

Americans and continue to have this remarkable growth in our economy and a bright future for Americans. The debate will be drawn, time after time, and has been, between protectionism, between the desire to raise those protectionist barriers, to go back to the good old days of Smoot-Hawley or whether we are going to move forward with free trade and reduce barriers.

I believe the American people and those people who are engaged in business, those who are in the business of doing business, will strongly support the position that the administration holds of free trade and reduction of barriers for competition.

I yield back to my colleague from Ohio.

Mr. DEWINE. Mr. President, I now ask unanimous consent the period of morning business be extended until the hour of 1:30 and I be permitted to speak for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am wondering whether I could reserve 8 minutes of that time, between now and 1:30, as part of the unanimous consent agreement?

Mr. DEWINE. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I wonder if my friend from Ohio will yield me just 1 minute of that time now while the Senator from North Dakota is on the floor, to react to his comments?

Mr. DEWINE. I will be more than happy to do that.

Let me just state the topic I want to talk about is going to take awhile. So I will be more than happy to yield. If you go on too long, I will simply come back later on. That will be fine.

Mr. LEVIN. I just ask if the Senator will yield 1 minute, and then I will yield the floor and come back for the remainder of my 8 minutes. But while Senator DORGAN is on the floor, I just wanted to comment for a few seconds. I just wanted to compliment Senator DORGAN for his comments. His speech is a free trade speech. We all have to listen carefully to what he said. That 50-percent tariff on American beef going to Tokyo—it is absurd that we tolerate it.

In NAFTA, we permit, for 25 years, Mexico making it a crime to sell an American used car in Mexico. That is part of NAFTA. NAFTA, for 10 years, restricts American-assembled automobiles from going into Mexico. So, what the Senator from North Dakota is pleading with us to do, is to insist that we have as much access for our manufactured goods and our agricultural products to other countries as they do to our country. I commend him on his remarks and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DORGAN. Will the Senator from Ohio yield 30 seconds to me?

Mr. DEWINE. I will be more than happy to.

Mr. DORGAN. I will not engage the remarks of the Senator except to say we should reserve the decision on this point. One can drive down a street and see a Cadillac in front of an expensive house, and if you do not understand the debt that will be used to repossess the house and the Cadillac, you don't understand the financial position there. The same with our country. The fact is, our abiding trade deficits are undermining our country's long-term economic future and we had better not decide to ignore them. We had better confront them on behalf of American producers and on behalf of this country's interests. This is a debate we must have soon.

I appreciate very much the indulgence of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized again.

### DISASTERS

Mr. DEWINE. Mr. President, let me start by expressing on this floor, as I did this past Monday, my sympathy for the families who have lost loved ones in the last week due to tornadoes, due to flooding and other natural disasters. This has been a very, very tough week. In my home State of Ohio, we are experiencing a flood of once in the last 30 or 40 years magnitude—we have not experienced anything like this since the 1960's. Not only is my home State of Ohio experiencing this, but, of course, Kentucky and Indiana is as well. Vice President GORE is, as I speak, in Ohio, having the opportunity to view firsthand the damage. We appreciate his visit. We welcome it.

We also appreciate the prompt action by President Clinton in designating 14 Ohio counties, to make them eligible for disaster assistance. Governor Voinovich has now made an additional request to the President to add two additional counties, Hamilton County, Cincinnati, as well as Clermont County. Both these counties have been hit exceedingly hard by the flooding. In fact, we have yet to see the high-water mark, which should not occur for a few more hours in Cincinnati and Clermont County, the Richland area—that part of our State.

We really have an area in Ohio from Monroe County, up river, all the way down to Hamilton County. What we have seen is what we always see during tragedies such as this. We see Americans responding. And, in the midst of the tragedy, the suffering, what we see is neighbors helping neighbors and people out there just making a difference. We have Red Cross volunteers. We have emergency department volunteers. We have fire department volunteers. The National Guard is actively involved. But most of all, we have people who are just volunteers, who are just out there making a difference, who do not necessarily belong to any group except they are Ohioans or Kentuckians or Hoosiers from Indiana, and they are out there making a difference in their

local communities. So let me pay tribute to them.

The work that we have at hand is going to continue. Once the spotlight of CNN and the network news goes off Ohio, Kentucky, and Indiana and goes off the river communities, the work is going to have to continue. We will have to be hanging in there and doing what we can.

I appreciate the prompt response of FEMA and the Federal officials who were in Ohio yesterday, traveling with Lt. Gov. Nancy Hollister. I appreciate their prompt response and prompt recommendations to the President. I look forward to working with them, as well as working with the local communities, in the weeks and, frankly, months ahead.

We are seeing not only a tremendous amount of damage, in the millions of dollars, to homes, trailers, people having to be relocated, but we are also seeing an immense damage to the infrastructure of the southern part of the State of Ohio. I don't think any of us know what this is going to amount to. We won't know until the river goes back and things begin to get back to normal before we can assess the full damage. When you look at some of the counties in southern Ohio, there is not a one of them that has the capacity to respond, as far as dollars are concerned. This is something that cannot be budgeted. We, of course, will be looking forward to working with FEMA and other agencies to get assistance in there to those counties.

### HAITI

Mr. DEWINE. Mr. President, I had intended to come to the floor today and talk about Haiti, a long way from Ohio. I have had the opportunity to visit Haiti three times in the last 18 months. I have had the opportunity to meet with our Ambassador, to meet with President Preval in Haiti, to meet with our members of the Armed Forces that we still have in Haiti, doing an absolutely fantastic job. One of the nice things about having the opportunity to travel to other countries and to see what is going on is the opportunity to see U.S. troops and to see the tremendous job that they do. It is just one more inspiring thing a Member of Congress can do.

As I said, I intended to come to the floor today and talk about what I think is important in regard to Haiti. We have invested \$2 billion. We have risked U.S. servicemen's lives. We still have United States service men and women in Haiti. Haiti is our neighbor. What happens in Haiti will impact us. Haiti is not of strategic importance to the United States, but Haiti, because of geography, because of historical ties, will continue to have an impact on the United States.

If we want to search for examples to prove this theory, we don't have to think back too far in recent history when we had thousands of Haitian boat

people coming across the sea, and we were faced with the horrible decision of what we do with them—people who were seeking freedom, people who were seeking the opportunity to simply provide food for their families, and we had to deal with that.

So Haiti, because of its geography, is very important to the United States, will continue to be important, and I intend to come to the floor sometime within the next week to detail what I found on the trips I have made to Haiti and some of the specific recommendations I have. But because of the constraints of time, and I know there are other Members who have expressed a desire to speak, I will, Mr. President, yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. First, while my friend from Ohio is here, I thank him for yielding before. I appreciate that.

#### USE OF FBI BACKGROUND INVESTIGATION SUMMARIES

Mr. LEVIN. Mr. President, I want to take a few moments this afternoon to set the record straight on an important point concerning the use of FBI background investigations in the consideration of the executive branch nominees by the Senate.

A number of inaccurate comments have been made about the handling of FBI files in connection with the pending nomination of Tony Lake to be Director of Central Intelligence. Some Senators are calling for access to the complete files which the FBI used to prepare the summaries that were provided to the White House and the Congress. The Senators cite former Senator Tower's nomination to be Secretary of Defense as a precedent for requesting those so-called complete files.

For example, a February 17, 1997, letter to the majority leader, signed by 16 Senators, only three of whom were Members of the Senate at the time the Tower nomination was considered, and none of whom were then members of the Armed Services Committee, states the following:

As you know, when former U.S. Senator John Tower was nominated for Secretary of Defense, his complete FBI file was placed in a secure room of the Capitol for Members of the Senate to read and evaluate. Given the clear precedent and the critical nature of the position of Director of Central Intelligence, this is the procedure which we believe should be followed in the case of Mr. Lake.

The fact is, Mr. President, that neither the Armed Services Committee nor the full Senate ever had access to the raw investigative files used by the FBI to compile its summary of the

background investigation of Senator Tower. The Armed Services Committee and all Senators had access only to the FBI summary of its investigation of Senator Tower to be Secretary of Defense.

I understand that the summary of the FBI's background investigation of Tony Lake has already been provided to the chairman and vice chairman of the Intelligence Committee, just as the summary of the FBI's background investigation of Senator Tower was provided in the Armed Services Committee in 1989.

A little background is useful here on the process of FBI background investigations of executive branch nominees. Prior to the submission of a nomination to the Senate, the FBI conducts a background investigation of the nominee for the purpose of providing the President with information about the suitability of a prospective nominee. The report of the investigation is submitted to the counsel to the President who is responsible for preparing appropriate advice to the President.

The FBI background material provided to the Armed Services Committee in connection with nominations includes only the FBI summary of its interviews. If the committee determines that additional information is necessary, a request for this information is made of the White House. If necessary, the FBI investigates further, and additional summaries are provided to the committee. The underlying investigative materials are not submitted to the committee, and they never have been. I repeat that. The underlying investigative materials, the so-called raw investigative materials, are not submitted to the Armed Services Committee and they never have been, including in the case of Senator Tower when his nomination was before us to be Secretary of Defense.

The standard practice before the Armed Services Committee has been that the summary of the FBI investigation is read only by the chairman and the ranking minority member of the committee or their Senator-designee from the members of the committee. These summaries can be extraordinarily personal and confidential, and, for that reason, the executive branch is not allowed staff access generally to those FBI summaries.

A February 10, 1989, letter from President Bush's White House counsel, Boyden Gray, to the Senate majority leader described the "terms and conditions under which summaries of FBI background investigations on Presidential nominees have been made available to Senators since 1981." This is what then-White House counsel Boyden Gray said to the Senate majority leader.

The FBI summary is hand-carried by an attorney in this office to the Senator who reviews the file with the White House attorney. When the Senator has finished reading the summary, it is hand-carried back to the White House.

That same practice was followed throughout the Bush administration and the first term of the Clinton administration.

Access to FBI summaries was expanded for the committee's consideration of the nomination of former Senator Tower to be Secretary of Defense in 1989. For the committee's consideration of that nomination, Senator Nunn and Senator WARNER, the chairman and ranking member of the committee at that time, felt that it was important that all Senators on the committee have access to the FBI summary of its background investigation of Senator Tower and that a limited number of committee staff also have access to those summaries to prepare the committee report on the nomination.

After lengthy discussions and negotiations with President Bush's counsel, Boyden Gray, Senators Nunn and WARNER and Mr. Gray reached a written agreement on the terms of access to the FBI summary of its investigation of Senator Tower, which allowed all members of the Armed Services Committee and a very limited number of committee staff to have access to the nine chapters of the FBI summary. The summary was put in room S407 here in the Capitol, along with summaries of the summary which were prepared by the committee staff, to make it easier for the members of the committee to review those summaries.

Mr. President, the agreement between Senator Nunn, Senator WARNER, and Mr. Gray makes it very clear that what the Armed Services Committee had access to was—and here I am quoting from the access agreement—"the Federal Bureau of Investigation's summary of its background investigation of Senator John Tower."

And the agreement here between Senators Nunn and WARNER and Mr. Gray went on to inventory the material which was provided to the committee as follows:

The FBI summary consists of the following parts:

This is the inventory agreed upon relative to Senator Tower's nomination.

The FBI summary consists of the following parts: (1) summary memorandum (undated [but which was, in fact, dated December 13, 1988]); (2) summary memorandum (December 23, 1988); (3) summary memorandum [which was also] (undated [in this agreement but which was January 6, 1989]); (4) summary memorandum (January 13, 1989); (5) summary memorandum (undated [but which was, in fact, January 25, 1989]); (6) summary memorandum [dated] (February 8, 1989); and (7) summary of the ongoing investigation not yet completed by the FBI.

Now what that quote is from is the agreement between Senators Nunn and WARNER and Boyden Gray, the then-White House counsel.

Mr. President, I wonder how much time I have left?

The PRESIDING OFFICER. The Chair observes that the Senator's time has expired.