

(4) the Department of Energy should provide for independent examination by the Nuclear Regulatory Commission of Safety Analysis Reviews of its nuclear facilities; and

(5) the Secretary of Energy should provide to the Congress as soon as practicable, a report containing plans, milestones, and cost estimates for bringing Department of Energy defense facilities into compliance with all applicable environmental laws.

AMENDMENT TO REFORM THE FREEDOM OF INFORMATION ACT

Mr. DENTON. Mr. President, I rise today in strong support of the amendment concerning reform to the Freedom of Information Act [FOIA] which my distinguished colleague from Vermont, Mr. LEAHY and I introduced and which was agreed to by voice vote this past Saturday. The amendment will provide for the protection from disclosure of records related to foreign intelligence or counterintelligence and international terrorism.

On December 10, 1981, FBI Director William Webster testified before the Subcommittee on the Constitution of the Senate Judiciary Committee. He described in detail cases in which hostile foreign intelligence services, members of terrorist groups, and others have used the FOIA to identify FBI informants and frustrate FBI investigations. Judge Webster revealed that, as early as 1979 and for that year alone, there were 125 cases where individuals refused to provide the FBI with information because of fears that their names would be released under an FOIA request.

At a hearing on April 3, 1984, before the same subcommittee, W. Raymond Wannall, former Assistant Director of the FBI, noted that he had observed the debilitating effects on our national security of the 1974 amendments to the FOIA and the Privacy Act.

Similarly, the Drug Enforcement Administration has estimated that 14 percent of its investigations were adversely affected by FOIA related problems to the extent that the investigations were aborted, significantly compromised, reduced in scope, or required significant amounts of additional work.

I firmly believe that, in order to deal more effectively with foreign intelligence operatives and international terrorists who have become increasingly more sophisticated in their intelligence-gathering methods and who rejoice at the ease with which they are able to obtain sensitive information in our open, democratic society, we need to close the loopholes in the law that allow them access to information they should not have.

Moreover, we need to rectify the chilling effect that FOIA requests have on informants who fear exposure through information released under the act. Those informants have become increasingly hesitant about co-

operating with our law enforcement agencies.

Finally, we should deal with the fact that, in some cases the response to a FOIA request amounts to an acknowledgement by the FBI that a file exists on a specific subject and alerts hostile intelligence services that an investigation is under way or has taken place.

Because of the need to act quickly to protect highly sensitive information gathered for foreign counterintelligence purposes, I joined with Senator HATCH in offering this much needed amendment.

The need for an FOIA exemption for information about foreign counterintelligence and international terrorism was recognized during the Carter administration, when then Attorney General Benjamin Civiletti proposed establishing a moratorium on access through the Freedom of Information Act to any records related to terrorism, organized crime, or foreign counterintelligence.

The need for the exemptions was also identified by the Reagan administration when it undertook its comprehensive review of the Freedom of Information Act during the 97th Congress. Provisions for the exemptions for foreign counterintelligence and international terrorism information were included in S. 1751, which was introduced by Senator ORRIN HATCH of Utah, on behalf of the administration on October 20, 1981. Moreover, the Judiciary Subcommittee on the Constitution incorporated exemptions on foreign counterintelligence and international terrorism from S. 1751, the Freedom of Information Reform Act of 1981, into S. 1730, which Senator HATCH had introduced 2 weeks earlier.

After extensive hearings, the Subcommittee on the Constitution approved S. 1730 on December 14, 1981, including the exemptions for foreign counterintelligence and international terrorism information. During the course of seven hearings—three more, incidentally, than were held in 1965 when the FOIA was originally passed—the subcommittee heard testimony from more than 50 witnesses who represented nearly every conceivable viewpoint about the strengths and weaknesses of the act.

In the 98th Congress when Senator HATCH reintroduced S. 1751 and S. 774, but without the terrorism and foreign counterintelligence exemptions, I advised my colleagues on the Judiciary Committee that, although I would support S. 774 as a compromise measure, the Senate and House needed to act quickly to protect information gathered for foreign counterintelligence purposes. For that reason, I introduced S. 2395.

In the 99th Congress, Senator HATCH reintroduced S. 774 as the Freedom of Information Reform Act (S. 150), a bill that I cosponsored even though it lacks the necessary foreign counterintelligence and international terrorism exemptions. I therefore reintroduced

S. 2395 as S. 276. The amendment adopted by the Senate on Saturday incorporates the concerns which I raised in S. 2395 and S. 276.

The time has come to stop what amounts to giving help to foreign intelligence services of hostile governments and international terrorists through provisions in a law that was never intended to be used for that purpose. I applaud my colleagues for supporting the amendment.

TRIBUTE TO DR. WILLIAM L. ROPER

Mr. HEFLIN. Mr. President, I am extremely proud to rise today to congratulate Dr. William L. Roper for his election as the first recipient of the Lloyd Noland Health Pioneer Award. The Lloyd Noland Foundation could not have made a more outstanding choice.

Dr. Roper has received an award named for public health and industrial pioneer Dr. Lloyd Noland, who fought tropical diseases in Panama during the building of the Panama Canal. The Tennessee Coal, Iron, and Railroad Co. [TCI] later recruited Dr. Noland to Jefferson County, AL, to use the concepts he had learned in Panama and apply them to what many have called the Nation's first major experiment in industrial medicine.

The Lloyd Noland Health Pioneer Award will be given annually to a recipient selected in one of the areas in which Lloyd Noland excelled—public health, industrial medicine, health education, wellness and preventive medicine, outpatient care, health maintenance organizations, surgery, and diagnosis. Dr. Roper is well deserving of this award and has established a career that exemplifies the Lloyd Noland pioneering spirit.

Like Dr. Noland, Dr. Roper has made outstanding contributions to public health. Appointed in May of this year as Administrator of the Health Care Financing Administration [HCFA], Dr. Roper oversees the Medicare and Medicaid Programs which together provide health care financing for 54 million Americans. Dr. Roper has continually worked on the State and national level to provide and administer the best health care system possible. Today's medical challenges not only encompass identifying, curing, and controlling diseases but also the formulation of sound policy to deal with the access of health care and mechanisms of health care financing. Dr. William L. Roper has and will continue to make important contributions to the development of such policy.

A native of Birmingham, Dr. Roper graduated from the University of Alabama School of Medicine and also earned a master of public health degree from the University of Alabama at Birmingham School of Public Health. He is certified by both the American Board of Pediatrics and the

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