EXTENSIONS OF REMARKS

THE WAR ON DRUGS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article from the Atlanta Journal Constitution dated September 24, 1997. I believe this is a blatant example of how our country has lost some major battles with the war on drugs, but the war itself is not lost. To many people it's become painfully apparent in the last few years the war on drugs has been failing. America has spent millions of dollars on efforts to rid our society of the ravages of illegal drugs, only to find ourselves in a situation that's worse than when we began. We must now have the resolve and fortitude to carry the fight to the dealers and traffickers themselves.

This is exactly why I introduced H.R. 41, the Drug Importer Death Penalty Act, to assist in curbing the quantities of drugs entering the United States. The legislation would call for a mandatory life sentence if someone is found to have brought a commercial quantity of drugs into the United States. On the second offense, a sentence of death would be imposed. It is time for us to send a serious and unmistakable message to those individuals who are profiting from destroying lives and irrevocably chaining our youth to the tragedy of illegal drugs. We will not tolerate the use of illegal drugs, and furthermore we will defend our country from those who wish to enter our borders with the intent to distribute these drugs that are poison to our society.

SUITCASES PACKING HEROIN

(By Ron Martz)

The second major heroin seizure in Atlanta in less than a month is raising concerns among law enforcement officials that the city has become a target for organizations trafficking in the drug.

Nine pounds of heroin believed to have come from Pakistan were discovered hidden in the linings of two large suitcases at Hartsfield International Airport on Monday night, bringing to 22 pounds the amount of the drug found in recent raids, the Drug Enforcement Administration announced Tuesday.

Police allegedly found 13 pounds of heroin from Thailand in the Atlanta apartment of John McGrath, 53, a native of Australia, on August 28. McGrath and three others have been arrested and charged with running an international heroin trafficking ring that brought the drug into Atlanta.

Kashis Rashid Rana, 22, of Kennesaw, was arrested and charged in Monday's seizure at the airport, which DEA officials said was worth about $4 million.

The street value for a kilogram (2.2 pounds) of heroin can range from $70,000 to $200,000, DEA officials said.

The two seizures are not related, according to John Andrejko, head of the Atlanta office of the DEA, who called them ''two of the largest ever'' in the state.

''But what we're seeing in Atlanta is indicative of what we're seeing in the larger cities across the country,'' he said. ''The seizures are getting larger and the purity is going up.''

McGrath pleaded not guilty Tuesday and was released on $50,000 bond.

IN PRAISE OF SGT. KEITH NOWLIN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HALL of Texas. Mr. Speaker, one of my constituents, Army Sgt. 1st Class Keith H. Nowlin, son of William H. and Mary E. Nowlin of Ivanhoe, TX, was recently involved in specialized military training that is deserving of our recognition.

Sergeant Nowlin was part of an elite group of soldiers from Fort Hood, TX, who traveled to the Army's National Training Center in Fort Irwin, CA, to test the world's most advanced military technology that could transform the battlefield of the 21st century. He is a member of the 4th Infantry Division's 1st Brigade, a unit charged with learning and testing new software, computers and weapon systems that could be used in refitting conventional tanks, artillery equipment, air defense weapon systems, infantry fighting vehicles, and attack helicopters.

The unit traveled to California's Mojave Desert to do battle with a highly trained opposition unit called the OPFOR, which is made up of some of the Army's best soldiers trained in former Soviet Union tactics and using Soviet-style equipment. Nowlin and his unit used their new technology in a series of mock battles to see how well they performed against the OPFOR. Nowlin was a platoon sergeant in this high-tech battle. His training included two years of classes and field testing of over 70 different pieces of high tech equipment and software packages. The information gathered from this exercise is being processed to help determine what systems work and what do not.

Mr. Speaker, I am proud that my congressional district is represented in this type of training, which is so important to our strategic defense planning. The future security of our great Nation will depend on the training and expertise of our enlisted men and women as well as advanced technologies such as those being tested in the deserts of California. I commend Sergeant Nowlin's efforts and the efforts of all those in our military who are dedicating their lives and their careers to the defense of our Nation. As we adjourn today, I ask my colleagues to join me in expressing to them our gratitude and our support, and to let Sergeant Nowlin know that we are very proud of his accomplishments of the past—and of his service today and in the future.

INTRODUCTION OF H.R. 2635—THE HUMAN RIGHTS INFORMATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. LANTOS. Mr. Speaker, yesterday with a number of our distinguished colleagues in the House, I introduced H.R. 2635, the Human Rights Information Act. Joining me to introduce this bill were my colleagues CONSTANCE MORELLA of Maryland, JAMES MCGOVERN of Massachusetts, ELIZABETH FURSE of Oregon, JOHN LEWIS of Georgia, JAMES OBERSTAR of Minnesota, MARTIN SABO also of Minnesota, JOSE SERRANO of New York, BERNIE SANDERS of Vermont, and MARTIN MEEHAN of Massachusetts. Our legislation is a companion bill to S. 1220, which Senator CHRISTOPHER DODD of Connecticut introduced in the Senate with a number of his distinguished colleagues in that House.

Our legislation will dramatically improve the current declassification procedures of human rights documents pertaining to gross human rights violations in Guatemala and Honduras. This important bill strikes an appropriate balance between the need for speedy and comprehensive declassification and the need to protect legitimate U.S. national security interests. It will be of invaluable assistance to the work of my good friend, Dr. Leo Valladares, the Honduran Human Rights commissioner, who came to testify before the Congressional Human Rights Caucus, which I cochair with Congressman JOHN EDWARD PORTER. It also will support the work of the Guatemalan Clarification Commission, as well as the people of Guatemala and Honduras in general. Only full consideration and investigation of human rights abuses in these two countries can achieve the full accountability needed to rebuild a peaceful and reconciled civil society in those areas.

The Government of Guatemala and the rebels, the Guatemalan National Revolutionary Unity [URNG], formally ended their hostilities at the end of 1996. But peace cannot exist without truth, a principle which these parties recognized in agreeing to establish a truth commission—The Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People. Given this monumental task, the commission has only a very short period to accomplish its important work. The commission's work by law is to take only 6 months, but that time limit can be extended for another 6 months. The clock began ticking when the work of the commission formally began on July 31, 1997. Therefore swift and comprehensive declassification of all relevant United States agency documents is critical to the success for peace and democracy in Guatemala.

The same applies to Honduras. In 1979, the first disappearance took place in Honduras and dozens of others followed, along with

extrajudicial killings. This nightmare followed the implementation of the Honduran military's National Security Doctrine which embarked on a deliberate policy of eliminating people suspected of having links with insurgencies in Honduras and El Salvador or with the Sandinistas in Nicaragua. In May 1992, a law created the National Commissioner for the Protection of Human Rights and in November appointed Leo Valladares Lanza to lead this work. By December 1993, the Commissioner had published a report entitled ''The Facts Speak for Themselves'' detailing the disappearance of close to 200 persons since 1980.

Before Dr. Valladares concluded his preliminary report, he asked the U.S. Government for files and information. With a number of members of the Congressional Human Rights Caucus, I have supported the requests made by Dr. Valladares in several letters to the President and to other administration officials. Despite a Presidential Executive order, declassification of relevant documents has been very narrowly focused and extremely slow. Thus far, the State Department has responded by releasing 3,000 pages of documents, while other agencies fell dramatically short in their efforts to comply with Dr. Valladares' requests.

Mr. Speaker, The Human Rights Information Act will make a number of important changes in the law that will assure prompt and complete declassification of important human rights documents, while at the same time fully respecting and protecting our legitimate national security concerns. The legislation requires Government agencies to review human rights records within 120 days after inquiries by the Honduran Human Rights Commissioner or the Guatemalan Clarification Commission and ensure the release 30 days thereafter. The legislation also applies to requests from appropriate human rights organizations in other Latin American or Caribbean countries requesting information relating to human rights abuses in their countries. The legislation will ensure that an interagency appeals panel reviews agencies' decisions to withhold information, and it provides that two outside human rights specialists suggested by human rights NGO's and appointed by the President will be members of this appeals panel. The declassification standards in this legislation follow the same standards as the Congress has already enacted in the John F. Kennedy Assassination Records Act.

Yesterday, Mr. Speaker, at a press conference on the steps of the U.S. Capitol, I publicly announced the introduction of this legislation. Joining me on this occasion—in addition to our colleagues ELIZABETH FURSE and JAMES MCGOVERN—were a number of outstanding leaders in the struggle for human rights in Central America. They included:

Jennifer Harbury, U.S. attorney, author, and wife of disappeared Guatemalan Guerrilla commander Efraín Bámaca Velásquez; founding member of Coalition ''Missing.'' Ms. Harbury, who now lives in Texas, came to Washington yesterday especially for this event.

Sister Dianna Ortiz, OSU, an Ursuline nun subjected to horrifying torture in 1989 following her abduction. She is a human rights activist and founding member of Coalition ''Missing.''

Calixto Torres, a Guatemalan community worker who was forced to flee because of his work. He has been granted political asylum and currently works with Guatemala Partners and the Latin American Youth Center.

Meredith Larson, a human rights worker attacked by knife-wielding assailants in 1989, is a founding member of Coalition ''Missing.'' She is a resident of the beautiful city of San Francisco and came to Washington especially for this event.

Oscar Reyes, editor of Washington metro Hispanic newspaper ''El Pregonero'' who himself is a victim of torture in Honduras.

Eileen Connolly, sister of Father Carney who disappeared in Honduras in 1983, and her husband.

Mr. Speaker, I ask that the text of H.R. 2635 be placed in the RECORD at this point. I urge my colleagues to join me as a cosponsor of this important legislation.

H.R. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Rights Information Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Agencies of the Government of the United States have information on human rights violations in Guatemala and Honduras.

(2) Members of both Houses of Congress have repeatedly asked the Administration for information on Guatemalan and Honduran human rights cases.

(3) The Guatemalan peace accords, which the Government of the United States firmly supports, has as an important and vital component the establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People (referred to in this Act as the ''Clarification Commission''). The Clarification Commission will investigate cases of human rights violations and abuses by both parties to the civil conflict in Guatemala and will need all available information to fulfill its mandate.

(4) The National Commissioner for the Protection of Human Rights in the Republic of Honduras has been requesting United States Government documentation on human rights violations in Honduras since November 15, 1993. The Commissioner's request has been partly fulfilled, but is still pending. The request has been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(5) Victims and survivors of human rights violations, including United States citizens and their relatives, have also been requesting the information referred to in paragraphs (3) and (4). Survivors and the relatives of victims have a right to know what happened. The requests have been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(6) The United States should make the information it has on human rights abuses available to the public as part of the United States commitment to democracy in Central America.

SEC. 3. DEFINITIONS.

In this Act:

(1) HUMAN RIGHTS RECORD.—The term ''human rights record'' means a record in the possession, custody, or control of the United States Government containing information about gross human rights violations committed after 1944.

(2) AGENCY.—The term ''agency'' means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Department of Defense (and all of its components), the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice (and all of its components), the National Security Council, and the Executive Office of the President.

SEC. 4. IDENTIFICATION, REVIEW, AND PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS REGARDING GUATEMALA AND HONDURAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provision of this Act shall govern the declassification and public disclosure of human rights records by agencies.

(b) IDENTIFICATION OF RECORDS.—Not later than 120 days after the date of enactment of this Act, each agency shall identify, review, and organize all human rights records regarding activities occurring in Guatemala and Honduras after 1944 for the purpose of declassifying and disclosing the records to the public. Except as provided in section 5, all records described in the preceding sentence shall be made available to the public not later than 30 days after a review under this section is completed.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the President shall report to Congress regarding each agency's compliance with the provisions of this Act.

SEC. 5. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

(a) IN GENERAL.—An agency may postpone public disclosure of a human rights record or particular information in a human rights record only if the agency determines that there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States raised by public disclosure of the human rights record is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method—

(i) which is being utilized, or reasonably expected to be utilized, by the United States Government;

(ii) which has not been officially disclosed; and

(iii) the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the human rights record would reveal the name or identity of a living individual who provided confidential information to the United States and would pose a substantial risk of harm to that individual;

(3) the public disclosure of the human rights record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest; or

(4) the public disclosure of the human rights record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

(b) SPECIAL TREATMENT OF CERTAIN INFORMATION.—It shall not be grounds for postponement of disclosure of a human rights

record that an individual named in the human rights record was an intelligence asset of the United States Government, although the existence of such relationship may be withheld if the criteria set forth in subsection (a) are met. For purposes of the preceding sentence, the term an ''intelligence asset'' means a covert agent as defined in section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)).

SEC. 6. REQUEST FOR HUMAN RIGHTS RECORDS FROM OFFICIAL ENTITIES IN OTHER LATIN AMERICAN CARIBBEAN COUNTRIES.

In the event that an agency of the United States receives a request for human rights records from an entity created by the United Nations or the Organization of American States similar to the Guatemalan Clarification Commission, or from the principal justice or human rights official of a Latin American or Caribbean country who is investigating a pattern of gross human rights violations, the agency shall conduct a review of records as described in section 4 and shall declassify and publicly disclose such records in accordance with the standards and procedures set forth in this Act.

SEC. 7. REVIEW OF DECISIONS TO WITHHOLD RECORDS.

(a) DUTIES OF THE APPEALS PANEL.—The Interagency Security Classification Appeals Panel (referred to in this Act as the ''Appeals Panel''), established under Executive Order No. 12958, shall review determinations by an agency to postpone public disclosure of any human rights record.

(b) DETERMINATIONS OF THE APPEALS PANEL.—

(1) IN GENERAL.—The Appeals Panel shall direct that all human rights records be disclosed to the public, unless the Appeals Panel determines that there is clear and convincing evidence that—

(A) the record is not a human rights record; or

(B) the human rights record or particular information in the human rights record qualifies for postponement of disclosure pursuant to section 5.

(2) TREATMENT IN CASES OF NONDISCLOSURE.—If the Appeals Panel concurs with an agency decision to postpone disclosure of a human rights record, the Appeals Panel shall determine, in consultation with the originating agency and consistent with the standards set forth in this Act, which, if any, of the alternative forms of disclosure described in paragraph (3) shall be made by the agency.

(3) ALTERNATIVE FORMS OF DISCLOSURE.—The forms of disclosure described in this paragraph are as follows:

(A) Disclosure of any reasonably segregable portion of the human rights record after deletion of the portions described in paragraph (1).

(B) Disclosure of a record that is a substitute for information which is not disclosed.

(C) Disclosure of a summary of the information contained in the human rights record.

(4) NOTIFICATION OF DETERMINATION.—

(A) IN GENERAL.—Upon completion of its review, the Appeals Panel shall notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and shall, not later than 14 days after the determination, publish the determination in the Federal Register.

(B) NOTICE TO PRESIDENT.—The Appeals Panel shall notify the President of its determination. The notice shall contain a written unclassified justification for its determination, including an explanation of the application of the standards contained in section 5.

(5) GENERAL PROCEDURES.—The Appeals Panel shall publish in the Federal Register guidelines regarding its policy and procedures for adjudicating appeals.

(c) PRESIDENTIAL AUTHORITY OVER APPEALS PANEL DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—The President shall have the sole and nondelegable authority to review any determination of the Appeals Board under this Act, and such review shall be based on the standards set forth in section 5. Not later than 30 days after the Appeals Panel's determination and notification to the agency pursuant to subsection (b)(4), the President shall provide the Appeals Panel with an unclassified written certification specifying the President's decision and stating the reasons for the decision, including in the case of a determination to postpone disclosure, the standards set forth in section 5 which are the basis for the President's determination.

(2) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Appeals Panel shall, upon receipt of the President's determination, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to the postponement of disclosure of a human rights record.

SEC. 8. REPORT REGARDING OTHER HUMAN RIGHTS RECORDS.

Upon completion of the review and disclosure of the human rights records relating to Guatemala and Honduras, the Information Security Policy Advisory Council, established pursuant to Executive Order No. 12958, shall report to Congress on the desirability and feasibility of declassification of human rights records relating to other countries in Latin America and the Caribbean. The report shall be available to the public.

SEC. 9. RULES OF CONSTRUCTION.

(a) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to limit any right to file a request with any executive agency or seek judicial review of a decision pursuant to section 552 of title 5, United States Code.

(b) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

SEC. 10. CREATION OF POSITIONS.

For purposes of carrying out the provisions of this Act, there shall be 2 additional positions in the Appeals Panel. The positions shall be filled by the President, based on the recommendations of the American Historical Association, the Latin American Studies Association, Human Rights Watch, and Amnesty International, USA.

TRIBUTE TO AMBASSADOR JASON HU

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HINCHEY. Mr. Speaker, over the past 15 months, many of us in the House have had the opportunity to meet and work with the Representative of the Republic of China in Washington, Ambassador Jason Hu. Ambassador Hu will be leaving Washington soon to return to Taipei, and I want to take this opportunity to thank him for his service and his friendship, and to honor him for the great diplomatic skills he brought to his job here.

Our two countries have many interests in common, most importantly our shared commitment to freedom and democratic principles. Ambassador Hu has been effective in emphasizing those common interests during his stay in Washington, and keeping us informed about Taiwan's concerns and its hopes for the future. He has demonstrated his skill in helping to define the limits and the possibilities of the relationship between our two countries, and in helping to find ways to assure that our formal and informal relations serve those common interests.

While we are sad to see Ambassador Hu leaving us, I also want to congratulate him on his new assignment as the Republic of China's foreign minister. I am confident that his work in the Ministry will continue to build friendship between our countries and to build on those shared interests. I believe Ambassador Hu understands our people and our country well. The same is true, of course, of Taiwan's President, Lee Teng-hui, who once lived in my congressional district when he attended Cornell University.

Let me add to my personal congratulations to Ambassador Hu my congratulations to all the people of Taiwan on their national day.

TRIBUTE TO TEODORO VIDAL, HIS GIFT TO AMERICAN CULTURE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Teodoro Vidal, a Puerto Rican businessman and art collector, who has donated his splendid collection of colonial artwork from Puerto Rico to the Smithsonian Institution.

''Colonial Art From Puerto Rico: Selections From the Gift of Teodoro Vidal'', part of Vidal's remarkable endowment to the Smithsonian, is now on exhibit through March 8, 1998 at the National Museum of American Art. Most of his collection will be exhibited in July when the National Museum of American History opens ''Teodoro Vidal: A Collector and His Collection.''

Mr. Vidal, believed in the need to preserve the Puerto Rican patrimony. Forty years ago he started collecting santos, figures of saints and other religious personalities carved in wood, when he saw that tourists were buying most of the pieces and taking them out of the island.

His collection—3,200 historical and cultural artifacts from Puerto Rico—includes paintings by José Campeche, recognized as the greatest Latin American painter of the 18th century, portrait miniatures, costumes, amulets, jewelry, masks, toys, photographs, and 700 ''santos''. Some of the pieces date back to the 17th century.

Vidal's treasure is one of the largest donations by an individual to the Smithsonian Institution. Today the Smithsonian will honor Teodoro Vidal for his breathtakingly valuable gift to the American people. Exhibitions of this magnitude will contribute to the understanding of Latin American peoples, their histories, and diverse cultures.

Mr. Speaker, I urge my colleagues and their staff to visit this extraordinary exhibit, and to join me in recognizing Mr. Teodoro Vidal for his magnanimous gift to the Smithsonian Institution, a gift which is a blessing for the peoples of this Nation.