

provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(A) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power, and

"(B) is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semi-annual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) \$100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has

violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after the item relating to section 624 the following:

"624. Disclosures to FBI for counterintelligence purposes."

#### TITLE VII—TECHNICAL CORRECTIONS

##### SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DIRECTOR OR DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE APPOINTED FROM COMMISSIONED OFFICERS OF THE ARMED FORCES.

Section 102(c)(3)(C) of the National Security Act of 1947 (50 U.S.C. 403(c)(3)(C)) is amended—

(1) by striking "A" before "commissioned" and inserting "An active duty";

(2) by striking out "(including retired pay)";

(3) by inserting "an active duty" after "payable to"; and

(4) by striking "a" before "commissioned".

##### SEC. 702. CHANGE OF OFFICE DESIGNATION IN CIA INFORMATION ACT.

Section 701(b)(3) of the CIA Information Act of 1984 (50 U.S.C. 431(b)(3)) is amended by striking "Office of Security" and inserting "Office of Personnel Security".

#### CONGRATULATIONS ON THE 100TH BIRTHDAY OF THE BERGEN RECORD

● Mr. LAUTENBERG. Mr. President, on June 5, 1995, the Bergen Record, the flagship of one of New Jersey's most successful family-owned businesses, turned 100 years old.

Since John Borg bought the paper in 1930, it has flourished to become New Jersey's third largest daily newspaper with a daily circulation of 172,000 and a Sunday circulation of 246,000. New Jersey's readers have been well served by an editorial policy that encourages thoughtful, objective reporting on issues of importance to our State's most populous county.

The Bergen Record is the cornerstone upon which the Borg family built its burgeoning media business, Macromedia Inc., which includes the Bergen Record Corp., the News Tribune, Magna Media Advertising, Inc., and Gateway Communications.

But what is special about this company is that, through all of this growth, the Borg family has continued the tradition started by John Borg of fostering an employee-oriented business. The chairman of the board, Malcolm Borg, is known by his first name and all 1,200 employees know that he has an open-door policy.

This attitude extends outward to the community with programs such as the in-house tutoring program for Hackensack Middle School Students and the scholarship program for the children of Record employees. In addition, advertising space is regularly donated to benefit and promote such worthy causes as Food Action of New Jersey and Help the Heartland. Employees are encouraged to volunteer their time for worthy causes.

A commissioner on the Palisades Interstate Park Commission, Malcolm Borg has taken a lead role in moving to protect Sterling Forest, the largest contiguous forest in New York. The aquifers in this forest supply one quarter of New Jersey's population with drinking water. Mac Borg's commitment to this project is instrumental in our fight to protect this land from a planned development which includes 14,000 homes and light industrial and commercial space.

Mr. President, I would like to recognize the enormous contributions to Bergen County and New Jersey made by the Borg family, the Bergen Record and the employees of the paper. They have served their community well and I congratulate them.●

#### ON THE VALUE OF PUBLIC SERVICE

● Mr. HATFIELD. Mr. President, I appreciate this opportunity to share with my colleagues the thoughtful comments of National Labor Relations Board Chairman, William B. Gould IV, to graduates of the Ohio State University College of Law. In his remarks, Mr. Gould reminds us of the satisfaction one obtains through service to one's community and of the many opportunities available for us to do so. His inspiring comments make clear the value and importance of this commitment to assisting those around us.

A remark by philosopher Albert Schweitzer has never failed to kindle my enthusiasm for work in the field of public service. Mr. Schweitzer once told an audience:

I do not know what your destiny will be, but one thing I know: the only ones among you who will be truly happy are those who will have sought and found how to serve.

I thank my colleagues for this opportunity to make Mr. Gould's remarks a part of the RECORD.

The remarks follow:

[From the National Labor Relations Board, Washington, DC, May 14, 1995]

#### NLRB CHAIRMAN GOULD URGES LAW SCHOOL GRADS TO CONSIDER PUBLIC SERVICE CAREERS

In a commencement address on May 14 at the Ohio State University College of Law, National Labor Relations Board Chairman William B. Gould IV encouraged the graduates to consider careers in public service "even in this period of government bashing by the 104th Congress" and as the legal profession is under attack.

"My hope is that many of you will dedicate yourselves as lawyers or in other careers to a concern for the public good," Chairman Gould said in the graduation observance in Columbus, Ohio. "Now, when Oklahoma City has made it clear that the idea of government itself as well as the law is under attack, it is useful to reflect back upon what government, frequently in conjunction with lawyers, has done for us in this century alone in moving toward a more civilized society." He stated:

"What would our society look like without the trust busters of Theodore Roosevelt's era and the Federal Reserve System created by Woodrow Wilson? Regulatory approaches to food and drug administration, the securities market, the licensing of radio and television stations, labor-management relations (with which my agency is concerned) and trade practices are all part of the Roosevelt New Deal legacy which few would disavow in toto."

Mr. Gould said "the challenge of public service in Washington has never been more exciting or inspirational," as a result of "the Clinton Administration's commitment—not only to helping the less financially able to use available educational opportunities and to provide a higher minimum wage to those who are in economic distress—but also, most particularly, through the National Service." He added:

"My sense is that there is a great opportunity for lawyers to serve the public good through the public service today—even in this period of government bashing by the 104th Congress. More than three decades ago President John F. Kennedy called upon the sense of a 'greater purpose' in a speech at the University of Michigan when he advocated the creation of the Peace Corps during the 1960 campaign. President Bill Clinton's National and Community Service Trust Act (AmeriCorps.), designed to allow young people tuition reimbursements for community service, echoes the same spirit of commitment set forth by President Kennedy—and at an earlier point by President Roosevelt through the Civilian Conservation Corps."

Tracing his own interest in the law and government service, Mr. Gould said he was inspired by the Supreme Court's landmark 1954 decision in *Brown v. Board of Education*, the NAACP's anti-discrimination efforts in the South, and "[m]ore than anything else . . . the struggle in South Africa made me see the connection between the rule of law and dealing with injustice." He also spoke of the "trilogy of values" at his "inner core" that has guided his life and fostered his philosophical allegiance to the New Deal, the New Frontier and the Great Society.

The first of these values is the idea from his upbringing in the Episcopal Church of "our duty to live by the Comfortable Words and to help those who 'travail and are heavy laden.' The second was the belief, inspired by his parents, that "the average person needs some measure of protection against both the powerful and unexpected adversity." The third value, Mr. Gould continued, was "based upon personal exposure to the indignity of racial discrimination which consigned my

parents' generation to a most fundamental denial of equal opportunity."

The NLRB Chairman, on leave as the Charles A. Beardsley Professor of Law at Stanford Law School, said he was proud of the agency's prominent role in the Major League Baseball dispute where "the public was able to obtain a brief glimpse of the Board's day-to-day commitment to the rule of law in the workplace." On March 26, the Board voted to seek injunctive relief under Section 10(j) of the Act requiring the owners to reinstate salary arbitration and free agency while the parties bargain a new contract. He said further:

"What may have been overlooked in the public view was the fact that the Board was able to proceed through a fast track approach and make the promise of spontaneous and free collection bargaining in the workplace a reality. I hope that the players and owners will now do their part and bargain a new agreement forthwith!"

"I am particularly proud to head an agency which is celebrating its 60th anniversary this summer and which, from the very beginning of its origins in the Great Depression of the 1930s, has contributed to the public good through adherence to a statute which encourages the practice and procedures of collective bargaining. . . ."

#### SERVING THE PUBLIC INTEREST THROUGH THE RULE OF LAW: A TRILOGY OF VALUES

(By William B. Gould IV, May 14, 1995)

Ladies and gentlemen. Members of the faculty. Honored guests. I am indeed honored to be with you here today in Columbus and to have the opportunity to address the graduates of this distinguished College of Law School as well as their parents, relatives, and friends on this most significant rite of passage. Looking backward 34 years to June 1961, my own law school graduation day was certainly one of the most important and memorable in my life. It was the beginning of a long involvement in labor and employment law as well as civil rights and international human rights.

But I confess that today I am hardly able to recall any of the wise words of advice that the graduation speaker imparted to us that shining day at Cornell Law School in Ithaca, New York. So, as I address you today I don't have any illusions that what I say is likely to change the course of your lives. But my hope is that my story will provide some context relevant to the professional pathways upon which you are about to embark.

Both governmental service and the furtherance of the rule of law by the legal profession have possessed a centrality and thus constituted abiding themes in my professional life. I hope that my remarks to you here today will induce some of you to consider government as an option at some point in your careers, notwithstanding the anti-government tenor of these times.

The tragedy of Oklahoma City has dramatized the contemporary vulnerability of these values to sustained attack, both verbal and violent. As the New York Times said last month, we must "confront the reality that over the past few years the language of politics has become infected with violent words and a mindset of animosity toward the institutions of government." The columnist Mark Shields has noted that this phenomenon has been fueled by the idea that the "red scare" should give way to the "fed scare."

My own view is that government does best when it intervenes to help those in genuine need of assistance—but I am aware that this point does not enjoy much popularity in Congress these days. Again Shields, in discussing recent comments of Senator Robert