engaged in dialogue over this for 2 years trying to get it put together? Does the gentleman still believe today, after everything that has happened, that the Sandinistas are going to bring democracy to Nicaragua? Does the gentleman believe that?

Mr. BONIOR. Yes, I do.

Mr. EDWARDS of Oklahoma. Then it is absolutely amazing. The gentleman from Michigan [Mr. BONIOR] ought to subscribe to the newspapers.

Mr. AUCOIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. AUCOIN asked and was given permission to revise and extend his remarks.)

Mr. AUCOIN. Mr. Chairman, I would say to the gentleman from Oklahoma [Mr. Edwards] and his supporters that I do not believe for a moment that the Contras will restore democracy or freedom to Nicaragua. And I cannot understand anyone believing in such a preposterous position.

Let me tell you something about the Contras. I go back long enough to remember when Bill Casey told me and other Members of the Congress that the purpose of this whole Contra covert exercise was to stop arms being sent into El Salvador. Under our questions they could never point to a single cache of a significant number of arms sent from Nicaragua into El Salvador, so we moved along to another rationalization. And what we have seen is one rationalization after another, each one shot down.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. Mr. Chairman, I will not yield just yet. I will try to yield to the gentleman from Illinois in a moment. He never yields to me, but I will try to yield to him in a moment.

Mr. Chairman, we have seen one justification after another shot down in flames, and each time we finally get

closer to the truth. The truth is that under the guise of the words, "freedom" and "democracy," we are expected to believe the Contras have made as their target of choice not regular Sandinista troops but rather civilians, and women and children in co-ops around the countryside of Nicaragua who are somehow the spiritual descendants of Thomas Jefferson. That is absolutely preposterous.

Benjamin Lender from Portland, OR, is a constituent of mine, and he was shot; and all the evidence suggests that he was shot at point-blank range in the temple, in all probability by Contras, and we cannot find the answers. We cannot get a full identification or a full report from the CIA even today after 2 years of trying. The State Department would not cooperate with us either.

These are the spiritual descendants of Thomas Jefferson? Give me a break.

Right now in Managua we have peace talks, cease-fire talks, going on. And your side, which says to the chairman that it is sorry it is necessary to bring this amendment to the floor without giving them notice, brings it to the floor on a day when both sides are talking, when there is a chance for an agreement. The problem on that side is that when the situation down in Nicaragua is seen, it is felt that the only way to solve the problem is to give ammunition to not freedom fighters but to mercenaries, mercenaries who are indiscriminate in their choices of targets.

Mr. Chairman, I have got a dead constituent to prove that these mercenaries do not stand for democracies. They cannot even account for where we have sent the funds. There are hundreds of thousands of dollars in Cayman Island bank accounts that are unaccounted for today. These are the spiritual descendants of Thomas Jefferson?

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. Mr. Chairman, I am not going to yield at this point. I am going to finish my remarks as the gentleman did.

These are not the spiritual descendants of Thomas Jefferson. These are not freedom fighters. These are mercenaries.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. They are not going to bring democracy to Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would not yield, either.

Mr. AUCOIN. They are not going to bring democracy to Nicaragua and, if your litmus test on Nicaragua is freedom of the press, full participation in society, why not fund the Contras in South Africa where none of those freedoms exist? The gentleman is silent on those questions. We will have sanctions on the question of that country, and the gentleman is silent

on that. The gentleman's dual standard is absolutely unbelievable to this Member of Congress.

Mr. Chairman, I say we should defeat the Hyde amendment. It is untimely. It is guerrilla warfare on the House floor. It will introduce the combat, the war, in Nicaragua, and I think we have a chance to solve it by peaceful means.

Mr. HYDE. Mr. Chairman, will the gentleman yield now?

Mr. AuCOIN. Mr. Chairman, this is a preposterous amendment.

Mr. HYDE. Mr. Chairman, now will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. AuCOIN was allowed to proceed for 1 additional minute.)

Mr. HYDE. Mr. Chairman, now will the gentleman yield?

Mr. AuCOIN. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I direct my friend, the gentleman from Oregon to a series of reports from the Permanent Select Committee on Intelligence which recites how much arms are being shipped into El Salvador from Nicaragua when the gentleman from Massachusetts [Mr. BOLAND] was the chairman. I will even get them and hand-carry them to the gentleman's office.

Mr. AuCOIN. Mr. Chairman, I will reclaim my time. I understand the gentleman's point. I want to reclaim my time.

I want to tell the gentleman that I sat on the Defense Appropriations Committee. I have had the secret briefings as well. I understand what the facts are as well as the gentleman does. Drug interdiction was a sham, and I think that the chutzpah award ought to be given to the gentleman from Illinois [Mr. HYDE].

Mr. Chairman, Arias got the Nobel Peace Prize. The gentleman from Illinois ought to get the chutzpah prize.

Mr. HYDE. Mr. Chairman, now will the gentleman yield?

Mr. AuCOIN. Here we have, as the reward for people who went through the back door, using illegal means, shredding documents in the basement of the White House, and is there a reward? The gentleman from Illinois says we ought to pass an amendment.

Mr. Chairman, it is ridiculous. Let us defeat the Hyde amendment.

Mr. KASICH. I move to strike the requisite number of words.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I would just like to point out for the RECORD, certainly not to instruct my friend from Oregon, that the House Committee on Intelligence reports certify the traffic in arms from Nicaragua to El Salvador and, if he had ever read

those reports, which are public records, not classified, he would know better.

Second, America does contribute money for democracy in South Africa. Millions of dollars go over there to democratic institutions, so again the gentleman is misinformed.

Mr. KASICH. Mr. Chairman, I appreciate the gentleman's contribution, and I really do not want to talk to the people on this side who are already entrenched. What this debate comes down to is whether we can get people in who have been undecided about this issue for the last several years.

I want to tell my colleagues, first of all, I opposed the administration about delivering military aid about a year and half ago. I said that I thought it was the wrong signal to send, and then I supported the bipartisan policy, and in fact I chastized people on both sides who tried to politicize the debate when we had the bipartisan policy that passed through this House several months ago. But do my colleagues know what? To those who were in the middle, they have got to look at the facts, and they have to look at the truth, and they cannot ignore it any more because the program is not working.

□ 1300

Please look at the letter that the gentleman from Oklahoma, Mr. MICKEY EDWARDS, wrote to President Arias. Here is what Mr. EDWARDS revealed: La Prensa, the great newspaper in Nicaragua censored, threatened, twice closed; one of the most respected television journalists in the country, beaten on his doorstep as the result of his reports; labor leaders and leaders of the internal democratic opposition arrested, thrown in jail; the Ministry of Justice closed down, government sponsored hooligans have disrupted and abused those few people who dare protest against the government.

Mr. Speaker, on the front page of the New York Times yesterday was an article about the Sandinistas preparing attacks, and we used aerial photography and we discovered some interesting things. The Sandinistas are building up ammunition supplies, they have got more than what they can even put in their warehouses.

The photographs indicate movements and buildups on the Honduran borders, in fact even extending an air field on the Honduran border.

I mean, this has all been happening. Mr. Chairman, since we tried this bipartisan plan. I do not want to talk to those who are entrenched. I want to talk to those people in this House who do not like the Sandinistas, who want peace and who are trying to be objective; my friend from Delaware, my friend from Kansas, who have been on the edge of these votes for vote after vote.

What do we do here? What we say is that the Sandinistas will not comply,

which clearly they have not been doing.

To my good friends, in the middle, I say that if the Sandinistas will not comply next year, we ought to give our Government the opportunity to support the opposition.

Let me tell you, I do not care who you want to quote. If you want to talk about Luis Sancho, do you know what he says? He is a leader of the Nicaraguan Socialist Party. Listen to this:

The Sandinistas see the Contras falling apart, and they see the United States not disposed to help them. They feel they now control the situation, which means there's no reason to compromise on anything.

Mr. Chairman, we met the Contras a couple days ago. Do you know what they told us? They may not survive for 2 or 3 more months. If you want the Contras to survive within Nicaragua, if you want the peace talks to be successful, if you want to be in a position where you do not wipe out the opposition to the Sandinistas in Nicaragua, you have got to support this amendment, because this amendment sends a signal that the Contras desperately need.

I wish you all has a chance to see these people. What they will tell you is one basic thing, "our people are starving. Our units are falling apart." The Sandinistas know it and the timetable is their ally.

If you will remember the debates that we have had for the last couple of years, we have asked you, we have pleaded with you, not to let the calendar be an ally of the Communists, and that is exactly what they are doing. Do not let the Contras starve to death.

For those in the middle who want to keep the process going, give us an option down the road. Let us not eliminate any possibility we have to call the Sandinistas on the carpet for all these violations.

I plead with you and I beg you in that bipartisan spirit that we had in this House several months ago; support the Hyde amendment, really give peace a chance and do not put your heads in the sand to wake up one day and find out that the Contras exist no more, that the Sandinistas have consolidated and there is no hope for the future in Nicaragua.

Mr. CARPER. Mr. Chairman, I move to strike the requisite number of words.

(Mr. CARPER asked and was given permission to revise and extend his remarks.)

Mr. CARPER. Mr. Chairman, I will be brief.

At the very best, the amendment before us is premature. At the very worst, this amendment is a step back, not a step forward.

I would ask you to consider the following for just a moment. What has been the policy of our country, at least in the 6 years that I have been a Member of this body? The policy of our country has been to bring pressure

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3679

to bear on the Sandinista regime to compel them to live up to the original promises of their revolution, a more open society, and a mixed or a pluralist economy.

We have brought strong pressure indeed, economic pressure, military pressure and diplomatic pressure. For years the Sandinistas said to me and to others in this body and to anyone who would listen, "Uncle, Uncle." They expressed repeatedly their desire to negotiate with us toward a solution involving both peace and democracy.

Finally, at long last, somebody decided to call their bluff. Somebody decided to test the sincerity of the Sandinistas. We test that sincerity, we put them under the glare of the spotlight with the agreement worked out at Esquipulas. Our pressure compelled the Sandinistas to sign that agreement as well.

We are not testing even today as we speak that sincerity to further talks between the Contras and the Sandinistas. Those talks should go forward.

Let me return closer to home right here. For 6 years I have witnessed partisan bickering and sniping on this issue, this foreign policy issue, which almost alone we are able to reach any kind of bipartisan accord on, until 1 or 2 months ago when finally we agreed on a policy. What was that policy?

The policy says that we are going to provide the sustenance to sustain the Contras for 6 months, and beyond that if necessary, in order to permit them to try to reach a negotiated settlement with the Sandinistas to bring both peace and democratic reforms.

It has been pointed out that the progress in those talks has been slow. Let me just say that progress in the talks to negotiate the withdrawal of Soviet troops from Afghanistan has been slow as well. It did not happen in a day. It did not happen in a week. It did not happen in 1 month.

Similarly, the negotiations for the INF Treaty did not take place in a day, in a week or in a month. These things do not go by quickly.

Further, there is plenty of blame to go around on both sides of this issue. Neither side is without sin.

Finally, let me just say, I wish all the energy that we are consuming today on this debate could somehow be turned to the following subject: We have enormous security concerns in Central America. I want to see and I think you want to see, we all want to see the assurance that no foreign military bases will be established in Nicaragua. We want to see the size of the military there reduced, not increased. We want to see the foreign military advisors thrown out of that country.

Our President 1 year ago said,

"Let's enter into multilateral talks with all the Central American countries on those national security interests and let us do so as soon as the Contras and as soon as the Sandinistas begin to talk.

They are talking. The time has come for us to follow through.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Washington.

(Mr. LOWRY of Washington asked and was given permission to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Chairman, I compliment the gentleman for his leadership in this speech. The leadership of this House has given a performance that is working. There is a real chance that we are going to have something that everybody can be for. We have bipartisan support for what got us here.

Let us defeat the Hyde amendment and give what the leadership of this House has given, a chance for peace to work.

Mr. STOKES. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 36 minutes, the time to be accorded equally to each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The time limitation is now 36 minutes.

The gentleman from Ohio [Mr. STOKES] will be recognized for 18 minutes and the gentleman from Illinois [Mr. HYDE] will be recognized for 18 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I simply want to make one practical point. After many years of arguing and partisan bickering, we have been able in the last 2 months to establish a very tenuous bipartisan consensus in many areas of foreign policy. We did that on the Contra agreement which was reached just a few weeks ago on the floor of the House and we did that again yesterday on the foreign aid bill, after 7 years of very hard fighting.

I would suggest, Mr. Chairman, that nothing would be more damaging to the national interests of the United States than to, 1 day after that bipartisan support was demonstrated on the bill that we dealt with just yesterday, without any notice whatsoever, in the middle of negotiations taking place in Nicaragua right now, to adopt the amendment that is now before us.

Mr. Chairman, good public policy is not served by surprise amendments which only have the effect of sandbagging the negotiations that are going on. I have no idea whether those negotiations will prove fruitful or not, and as I have indicated many times before, I would not trust either side in the Contra-Sandinista debate as far as I could throw either one of them. I have been lied to so much by both sides that I do not believe anybody on that score anymore. But I would suggest that this amendment deletes all re-

strictions on CIA activity in that part of the world. It would allow a resurrection of the war. It would be the worst possible thing we could do at the worst possible time. If we are interested in seeking peace, we should not be in the business, right now, of each individually predicting what we think the outcome of those negotiations is going to be. We ought to be in the process of trying to give those negotiations every possible opportunity to succeed, and we should not set up the United States as an easy target for the Sandinistas to blame if those negotiations fall apart.

Passage of this amendment gives the Sandinistas an easy excuse, an easy out. It gives them an easy reason to walk away from the negotiations or to be even more obstreperous in the negotiations than they usually are. I cannot think of anything that would be dumber for us to do at this moment. If those negotiations do finally break down, let it be Nicaragua that does it. Let it not be the U.S. Congress.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Hyde amendment.

Whenever we discuss this issue on the House floor, we tend to fall into rhetoric that is divisive and polarizing. The real issue here is how do we achieve the goals of the Arias peace plan, the twin goals of peace and democratization?

The negotiations that some of my colleagues have referred to, the negotiations about the cease-fire that have not progressed very well and still have a few weeks remaining, may succeed, but they only address the issue of the cease-fire. They do not address the parallel issue of democratization, and on the record of democratization, and I will not repeat the record because many of my colleagues here have spelled it out in great detail and it is in fact detailed in the State Department publication, The Sandinista Actions Since Esquipulas, August 7, 1987, which I intend to submit for the Record; but the record on the democratization actions is indeed very bad. They have gone backward, not forward.

So the issue is, how do we restore the forward process. The Hyde amendment is in the tradition of those actions taken that have in our experience promoted negotiations.

Now, Members will recall that the Democrats of this House sent a delegation down to the meeting of the Presidents in January and only when House Democrats said to Ortega, "Unless you negotiate, you will face renewed military aid," did negotiations proceed, did

... agree to the negotiations that led to the Sapoa agreement.

□ 1315

Our point is now from this side to again restore the kind of pressure that the Democrats in this House found necessary to bring to bear in order to get the negotiations in place that brought into being the Sapoa agreement. That Sapoa agreement has not worked to create forward progress on the democratization issues which underlie the peace issues. We are trying to again restore comparable pressure, the same kind of pressure the majority restored in January to get Sapoa. We are trying now to restore to the current process so that in the next few weeks there will be some progress on the cease-fire, but also on the democratization issues that fundamentally underlie and are essential to peace in Central America.

What we are trying to do here is limit it, it only restores aid as of October or allows that possibility with no new money. We have plenty of time. My colleagues are familiar with this body, if we see that aid is going to run and we want to condition it, we can do it, but it sends a strong signal in any event. It sends exactly the kind of signal the majority found necessary to send in January to create forward motion and new commitment. The Sandinistas have an abominable record on the democratization commitments that they themselves made in Sapoa, and only this amendment will restore their interest.

THE COMMITMENTS

Esquipulas, August 7, 1987:

The Accord signed in Guatemala City by the five Central American presidents contains a broad commitment to popular participation by the regions' citizens in an authentically democratic process. The five presidents pledged themselves to "promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice, respect of human rights. . . ."

The Accord specifically notes that political parties would have the right to organize, to participate in decision-making, and to have access to the media to make their views known. The signers, however, go beyond pledging themselves not to institute restraints on freedom of expression, such as prior-censorship, to making a positive commitment. Political groups are guaranteed "broad access to communication media, full exercise of the rights of association and the right to manifest publicly the exercise of their right to free speech, be it oral, written or televised, as well as freedom of movement by members of political parties in order to proselytize."

San Jose, January 16, 1988:

The five Central American presidents meeting in San Jose, Costa Rica, reaffirmed their commitment to fulfill unconditionally their obligations under the Esquipulas Accord including "above all, democratization, which shall include the lifting of the state of emergency, total freedom of the press, political pluralism, and the termination of the use of special courts."

Sapoa, March 23, 1988:

The Nicaraguan government agreed to decree an amnesty for prisoners, to guarantee "unrestricted freedom of expression, as contemplated in the Esquipulas II Accord," to guarantee the right of all political and other exiles to return to Nicaragua without punishment, and to ensure free participation in municipal, national and Central American parliament elections.

THE ACTIONS

August 7: Esquipulas Accord signed.

August 8: Sixteen members of the Nicaraguan Confederation of Trade Union Unity arrested and imprisoned.

August 15: Police, using electric cattle prods, and "turbas" (mobs led by FSLN activists) break up two opposition attempts to hold peaceful rallies.

The head of the CPDH (Permanent Committee on Human Rights) and the leader of the independent bar association are arrested while observing a peaceful demonstration; they begin a hunger strike to protest their detention.

September 27: Police arrest 18 Social Christian Party (PSC) members prior to a rally in Managua.

PSC members outside of Managua are prevented from obtaining transportation to participate in the commemoration of the PSC's thirtieth anniversary.

October 19: Radio Catolica's first newcast since reopening is cancelled by government officials who claim the radio lacks the proper permits.

October 22: Turbas disrupt a peaceful human rights vigil and attack members of the "January 22 Movement of Mothers of Political Prisoners" in El Calvario church in Managua.

October 25: An estimated 5,000 potential emigrants walking to the Costa Rican border are turned back by Sandinista security forces.

October 26: "Turbas" numbering approximately two thousand surround the headquarters of the Permanent Committee on Human Rights (CPDH) where the "January 22 Movement of Mothers of Political Prisoners" has gathered.

October 31: Nearly 300 Nicaraguans flee to Honduras following a meeting with families at the border.

November 1: Julio Bustamante of the Office Workers Union of El Viejo is taken from his home at 10:00 P.M. and beaten by three men wearing army uniforms.

November 18: President Ortega says he will not approve the request of private businessmen to open an independent television station.

Case comes to light of a Resistance member who on April 30 surrendered under the Sandinista amnesty on April 30 and, the amnesty notwithstanding, was arrested nine days later and sentenced to 15 years in prison.

November 19: Miguel Salas, machinists union member, is seriously wounded by Sandinista official Wilfred Dominguez who shot him four times.

November 27: Nicaraguan police arrest and beat two youths for distributing anti-government leaflets for the Liberal Independent Party.

December 3: Police detain persons in Jinotega for publicly voicing support for thirteen individuals falsely arrested by the Sandinistas.

December 13: Security forces detain a Social Democratic party leader for three days following his organization of a December 13 march in opposition to the government.

December 13: President Ortega tells a labor group that while the Sandinistas

might give up the formal trappings of government, they would never yield power.

December 15: Three Supreme Court judges resign to protest Sandinista non-compliance with judicial orders.

December 17: Government imposes a requirement for a 72-hour notice prior to holding political events and makes sponsors responsible for all damage, including that caused by participants in government-backed counter-demonstrations.

December 18: President Oscar Arias denounces Nicaragua's plans for a military buildup as a violation of the Esquipulas Accord.

January 14: Interior Ministry threatens Nicaraguans who met with Resistance representatives in Guatemala with a "thorough investigation."

January 15: President Daniel Ortega threatens to reimpose a state of emergency and censorship of La Prensa if new funding for the Resistance is approved.

January 16: Joint communique issued by the five Central American Presidents.

Twelve opposition leaders arrested and interrogated for meeting with the Resistance outside of Nicaragua.

January 19: Strongly worded Sandinista editorial warns opposition that restoration of civil rights should not be taken as a "blank check."

January 22: A Sandinista "turba" yelling "People Power!" hurls rocks into the headquarters of the Democratic Coordinadora, smashing windows and injuring several.

Comandante Bayardo Arce warns the opposition parties to "return to their holes or we will crush them."

January 31: Sandinista authorities threaten to hang, take away land, and seize ration cards from participants in a Liberal Constitutional Party rally in San Dionisio, Matagalpa.

Transport Ministry refuses to allow opposition parties to rent buses to transport supporters.

February 6: Sandinista military recruiters round up 300 youths in Matagalpa and herd them into vehicles. Boys as young as thirteen and men as old as fifty are press-ganged into military service. More than two hundred youths later reportedly escape. One youth is seriously injured.

February 8: 200 Sandinista police confront demonstrators in Masaya protesting military recruitment. Demonstrators are beaten and arrested.

February 9: Sandinista police briefly detain and confiscate television crews' film of police brutality in Masaya.

February 10: Government newspapers charge independent newspaper La Prensa with supporting the Resistance and threaten to use physical force to close it down.

February 18: Violeta Chamorro, widow of Pedro Joaquin Chamorro, assassinated owner of La Prensa, writes to President Oscar Arias that "the Sandinista regime . . . has entered into a phase of total indifference to the points stipulated in the Esquipulas II Accord."

February 20: Police raid Managua's Eastern Market. Thousands of cordobas worth of merchandise seized from small entrepreneurs.

February 23: President Ortega accuses democratic opposition political parties of having a "perfidious, blackmailing attitude . . . which is treason to the fatherland."

February 25: During a strike by 2000 restaurant workers in Managua four union leaders are detained and pro-Sandinista mobs threaten strikers.

The International Committee of the Red Cross, while conducting a census of political prisoners, is denied access to security police

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3681

prisons under the control of Tomas Borge's Interior Ministry.

February 26: Two U.S. Embassy officers are assaulted and harassed by FSLN supporters during a pro-government rally in Managua.

February 27: After being held for 15 days after their February 12 acquittal, five opposition members acquitted of alleged involvement in anti-government bombings in Jinotega are released from jail. They were released only after intervention by an international human rights organization.

February 28: Cardinal Obando y Bravo calls Daniel Ortega's insistence that the Sandinista agenda serve as the basis for the next round of cease-fire talks "a backward movement to zero."

February 29: Sandinista television begins broadcasting spots accusing La Prensa owner Violeta Chamorro of war crimes.

March 1: President Ortega closes Ministry of Justice. Tomas Borge's Interior Ministry now oversees control over organizations, associations and other "legal personalities" such as political parties.

Security officials threaten to jail leaders of the Democratic Coordinadora if they proceed with plans for a March 6 rally in Masaya.

March 2: Miguel Cardinal Obando y Bravo is dismissed as cease-fire mediator by President Ortega.

March 3: Several hundred "turbas" break up a meeting of 15 leaders of the Permanent Congress of Workers (CPT). Police watch from a distance as the "turbas" storm the hall where the union leaders are meeting.

A Sandinista-organized, rock-throwing mob officially estimated at 3,000 gathers outside La Prensa offices, shouting anti-La Prensa slogans and burning Mrs. Chamorro in effigy.

Transported to the scene in government trucks, a pro-Sandinista mob storms an opposition labor meeting in Managua.

The secret police (the DGSE) warn three opposition reporters that they are being watched and monitored because of their connection to "counter-revolutionary organs." Two weeks earlier, a reporter is briefly detained while covering an anti-government demonstration by women in Managua's Eastern Market.

March 5: Two labor activists leading a peaceful march of 60 peasants en route to a rally sponsored by the Labor Unity and Action Central (CAUS) are killed by troops near the village of El Tuma in Matagalpa department.

March 6: 150 Sandinista counter-demonstrators wound seven opposition demonstrators in Masaya protesting military recruitment policies.

Sandinistas employ "turbas" to violently disrupt a peaceful Women's Day march of the "January 22 Movement of Mothers of Political Prisoners." Five hundred peaceful marchers are attacked and beaten by a government mob armed with rocks, chains and iron bars. Over 150 government vehicles reportedly were used to transport city workers and DGSE employees to Masaya for the government-organized countermarch. DGSE agents repeatedly threaten march organizers and their families.

March 9: Police refuse to grant a march permit to the CPT.

March 13: President Ortega warns opposition parties "not to overstep their right to criticize the government." "Everything has its limits," Ortega warns, and "he who sows the wind reaps a storm."

An extraordinary session of the FSLN Assembly warns the opposition against provoking the "ire" of the people.

March 15: Sandinista-organized mobs backed by Nicaraguan police sweep through

three Managua markets seizing merchandise from private vendors to enforce new price restrictions.

Seven labor organizers arrested in Masaya.

Labor leaders protest the arrest of Justo Pastor Espinoza in Granada. Pastor, a labor organizer for CAUS (Labor Action and Unity Central), was arrested and later turned over to a mob which beat him in front of police headquarters and stole his megaphones.

March 16: All radio stations required to join a government network three times a day, thus preventing local radio stations from reporting on the Nicaraguan incursion into Honduras.

March 17: President Ortega tells opposition leaders the political opening permitted to date would be terminated if they continue to pressure the regime to abandon its revolutionary principles.

March 18: Vice-President Sergio Ramirez again declares that the Sandinistas will not grant a license for a non-government television station.

March 19: Labor march planned for Masaya is cancelled because police refuse to indicate whether permission to march will be granted. Marchers also fear government-organized violence.

March 23: Sapoa Agreement between the Government of Nicaragua and the Nicaraguan Resistance signed.

March 28: La Prensa suspends publication because of a shortage of newsprint. Sandinistas refuse to permit La Prensa to purchase foreign newsprint.

April 12: Sandinistas officials deny permission for AmeriCares (a private US humanitarian aid organization) to deliver newsprint to La Prensa and medicine and clothing for use by the Catholic church.

April 17: Sandinista authorities deny permission for an opposition rally in San Ramon, Matagalpa province.

April 25: Permanent Congress of Workers (CPT) launch a hunger strike at the Independent General Confederation of Labor (CGT-I) headquarters to protest Sandinista non-compliance with labor promises.

April 26: Fourteen political parties walk out of national dialogue talks with the government in sympathy with striking unions.

April 27: A special police unit, the "Black Berets," attempts to occupy CTG-I union hall and prevent cars driving along road in front of building from stopping to make donations to strike fund collectors.

Approximately 100 Sandinista police beat and arrest four workers from the Labor Action and Unity Central (CAUS) carrying signs supporting the hunger strike. Police attempt to enter the building, but are blocked by a crowd of trade unionists in front of building.

April 29: Interior Minister Tomas Borge orders Radio Corporacion Director Jose Castillo brought in to his office and assaults him there because of the station's coverage of police actions against CPT hunger strikers.

The "Black Berets" forcibly clear protesting workers from the CGT-I parking lot. Several people are arrested, including union leader Antonio Jarquin and Horacio Sanchez, leader of the construction trades union.

Police disperse group of youths from the social democratic and conservative parties who arrive at CGT-I headquarters to support hunger strikers. Some reported arrested.

May 1: 5,000 march in CPT-sponsored May Day rally. The Nicaraguan Workers Central (CTN) May Day rally with 1,500 marchers is disrupted by what appears to be "turbas" harassment.

May 3: Antonio Jarquin and Roberto Moreno arrested along with a dozen other people for attempting to hold a press conference at the CGT-I hunger strike headquarters.

All entry and exits from the CGT-I building are blocked by police. Water, electricity and telephones shut off.

Interior Ministry informs Radio Mundial its morning and noon news broadcasts are suspended for one week because of its reporting of the hunger strike.

Unknown persons break into Radio Mundial destroying control console and FM transmitter, breaking tubes and ripping wires. There are no signs of forced entry and nothing is stolen.

The government suspends the following newscasts for eight days: Radio Catolica's "Iglesia," Radio Noticia's "El Pueblo," Radio Mundial's "El Nicaraguense."

Radio Corporacion shut down completely for 24 hours.

May 4: Police detain between 25-30 opposition political leaders as they attempt to visit the trade union hunger strikers. Sandinista police head Doris Tijerino declares there will be no concessions to workers as long as the hunger strike continues.

May 8: Government refuses permission to the Democratic Coordinadora to hold a march in Jinotepe. Secret police threaten local Coordinadora organizer with imprisonment.

On the morning of a planned demonstration, Sandinista authorities refuse permission for the Liberal Constitutionalist Party (PLC) to hold a peaceful rally in El Corozo, Matagalpa province.

A PLC member reports his supervisor at a state-owned factory seized his PLC membership card and threatened to fire him for joining the party.

May 14: The Interior Ministry orders directors of independent radio news programs not to broadcast reports on forced military recruitment or the economic crisis, and not to or show "lack of respect" for Sandinista officials. They are warned that violators face permanent closure. Tomas Borge's Interior Ministry will enforce the censorship laws.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise in strong support of this amendment. This amendment does not in my judgment hinder the peace talks going on at this very moment. It strengthens the peace talks. This amendment does nothing until October 1. This amendment allows a strategy of peace through strength to occur and that is what all of us have wanted, peace.

Many of us are divided about the proper way to accomplish it, and 27 of us on my side of the aisle sent a letter to President Ortega 2 weeks ago of which he took as being a threat from Members of Congress to him, but it was not meant to be a threat. Mr. Chairman, that letter was meant to be a response to threats by President Ortega where he publicly not once, not twice, but three times all of which have been reported on by the media, threatened to annihilate these Contras the day after the peace talks break down.

I say to my colleagues this is a difficult time. None of us have the simple answer to this and I quarrel not with most of the factual statements that have been made on this floor today. What we are talking about is a proper strategy for America to help the peace process work. I suggest we forget the partisan rhetoric we have heard today and concentrate strictly on the peace process and see if there is not some little question in the back of our minds that providing doubt in the Sandinistas of what might happen on October 1 if they do not live up to the peace accords, because we have already told the Contras what this Congress will do to them. Let us be fair to both sides and let us give peace a chance. Support this amendment very strongly.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, before I get to the crux of this amendment I want to refer to a couple of things that were mentioned thus far in the debate.

First of all, it seemed that some were trying to draw a parallel between the 1930's and the 1980's. I suppose that was to be drawn between Chamberlain and Reagan, but I would like to say that Mr. Chamberlain was not an appeaser. He had no choice. France, England, and the United States collectively could not have fought their way out of a paper bag at that particular time.

That situation does not happen at this particular time.

Second, I hear time and time again that we were told in the Permanent Select Committee on Intelligence over and over again that the whole purpose was to interdict arms.

Mr. Chairman, that is nonsense. That was No. 2 on the list.

First on the list every time when the former CIA director came before us was that he wanted to cause the Sandinistas to turn inwardly, to look inwardly, but we seem to have forgotten that. He did it all the time.

I left the committee for two reasons, because as my colleagues know I was not a supporter of the effort. I left the committee because I thought the administration had enough opposition on that committee without having somebody on their side.

However, the Ortega brothers have convinced me that I should take them for what they are and what they believe. They are making a believer out of me. I supported the \$75 million that Carter wanted. I supported the \$100 million that went in as a matter of fact because I wanted to do something differently than we did with Cuba. It did not work.

Mr. Chairman, I am here to say today that unless we have a stick, unless we have a stick I am thoroughly convinced at this point that it is not

going to work. There will not be a peaceful settlement and whether this is the right stick or not I do not know but the beauty of this stick is that it does not get used until October, so as a matter of fact there are many months yet to bring about this entire peace process. The stick is there. Every time we have taken the stick away they have made a fool out of the previous Speaker, they have made a fool out of this Speaker, they have made a fool out of this person who is standing in the well. So I think if we cannot get a bipartisan stick quickly, it is going to be too late. My hope is that as a matter of fact this will be the stick that will bring about what all of us want and that is a peaceful resolution. Without a stick I am no longer going to be naive enough to believe that it can happen.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. LOWRY].

(Mr. LOWRY of Washington asked and was given permission to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Chairman, my congratulations to the chairman of the Permanent Select Committee on Intelligence for bringing this bill to the floor. I just do not understand why today we want to take a chance in interfering with the tremendous opportunity that is going on in Nicaragua and Managua right now.

On March 30 this House to its credit by a broad bipartisan effort, as a matter of fact 166-5 on the Republican side, passed a tremendous effort to support the Nicaraguan people's chance for them to accomplish peace. Now the parts of that package are moving forward.

Two days ago the Contra leadership here in a press conference, as most of us know, said that they will accept and look forward to the delivery of food, clothing, and medical supplies by the Pan-American Development Foundation, and the previous week the Nicaraguan Government had said the same thing. So that element called for within that bipartisan package that passed here on March 30 was being met.

Last week at long last, but it has now been done, the Independent Verification Commission established by the Organization of American States, that bipartisan movement that was so successful on this floor, was funded and we now have the Organization of American States with the Independent Verification Commission as called for by the package that passed the House, to support the chances of peace in Nicaragua going forward.

There has been about \$12 or \$13 million of the children's health aid package that has been sent forward to the private organizations to work on the health problems of the victims of that terrible war that we are all for stopping down there. That has been sent forward. It is moving forward. It is a tremendous success.

Let us not today take a chance in interfering with the Nicaraguan people to obtain the negotiated peace that we all support. I think the last 4 months' action in this House by a bipartisan means to really move forward has been a tremendous success for this House. I compliment the House on that. Let us not put that all aside today and lose that. Let us defeat the Hyde amendment.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I do not think a more eloquent statement has been spoken in this well than that by the gentleman from Pennsylvania [Mr. GOODLING]. He alluded to the fact that Ortega is the head of the Communist Government of Nicaragua, and it is ruled under the threat of guns and terror, with nighttime arrests and private executions. He also said that, "Mr. Speaker, you have been made a fool of. Mr. Speaker, when you received one of those Communist thugs in your office, an office supplied by the taxpayers, on Veterans' Day of last year, you were duped." In that meeting, to which the gentleman from Wyoming [Mr. CHENEY] referred and in written comments after a meeting with the press the other day, I heard the Speaker refer to the Contras as "our people down there."

That was said right to the face of our Secretary of State, Mr. Shultz.

Not everybody in this Chamber believes that the Contras are our people. Certainly not a couple of gentlemen from New York, nor the gentleman from Oregon [Mr. AUCOIN]. They think they truly are mercenaries and thugs.

Some of us believe, most of us I hope, that the Cubans, the East Germans, and the Bulgarians, are the mercenaries.

The Nicaraguan young men and women from the fincas, the small coffee and cotton farms and destroyed cattle ranches, are Nicaraguans fighting for freedom on Nicaraguan soil. They are hardly anybody's definition of a mercenary.

Let me clean up some things before I refer to these newly released pictures of the prison camps in Nicaragua. They are very clear in detail, the clearest ever released. Every Member is invited to a top secret briefing by any of our intelligence agencies, the DIA, or the CIA particularly, to see these three times closer.

Mr. Chairman, the International Red Cross has been so compromised after the Sandino Communists executed hundreds of young guardia soldiers the Red Cross turned over to them in 1979 after a promise of sanctuary, they are so compromised by that deed and by their acceptance of Communist figures that there are barely over 3,400 political prisoners, inside Nicaragua. In fact, Louis Rouge Mont in New

May 26, 1988

H 3683

York, told me to my face that the Red Cross would bet me \$50 that these prison camps are military installations. They are obviously prisons, just look at the three rows of concertina barbed wire and gun towers. There are over 8,000 political prisoners still in prison, most for so-called political crimes against the Communist government. Just a little cleanup before I go on.

The gentleman from Oregon [Mr. AuCOIN] mentioned Benjamin Linder. Benjamin Linder was in uniform, he was carrying a Russian assault rifle, and he was killed in a firefight. After the incident, the Communists lied five times in five major disinformation stories over a 5-day period. It was the Sandino Communists who put the coup de grace into his corpse. It was those lying Communists who shot him in the head after he had been dead 5 days. No one has been allowed to see his body, not his parents, not American doctors. The Communists floated a ludicrous story that nobody of good sense could really believe.

Mr. Chairman, the gentleman from New York [Mr. SCHUMER] talks about drugs, I would ask him if we going to make the workplace drugfree for the Sandinista Communists?

Mr. Chairman, we have film taken from the tail of a C-47, with people from the Mint, the Ministry of Interior, Tomas Borge's gang, loading drugs on an airplane. That is where the drug-running took place, and that is where it continues to take place.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I rise in strong opposition to this amendment. I cannot think of a more mischievous, counterproductive to the national interest bit of legislation than this proposed amendment. Let us make no mistake as to the net end result of this amendment if it is enacted by the Congress. The so-called exertion of pressure on the Sandinistas will mean the further murdering and raping on the part of those that the President in an excess of verbiage calls freedom fighters, perpetrated against innocent men, women, children, schoolteachers, and American social workers.

□ 1330

On top of that, our country has been disgraced in the tribunals of international justice. We stand condemned because of CIA activity in Nicaragua, of acts of terrorism. We not only stand in condemned judgment, but we have been fined by the World Court of Justice, the international tribunal of justice, because of the thing that this amendment would seek to bring about restoration of. I say for the sake of our own honor, the well-being of the future interests of the Nation, we turn this amendment down overwhelmingly.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

They are Communists. They are committed to expanding their revolution throughout Central America, and they are being heavily supported by the Soviet Union. They received over \$200 million in aid, I think, since the first of the year, while we have not even been able to get \$17 million in humanitarian assistance in to help the freedom fighters.

The point has been made earlier today that an agreement has been reached between the freedom fighters and the Communists down there that the Pan-American Development Corp. will take the food in. That agreement has been reached, but it will not be implemented until certain other conditions are met. For instance, the Sandinistas are arguing about the seven cease-fire zones and, more importantly, what is going to happen inside those zones. Until this is resolved, they will not let the food in. They are going to drag this peace process out as long as they can to starve the freedom fighters, the Contras, into submission. That is a fact. That is why they want to extend this cease-fire another 30 days, and we are playing right into their hands by not doing anything about it.

Not one penny of the \$17 million allocated by the United States Congress on April 1 for humanitarian assistance has been given to the freedom fighters inside Nicaragua. They are starving to death. Are we going to wait until they are no longer a viable force before we do something? I hope not.

That is why I think the Hyde amendment should be passed and passed rather rapidly today. When the U.S. Agency for International Development tried to send some bananas, some bananas, to the refugee camps in Nicaragua, the Congress forced the Price Waterhouse accounting firm to count each banana and run them through a metal detector to make sure they contained no weapons. That is the kind of aid we are getting in. They are counting bananas to keep weapons from getting in. It is a terrible, terrible thing we are doing to the Contras right now.

What is even more absurd is that one of the Senators in the other body from Hawaii ordered a GAO study to see if the sending of the food to the refugee camps in Honduras was illegal, was illegal. At the same time, we are sending rice and beans to refugee camps, and the Soviets have already shipped over 200 million dollars' worth of military aid in the first quarter of this year alone.

Right here in my hand I have seven pages of violations of the Sapoia agreement. As the gentleman from New York [Mr. KEMP] said earlier today, they have not complied with the agreements that they signed in 1979 at

Esquipulas, at Sapoia. They violated everything, and yet we continued to support them by going along with this peace process. It is not a peace process. It is a process for capitulation.

Daniel Ortega said just recently, and I think it bears repeating here today, he said, "The Contras are defeated criminals who deserve the guillotine." He went on to say that their demands that the Sandinista front relinquish control of the army and police would never be accepted. He later said that changes in Nicaragua's revolutionary path are not on the table in the peace negotiations.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mrs. KENNELLY], a member of the Permanent Select Committee on Intelligence.

Mrs. KENNELLY. Mr. Chairman, as a new member of the Permanent Select Committee on Intelligence, I had not planned on speaking today.

This bill was marked up in deliberation with quiet professionalism. The staff, working with the members in a bipartisan fashion, listened to the advice of the counterintelligence agency, the Defense Department and State Department.

With the introduction of this amendment, we have opened up the whole Contra question again, a question that has been debated time and time on this floor, hundreds of hours of Members' time involved. That is all well and good if it makes people feel better.

Right now the Contras and the Sandinistas are trying to bring peace to their own area, and since we have not been very successful, we should allow them to do that.

I would suggest that we just defeat this amendment and return to the bill, which is a good bill, the kind of bill we should have with the Permanent Select Committee on Intelligence, and vote for it, and this debate obviously will come up again.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, this is the right amendment, the right policy statement at the right time. As our Committee on Rules chairman, the gentleman from Florida [Mr. PEPPER] said, we need to do something now. We need to show, first of all, that we have not abandoned the Contras, and second, we need to show that the United States means business in pursuit of hopefully a solution to the problem.

Military aid is obviously not an option at this time. All this amendment does is to bring policy toward Nicaragua into conformance with our policy everywhere else in the world as of next October, but it will still send a message, and that is the point.

The real question is: Why should this amendment be opposed? First of

all, it will not really go into effect until October, so it does not disrupt negotiations, and it can very well provide an incentive to the Sandinistas to negotiate and to comply with what they have already promised.

Second, it does not provide new aid to the Contras. No aid, additional aid, could even be given until after next October.

Third, it conforms United States policy in Nicaragua with respect to intelligence activity to that policy which exists everywhere else in the world, the Soviets Union, Cuba, and everywhere else where we conduct a foreign policy.

In short, for those who have opposed aid to the Contras but who believe that the Sandinistas have not yet complied with the agreements to which they have been committed, that they have not yet made sufficient progress toward democracy in Nicaragua, for those who believe those two things, this amendment provides a very good answer and a very good vote. It is the right vote for this point in time.

Already alluded to has been the State Department chronology of page after page after page of Sandinista violations of the agreements that they have promised to comply with so far, a really sorry state of affairs in Nicaragua today. If you believe that the Sandinistas have not lived up to their agreements as these documents and the news stories in the New York Times and the Washington Post have confirmed, then we ought to do something to try to provide that incentive to send a message, and as the gentleman from Florida [Mr. PEPPER] said, this is the right thing to do, because while it is not aid to the Contras today, it is the establishment of a policy as of next October that would permit us to begin to do some things that we do in other parts of the world. Therefore, I say that to provide or to promote democracy as well as peace, this is the amendment to support, and I would urge all of the Members, my colleagues, those who have not supported aid to the Contras in the past, to please consider this as the moderate position, the amendment that can be supported to bring that pressure to bear in the appropriate way.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON] a member of the committee.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, there are six reasons why we should not support this amendment, which perhaps may be opportune later if there is generally a stalemate in the negotiations.

Let me just review what this amendment would do. It would remove any restrictions on the use of the CIA in Nicaragua. This amendment would dump the bipartisan support for the

peace process that many on both sides tried to achieve. This amendment would put the House on record for more war in Nicaragua on the same day that the Contras and the Sandinistas are talking about peace. This amendment would say no to the Central American peace process and replace an American solution for a Central American solution in the region.

It basically would reopen the Contra war, because negotiations would most likely break down. It would open the full extent of the CIA contingency funds. Most importantly, though, this amendment would end congressional participation in Contra aid decisions. This amendment is not opportune at this time.

If there is a continuing stalemate, if there are continuing problems on the part of the Sandinistas that have shown generally not to be supportive of the peace process, then I say perhaps this amendment is opportune later, but now it would be a disaster.

□ 1340

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me.

Mr. Chairman, my colleague from Oregon indicated in his remarks a short time ago that we on this side view the Contras as the "spiritual descendants of Thomas Jefferson." I agree that it is doubtful that they are the image of Thomas Jefferson, however, one thing is very certain: Ortega's Communist thugs certainly do not resemble Jefferson.

The continual stalling of this peace plan starves the Contras, ignores hundreds of millions of Soviet arms to Nicaragua and slowly chokes to death any hope of freedom in Nicaragua.

The opposition looks upon the Contras as less than people. They speak of the Nicaraguan people and the Contras. Time and time again they say it.

Support the Hyde amendment and send a message to Ortega that the United States of America stands, yes, for peace, but also for freedom and democracy.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding. Since I have never spoken on this subject before, I thought I would take the opportunity to express my position.

Earlier this week I had the opportunity to spend about 3 hours with a Nicaraguan who no longer lives in that country. He told me in confidence and with other government agents that are pursuing his testimony as evidence of a meeting he had with former dictator Somoza back in 1980 before the Reagan administration came into power, and of the fact that it was Somoza's idea to establish the Contras.

As long as the United States continues to provide money, the ghost of Tacho Somoza will continue to oppress and plague and kill the people of Nicaragua.

I urge my colleagues to vote down this amendment, and let us bury Somoza once and for all.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Washington [Mr. FOLEY], the majority leader.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Chairman, I think in deciding this question Members should be very clear on what the amendment seeks to do. The issue is not about sending signals to the negotiations that are going on in Managua even at this moment between the resistance and the Nicaraguan Government.

The question is whether we will authorize, effective October 1, the sending of military and paramilitary equipment and funds to resume the war. That is what it is about, and no Member should be in any doubt about it.

It is not about helping the peace process but abandoning it, of rearming the Contras to conduct by military means an effort to overthrow the Government of Nicaragua.

This is not a new issue but one we have considered repeatedly since December 1, 1981; the provision that our friend would like to strike, has been in the law for the last 4 years.

What will occur if the gentleman is successful in removing it ought to be very clear. Not only will the contingency funds available to the Central Intelligence Agency be available for military or paramilitary operations without restriction as of October 1 but any funds which might accrue, under a finding, to the Department of Defense or any other agency will be available for military operations in Nicaragua. In addition as far as I know there will be no legal restriction on the Department of Defense's making personnel or materiel available to the Central Intelligence Agency, subsequent to a finding, to put an unlimited number of American military trainers into the field to transfer material virtually with any legal limits to the democratic resistance or to provide any other implements of war.

If that is what Members want, this is one opportunity to do it and obviously they will find others.

It is, however, both incorrect and unwise to say that all we are doing here is balancing the negotiating scales. What we are doing is sending a clear signal that we have lost confidence in the negotiations between the 2 parties and in the peace process while they continue to demonstrate their aspirations for them. It is saying that we want the administration to be able to send military and paramilitary

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3685

aid to the democratic resistance in quantities limited only by the size of the contingency funds or its ability to transfer or reprogram funds subject only to the required notification of the relevant committees without the knowledge of the American people or the rest of Congress. At a time when the administration is clearly not committed to the peace process.

If we want to abandon the peace process, this is the time, and as far as our friends say certainly the way to do it.

Mr. HYDE. Mr. Chairman, I am pleased to yield our final 2 minutes to the gentleman from Kentucky [Mr. BUNNING], who will discuss this amendment, which does not take effect until next October.

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)

Mr. BUNNING. Mr. Chairman, the time is now. I have been in this Congress for 15 months. This is the fifth time we have had this issue before us. I have voted 4 times on aid or military assistance or withholding military assistance from the Contras.

The Sandinistas, with the good help of their PR firm in New York, have played our Congress like a drum. They make promises to bring peace and democracy to Nicaragua. Every time they get close they say we need more time, we need more time.

As soon as they get there, they reject what has been proposed in the negotiations. They stonewall peace, they stonewall democracy.

It should not surprise us. They have done it all along and they are doing it to us presently.

I thought the Secretary of State, when I was elected to Congress, was the policymaker as far as the U.S. Government is concerned. I got a real education when I came to this Congress. There are 535 Secretaries of State, and they seem to be sitting in this House and on the other side of the aisle and over on the other side of the Capitol.

Instead of living up to the promises of meaningful negotiations they are counting on starving Contras, starving those people that want to fight for their own freedom.

I think it is time that the Congress get back to their business and send a message to those people that want to fight for their own freedom that the United States of America stands for freedom, stands for democracy, and we ought to support those people.

I just wish that the Hyde amendment will be passed and I ask for every Member to consider that this is the only means that we have right now to send a message to those people.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am concerned about this amendment in a respect that I do not think has been properly addressed here this afternoon.

If this amendment is adopted, funding for the Contras would then be conducted through the reserve or the contingency fund that belongs to the CIA. I think the gentleman from Illinois [Mr. HYDE] and the gentleman from Wyoming [Mr. CHENEY], the authors of the amendment, would agree with me that this is an area in which our committee has oversight function on behalf of the Congress. It is an area that has had some problems, but on a bipartisan basis we have worked together trying to work out those problems. And to the credit of the CIA, they have been responsive to our concerns and to the initiation of restrictions regarding that fund.

I cannot refer to how much money is in there because that is privileged. But that fund is for the precise purpose of giving the CIA the opportunity to have funds for unforeseen emergencies, not to conduct wars or other affairs such as would be conducted here. It is precisely to enable them to be able to meet unforeseen emergencies around the world.

I think that this amendment being sponsored by Members of our committee who have responsibly worked with me and other Members to try to bring an area of responsibility to this fund really in effect undoes the work that we have engaged in up to now. I really hope that Members understand we are bypassing the authorization and appropriation process totally by enacting an amendment of this sort. I think it allows for mischief to occur once again in an area where there should not be any mischief, in an area where we have tried to exercise the oversight function of Congress.

I would urge the Members not to adopt this amendment and to defeat this amendment.

Mr. HOUGHTON. Mr. Chairman, the Hyde amendment springs from the debate on the Intelligence Authorization Act of 1989.

I see no problem with it. The amendment would not unleash military aid. That still is the prerogative of the Congress. This amendment merely reinstates the President's constitutional freedom to exercise his rights under the general umbrella of the Intelligence Act. Why should Congress tie the President's hands when it comes to foreign policy?

So, this issue today has nothing to do with military aid to the Contras. But considering recent events, I thought I might include a letter, which I just wrote to Gen. Daniel Ortega:

DEAR GENERAL ORTEGA: In February, I voted to prohibit the sale and supply of military equipment to the Contras. My decision was based on the hope that you would follow through on what you promised—meaning to negotiate and grant amnesty to the Contras, permit early elections, and allow the press to be free.

I said then that although there was reasonable evidence to the contrary, I wanted to believe your words; I wanted a peaceful solution to this conflict for the people—the humanity of Nicaragua.

So, I was willing to hold back on arms shipments hoping that you would honor your pledge to the outside world. At the same time, I made it clear I would change

my vote if the "actions" of peace did not follow the "words" of peace.

I am troubled. I am troubled by your treatment of the Miskito Indians who want recognition and respect. I am troubled by your words in a recent speech about the Contras. "They should be grateful," you said, "that we are not offering them the guillotine or the firing squad, which is what they deserve." Strange words of conciliation. And lastly, I'm troubled by reports that two weeks ago your Interior Minister General Borge called Mr. Jose Castillo Osejo, one of your country's leading radio newsmen, to his office, then started shouting and punching him.

At some time or other, all of us in this life are on trial. Without trying to sound presumptuous, may I suggest that you, sir, are now on trial in the eyes not just of your people, but also the American people, and the people of the world.

May your actions suit your promises.

Very sincerely,

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HYDE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 156]

Ackerman	Cardin	Dymally
Akaka	Carper	Dyson
Alexander	Carr	Early
Anderson	Chandler	Eckart
Anunzio	Chapman	Edwards (CA)
Anthony	Chappell	Edwards (OK)
Applegate	Cheney	Emerson
Arney	Clarke	English
Atkins	Clay	Erdreich
AuCoin	Clement	Evans
Badham	Clinger	Fascell
Baker	Coats	Fawell
Ballenger	Coble	Fazio
Barnard	Coelho	Feighan
Bartlett	Coleman (MO)	Fields
Barton	Collins	Fish
Bateman	Combest	Flippo
Bates	Conte	Foglietta
Beilenson	Conyers	Foley
Bennett	Cooper	Ford (MI)
Bentley	Coughlin	Ford (TN)
Bereuter	Courter	Frank
Berman	Coyne	Frenzel
Bevill	Crane	Gallely
Bilbray	Crockett	Garcia
Bilirakis	Dannemeyer	Gaydos
Bliley	Darden	Gejdenson
Boehlert	Daub	Gekas
Boggs	Davis (IL)	Gephardt
Boland	Davis (MI)	Gibbons
Bonior	de la Garza	Gillman
Bonker	DeFazio	Gingrich
Borski	DeLay	Glickman
Bosco	Dellums	Gonzalez
Boucher	Derrick	Goodling
Boxer	DeWine	Gordon
Brennan	Dickinson	Gradison
Brooks	Dingell	Grandy
Broomfield	DioGuardi	Grant
Brown (CO)	Dixon	Gray (IL)
Bruce	Donnelly	Green
Buechner	Dorgan (ND)	Gregg
Bunning	Dornan (CA)	Guarini
Burton	Dowdy	Gunderson
Bustamante	Downey	Hall (OH)
Byron	Dreier	Hall (TX)
Calhoun	Durbin	Hamilton
Campbell	Dwyer	Hammerschmidt

Har. ... Schroeder
 Hartert ... Schuette
 Hatcher ... Schulze
 Hawkins ... Schumer
 Hayes (IL) ... McMillan (NC)
 Hayes (LA) ... McMillan (MD)
 Hefley ... Meyers
 Hefner ... Mfume
 Henry ... Michel
 Hergert ... Miller (CA)
 Hertel ... Miller (OH)
 Hiler ... Miller (WA)
 Hochbrueckner ... Mineta
 Holloway ... Moakley
 Hopkins ... Molinari
 Horton ... Mollohan
 Houghton ... Montgomery
 Hoyer ... Moody
 Hubbard ... Moorhead
 Huckaby ... Morella
 Hughes ... Morrison (CT)
 Hunter ... Morrison (WA)
 Hutto ... Mrazek
 Hyde ... Murphy
 Inhofe ... Murtha
 Ireland ... Myers
 Jacobs ... Natcher
 Jeffords ... Neal
 Jenkins ... Nelson
 Johnson (CT) ... Nichols
 Johnson (SD) ... Nielson
 Jones (NC) ... Nowak
 Jontz ... Oaker
 Kanjorski ... Oberstar
 Kaptur ... Obey
 Kasich ... Olin
 Kastenmeier ... Ortiz
 Kemp ... Owens (NY)
 Kennedy ... Owens (UT)
 Kennelly ... Oxley
 Kildee ... Packard
 Kleczka ... Panetta
 Kolbe ... Farris
 Kolter ... Pashayan
 Kostmayer ... Patterson
 Kyl ... Pease
 LaFalce ... Pelosi
 Lagomarsino ... Lagomarsino
 Lancaster ... Pepper
 Lantos ... Perkins
 Latta ... Petri
 Leach (IA) ... Pickett
 Lehman (CA) ... Pickie
 Lehman (FL) ... Porter
 Leland ... Price
 Lent ... Pursell
 Levin (MI) ... Rahall
 Levine (CA) ... Ravenel
 Lewis (FL) ... Ray
 Lewis (GA) ... Regula
 Lightfoot ... Rhodes
 Lipinski ... Richardson
 Livingston ... Ridge
 Lloyd ... Rinaldo
 Lott ... Ritter
 Lowery (CA) ... Roberts
 Lowry (WA) ... Robinson
 Luken, Thomas ... Rodino
 Lukens, Donald ... Roe
 Lungren ... Rogers
 Madigan ... Rose
 Manton ... Rostenkowski
 Markey ... Roth
 Marlenee ... Rowland (CT)
 Martin (IL) ... Rowland (GA)
 Martin (NY) ... Roybal
 Martinez ... Russo
 Matsui ... Sabo
 Mavroules ... Saiki
 Mazzoli ... Savage
 McCandless ... Sawyer
 McCloskey ... Saxton
 McCollum ... Schaefer
 McCrery ... Scheuer
 McCurdy ... Schneider

from Illinois (Mr. Hyde) for a recorded vote.

A recorded vote was ordered.

(Roll No. 157)

The vote was taken by electronic device, and there were—ayes 190, noes 214, not voting 28, as follows:

AYES—190

Archer
 Army
 Badham
 Baker
 Ballenger
 Bartlett
 Barton
 Bateman
 Bentley
 Bereuter
 Bevill
 Billirakis
 Billey
 Broomfield
 Brown (CO)
 Buechner
 Bunning
 Burton
 Byron
 Callahan
 Chandler
 Chapman
 Chappell
 Cheney
 Clinger
 Coats
 Coble
 Coleman (MO)
 Combest
 Coughlin
 Courter
 Crane
 Dannemeyer
 Darden
 Daub
 Davis (IL)
 Davis (MI)
 DeWine
 Dickinson
 DioGuardi
 Dornan (CA)
 Dowdy
 Dreier
 Dyson
 Edwards (OK)
 Emerson
 Erdreich
 Fascell
 Fawell
 Fields
 Fish
 Flippo
 Gallegly
 Gekas
 Gilman
 Gingrich
 Gooding
 Madigan
 Grandy
 Grant
 Gregg
 Gunderson
 Hall (TX)
 Hammerschmidt
 Harris
 Hastert
 Hatcher
 Hayes (LA)
 Hefley
 Hergert
 Hiler
 Holloway
 Hopkins
 Houghton
 Hubbard
 Huckaby
 Hunter
 Hutto
 Hyde
 Inhofe
 Ireland
 Johnson (CT)
 Kasich
 Kemp
 Kolbe
 Kyl
 Lagomarsino
 Latta
 Leath (TX)
 Lent
 Lewis (FL)
 Lipinski
 Livingston
 Lloyd
 Lott
 Lowery (CA)
 Lukens, Donald
 Lungren
 Madigan
 Marlenee
 Martin (IL)
 Martin (NY)
 McCandless
 McCollum
 McCrery
 McDade
 McEwen
 McGrath
 McMillan (NC)
 Meyers
 Michel
 Miller (OH)
 Miller (WA)
 Molinari
 Mollohan
 Montgomery
 Moorhead
 Murphy
 Murtha
 Gekas
 Myers
 Nelson
 Nichols
 Nielson
 Oxley
 Packard
 Parris
 Pashayan
 Patterson
 Pepper
 Petri
 Pickett
 Porter
 Pursell
 Ravenel
 Ray
 Rhodes
 Ridge
 Rinaldo
 Ritter
 Roberts
 Robinson
 Robinson
 Rogers
 Roth
 Rowland (CT)
 Rowland (GA)
 Roybal
 Russo
 Sabo
 Saiki
 Savage
 Sawyer
 Saxton
 Schaefer
 Scheuer
 Schneider

Foley
 Ford (MI)
 Ford (TN)
 Frank
 Frenzel
 Frost
 Garcia
 Gaydos
 Gephardt
 Gibbons
 Glickman
 Gonzalez
 Gordon
 Gray (IL)
 Gray (PA)
 Green
 Guarini
 Hall (OH)
 Hamilton
 Hawkins
 Hayes (IL)
 Hefner
 Henry
 Hertel
 Hochbrueckner
 Horton
 Hoyer
 Hughes
 Jacobs
 Oaker
 Jeffords
 Jenkins
 Johnson (SD)
 Jones (NC)
 Jontz
 Kanjorski
 Kaptur
 Kasich
 Olin
 Kastenmeier
 Kemp
 Kennedy
 Kennelly
 Kildee
 Kleczka
 Kolbe
 Kolter
 Kostmayer
 LaFalce
 Lancaster
 Lantos
 Latta
 Leach (IA)
 Lehman (CA)
 Lehman (FL)
 Leland
 Levin (MI)
 Levine (CA)
 Lewis (GA)
 Lightfoot
 Lowry (WA)
 Luken, Thomas
 Lukens, Donald
 Lungren
 Madigan
 Manton
 Markey
 Marlenee
 Martin (IL)
 Martin (NY)
 Martinez
 Matsui
 Mavroules
 Mazzoli
 McCandless
 McCloskey
 McCollum
 McCrery
 McCurdy
 Russo
 Sabo
 Saiki
 Savage
 Sawyer
 Saxton
 Schaefer
 Scheuer
 Schneider
 St. Germain
 Stagers
 Stallings
 Stark
 Stokes
 Studds
 Swift
 Synar
 Tauke
 Torres
 Torres
 Torricelli
 Towns
 Traficant
 Traxler
 Udall
 Valentine
 Vento
 Visclosky
 Volkmer
 Walgren
 Watkins
 Waxman
 Wheat
 Whitten
 Williams
 Wise
 Wright
 Wyden
 Yates
 Yatron

NOT VOTING—28

Aspin
 Biaggi
 Boulter
 Brown (CA)
 Bryant
 Coleman (TX)
 Craig
 Dicks
 Duncan
 Espy
 Flake
 Florio
 Gallo
 Gejdenson
 Hansen
 Jones (TN)
 Konnyu
 Lewis (CA)
 Lujan
 Mack
 MacKay
 Mica
 Quillen
 Rangel
 Roukema
 Spence
 Weiss
 Wolpe

□ 1428

The Clerk announced the following pairs:

On this vote:
 Mr. Quillen for, with Mr. Coleman of Texas against
 Mr. Hansen for, with Mr. Wolpe against
 Mr. Gallo for, with Mr. Brown of California against
 Mr. Craig for, with Mr. MacKay against
 Mr. Mack for, with Mr. Flake against
 Mr. Boulter for, with Mr. Rangel against
 Mr. Konnyu for, with Mr. Florio against.
 Mr. DERRICK changed his vote from "aye" to "no."

So the amendment was rejected. The result of the vote was announced as above recorded.

Mr. MICHEL, Mr. Chairman, I move to strike the last word. (By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL, Mr. Chairman, I take this time to discuss with my distinguished friend, the majority leader, to inform the Members of how we will

NOES—214

Ackerman
 Akaka
 Alexander
 Anderson
 Andrews
 Annunzio
 Anthony
 Applegate
 Atkins
 AuCoin
 Barnard
 Bates
 Bellenson
 Bennett
 Berman
 Bilbray
 Boehlert
 Boggs
 Boland
 Bonior
 Bonker
 Borski
 Bosco
 Boucher
 Boxer
 Brennan
 Brooks
 Bruce
 Bustamante
 Campbell
 Cardin
 Carper
 Carr
 Clarke
 Clay
 Clement
 Coelho
 Collins
 Conte
 Conyers
 Cooper
 Coyne
 Crockett
 de la Garza
 DeFazio
 Dellums
 Derrick
 Dingell
 Dixon
 Donnelly
 Dorgan (ND)
 Downey
 Durbin
 Dwyer
 Dymally
 Early
 Ekart
 Edwards (CA)
 English
 Evans
 Fazio
 Feighan
 Foglietta

□ 1411

The CHAIRMAN. Three hundred ninety-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3687

proceed for the balance of this afternoon to expedite the business of the House.

Mr. Chairman, I yield to the distinguished majority leader, the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican leader for yielding.

Mr. Chairman, it is my understanding that we have about six more amendments with respect to this bill. Three of those amendments, it is my understanding from the distinguished chairman, will be accepted on this side. One of them will be the subject of a point of order, which will be the privilege of the House, of course, to decide.

The Smith-Solarz amendments with respect to MIA-POW's I have been informed have been concluded and can be adopted without extensive debate. It is our hope under these circumstances that we could proceed for a vote on this bill shortly after 3 o'clock.

Following the conclusion of this bill, the Intelligence Act authorization for 1989, we would proceed to take up the conference report on the budget. It would be my intention to request that our side yield to the distinguished minority, and this has been discussed with the minority, 15 minutes for debate on the rule and utilize 15 minutes on this side to expedite the consideration of the rule.

Following that, there is 1 hour of debate on the conference report itself, which we would not propose to limit, but which we would hope would be judiciously used by each side in the hope of getting to a vote on the conference report prior to 5 p.m.

That is the general schedule and intention for the rest of the afternoon.

We are conscious that Members, particularly those who are some distance from the Capitol, have departure times that become very difficult after 5 p.m., so it is our hope to try to conclude the business of the House by 5 p.m.

Mr. MICHEL. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAVROULES: On page 13, line 13, strike Sec. 702 in its entirety and insert in lieu thereof:

"SEC. 702. ASSISTANT SECRETARY OF DEFENSE FOR INTELLIGENCE.

"(a) ESTABLISHMENT OF POSITION.—Section 136(b) of title 10, United States Code, is amended—

"(1) in paragraph (3)—

"(A) by striking out 'Assistant Secretary of Defense for Command, Control, Communications, and Intelligence' and inserting in lieu thereof 'Assistant Secretary of Defense for Command, Control, and Communications'; and

"(B) by striking out 'communications, and intelligence' and inserting in lieu thereof 'and communications'; and

"(2) by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Intelligence. He shall have as his principal duty the overall supervision of intelligence and intelligence-related activities of the Department of Defense."

"(b) NUMBER OF ASSISTANT SECRETARIES.—(1) Section 136(a) of title 10, United States Code, is amended by striking out 'eleven' and inserting in lieu thereof 'twelve'.

"(2) Section 5315 of title 5, United States Code, is amended by striking out '(11)' after 'Assistant Secretaries of Defense' and inserting in lieu thereof '(12)'."

Mr. MAVROULES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAVROULES. Mr. Chairman, my amendment is a simple one. It would conform the language of section 702 with the language creating an assistant Secretary of Defense—adopted as an amendment to H.R. 4264—the National Defense Authorization Act for Fiscal Year 1989.

The amendment to the Defense authorization bill was a revision of my earlier amendment creating an Assistant Secretary of Defense for Intelligence. It was worked out between myself and the gentleman from Alabama, the chairman of the Investigations Subcommittee of the Committee on Armed Services. Our agreement was—that I would offer identical modifications to the intelligence bill to ensure that the House position in both bills was the same.

Mr. Chairman, as the Intelligence Committee's report sets forth in some detail, there is a very real need for a single focal point within the Department of Defense for intelligence matters. My own limited experience on the Intelligence Committee has convinced me of this, as has my previous and continuing service on the Committee on Armed Services. This is an amendment whose time has come and one for which I will work very hard to secure the understanding and final approval of the Congress.

Mr. Chairman, I urge the adoption of my amendment.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I am happy to yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, on our side of the aisle, I would like to say that we are in support of the amendment. The gentleman from Illinois [Mr. Hyde] has testified on behalf of it and supports it, and we accept the amendment.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF NEW HAMPSHIRE

Mr. SMITH of New Hampshire. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. SMITH of New Hampshire: At the end of title IV (page 9, after line 25), add the following new section:

DISCLOSURE OF INFORMATION CONCERNING AMERICAN PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR IN SOUTH-EAST ASIA

SEC. 404. (a) This section is enacted to ensure that current disclosure policy is incorporated into law.

(b) Except as provided in subsection (c), the head of each department or agency—

(1) with respect to which funds are authorized under this Act, and

(2) which holds or receives live sighting reports of any United States citizen reported missing in action, prisoner of war, or unaccounted for from the Vietnam Conflict,

shall make available to the next-of-kin of that United States citizen all reports, or portions thereof, held by that department or agency which have been correlated or possibly correlated to that citizen.

(c) Subsection (b) does not apply with respect to—

(1) information that would reveal or compromise sources and methods of intelligence collection; or

(2) specific information that has previously been made available to the next-of-kin.

(d) The head of each department or agency covered by subsection (a) shall make information available under this section in a timely manner.

Mr. SMITH of New Hampshire (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. SMITH of New Hampshire. Mr. Chairman, this amendment really is quite simple. It simply provides that all agencies of the U.S. Government that hold live-sighting reports of our missing men in Southeast Asia make available to the next of kin of that citizen all records or portions thereof held by that Department or Agency which have been correlated or possibly correlated, to that citizen.

Before yielding to my friend, the gentleman from New York, I would like to commend the gentleman for the manner in which we have been able to accommodate the language of two different amendments here. I had an original amendment and he had a substitute and we were able to agree on the language, and I think accomplish the same purpose.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Hampshire. I am happy to yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding.

I think this is an example of the legislative process at its best. I want to applaud the willingness of the gentle-

man to reach a constructive compromise with us on this issue.

I think the amendment before us goes a long way toward satisfying the concerns which he eloquently and effectively represented, while at the same time being compatible with what some of us felt needed to be some limits on access to this information.

I think it does represent a significant step forward. It will codify an important right which the family members of the men missing in action or who were POW's are entitled to have.

I believe it will be acceptable to the administration and to the League of Families and others who are intimately and deeply involved in this issue.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of New Hampshire. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from New Hampshire [Mr. SMITH] and the gentleman from New York [Mr. SOLARZ], as well as the gentleman from New York [Mr. SOLOMON], for working out this arrangement. I think it is in the best interests of everyone, and especially in the best interests of those who are still missing in action in Southeast Asia. It shows that we can work together in a bipartisan way to help solve this remaining problem that we have.

I especially commend the gentleman for doing so and I urge my colleagues to accept the amendment.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding.

I want to take my hat off to the gentleman from New Hampshire [Mr. SMITH]. The gentleman is a Vietnam veteran.

As the former chairman of the POW Task Force, I just want to say that no one has worked harder or more diligently than the gentleman from New Hampshire in looking out for this terribly important issue.

I also want to commend the gentleman from New York [Mr. SOLARZ] and the gentleman from California [Mr. LAGOMARSINO], the present task force chairman, because they have all done a magnificent job on this issue. It is so good to have them all come to an agreement on this. I thank them all very much on behalf of all the families.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, the language of this amendment was worked out with the Intelligence Committee. It is my understanding that it represents current DIA disclosure

policy and it is acceptable to the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: Strike paragraphs (1) and (2) of section 601(a) and insert the following:

(1) lump-sum payment to personnel upon directed assignment to the New York Field Division from another geographical location, and who enter into an agreement to complete a specified minimum period of service, not to exceed three years, in the New York Field Division, except that no lump-sum payment under this paragraph may exceed \$20,000, and no employee shall be eligible to receive more than one lump-sum payment under this paragraph in connection with each such assignment; and

(2) periodic payments to New York Field Division employees who are subject to policy and practice to directed geographical transfer or reassignment, except that the amounts paid under this paragraph to an employee for any period may not be less than 20 percent nor greater than 25 percent of the basic pay paid or payable to such employee for service performed during such period.

Any lump-sum payment under paragraph (1) and any periodic payment under paragraph (2) shall be in addition to basic pay. Any authority to make payments under this section shall be effective only to the extent of available appropriations.

Mr. ACKERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Chairman, the amendment I am offering today is very straightforward. Section 601 of H.R. 4387 establishes a personnel demonstration project for the New York Field Division of the FBI. This project will allow the FBI to pay certain employees a lump-sum allowance upon directed assignment to New York City and to make periodic payments to those employees throughout their service in the New York Field Division.

Special legislation is required because the FBI is excluded from the demonstration project provisions of title 5, United States Code.

My amendment—which is supported by the FBI—simply limits the initial lump-sum payment to a maximum of \$20,000 and provides a range for the periodic payments of between 20 and 25 percent of base pay. My amendment also specifies that these payments shall not be part of basic pay for retirement and other purposes.

I believe that the limitations contained in my amendment are reasonable and are necessary to both ensure that the recruitment and retention

needs of the New York Field Division of the Federal Bureau of Investigation are addressed, and the potential budgetary implications are confined within appropriate parameters.

As the recent report of the FBI and the Office of Personnel Management attests, the FBI is experiencing serious recruitment and retention problems as a result of the unusually high cost of living in the New York metropolitan area.

As but one example, the head of the New York Field Division recently resigned citing the high cost of living as a factor in his decision.

This demonstration project is intended to provide FBI agents who are subject to mandatory mobility requirements, with a reasonable lump-sum payment to help them settle in the New York City area and periodic retention payments to help maintain a reasonable standard of living.

The Committee on Post Office and Civil Service recognizes the unique circumstances of FBI agents in New York City. The committee also recognizes that other Federal employees live and work in the New York metropolitan area, as well as in other high cost areas around the Nation.

To address the problems of other Federal employees, the committee is pursuing comprehensive pay reform legislation.

I want to thank the chairman of the Intelligence Committee for his cooperation on this amendment and for moving expeditiously to solve the special recruitment and retention problems the FBI is having in New York.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment of the gentleman from New York is acceptable to the committee. It is a helpful refinement of the committee's recommendation and it is a reflection of the strong interest that the gentleman from New York has exhibited from the beginning of congressional consideration of a cost-of-living relief for the FBI New York field office.

The gentleman from New York strongly endorsed the requirement for a study on this matter and has helped to engender support for it within the Committee on Post Office and Civil Service.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. PICKLE, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4387) to authorize ap-

May 26, 1988

CONGRESSIONAL RECORD — HOUSE

H 3689

ropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to House Resolution 456, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1445

MESSAGE FROM THE SENATE

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following message from the Senate:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 306) entitled "Concurrent resolution providing for a conditional adjournment of the House until June 1 and a conditional adjournment or recess of the Senate until June 8", do pass with the following amendments:

Page 1, line 7 after "on" insert "Thursday, May 26, 1988, or on".

Page 1, line 10, after "adjourned" insert "or in recess".

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 4387, the bill just passed.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1500

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 268, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 461 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 461

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the concurrent resolution (H. Con. Res. 268) setting forth the congressional budget for the United States Government for fiscal years 1989, 1990, and 1991, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration. Debate on the conference report shall be limited to not more than one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

Sec. 2. The chairman of the Committee on the Budget may file, not later than June 1, 1988, a report in the House containing the allocations required to be made pursuant to section 302(a) of the Congressional Budget Act of 1974, as amended. The report shall be printed as, and considered to be, a report of the Committee on the Budget and such allocations made in that report shall be considered to be the allocations required to be in the joint explanatory statement accompanying this conference report.

Sec. 3. Rule XLIX shall not apply with respect to the adoption by the Congress of the conference report on the concurrent resolution (H. Con. Res. 268).

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, in accordance with an agreement between the majority and minority leaders to limit debate on this rule to 30 minutes and with the concurrence of the gentleman from Ohio [Mr. LATTI], I yield back 30 minutes of debate time and, for the purposes of debate only, I yield 15 minutes to the gentleman from Ohio [Mr. LATTI] and, pending that, I yield myself such time as I may consume.

(Mr. DERRICK asked and was given permission to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, House Resolution 461 is a rule providing for the consideration of the conference report on House Concurrent Resolution 268, the budget resolution for fiscal year 1989. The rule waives all points of order against consideration of the conference report. This waiver is necessary to allow the House to consider the budget resolution expeditiously since the conference report is technically beyond the scope of the conference and the conference report has not laid over for 3 days. The rule also provides that the conference report shall be considered as having been read. Debate on the conference report is limited to 1 hour, with the time equally divided between the chairman and ranking minority member of the Budget Committee.

The rule also provides that the chairman of the Budget Committee will have until June 1, 1988, to file the allocations required by section 302(a)

of the Budget Act to be included in the joint explanatory statement accompanying the budget resolution conference report. This will provide the time necessary for the allocations to be accurately crosswalked, which is important since points of order for violation of the budget targets are based on these allocations.

Finally, the rule provides that House rule XLIX does not apply with respect to the adoption of this conference report. That rule provides that when Congress adopts a budget resolution, the House is considered to have adopted a joint resolution increasing the statutory limit on the public debt to the level called for by the budget resolution. The application of this rule is waived because there is no need to increase the debt limit at this time.

Mr. Speaker, I will not take much time to describe the contents of the budget resolution, since Chairman GRAY and others will do that once we have adopted this rule. I think it is enough to say that the conference report meets the Gramm-Rudman targets and is consistent with the budget summit agreement reached last year. I also would like to point out that this conference agreement is a product of the same bipartisan cooperation in the House that has marked the entire budget process this year. I would like to congratulate Chairman GRAY and the ranking minority member of the Budget Committee, Mr. LATTI, for the excellent work they have done on this budget resolution.

Mr. Speaker, we need to adopt this rule so that we can move ahead with the adoption of the budget resolution and take another step toward completing our budget business this year in a timely and responsible manner.

Mr. LATTI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LATTI asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. LATTI. Mr. Speaker, when the Committee on Rules considered this rule yesterday, it was given 1 hour notice of the meeting. At the time there was no final agreement on the budget resolution conference report, so the Committee on Rules was asked to provide what was labeled "an anticipatory rule." In past years we used to call this buying a pig in a poke, but now the language has been updated. In any case, the Committee on Rules reported this rule before final agreement on the conference report had been reached.

Mr. Speaker, when we agree or disagree with the substance of the conference report, there is still a need for an orderly process in this House. The Members should know what is in a piece of legislation before they have to vote on it. Over the years I have come to appreciate the need for an orderly process. This rule, as it went through the Committee on Rules yesterday,