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No. 69

## House of Representatives

The House met at 9 a.m.

The Reverend Dr. Richard Camp, Director of Ministry in Public Parks, Boston, MA, and former Chaplain at West Point Military Academy, offered the following prayer:

We stand tall in these moments to applaud You, O God. You are an awesome God, creator and sustainer of the universe. In a world uncertain about many things, we pause in this hushed moment of prayer, sure of Your goodness and mercy, certain that Your truth endures forever.

This morning in the presence of many former Members, we are conscious of echoes from the past that resound through the corridors of time, words of truth and deeds of courage. May the faithfulness of these leaders have a ripple effect, touching not only family and friends and colleagues, but also a ripple that will spill out and make history. May their presence here today serve as a cordon of encouragement to the women and men of this Congress.

And Father, we ask again this morning that You give wisdom and courage to all who serve here, that they might chart a course in accord with Your will.

In Your powerful name we pray. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. PHELPS) come forward and lead the House in the Pledge of Allegiance.

Mr. PHELPS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOME TO REVEREND DR. DICK CAMP

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

Mr. SHIMKUS. Mr. Speaker, I would like to welcome my second Chaplain at West Point, the Reverend Dr. Dick Camp, who served West Point from 1973 to 1996, a total of 23 years.

Dr. Camp is currently the Director of a Christian ministry in the National Parks. Together with my current House Chaplain, Jim Ford, they have served a total of 41 years at West Point in serving the country and the Corps of Cadets.

To those of us who have had the great opportunity for their counsel, advice and prayers and their thoughts of duty, honor and country, I say thank you, God bless you, and beat Navy.

### RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 6, 1999, the Chair declares the House in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

### RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and this Chamber, I consider it a high honor and certainly a distinct personal privilege to have the opportunity to welcome so many of our former Members and colleagues as may be present here for this occasion. Thank you very much for being here.

I especially want to welcome Matt McHugh, President of the Former

Members Association, and John Erlenborn, Vice President and presiding officer, here this morning.

This is my first Former Members Day since becoming Speaker in January, and since that time I have gained an even greater appreciation for the traditions and the rules of the House. I appreciate all the efforts of the members of the association who spend so much time enhancing the reputation of the House of Representatives.

The House is the foremost example of democracy in this world. The debates we have here are important to the future of our Nation. I hope that my tenure as Speaker reflects the best traditions of this House and the best hopes of the American people.

Once again, I want to thank all the former Members for their good work in promoting the history and enhancing the reputation of the United States House of Representatives. Thank you very much for being here today.

The Chair recognizes the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Thank you, Mr. Speaker.

I, too, would like to welcome you all back home.

I see so many good friends here. I see my friend and neighbor, Jim Wright. It was not long after we took the majority and I had the privilege of assuming these duties, Jim Wright called me up and said, "Dick, how are you getting along? Have you learned anything in your new role?" I said, "Yes, I learned I should have had more respect for Jim Wright."

It was a tough job. We all have undertaken hard work and good work here. We have all made our commitment in this body on behalf of things we believed in, not always in agreement with one another.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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have served the United States at considerable risk, Mr. Chairman, and there is absolutely no justification for exposing them to danger.

Identifying current or former agents warrants serious criminal liability, and my amendment does just that. Ensure the safety of our intelligence community and provide adequate penalties to those who jeopardize America's national security by voting yes on the Sweeney amendment to H.R. 1555.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amendment No. 10 offered by Mr. SWEENEY:

Strike subsection (b) of section 304, as proposed to be added by the amendment and insert the following:

(b) IMPOSITION OF MINIMUM PRISON SENTENCES FOR VIOLATIONS.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by striking “shall be fined not more than \$50,000 or imprisoned not more than ten years, or both.” and inserting “shall be imprisoned not less than five years and not more than ten years and fined not more than \$50,000.”

(2) in subsection (b), by striking “shall be fined not more than \$25,000 or imprisoned not more than five years, or both.” and inserting “shall be imprisoned not less than 30 months and not more than five years and fined not more than \$25,000.”

(3) in subsection (c), by striking “shall be fined not more than \$15,000 or imprisoned not more than three years, or both.” and inserting “shall be imprisoned not less than 18 months and not more than three years and fined not more than \$15,000.”

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

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

There was no objection.

Mr. GOSS. Mr. Chairman, the perfecting amendment to the Sweeney amendment that I have offered I am told makes a technical correction. The amendment filed contained a drafting error, and as a result, would not impose a true mandatory minimum sentencing requirement, which was the intent. Whether we agree or not, the intent was to make it mandatory.

The amendment clarifies the intent of the amendment to toughen the sentencing standards and impose mandatory minimums. I understand, in plain English, it is both a penalty and mandatory time.

I would ask the gentleman from New York, is my understanding correct?

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

Mr. GOSS. I yield to the gentleman from New York.

Mr. SWEENEY. That is correct, Mr. Chairman, that was my intent.

Mr. GOSS. Reclaiming my time, then, Mr. Chairman, and going to what that would leave us with on the

Sweeney amendment if the secondary amendment is considered and approved is that we would have an amendment which would in fact deal with the Agent Identities Protection Act and put some more teeth into it.

I would point out that Mr. Solomon, our colleague from New York, former chairman of the Committee on Rules, offered a similar amendment in 1981 which I am told passed the House by some 300 votes and then disappeared in conference, as sometimes happens.

As Members will recall, the Intelligence Identities Protection Act penalizes the unauthorized disclosure of identities of covert employees and assets of the United States. This is willful disclosure, we are talking about here. We are not talking about an accident or a slip of the tongue or leaving a document someplace by a mistake. Those are bad things. We are talking about setting out to deliberately expose classified information that can result in harm to an individual, serious harm.

Mr. Chairman, I understand originally that the act was offered in 1979 by Chairman Boland in response to the disclosure of identities of CIA officers and assets by Philip Agee, Louis Wolf, and others. The Act is sharply focused upon present and former cleared employees and upon those who publish deliberate and repeated disclosures of the type found in the Covert Action Information Bulletin.

The Act has been a useful tool for prosecutors and the intelligence community, although it has not been applied aggressively, as some prefer, including me. The U.S. government has charged some current and former employees, and as an apparent consequence of that, the disclosures have been abated. But it has been a pretty weak tool. It has not been able to be used as it was originally intended.

I honestly believe that the amendment of the gentleman from New York (Mr. SWEENEY) does add extra strength, and does it in a reasonable way. We are not throwing out all the rules of judicial protection or anything like that. What we are basically doing is putting people on notice that for willful disclosure of agent identities, there is a penalty. It is a serious penalty, because it is a serious crime.

Having said that, I will urge acceptance of the Sweeney amendment, as perfected by our secondary amendment.

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

Mr. Chairman, I would like to congratulate the gentleman from New York (Mr. SWEENEY) on his amendment. I will not object to it, but I do have some concerns with it.

As I understand the amendment and the perfecting amendment, basically it does two things. It covers retired agents, but the concern I have is the decision to make penalties, whether they be incarceration or money fines, mandatory without hearings. Gen-

erally speaking, I am opposed to mandatory sentences. I have great faith in the Federal judiciary.

I do not think that we should move this fast without some hearings on this to find out if this type of activity should be in the class of mandatory sentences. I would tell the gentleman from New York, I will not object to it, but I would like to reserve to discuss this further at the conference.

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

Mr. DIXON. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I appreciate the gentleman's remarks. The gentleman is correct in saying that what the bill essentially does is extend the protection to retired agents.

Also, in establishing mandatory minimums, my intent was to raise the level of Section 601 to the highest levels and the highest priorities, which I believe our national security interests dictate.

I will point out that what the mandatory minimum sentences that I have prescribed in my amendment do is cut in half the mandatory maximums, so I think proportionately, it is very reasonable.

Let me also just say that in relationship to Federal mandatory minimums, there are hundreds, literally hundreds, as I am sure the gentleman knows, of Federal crimes, including food stamp fraud, including bribery of meat inspectors, that have mandatory minimum sentences.

I think in order for this Congress to send a very strong message about the protection of agents and former agents, the inclusion of the mandatory minimum is an essential part.

Mr. DIXON. Reclaiming my time, Mr. Chairman, I may ultimately agree with the gentleman from New York. I just think it is worth more than 5 minutes of time on the floor, and I will reserve to address this issue in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. SWEENEY.)

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HINCHEY: SEC. 304. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN CHILE.

(a) IN GENERAL.—By not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall

submit to the appropriate congressional committees a report describing all activities of officers, covert agents, and employees of all elements in the intelligence community with respect to the following events in the Republic of Chile:

(1) The assassination of President Salvador Allende in September 1973.

(2) The accession of General Augusto Pinochet to the Presidency of the Republic of Chile.

(3) Violations of human rights committed by officers or agents of former President Pinochet.

(b) DOCUMENTATION.—(1) The report submitted under subsection (a) shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

(2) Any provision of law prohibiting the dissemination of classified information shall not apply to documents referred to in paragraph (1).

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives, and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

Mr. HINCHEY. Mr. Chairman, because of recent activities by a certain member of the Spanish judiciary, the attention of the world has once again been directed at the events which took place in Chile beginning in September of 1973 with the assassination of the duly-elected president of that country, Salvador Allende, and the subsequent ascension to power of General Augusto Pinochet to become the President of the Republic of Chile.

In the course of those events, it has been alleged in responsible venues over and over again in the intervening now more than 25 years that very inappropriate actions were taken by members of the Chilean military, assisted by others, including members of the military of the United States.

I have an amendment which requires that no later than 120 days after the date of the enactment of this act, the director of the Central Intelligence Agency shall submit to the appropriate congressional committees which are mentioned in the amendment a report describing all activities of officers, covert agents, and employees of all elements of the intelligence community with respect to the following events in the Republic of Chile:

One, the assassinations of President Salvador Allende in September of 1973;

Two, the ascension of General Augusto Pinochet to the presidency of the Republic of Chile; and

Three, the violations of human rights committed by officers or agents of former President Pinochet.

The report submitted under this subsection shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

Mr. Chairman, I think that after the passage of all of this time, it is appropriate that the United States Congress and the people of the United States and the people of the world understand

with much greater clarity than they have been able to up to this moment the specific events which took place in Chile which led to the assassination of the duly-elected president and the ascension of power by a military junta.

It is important for us to understand these events because it is important for us to take action to ensure that these kinds of illegal activities do not occur in the future.

So therefore, I offer this amendment with all respect in the hopes that the Members of the House and the chairman particularly, the chairman of the Permanent Select Committee on Intelligence, will see fit to look upon it favorably.

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

Mr. Chairman, I appreciate the intent of the amendment very much, but I must say, I have some misgivings about the effect and the cost, and I want to take a minute to explain that.

First, with regard to the purpose, let me say that our committee is trying, I think through its mark on the budget and through its oversight, to help our intelligence community focus on the challenges we have got today and coming in the next century. They are incredible challenges of a sort that we are really not organized to deal with, as we are seeing, unfortunately.

We are in the process of getting that done, but we understand the Warsaw Pact is gone, and in its place we have the Osama Bin Ladens, the Milosevics, the Tijuana cartels, that type of problem.

This amendment would, I think, have us take a break from the reality we are faced with today and go back and start sifting through some history of things that happened at a different time, really under a different agency that was operating under different rules and certainly under different oversight.

That can be beneficial if it is going to yield us some lessons, but I think we ought to understand that if we are going to do this, it is going to take energy, effort, and dollars, and we want to make sure where we are prioritizing those relative to the lessons from history and whatever else we might glean from this effort.

I am a little confused with regard to the extensive ongoing effort by the administration to respond to a request by the Spanish government under its mutual legal assistance treaty with the U.S. for documents, roughly in this same period. I presume these searches are related, but I do not know whether there is any formal coordination and how this amendment would fit into it.

Going to the cost factor, legislation directing special searches, as I have said, is disruptive to the normal course of business, and the normal course of business in the intelligence communities these days, it is exceptionally challenging.

I would also point out that when we have these special searches, that they sometimes delay requests of our own

constituents under the Freedom of Information Act. I do not say that to say that we should not have special requests. I think we only need to point out that that sometimes happens.

We have had considerable conversation with the head of the community, the intelligence community, about how we go about dealing with the classification and declassification process. That is ongoing. There is very definite bona fide concern about how much dollars and time and personnel we direct to that effort relative to other things that the intelligence community is being asked to provide for today's decision-makers, to get us through the day. Of course, we have to figure out, where does the money come from.

These are not new thoughts. I am only putting these on the record and getting them out of there because I do not want the gentleman to think that we are just knee-jerk reacting negatively. There are negative consequences to this amendment, in part.

□ 1230

The amendment would provide no new information to the public as far as I know, the people who are interested in the abuses of the Pinochet years. I think instead we are going to get lots of boxes going into a closed committee review, and I am not sure where that is going to lead us.

So I am concerned about, if the purpose is to get at the truth and the history and where we are doing it, I would like to do that in a reasonable way. I share the desire of the gentleman from New York (Mr. HINCHEY) to do that.

If the way we can do it passes muster with the community, and the costs are reasonable, and the expectations are reasonable given the personnel that we have, then I would possibly be in a position to accept this amendment with those understandings.

So I ask to the gentleman from New York (Mr. HINCHEY) to accept a second-degree amendment which would strike paragraph (2) of the section 304(b) in its entirety. If so, and the House agrees to the amendment amending the gentleman's amendment in that way, I would accept his amendment.

The reason I say that is the amendment I would propose would cure the constitutional problem that I see in the provision which would have overridden all the laws authorizing the DCI and the President to protect sources of national security information from disclosure and compromise. We just accepted an amendment from the gentleman from New York (Mr. SWEENEY) to strengthen that. So I do not want to now turn right around and undercut it.

So with the offending provision omitted, any threat of the veto would be removed, we would be consistent, and I think I could see my way to supporting what the gentleman is trying to get done.

Mr. Chairman, I yield to the gentleman from New York (Mr. HINCHEY) for response on my proposal amendment.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me. As I understand it, the gentleman is offering an amendment to my amendment which would strike paragraph (2) of section 304(b) as proposed to be added by the amendment; is that correct?

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

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

Mr. GOSS. Mr. Chairman, the gentleman from New York (Mr. HINCHEY) is correct.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and I am happy to accept his amendment to my amendment.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amendment No. 4 offered by Mr. HINCHEY:

Strike paragraph (2) of section 304(b), as proposed to be added by the amendment.

Mr. GOSS. Mr. Chairman, that is the amendment we have had the discussion on. I have nothing further.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Hinchey amendment and commend the distinguished gentleman from Florida (Mr. GOSS), the chairman of our committee, for his accommodation of the Hinchey amendment.

But I want this amendment to survive the conference because I think the gentleman from New York (Mr. HINCHEY) has provided some great leadership to us today in presenting this amendment. That is why I am very grateful to the gentleman from Florida (Chairman GOSS) for his amendment to accommodate the gentleman from New York (Mr. HINCHEY).

Our distinguished chairman laid out some important considerations in his observation of this amendment, and they are important. There are other equities to be balanced, and I am glad that my colleagues have come to an agreement on the amendment. But, again, I want it to survive the conference. I want to commend the gentleman from New York (Mr. HINCHEY).

Our President was in Guatemala a few months ago, or was it weeks? So much happens so fast around here. I was very proud of the statement that he made. Latin America had been in turmoil for a couple of generations, as we all know, some of it, sad to say, and in Guatemala in particular, with the involvement of the Central Intelligence Agency and other American entities there.

The President, I think very courageously, recognized what happened there and, in doing so, I think began to open the door to a better future for the intelligence community.

In Central America and in Latin America the expression "nunca mas" is so famous, because in Argentina, in Chile, and Central America, people are revisiting their sad recent past. An important bridge to the future has been truth commissions which have identified, not to find revenge, but to seek some level of justice and some level of openness and admission about what happened to clear a way for the future.

If we, the United States and specifically the Central Intelligence Agency, had a role in the death of President Allende, just as if any Chilean had a role in it, putting it behind us requires facing the truth about it.

So I think that, as far as Chile is concerned, this is a very important amendment, but I think it also will build credibility for us if we are not in a state of denial about the CIA's involvement but of acceptance of what the reality was. We will find out what that is as a result of the amendment of the gentleman from New York (Mr. HINCHEY).

I also, though, want to say that, unless we are forthcoming on our role, it is very hard to see why Latin Americans will be forthcoming about what their role is. I think that we can lead by example in this way.

I also would like to take the occasion to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership and activity in trying to persuade our government in making the documents available for the Pinochet case to the Spanish government. I hope that this will be a message to repressive dictators everywhere that a day of reckoning comes, and that they just cannot commit these atrocities and then say, well, let us put it all behind us.

As I say again, this is not about revenge, it is about truth. It is about justice. It is about opening the way for a better future and building credibility for what we do.

I agree with the gentleman from Florida (Chairman GOSS). We should not jeopardize the safety of our sources and methods. I think that his amendment is a constructive one. These people risk their lives just the way our young people do in the military. We are proud of the military. We are proud of the people who put themselves in harm's way to gather intelligence for us.

So while we are not condoning any activities that were not legal, we cannot proceed with reasonable intelligence gathering if those who are called upon to do so are in jeopardy because of unintentional identification.

This is especially true at a time when we want more women, we want more minorities, we want more diversity, we want more language skills, we want more cultural understanding into the Central Intelligence Agency. We want them to have the same level of protection that others have had in the past.

Building that diversity with an openness and an admission of what our past

has been I think will build more support for what we need to have, which is the best possible intelligence to avoid conflict and to supply whoever the President of the United States is with the information he needs to lead.

With that, again I commend the gentleman from New York (Mr. HINCHEY) and the gentleman from Florida (Mr. GOSS), our chairman, and the gentleman from California (Mr. DIXON), our ranking member, for their leadership on this issue.

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

Mr. Chairman, I think the gentleman from New York (Mr. HINCHEY) is absolutely correct. The minority has no problem with this amendment.

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

Mr. Chairman, I want to applaud the gentleman from New York (Mr. HINCHEY) on his amendment. It is no great secret that over the years, there have been many aspects of American foreign policy which have been wrong. It is no secret that the United States over the years has been involved in the overthrow of a number of democratic governments.

In the case of Chile in 1973, there was a democratic government elected by the people. The President of that government was Salvador Allende. His policies antagonized corporate interests in the United States. A great deal of pressure was brought to bear in seeing him overthrown.

I think it is a very positive step as we develop ideas for the future, as we try to develop a democratic foreign policy that we in fact know what we did in the past.

So I think the amendment of the gentleman from New York (Mr. HINCHEY) is a very important one. I think we should let the truth come out, and I strongly support his efforts.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of Mr. HINCHEY's amendment to require a report to Congress on information held by the United States pertaining to human rights violations in Chile carried out by Gen. Augusto Pinochet and his forces.

The 1973 military coup in Chile was a tragic interruption of Chile's proud democratic history. Thousands of innocent people were killed. Many more were tortured and imprisoned. American citizens are among the dead.

The military coup in Chile also represents a tragic chapter in American history.

It is now widely understood that the United States supported the violent overthrow of a democratically elected government. But the full details of U.S. support for the coup are still not known.

We need to know the full details.

In addition, the full details of U.S. information concerning the actions of the coup's leader, Gen. Augusto Pinochet, are not fully known.

It is widely understood that Gen. Pinochet directed the coup and the mass killings and torture that occurred during his nearly two decade long reign. But the American people

deserve to know and would be better off knowing the full details of Gen. Pinochet's actions.

Only the United States at this point has the ability to fully inform its citizens of this ruthless dictator's actions.

Along with my colleagues, I have been demanding that the United States supply information about Gen. Pinochet's murderous actions to a court in Spain that has brought charges against Gen. Pinochet for violations of international law, including torture, murder and kidnapping.

The United States is believed to house records that would corroborate the charges against Gen. Pinochet.

Those records should be reviewed, declassified and turned over to the court in Spain. Some information has been turned over and after much delay the United States has established a task force to oversee this request. It is a slow process and many believe that some in the Administration would prefer that the information never see the light of day.

Without objection, I would like to submit into the RECORD a series of letters between myself, my colleague, JOHN CONYERS, and other members, including Mr. HINCHEY, and the Administration.

These letters explain the nature of the information we seek and the importance of providing the information to the Spanish court.

The actions in the 1970s of the U.S. intelligence community and the then Secretary of State, Henry Kissinger, toward Chile and other dictators in the southern cone are a disgrace that should never be forgotten by American citizens who wish to think honorably about their country and their government.

A journalist, Lucy Kosimar, recently uncovered a memo that describes how Secretary of State Kissinger coddled Pinochet after the coup.

In a recent article, Kosimar wrote:

The memo describes how Secretary of State Kissinger stroked and bolstered Pinochet, how—with hundreds of political prisoners still being jailed and tortured—Kissinger told Pinochet that the Ford Administration would not hold those human rights violations against him. At a time when Pinochet was the target of international censure for state-sponsored torture, disappearances, and murders, Kissinger assured him that he was a victim of communist propaganda and urged him not to pay too much attention to American critics.

This is what Kissinger reportedly told Pinochet in a private meeting in 1976, according to Lucy Kosimar:

In the United States, as you know," Kissinger told Pinochet, "we are sympathetic with what you are trying to do here. I think that the previous government was headed toward communism. We wish your government well.

A little while later, Kissinger added: "My evaluation is that you are a victim of all left wing groups around the world, and that your greatest sin was that you overthrew a government which was going Communist.

Kissinger decided that the international fight against communism justified the rape and torture of Chilean women, justified their mutilation. Justified their execution.

More than 20 years later new information about the U.S. role in the coup and U.S. knowledge about human rights violations by Pinochet are still coming to light. Clearly there is more information that is housed in the intel-

ligence communities' warehouses and that information should be made public.

In 1976, an American citizen, Ronnie Moffitt, was blown up on the streets of Washington with her Chilean colleague, Orlando Letelier. Pinochet is widely suspected of having personally ordered their deaths.

This act of terrorism should never be forgotten, in the hopes that it will never be repeated. Pinochet is living in London right now, awaiting the fate of an extradition hearing for trial in Spain.

Whatever information the United States can provide on the deaths of Ronnie Moffitt and Orlando Letelier in Washington should be made available so the truth can be known once and for all and justice can be rendered in this ugly, ugly chapter of American and Chilean history.

CONGRESSIONAL LETTERS TO THE CLINTON ADMINISTRATION ON THE CASE AGAINST GEN. AUGUSTO PINOCHET

(1) November 23, 1998 Letter from Rep. George Miller to Attorney General Janet Reno.

(2) October 21, 1998 Letter from 36 Members of Congress to President Clinton.

(3) March 17, 1998 Letter from Reps. George Miller and John Conyers to President Clinton, and the President's June 3 response.

(4) April 15, 1997 Letter from Reps. Miller and Conyers to Attorney General Reno and Mr. John Shattuck, Department of State, and the Justice Department's May 23, 1997 response.

NOVEMBER 23, 1998.

Hon. JANET RENO,

*U.S. Attorney General,*

*Department of Justice, Washington, DC.*

DEAR ATTORNEY GENERAL: I am writing to follow up on our telephone conversation on the afternoon of Friday, November 13 concerning the United States response to the arrest of Gen. Augusto Pinochet. I sincerely appreciate your taking the time to speak with me about this issue.

As you may recall, I raised three issues with you during our conversation. First, I expressed my belief that the United States still has not turned over to the judges in Spain all materials in its possession that are relevant to the cast against Gen. Pinochet. Second, I expressed my belief that the United States should make available to Spain Michael Townley for questioning, but that it had not yet done so. And finally, I asked if you would grant a request for a meeting that I understood was made by the widow and widower of the Letelier-Moffitt assassinations, and their attorney.

With regard to the meeting request for Isabel Letelier, Michael Moffitt and their attorney, Sam Buffone, you informed me that you were seriously considering such a meeting. I sincerely appreciate your efforts in that regard.

With regard to Michael Townley, you told me that you were looking into the status of the request to make him available. I wish to again urge that he be made available to the Spanish judges for the purposes of questioning him about Gen. Pinochet's association to criminal and terrorist activities. As you probably know, Michael Townley was formerly in the Witness Protection Program and his whereabouts are known to the F.B.I. I would also urge you to make available Fernandez Larios, a known terrorist who plead guilty to criminal charges in the United States and can provide important information about Gen. Pinochet. I would hope that the F.B.I. and the Department of Justice have kept track of Mr. Larios at least to the extent that he can be located for purposes of serving a subpoena. It is my under-

standing that Judge Garzon is prepared to come to the United States at any reasonable time upon notice that Mr. Larios and/or Mr. Townley are available.

And finally, with regard to the materials requested by Spain, you asked me to provide you with information about any materials that may not yet already have been provided to the judges. I am providing to you in this letter details of materials that I believe are of interest to Spain and relevant to their investigation of Gen. Pinochet but that have not yet been made available.

As you know, and as we discussed on the phone, the Spanish judges conducting the Pinochet investigation have made requests of the United States Government, through the Spanish Ministry of Justice, for the production of testimony and documents pursuant to the Mutual Legal Assistance in Criminal Matters Treaty between the Spanish and U.S. Governments. It is my understanding that a new request has just been made.

While you and your staff are already familiar with the treaty, I thought it would be important to raise a number of points here to help clarify the responsibilities of the United States in this area. There are several important provisions in the MLAT that bear on the Spanish request for cooperation. First, under Article I, Section 3, assistance is to be provided without regard to whether the act giving rise to the request for assistance is a crime in the requested country. Accordingly, so long as the Spanish court has confirmed its jurisdiction to investigate the claims against Pinochet, it is irrelevant whether or not they would be valid claims under U.S. law. The only requirement under the MLAT for dual criminality is in cases of claims for forfeiture or restitution. Under Article IV, a request for documents requires only a generalized description of what is sought for production. Under Section 3 of Article IV, additional specificity should be provided to the extent necessary and where possible. These provisions require specificity regarding individuals to be questioned, but do not contain any additional requirement of specification as to the description of evidence or documents. Article V, Section 6, requires that the requested country respond to reasonable inquiries concerning the progress towards full compliance with the request.

Confidentiality is governed in part by Article VII which would permit the U.S. to require that any information or evidence furnished under the Treaty be kept confidential or used only under specific terms and conditions by the Spanish court. Classification is further covered by Article IX which provides for the production of records of government agencies. Under Subsection 1, all publicly available documents must be provided. Subsection 2 permits the requested state to provide copies of any documents in its possession which are not publicly available to the same extent and under the same condition as copies would be made available in Spain to judicial authorities or in the United States "to its own law enforcement and judicial authorities." The requested state is, however, permitted to deny a request pursuant to these provisions entirely or in part. Accordingly, while the Treaty does not deal directly with classified information, the U.S. is granted broad discretion to produce or withhold classification and should do so to the same extent that it would provide such information to domestic law enforcement or judicial authorities. Article XII requires that the U.S. use its best efforts to ascertain the location or identity of persons or items specified in a request.

As I said on the phone, there are serious questions raised as to whether the U.S. has complied with both the spirit and letter of the Mutual Legal Assistance Treaty. Despite



the long pendency of several letters of request, it is my understanding that the U.S. has not discharged its obligations under Article XII to use its best efforts to ascertain the location of either persons or documents. The U.S. has failed to produce key individuals for testimony and has not conducted a complete search of documents in the possession of government agencies, including the Central Intelligence Agency, Department of Defense, and the FBI. Further, it is my understanding the U.S. has refused to produce classified documents when the letter and spirit of Article IX should permit, if not require, production to the same extent that documents were provided to the U.S. Attorneys Office during the initial Letelier-Moffitt investigation.

The Justice Department, as the convening authority, should also reassess the extent and vigor of its effort to locate and produce documents. There are certain classes of identifiable records that should be searched for and if available, immediately produced:

1. *Defense Intelligence Agency Reports*, such as "Directorate of National Intelligence (DINA) Expands Operations and Facilities," April 15, 1975 along with referenced "IRs" and all other cables and reports from the U.S. Defense Attache's office in Santiago during the mid-1970's that relate to the Chilean Secret police, the chain of command, human rights abuses, and international terrorism.

2. *Defense Intelligence Agency Biographic Data*, the yearly commentary and career summaries on military commanders done by the DIA—in this case on General Pinochet and Col. Gen. Manuel Contreras between 1974-78.

3. *State and NSC Documents* identified in "Disarray in Chile Policy," July 1, 1975. This document states that "a number of officers in the Embassy at Santiago have written a dissent" cable arguing that all U.S. assistance to Chile be cut off "until the human rights situation improved." This cable was discussed at a "pre-IG (Interagency Group) meeting—presumably in June 1975. It was supported by the Policy Planning Office of the Bureau of Inter-American Affairs.

A specific paper trail can be ascertained, including but not limited to:

a. the "Dissent" cable from the U.S. Embassy officers;

b. minutes/notes/briefing papers for/of the "pre-IG meeting;"

c. all position papers relating to this discussion prepared by the Policy Planning Office at the Bureau of Inter-American Affairs.

4. *Bureau of Intelligence and Research*, Department of State, reports, summaries, and briefing papers on the Chilean military, DINA, and human rights violations, 1973-80.

5. *The Chile Files of the Office of the Assistant Secretary of State for Human Rights*, Patricia Derian, 1977-80. These files, kept by Ms. Derian's Deputy Marc Schneider, likely contain a wealth of information on Chile's human rights atrocities, and also on the Letelier case and the issue of U.S. extradition of Chilean officials, and sanctions against Pinochet's government for lack of cooperation in the case.

In addition to the above records and document groups identified by the Spanish court, U.S. cooperation under MLAT should include reviews of other relevant files. These include:

1. A critical document on General Pinochet's role in the Letelier bombing, read by Justice Department prosecutor Eugene Propper during the federal investigation into the crime.

2. CIA Reports between 1973 and 1979 by the Agency's Office of African and Latin American Affairs (A/LA) on Chile's military, chain of command, DINA, Operation Condor, General Pinochet and human rights violations,

assassination of General Carlos Prats in September 1975, and Orlando Letelier in September 1976.

3. CIA Directorate of Operations cables and reports on Operation Condor—including Chile's attempt to establish an Operation Condor office in Miami in 1974; the assassination of Carlos Prats, and Orlando Letelier, and other human rights abuses.

4. A review by the Gerald Ford Presidential Library staff (Karen Holzhausen) of the still classified Kissinger-Scowcroft files relating to Chile, terrorism and human rights violations.

5. A review by the Jimmy Carter Presidential Library staff for the still classified Buzinski files on Chile, human rights violations, and sanctions against Chile for the Letelier assassination; and the files of National Security Council advisor on Latin America, Robert Pastor, for similar documentation.

6. A search by the CIA-FBI Center for Counter terrorism for files, including those of the predecessor to that agency, on Chilean involvement in international terrorism.

7. A re-review of heavily censored NSC and State Department documents released during legal discovery in the Letelier-Moffitt civil suit.

A thorough review and collection of relevant U.S. documents is critical to the Spanish judges' investigation. But I hope you would agree that it is also critical for the United States to gather this material to help our own government decide whether it too should take legal action against Gen. Pinochet.

As I expressed to you on the phone, I have a long history of involvement with Chile, beginning with my participation in a congressional investigation in Chile in 1976, prior to the assassination of Orlando Letelier and Ronnie Moffitt. In fact, Mr. Letelier had helped to facilitate the congressional trip to Chile. Chile has a long and proud history of democracy. Gen. Pinochet's military coup was an aberration in Chile's history. His rule was marked by extreme violence, total disregard for human and civil rights, and by international act of terrorism, including the assassination on U.S. soil of an American citizen and a Chilean exile.

Given this Administration's stated commitment to promoting human rights and democracy and to curbing global terrorism, I consider the legal fate of Gen. Pinochet to be a matter of utmost concern for the United States Government.

Again, I sincerely appreciate your time and attention to this matter and I will appreciate being appraised of the status of these requests.

Sincerely,

GEORGE MILLER, M.C.

OCTOBER 21, 1998.

Hon. WILLIAM JEFFERSON CLINTON,

President,

*The White House, Washington, DC.*

DEAR MR. PRESIDENT: The October 17 arrest of General Augusto Pinochet in London is a good example of how the goals you outlined in your anti-terrorism speech at the United Nations can be put into practice. Indeed, when the rule of law is applied to combat international lawlessness, humanity's agenda gains.

We are writing to urge you to reinforce your eloquent words at the recent United Nations General Assembly session by joining with the British government in fully cooperating with the precedent-setting case against Chilean General Augusto Pinochet in Spain. Specifically, we call upon you to ensure that the U.S. government provides Spanish Judge Baltasar Garzon material related to Pinochet's role in international terrorism—material and testimony that the U.S. government has thus far withheld.

You will recall that on June 3, in response to a congressional request, you wrote to assure us that the United States would "continue to respond as fully as we can to the request for assistance from the Government of Spain" for information on the case against General Pinochet and other Chilean military officials accused of international terrorism and crimes against humanity.

It is our understanding that the United States has materials and other critical information that will help link Pinochet directly to acts of international terrorism. These materials and information were obtained during the U.S. investigation of the assassination of Orlando Letelier, a Chilean exile, and Ronni Karpen Moffitt, his American colleague. They were brutally murdered in Washington, D.C., in 1976 when a bomb exploded under their car while driving around Sheridan Circle on their way to work. The assassination was determined to be the work of the Chilean secret police. It was also alleged, but unproven at the time, that Pinochet was directly involved in the killings.

Unfortunately, we have been informed that the U.S. Justice Department has given only public documents to the Spanish judge, and has not ordered any classified material to be delivered. In addition, the Assistant United States Attorney assigned to obtain testimony from key witnesses in the case against Pinochet and other former military leaders has not elicited key testimony from people convicted in the Letelier-Moffitt killings.

We have also learned that the Spanish judge is planning to submit an expanded Rogatory Commission requesting in detail the documents and witness testimony the U.S. government should provide.

We urge you to direct the Justice Department and other relevant agencies to act with haste in delivering the appropriate solicited material. Your involvement now will send a clear signal that you plan to take all steps necessary to stop international terrorism and bring to justice those responsible for heinous crimes against humanity, including the killing of an American citizen on American soil.

We note that the Spanish judge's petitions are based on the European Convention on Terrorism that requires signatories to cooperate with each other's judicial processes in cases of terrorism. Certainly, the United States has a stake in becoming part of this process. In addition, the Justice Department previously determined that Spain properly requested documents from the United States based on the Mutual Legal Assistance Treaty, signed by Spain and the United States.

We appreciate your commitment to stop international terrorism. We strongly believe, however, that without concrete actions to back up your commitment, international terrorism will continue unabated. The case against Pinochet and his allies presents a significant opportunity to work with the world community to punish those responsible for international crimes in Chile, the United States, and elsewhere. We strongly urge you to support Britain and Spain by releasing critical information to the Spanish judge as quickly as possible. We understand that some of the materials in question are of a classified nature. We believe steps can be taken to comply with Spain's request without compromising U.S. security interests and that these steps must be taken immediately. The world is watching closely as you consider this request. Absent our firm response, terrorists will continue to believe they can act with impunity.

Sincerely,

George Miller; John Conyers; Nancy Pelosi; John Olver; Maurice D. Hinchey; Alcee L. Hastings; Cynthia A.

McKinney; Howard L. Berman; Bob Filner; Anna G. Eshoo; Henry A. Waxman; Jim McDermott; George E. Brown, Jr.; Neil Abercrombie; Barbara Lee; Sam Gajdenson; Bernard Sanders; Lane Evans; John F. Tierney; Martin Olav Sabo; Rosa L. DeLauro; Lynn C. Woolsey; Carolyn B. Maloney; Barney Frank; Lloyd Doggett; Frank Pallone; Charles B. Rangel; David E. Bonior; Nita M. Lowey; Danny K. Davis; James P. McGovern; Pete Stark; Jesse L. Jackson, Jr.; Lucille Roybal-Allard; Marcy Kaptur; Elijah E. Cummings.

MARCH 17, 1998, (REVISED MARCH 19, 1998).

Hon. WILLIAM JEFFERSON, CLINTON,  
*President of the United States,*  
*Washington, DC.*

DEAR MR. PRESIDENT, Late last year, Justice Department officials assured us that they would cooperate with a Spanish judge investigating charges against General Augusto Pinochet, former President and Commander in Chief of Chile, for terrorism, genocide and crimes against humanity. Despite the assurances of cooperation under the MLTA, it is our understanding that the Justice Department effectively stonewalled the judge when he visited the United States in January, seeking to interview witnesses and retrieve documents pursuant to his investigation.

Instead of producing the witnesses and documents, as called for under the MLTA, and despite the desire of the former prosecutors (Eugene Propper and Larry Barcella) to communicate substantive information which they had but which was still classified, we have been informed that the *Administration prevented Propper and Barcella from reviewing their notes and file material before testifying*, did not try to make confessed murders Michael Townley and Fernando Larios available, and handed over virtually no documents. Their reasoning, according to people who had talked to officials at the State Department and National Security Council, was that they were processing materials which were difficult to find and were not likely to lead to useable evidence. They would formally comply but only when the component agencies processed the materials. In private, we are told, they note that by not turning over the documents promptly and ultimately by not offering much that is useful "the U.S. had nothing to lose."

They assess the possible damage to your impending visit to Chile next month from not cooperating to be very low. Apparently, U.S. Embassy sources believe that the anti-Pinochet opposition does not have enough strength to mount effective demonstrations to interfere with your visit. They also assume that the Chilean press will not ask you tough questions about the U.S. refusal to hand over documents and produce witnesses. Apparently at the Justice Department and the State Department, the belief is that the United States can "get away with" not cooperating and receive minimum public relations damage.

The motives for not cooperating with the Spanish judge included fears that an indictment of Pinochet could put the Chilean government in a precarious position on—and we find this particularly difficult to believe at this time—that the Chilean military might initiate a military coup.

We also find incomprehensible U.S. non-cooperation in a case that involves international terrorism, specifically the most horrendous act of extraterritorial violence Washington, D.C. has witnessed in the last fifty years—the car-bombing of Orlando Letelier and Ronni Karpen Moffitt on September 21, 1976. As you know, the U.S. government indicted the head of Chile's Intel-

ligence and Secret Police agency, who recently asserted in Chile what U.S. officials always believed: Pinochet gave the order to kill Letelier in Washington.

It seems to us that the Administration will force Members of Congress to consider changing the terms of the NAFTA debate. The assumption for admitting Chile to NAFTA membership is that she is a functioning democracy. By allowing the Chileans to put Pinochet beyond the reach of any investigation, even U.S. compliance with a Spanish request, the Administration is jeopardizing the integrity of other treaty obligations under the anti-terrorism treaties. The Administration and Congress should be alarmed at the willingness of the Chilean government to ignore the growing evidence about Pinochet's involvement in the Letelier assassination.

We will propose to our colleagues that before we debate the merits of the new NAFTA and fast track agreements vis a vis Chile, we should air the U.S. government's passivity when it comes to investigating terrorism on our own soil and crimes against humanity elsewhere.

The U.S. should either work actively to deliver the most complete set of declassified documents and witnesses to Spanish judge Garcia Castellon, or face a more profound debate on NAFTA, one that goes to the democratic nature of our partners and the critical responsibilities that must accompany any trade agreement.

We respectfully request that you look seriously and expeditiously into this troubling matter.

Sincerely,

GEORGE MILLER, M.C.  
JOHN CONYERS, M.C.

THE WHITE HOUSE,  
*Washington, DC, June 3, 1998.*

DEAR GEORGE: Thank you for your letter regarding our cooperation with a Spanish judge investigating allegations that General Augusto Pinochet and other former Chilean officials are responsible for human rights abuses against Spanish citizens as well as others.

As you know, the Spanish judge's request was made under a mutual legal assistance treaty (MLAT) we have with Spain. The Department of Justice coordinates the execution of such requests with the appropriate U.S. Government agencies. Contrary to the information you may have received, the Spanish authorities have indicated to the Justice Department that they are very pleased with the extent of our cooperation in responding to their request. The Department has facilitated for Spanish authorities the depositions of several individuals in the United States and has itself deposed several other witnesses in whom the Spanish indicated interest. While certain limits were placed on the testimony that could be offered by two of these witnesses, this was due to the fact that some of the information known by these witnesses remains classified.

In addition, the Justice Department has requested that the relevant agencies conduct a search for documents responding to the Spanish court's request. It has already transmitted four boxes of materials relating to the prosecutions of those responsible for the bombing of Orlando Letelier and Ronni Moffitt as well as numerous additional documents from the Department of State. Other agencies are continuing to conduct their searches for relevant documents and will respond in the near future.

Our cooperation on this case is consistent with the extensive efforts the United States Government has undertaken to bring to justice those responsible for the Letelier-Moffitt murders. As you know, the United

States Government has successfully prosecuted several individuals responsible for these killings and indicted several others. Two of these individuals are now serving time in a Chilean prison for this crime. I believe that the efforts the United States Government has taken on this case show our resolve to deal quickly and decisively with acts of terrorism on our soil.

Finally, I want to assure you that we will continue to respond as fully as we can to the request for assistance from the Government of Spain.

Thank you again for writing to me about this important matter.

Sincerely,

BILL CLINTON.

Mr. CONYERS. Mr. Chairman, I rise in support of the Hinchey amendment.

General Augusto Pinochet rose to power in a bloody coup d'etat in 1973 that overthrew the democratically elected government of Salvador Allende. This ushered in seventeen years of military dictatorship accompanied by the death of thousands of activists, journalists and ordinary citizens.

According to the Church Committee Report of December 1975, "The CIA attempted, directly, to foment a military coup in Chile." Before Allende was inaugurated, it passed weapons to coup plotters. When that failed, it undertook a massive effort to undermine the government. Senator Church found that "Eight million dollars was spent in the three years between the 1970 election and the military coup in 1973. Money was furnished to media organizations, to opposition political parties and, in limited amounts, to private sector organizations."

Much of this is history in the sense that the repression in Chile has stopped, and that country has made a remarkable transition to democracy over the last decade. However, many are still forced to live with the pain of General Pinochet's legacy and there is still far too much information still being withheld from the public record about the American role in Chile during those dark years.

The arrest of Pinochet in England last year was a tremendous step forward for international law, reconciliation and human rights. Much of the power to keep justice moving forward lies in the hands of the CIA, the Department of Justice and other agencies of the U.S. government who have been asked by the Spanish Judge prosecuting Pinochet, Garcia Castellon, to provide information about Pinochet's reign of terror.

Even before the arrest of Pinochet, the Department of Justice assured Congressman GEORGE MILLER and I that they were cooperating fully with Judge Castellon's inquiry. I am inserting into the RECORD an article from the New York Times of June 27, 1997 which makes this point clear.

I am neither satisfied with the Department of Justice's response thus far nor with the CIA's outright refusal to cooperate with the inquiry. This is simply inconsistent with the American commitment to the promotion of human rights.

This is especially remarkable since along with the Chileans and Europeans who were murdered by Pinochet's hand were several Americans. Ronni Moffitt, a fellow at the Institute for Policy Studies, and the former Chilean ambassador, Orlando Letelier were killed in one of the worst domestic terrorism incidents ever in Washington, DC. The attack was carried out by DINA, the Chilean intelligence agency whose director has stated that

Pinochet personally ordered the bombing. Even Elliot Abrams, Ronald Reagan's Assistant Secretary of State for Latin American Affairs, has suggested in the conservative journal *Commentary* that if Pinochet is responsible for the Letelier-Moffitt bombing he should be extradited to the United States for trial. Section 304, Paragraph (a)(3) of the Hinchey Amendment and will help shed much needed light on who is responsible for this and other brutal murders.

The American people will never know the truth unless their government expresses greater enthusiasm for prosecuting the Pinochet case both in London and in Washington. The Hinchey Amendment is a critical step in that direction and I urge my colleagues to support it.

[From the New York Times, June 27, 1999]  
U.S. WILL GIVE SPANISH JUDGE DOCUMENTS FOR PINOCHET INQUIRY

MADRID, June 26.—The United States has agreed to provide Government documents to a Spanish judge investigating terrorism and human-rights violations in Chile during the right-wing dictatorship of Gen. Augusto Pinochet from 1973 to 1990.

It is the first investigation of crimes against humanity in the death or disappearance of people during the Pinochet era. The judge, who functions as a prosecutor under Spanish law, is seeking evidence of genocide against Spanish citizens and descendants of Spaniards.

But the case is even broader, and could delve into abuses against at least 3,000 people of various nationalities, including Charles Horman, an American whose disappearance in Chile was depicted in the film "Missing," said Juan E. Garces, a Madrid lawyer representing relatives of the victims.

The Madrid judge, Manuel Garcia Castellon, began the criminal investigation last year, and in February requested all pertinent documents from United States Government agencies. Washington will cooperate "to the extent permitted by law," said a letter signed by Assistant Attorney General Andrew Fois on May 23.

The letter, addressed to Representative John Conyers, Democrat of Michigan, was also sent to the national security adviser, Sandy Berger, the State Department and ranking members of the House International Relations Committee.

Spain stands a good chance of getting useful American documents about General Pinochet's Government because the request came under a 1990 legal assistance treaty that allows a wider sweep in searching for information, said Richard J. Wilson, a law professor at American University in Washington.

The Judge has not yet charged anyone, but might seek the extradition to Spain of General Pinochet, who is still commander of the Chilean Army, Mr. Garces said.

Mr. Garces was an assistant to President Salvador Allende Gossens of Chile, a Socialist, who died in September 1973 when General Pinochet led a coup that overthrew the elected Marxist Government.

In a separate action, another Madrid judge is investigating human rights abuses against 320 Spaniards under military rule in Argentina from 1976 to 1983. The judge, Baltasar Garzon, has also requested United States Government documents for his inquiry.

The Chilean Government last month termed Spain's investigation a "political trial" of Chile's transition to democracy that began with elections in 1990. On Wednesday, it said the American cooperation with the Spanish judge was "positive" but "would not lead anywhere."

The Madrid court and the American Embassy said today that they had not received official confirmation of Washington's agreement to provide documents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARR of Georgia:

At the end of title III (page 10, after line 2), insert the following new section:

**SEC. 304. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.**

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) INCLUSION OF LEGAL MEMORANDA AND OPINIONS.—The report under subsection (a) shall include a copy of all legal memoranda, opinions, and other related documents in unclassified, and if necessary, classified form with respect to the conduct of signals intelligence activities, including electronic surveillance by elements of the intelligence community, utilized by the Office of the General Counsel of the National Security Agency, by the Office of General Counsel of the Central Intelligence Agency, or by the Office of Intelligence Policy Review of the Department of Justice, in preparation of the report.

(d) DEFINITION.—As used in this section:

(1) The term "intelligence community" has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term "United States persons" has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

Mr. BARR of Georgia. Mr. Chairman, I had the honor of serving this great land back in the 1970s, including those years in which the government of our country, in an effort to institutionalize proper oversight of our intelligence agencies, enacted public laws that established the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

In the intervening generation, these committees, including under the current leadership of the gentleman from Florida (Chairman GOSS), have provided very, very essential oversight of the intelligence activities of our government.

Hopefully in so doing, we have avoided any excesses that have given rise to some of the incidents in the past that have troubled our intelligence gathering capabilities and hurt the credibility of these great institutions such as the CIA.

However, Mr. Chairman, the oversight with which the gentleman from Florida (Mr. GOSS) and many others have worked so diligently to both implement and then preserve over the last 24 years is under attack right now, and the survivability of that oversight mechanism is threatened.

I speak particularly, Mr. Chairman, of efforts by the intelligence community to deny proper information for the House Permanent Select Committee on Intelligence to conduct oversight, meaningful oversight responsibilities.

For example, in recent communications between the chairman and the NSA, the general counsel of the NSA interposed what, by any stretch of the imagination, is a bogus claim of attorney/client privilege in an effort to deny the chairman and the committee members proper information with which to carry out their oversight responsibilities.

In particular, the gentleman from Florida (Chairman GOSS) was seeking very important information that goes to the standards whereby the intelligence community and the agencies comprising the intelligence community gather intelligence and gather information on American citizens.

One such project in particular that has recently come to light, Mr. Chairman, is a project known as Project Echelon, which has been in place for several years and which, by accounts that we have recently seen in the media, engages in the intercession of literally millions of communications involving United States citizens over satellite transmissions, involving e-mail transmissions, Internet access, as