

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 commit-

ment 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.