

years is that in most years they failed to achieve the cuts that they spent most of each year fighting to impose. When a coalition between the Democrats in Congress and the President made it clear that the bills containing these cuts would be vetoed and that the Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican members to attempt to take credit for that fact is in effect bragging on their own political ineptitude. The question concerned Americans must ask is: What will happen if the Republican find a future opportunity to deliver on their six-year agenda? They may eventually become more skillful in their efforts. They may at some point have a larger majority in one or both Houses or they may serve under a President that will be more amenable to their agenda. All of these prospects should be very troubling to those who feel that local school districts can not do the job that the country needs without great assistance from the federal government.

This is not an issue of local versus federal control. Almost 93% of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of state and local governments. But there are national implications to failing schools in any part of the country. The federal government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. And that is what the other 7% of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels—federal, state, and local—or we will not get the job done.

The House Republican candidates now shout loudly that they can be trusted to support education, but their record over the six years speaks louder than their words. Their record shows that in three of the last six years, House Republicans tried to cut education \$5.5 billion below previous levels and \$14.6 billion presidential requests. It shows that the more than \$15.6 billion that has been restored came only after Democrats in Congress and in the White House demanded restoration. That is the record that must be understood by those concerned about education's future.

DEPARTMENT OF EDUCATION—GOP EDUCATION  
APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR  
(Millions of dollars)

	Prior year	House level	House cut
FY 95 Rescission .....	25,074	23,440	—1,635
FY 96 Labor-HHS-Education .....	25,074	20,797	—4,277
FY 97 Labor-HHS-Education .....	22,810	22,756	—54
FY 00 Labor-HHS-Education .....	33,520	33,321	—199

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS  
BELOW PRESIDENT'S REQUEST  
(Millions of dollars)

	Request	House level	House cut	Percent cut
FY 96 Labor-HHS-Education	25,804	20,797	—5,007	—19
FY 97 Labor-HHS-Education	25,561	22,756	—2,805	—11
FY 98 Labor-HHS-Education	29,522	29,331	—191	—1
FY 99 Labor-HHS-Education	31,185	30,523	—662	—2
FY 00 Labor-HHS-Education	34,712	33,321	—1,391	—4
FY 01 Labor-HHS-Education	40,095	37,142	—2,953	—7
Total FY96 to FY01 .....	186,879	173,870	—13,009	—7

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—EDUCATION FUNDING  
RESTORED BY DEMOCRATS

(Millions of dollars)

	House level	Conf agree- ment	Res- toration	Percent in- crease
FY 95 Rescission .....	23,440	24,497	1,057	5
FY 96 Labor-HHS-Education .....	20,797	22,810	2,013	10
FY 97 Labor-HHS-Education .....	22,756	26,324	3,568	16
FY 98 Labor-HHS-Education .....	29,331	29,741	410	1
FY 99 Labor-HHS-Education .....	30,523	33,149	2,626	9
FY 00 Labor-HHS-Education .....	33,321	35,703	2,382	7
FY 01 Labor-HHS-Education .....	37,142	40,751	3,609	10
Total FY95 to FY01 .....	197,310	212,975	15,665	8

Discretionary Funding, Minority Staff, House Appropriations Committee.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

OVERVIEW OF SPEECH

Mr. MCINNIS. Mr. Speaker, good evening. It is time for another nightside chat.

This evening I want to cover a couple of areas with my colleagues here. First of all, a couple comments about the Olympics, and then I would like to move on.

I had a discussion last week and in fact over the weekend I talked with a good close friend of mine, his name is Al, and we discussed a little about the situation with Wen Ho Lee, who is the spy, or the fellow who was accused of spying, but the gentleman in New Mexico, and I kind of need to retract my words there, I will not exactly call him a "gentleman" from my point of view, you will see. I think the facts are going to be very interesting.

Last week, as my friend Al and I discussed, I laid out what I thought was a very strong case that makes it very clear that this fellow in New Mexico, who has been accused of a crime, and, by the way, who is a convicted felon, in fact is not a hero. He is not a martyr. He is not somebody who has been victimized. He is not a victim of racial profiling. He is not a victim of the race card. I want to discuss that case in a little more depth, in fact in a great deal of depth tonight. So I am looking forward to that discussion.

DISRESPECT SHOWN BY AMERICAN OLYMPIC  
ATHLETES

First of all, let us talk about the Olympics. That is an exciting event. All of us had an opportunity, I am sure, to watch the events, and we are very proud of our athletes and the sports people that we send over to participate in these events and the medals. I mean, of course, in the West we are absolutely thrilled about the wrestler out of Wyoming who beat that Russian wrestler. To me, that was probably the highlight of the Olympics.

But let me say, first of all, I consider our athletes obviously very, very capable young people who I am proud to have represent the United States, in most cases. These athletes, in my opinion, while I would not call them heroes, you certainly would call them celeb-

rities. They have spent a lot of hard years to represent the United States.

But what I saw over the weekend dismayed me, and I want to be very specific about it, because it applies only to maybe four, maybe five at least, not the whole bunch. But, unfortunately, it kind of casts a shadow over all of our U.S. Olympic athletes, and that is those Olympic athletes representing the United States who thought it was kind of entertaining to show a lack of respect as they were receiving their medals and the Star Spangled Banner was played.

Perhaps it would be good for my colleagues to continue to remind our constituents just exactly what that song, the Star Spangled Banner, our National anthem, what it means and where it came from and what it represents.

Look, this is not some song by Metallica out there or some other group that is used for entertainment. This was a song that was written on sacrifice. This was a song written with the idea of patriotism. This was a song that was written in recognition of the many Americans who fought to preserve this country. They did not fight in Olympic games, they did not fight on a relay team to get the gold medal, they fought on a battlefield, and a lot of them gave their lives.

I will tell you, to every veteran in this country, in fact, to every citizen in this country, those athletes, who in my opinion embarrassed the United States of America with their behavior, owe an apology to every citizen in this country, and they especially owe an apology to those veterans who really went out and fought the wars, who really have represented this country since its conception.

Mr. Speaker, we all have an obligation, whether the moment is an exciting moment or whether the moment is at a funeral, or whether the moment is at the beginning of a basketball game or a football game, we have an obligation to citizens of this country to respect the history of the Star Spangled Banner.

While we do not stand there and recite the history of the Star Spangled Banner, we as Americans have that song to kind of be a symbol to the world, and even as a reminder to ourselves, about what this great country is all about and to see that some of our outstanding young people in this country who have been given the privilege, and, by the way, it is not in reverse, it is not what the country could do, so-to-speak, for those athletes, it is what those athletes can do to represent our country, and they do not represent our country when they stand there and make the kind of mockery or the kind of little professional side show they thought was entertaining for the cameras.

I hope those individuals out there who give sponsorships and commercial contracts keep in mind what these particular individuals did, how they embarrassed, in my opinion, the rest of

the Olympic team, and how they embarrassed our country, and, most of all, how they embarrassed the heritage of this country there during our National anthem.

We have every right to be proud. Boy, one does not have to go very far on our streets to find people who would tell you just how proud they are of this country, what kind of opportunity this country offered. I am sorry to say that we saw that on national TV. In fact, the entire world saw it on TV, and it did nothing at all, it did nothing at all, to exemplify the fine athletes that we had over there representing our country. I think it is very unfortunate that that is what occurred.

THE WEN HO LEE CASE: WHO IS THE VICTIM?

Let me completely shift gears. Over the last several weeks I have about had it with what I am reading in some of the national media on a public relations campaign put forward, in my opinion, by some defense attorneys on an individual named Wen Ho Lee.

As you may recall, Wen Ho Lee was the fellow who was arrested and held by the FBI on 59 counts involving some of the highest, most sensitive secrets this Nation has ever held, that is the secrets on our thermo-nuclear weapons.

I used to practice law, and I learned a long time ago, although I did not do criminal law, I was acquainted with criminal law. I used to be a police officer, and there are a couple of things I want to point out at the beginning of my comments about observations I made when I was a police officer and when I practiced law.

Let me start, first of all, when I was a police officer. When I was an officer and I would arrive at the scene of an accident, a lot of people would have a lot of different stories. What I learned time and time and time again as a police officer is what you see when you first get there a lot of times is not really what you come up with after you have been there for a while. So what seems obvious to you when you pull up to the scene of an incident is oftentimes not as obvious as you thought it was.

In other words, you may pull up to the scene of an accident and you may say, well, this is easy; that car crossed over that line and hit that car, so it is driver A's fault, because driver A hit B going the wrong way in the traffic. You may find out after further investigation that in fact driver B was in the wrong lane of traffic, spun out of control, had a collision, and the vehicles, by momentum, put themselves into the position that they were in. Point number one.

Point number two that I think is important, that I learned in the practice of law, is that defense attorneys really have a few standards by which to defend their client. The easiest way to defend your client who has been accused of a crime is the facts. If the facts are on your side, obviously the easiest fact is your client did not do it.

If your client did not do it, you focus your case on the basis of the facts; my client did not do it.

If you do not have those facts on behalf of your client, then what you try and do is you try and attack the prosecution's witnesses. So you try and divert attention away from the fact that maybe your client did it, and you try and attack the credibility of the people who saw him do it or otherwise would testify to some type of circumstantial evidence that this individual is guilty of the crime alleged.

If you cannot defend your client on the facts, and if you are not too successful attacking the credibility and the character of the prosecution, then you adopt what seems to be the most popular item of defense for the last 20 years, your client is a victim. Oh, my client, I know he went out and robbed a bank, but he was victimized; he had an abused childhood; or, you know, the police did not treat him right. Anything you can use as a defense attorney to make your client seem like a victim being picked on by society or being picked on by the FBI or being picked on by the cops or being picked on by his parents, or et cetera, et cetera, et cetera. You get the idea. You know where I am going.

Well, what we have seen in the last several weeks is a massive public relations effort on an individual named Wen Ho Lee, trying to play this individual as a victim; trying to divert attention away from what this individual did.

Some of the facts or defenses they are using for Wen Ho Lee are almost laughable. One, well, he was just resume building. He wanted to build his resume, so he wanted to accumulate a library of the most sensitive thermo-nuclear secrets ever held in the history of the world. He just wanted to have a resume. He said, I have a library with that.

Two, this was just a coincidence. It was really accidental. He did not intend to copy over 400,000 pages of the most sensitive thermo-nuclear material ever held by any person in the history of mankind. It was just an accident that he happened to get his hands on that and started transferring it around.

One of the other defenses that in some cases have some merit and have some bearing is the race card. When you take a look the facts as I am going to present them to you, the other side of the story, you are going to find, I think, as I find, forget the race card. Throw that one out. This is not a race case. This case is based on hard, verifiable evidence. This case is based on the fact that the party is a convicted felon. This case is based on the fact that the secrets were found in his custody.

So I want to present, and I think the first thing is at the beginning of my discussion that we ask the question, and this is what I ask you to think about this evening when I go through

the facts of this case, this is kind of like one of those new detective shows on TV or some kind of criminal mystery. Let us try and solve the mystery. Let us look at the basic question: Who is the victim? That is what we want to determine tonight, because we have seen this massive effort, and, frankly, it is amazing to me, the national publications that have adopted the public relations effort of these defense attorneys to point Wen Ho Lee as the victim, instead of the United States of America and its citizens.

□ 2145

That is the question we are going to ask tonight. Who is the victim? Is it Wen Ho Lee, or is it the United States of America? That is the question we want to look at this evening.

By the way, if my colleagues see my quote marks, this is testimony taken from the hearing that was given over in the Senate side; however, it is important to keep in mind that this is not an ordinary criminal matter. However, it is important to keep in mind that this is not an ordinary criminal matter. It never was. This is a national security matter of paramount importance.

This is a national security matter of paramount importance. At least seven and possibly 14 or more tapes containing vast amounts of our Nation's nuclear secrets remain unaccounted for. This is not rhetoric. It is simple frightening fact.

Mr. Speaker, let us all go back, kind of place ourselves in the laboratory in New Mexico. Let us get kind of an outlay of what that laboratory does. This is one of the most highly classified top secret locations for the United States. We have two labs that have this kind of classification. This lab in New Mexico contains within its computers not only the research, but the elements to put together thermonuclear weapons.

This lab contains the elements so that you could compose and construct a weapon, the only real weapon known to mankind that one military could use against the military of the United States of America and successfully engage it and successfully destroy it. In other words, I cannot overstate the sensitivity of the material that is contained within those laboratory walls down there in New Mexico, nor can I overstate the responsibility, the high respect of these individuals who are given the utmost trust by the citizens of the United States of America to work in that laboratory.

These citizens, they know exactly what they are dealing with. These scientists, these experts, these professionals, and every one of them is a professional. They know it. Of all 250 million or 300 million people in the United States and of all the hundreds of millions of people in the world, they alone down there have their hands on what is considered the most destructive weapons in the history of mankind.

They alone down there, while they are in that laboratory, many of them

have access that is entrusted to no other citizens in the United States outside of a handful, like the President of the United States, certain Members of Congress, certain Members of the Senate and so on and so forth. In other words, what we are dealing with is our entire design plan of our thermonuclear weapons. This is not what you call a missile-light or a criminal-light matter.

During my career, I am not sure in my career of Congress I have ever witnessed a crime that I think is more of a threat to the national security of the United States but also a threat to the entire world. I want to point to my colleagues I am not sure I have ever witnessed a more clever defense design to take an individual who the facts will reveal intentionally and very methodically transferred these nuclear secrets.

It is amazing to me that that kind of individual can get the kind of spin by our national media to play this situation into pointing it out like he is the victim, like somehow he innocently transferred these; that, in fact, all he was trying to do was build up his resume.

He thought it would be impressive to have a library of the world's most sensitive thermonuclear weapons. Let us go through some of the facts. Wen Ho Lee worked for the X Division at the Los Alamos National Laboratory. The X Division, and that is important to remember, this is the top secret division, the X Division is responsible for the research, design and development of thermonuclear weapons; and it requires the highest level of security of any division at Los Alamos.

This week I intend to go into even more depth in this case with the gentleman from Georgia (Mr. BARR), who used to be, by the way, a U.S. Attorney. He is an expert I think in prosecution, and it will be interesting to have his comments in regards to the Los Alamos lab and what level we can consider this breach of security.

The X Division scientists, and that is what Wen Ho Lee was, he is an X Division scientist. Now the scientist most familiar with the downloaded information would have testified that Wen Ho Lee took every, not some, not a little here, not a little there, every significant piece of information to which a nuclear designer would want access. It gets worse.

Before Wen Ho Lee created these tapes, only two sites in the world held this complete design portfolio, the secure computer inside the highest security division at Los Alamos and the secure computer system inside the highest security division in another one of our national laboratories. Now, this is what one of the defenses they are using is that, look, accidents happen, poor Wen Ho Lee was in there working on his computer. He was a computer buff, kind of a computer geek; and as he is working it by accident he happens to transfer a couple hundred thousand pages, pretty soon 300,000, pretty soon

400,000 pages of thermonuclear weapons from a classified position to a non-classified position, from a nonclassified position to the computer at his desk.

I will walk through those steps, and we will see why it takes a methodical and well thought out process to complete what Wen Ho Lee did to do what he did. Let us go on. It is not a simple task for Wen Ho Lee to move files from the closed to the open system. The CFS tracking system reveals that Wen Ho Lee spent hours unsuccessfully trying to move the classified files into unclassified space; eventually, Wen Ho Lee worked his way around what was designed to be a cumbersome process.

In other words, here is what is going on. The computer with the thermonuclear secrets accounts is here, and contained within that computer are documents which are an entire library on thermonuclear weapons; and when I say our entire library, it is the research. It is the construction. It is the impact, et cetera, et cetera, et cetera.

In order for one to move a document from this top secret computer, you have to declassify it, because if the document is classified top secret, you cannot move it from that computer to a nonclassified computer. So the first step that you need to take is you need to take these documents that are classified top secret, and you need to declassify them to a declassified document. And what this is saying right here is that in order to do that, we wanted to make sure we had a fail-safe system. In a fail-safe system, we wanted to make the process very cumbersome. In other words, it took a lot of study; it took a lot of processes to get through it.

It had several what you might call barriers built into the computer programming, so that you could not automatically or by accident hit a button and classify a document from classified to nonclassified or from secret to non-secret.

So when Wen Ho Lee went through this, it took him hours to figure out the system, how do I move it from classified to nonclassified. He studied it and eventually he mastered it. And that is what he did. He first moved it from the top secret computer, changed the classification of the documents; then moved the documents to his other computer at his desk, because they can move his unclassified documents and put them on to his personal computer and who knows where those secrets are today. Although, there are many suspicions of where those secrets are today.

Let us go on. Wen Ho Lee worked to command the computer to declassify the files when he was well aware that the files contained some of the most sensitive information at Los Alamos, and this process over here just kind of tells us what was necessary. First, you had to have an input deck, file information. Now this information was a blueprint of the exact dimensions and the geometry of the Nation's nuclear

weapons, including our most successful modern warheads.

The data files included nuclear bomb testing protocol, nuclear weapons bomb test problems, information related to physical and radioactive properties. And the source codes included data used for determination by simulation the validity of nuclear weapon designs. So the information that Wen Ho Lee worked with on his computer, he knew, he knew how secret that information was. He knew exactly what keys that information provided for somebody who wanted to get their hands on it to build their own nuclear arsenal. Yet, he continued over a period of time, and I am going to show us some of the interesting facts about that period of time. He went over a period of time and continued to declassify top secret material for the sole purpose of transferring it out of that computer into his own computer and copying it into his own personal library, which now he has. We do not know where those documents are.

Before we go further, let me point out that it has been very easy to criticize the Federal Bureau of Investigation. They were the lead investigator here. The Department of Justice, Janet Reno, as I said, in fact, in my discussions with AL this weekend, my constituent that I visited with, in my discussions, he reminded me of how critical I had been of the Federal Bureau of Investigation with Ruby Ridge.

I think Ruby Ridge and the conduct by the Federal Bureau of Investigation was a shame. I think it was shameful. They know it was shameful. I think it was unfortunate that some of the people who were involved with the FBI who did wrong ended up with promotions.

I have had disagreements with Janet Reno, the Attorney General. Although I am an ex-police officer, I am not coming in here with a bias in favor of the FBI. I am not coming in here with a basis in favor of Janet Reno. I am coming in here, I believe, well studied in the facts; and I am telling my colleagues do not let them divert Wen Ho Lee's activity and his behavior by putting the blame on Louis Freeh, the director of the Federal Bureau of Investigation. Do not let them divert from the facts what Wen Ho Lee did by bringing Janet Reno into the equation and saying for some reason she misbehaved.

The facts are clear in this case. I am going to present some more to you.

Let us go on further. It is critical to understand it; and I think this is so important, so important, for us to pay attention to. It is so critical to understand that Wen Ho Lee's conduct was not inadvertent. It was not careless, and it was not innocent. Over a period of years, Lee used an elaborate scheme to move the equivalent of 400,000 pages of extremely sensitive nuclear weapons files from a secure part of the Los Alamos computer system to an unclassified, unsecure part of the system,

which could be accessed from outside of Los Alamos, indeed, from anywhere in the world.

In fact, at one point Lee attempted to access that from overseas. He could not quite get the connection down, so he contacted the computer help system, which had a tracer on it, and in asking for help on the computer, how do I do this, I am not being successful in transferring in this country, I believe he was over in Taiwan.

In order to achieve his ends, Wen Ho Lee had to override default mechanisms that were designed to prevent any accidental or inadvertent movement of these files. His downloading process consumed approximately 40 hours of 70 different days. Do not let people tell you he did it by accident. There are default mechanisms built into this computer program. You have to go around it. You have to go under it. You have to go above it. You have to go sideways.

There are a lot of computer safeguards placed in there, so somebody who is handling this sensitive material cannot inadvertently send it to a computer system where it can be accessed around the world. His behavior was not inadvertent. It was not careless, and it was not innocent.

Let us go on. Nor was this all. Wen Ho Lee carefully and methodically removed classification markings from documents.

□ 2200

He attempted repeatedly to enter secure areas of Los Alamos after his access had been revoked, including one attempt at 3:30 in the morning on Christmas Eve.

Think about that, how many people would attempt to get into a top secret part of a lab at 3:30 in the morning on Christmas Eve; in the morning, a.m., 3:30 a.m. on Christmas Eve? Oh, what a coincidence, he just happened to stumble down to the top secret portion of the lab and try to gain access through a starewell.

He deleted files in an attempt to cover his tracks before he was caught. As soon as he found out the FBI was on him, as soon as he failed a lie detector test, as soon as he figured out that the computer was tracking him, he began immediately to delete files. He tried to cover his tracks, not by an accidental push of the button, of the keyboard, but by an intentional, well-designed method to delete not only his current files, but delete any record of those files ever being made at all.

Wen Ho Lee created his own secret, portable electronic library of this Nation's nuclear weapons secrets. So first he took them out of the top secret computer, moves them to a nonclassified computer, where he can then access them from his own computer. In fact, anyone in the world could access those secrets.

He stood before a Federal court judge, admitted his wrongdoing, and pleaded guilty to a felony. Contrary to

some reports, there is nothing minor or insignificant about that crime. The restricted data that Wen Ho Lee downloaded into 10 portable computer tapes included, and keep this in mind, it included the electronic blueprint of the exact dimensions and geometry of this Nation's nuclear weapons.

These are just some of the steps that are required to access, for him to go in there.

First of all, he has to log into a secure computer system by entering a password, and not only enter a password, you have to put a Z number in behind it. Then you have to access data in red partition, then type save, then you go CL-LU, classified level included unclassified. So look at the steps we already have so far.

Then you have to access C machine and type commands to download partition from secure partition to open Rho machine. Then you have to access that machine. Then you have to log into a colleague's computer outside of the x division. Then you have to access the open directory and copy the files.

My point in all of that is that there were numerous steps that Wen Ho Lee took to obtain from all of us, from all of the citizens of the United States, to obtain our highest secrets, in dereliction, not only dereliction of his duty, that is too light, but in my sense, a betrayal. I do not think I am using too strong a word.

Anybody that would go in with those kinds of secrets, with those kinds of weapons, and would intentionally transfer the information of those weapons so that it can be accessed elsewhere, and we do not know where most of those tapes are, by the way, Mr. Lee has not cooperated, he has not told us where those are the tapes are, tell me that is not a betrayal in the highest form. I think it is. I think it is disgraceful.

Let us go through this. Make no mistake about the scope of this offense and the danger that it presents to our Nation's security. Make no mistake about the scope of this offense and the danger it presents to our society.

As an expert from Los Alamos testified in this case, the material that was downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

Mr. Speaker, for those who have been kind of coming in and out, following me a little here and there, this will bring Members entirely up to speed, this one paragraph. And make no mistake about it, the scope of this offense and the danger it presents to our Nation's security, as an expert from Los Alamos testified in this case, the material downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

They had an expert come in and testify, a Dr. Younger, and tell us exactly

what he thought was the extent of the material that Wen Ho Lee transferred. Please, please, Mr. Speaker, I ask my colleagues to listen very carefully to this.

"These codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change the global strategic balance."

In other words, if these get into the wrong hands, and we know they are out there now, we know that the secrecy has been broken by Wen Ho Lee, that in betrayal to his country he has copied those and moved those out into that world, and that if somebody gets those who knows what they are doing, it could change the global strategic balance.

"They enable the possessor to design the only objects." "They enable the possessor to design the only objects that could result in the military defeat of America's conventional weapons;" the only threat, for example, to our carrier battle groups. "They represent the gravest possible security risk to the United States," what the President and most other presidents have described as the supreme national interest of the United States.

Look at that sentence, Mr. Speaker. Just look at that. "They represent the gravest possible security risk to the United States." They represent the gravest possible security risk to our country, to our constituents. In fact, if it is a security risk to the United States, it is a security risk to our friends throughout the world.

One individual, one individual, has done this much damage. Yet, our national media, some of our media, portrays him as a picked-upon victim. Some of our national media decides to focus on the FBI or on Janet Reno and kind of shove it aside, just brush it aside, as if it is a minor traffic ticket, what Wen Ho Lee has done to this country? Where is the justice here?

Now, some will say, okay, you made some pretty strong statements, Congressman. Really, what do you have to point out? Show us a little more detail. Let me give kind of a chronological chart. I think at the end of this chart Members will be very amazed, very interested in the innocence of Wen Ho Lee.

A chronological events or a calendar of events between December 23, 1998, and February 10, 1999. Let us take a look at these. This is on December 23rd, 1998, on Wednesday.

At 2:18, they completed the polygraph of Wen Ho Lee. At 5 o'clock, approximately 5 o'clock, Wen Ho Lee is advised that his access to the secure areas of the X division, remembering that the X division is the top secret area, and to both his secure and open X division computer accounts has been suspended.

So about 5 o'clock they told Wen Ho Lee, "Your privileges, your permission, your ability to go into any of these secret areas is hereby suspended." So

there should be no question that Wen Ho Lee knew that he was attempting to get into areas he was not supposed to be into, that he was specifically prohibited from entering.

At 9:36 that night, and by the way, way past his shift, Lee makes four attempts to enter the secure area of X division through a stairwell, up through stairwell number 2, and makes four attempts to get into the secure area.

At 9:39, approximately 3 minutes later, he tries another access point through the south elevator and attempts to enter the secure area.

On December 24, at 3:31 in the morning, he is back again, once again through the south stairwell number 2, which by the way, as you know, Christmas Eve, he attempts to enter the secure area of the X division.

On January 4, on Monday at 9:42, Lee succeeds in having his open computer account reactivated, and deletes three computer files.

On January 12, 1999, he deletes one computer file.

On January 17, 1999, between 1 and 5, they interview Lee at his residence. The very next day Lee, in an attempt to cover his tracks, deletes 47 computer files. The following day Lee goes to the computer desk and asks for help, why he is not able to successfully delete these files to hide his tracks.

At 10:46, he attempts to enter the secure area again, this time through stairwell number 3.

On January 30 at 2:54, Los Alamos officials deactivate Lee's open computer account and secure area of X division after discovering that it has been improperly reactivated. So they deactivate it and oh, what a coincidence, here is Wen Ho Lee attempting on several times to go through, to go up through a stairwell or elevators to gain access to an area that he had been specifically and openly and he acknowledged having no right to go into.

The next thing you know, they also say, we are also taking your computer access away. Somehow, just like he was able to move classified documents to nonclassified documents, somehow he is now able to reactivate his computer access to the top secret area, so they deactivate it.

At 4:52, not long after they detected his computer has all of a sudden been reactivated, at 4:52 he attempts to enter the secure area, this time through a south door.

On February 2 at 9:42 in the morning he attempts to enter the secure area of X division through the south door. A little after 1 o'clock he attempts again through the south door. About 2 o'clock he makes four attempts to enter the X division, again through the south door.

On February 8, they contacted him and asked to meet with him to discuss conducting interview and a polygraphs. Shortly thereafter, he once again attempts to enter the secret division, this time through stairwell number 2. Between 4 and 6 they meet with him.

They arrange to have the polygraph. Shortly after he arranges to have another polygraph with the FBI, he once again attempts through the south door to enter into the access of the X division.

On February 9, Lee deletes approximately 93 computer files. The FBI interviews him at 1 o'clock that day and they obtain his permission to undergo a polygraph. At 9:03 that night he is back again at the lab and once again he is trying to access through the south door.

On February 10, he undergoes the polygraph. Immediately after the polygraph, he deletes 310 computer files. Once again later that evening he attempts to enter the secure area of the X division through the south door.

Mr. Speaker, these are hard facts. It is simple to figure out what is going on here. It would be an injustice to our citizens, it would be an injustice to the national security of our country, it would be an injustice to the global strategic balance of this world, to just look the other way and dismiss this as a minor altercation by a scientist who wants to build his resume.

There is a lot to look at here. For gosh sakes, do not take for granted what this individual was attempting to do. Do not ignore the fact, despite the fact that there are many national publications that want to play this off as a race card, want to play it off as an innocent mistake, want to play it off as kind of an accidental scientist who kind of bumbles around, doesn't have a lot of common sense, and wanted to build his own library for his personal enjoyment, the fact is we have suffered a major loss in this country.

We know who is responsible for this major loss. Every newspaper and every critic of the FBI and every critic of Janet Reno has an obligation to stand up.

That is not to say they should not criticize our law enforcement agencies if they misbehave, but it is to say that in that criticism, do not let it overshadow or in such a way divert them away from what has occurred and the victims of what has occurred.

Wen Ho Lee is not the victim in this case, it is us, the citizens of the United States. It is those thermonuclear secrets. Where are they today? Mr. Wen Ho Lee had many opportunities to cooperate with the FBI. He makes it sound like he was really cooperating. He did not cooperate. For months he would not say anything. He lied to the FBI until they showed him the evidence. Then he changed his stories. He and his defense attorneys did not know the kind of evidence that the FBI had. Now all of a sudden these tapes, he just lost them. He is not sure what happened to them.

He is a convicted felon now, and part of the agreement is he has to disclose. But do we think we can trust him?

Let me point out one other thing that I found of some interest. In some of the newspaper articles that I saw, I

noted that they said Wen Ho Lee was taken like a prisoner of war in some Third World country and he was isolated, put in shackles. He was not allowed to see people. He was abused.

Even the President of the United States, in a comment of his policy, questioned whether or not, is this guy a victim? Come on.

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Let us take a look at his imprisonment. I got this out. We would like to emphasize, we sought to be responsive to complaints brought to our attention by Wen Ho Lee's attorneys concerning the conditions of his confinement. I want to go ahead and get this out. This is not an issue. Let us just look at it and throw it out.

For example, we arranged a Mandarin language speaking FBI agent to be present so Wen Ho Lee could speak to his family in that language. Similarly, we made special food arrangements for Wen Ho Lee. We arranged for exercise on weekends, and we built at significant government expense a special secure facility in the courthouse where he could consult with his lawyers and where, in fact, he spent up to 6 hours per day on over 90 days of his incarceration. In numerous respects, then, Wen Ho Lee was treated better than others who were held in an administrative segregation at this facility.

This is Director Freeh. Let me be clear about some misconceptions. Wen Ho Lee was held in solitary while in the facility; but as I have noted, in fact, he spent a good part of over 90 days outside the facility with his lawyer. He was not shackled in his cell but only when he was transported or otherwise outside his cell, as were others in similar circumstances.

So this picture they are trying to give us of some individual who was shackled and put in isolation, one, he was in isolation, but he had access to his family, he had access to his attorneys. Sure his outside communication was confined because he will not tell us where the tapes are. He will not tell us who he has communicated to. He will not tell us if he has given those thermonuclear secrets to the Chinese, for God's sakes.

Well, of course we are going to treat him with some concern. But the only time he had shackles on is when, like any other prisoner, he was transferred from location to location. As the Director of the FBI noted, he even got special treatment. He had a special facility built for him. During the first 90 days of his incarceration, he spent 6 hours a day with his lawyers. And it goes on.

To claim that a light was kept on in his cell, that is another claim. They said, well, he had a light over his cell that was never turned off. We would like to point out that this claim first surfaced, so far as we are aware, after the plea. To the best of our knowledge, no complaint was made to us through Wen Ho Lee's lawyers about the lighting condition in his cell.

Significantly, we informed Wen Ho Lee's attorneys that we would respond to any reasonable request regarding the conditions of his confinement. So this light deal, about him being in a cell with just a single light he could not turn off, that did not even arise as a complaint until after he plea bargained, when the public relations effort began by the defense attorneys, when the public relations effort began by this, I guess, this individual's friends.

Some of the coverage I have seen, it made me think, oh, my gosh, maybe we ought to put background music on, tie a yellow ribbon around that tree. You know, one feels sorry. He has done his time. He is coming home.

Let me tell my colleagues something, this could not be the furthest from that. This man has transferred the most sensitive secrets in the history of this country. And for our national media, not all our national media, but for some of our national media to treat this as if he is the victim, as if our authority, as if our government is somehow overstepping its bounds to come down on an individual who has taken these types of secrets with the kind of evidence that we have, and obviously he has now acknowledged it, is in itself an injustice.

So it comes back to the basic question. My colleagues heard the facts tonight, the facts as given by sworn testimony, by the Director of the FBI, by Janet Reno. The evidence is hard evidence. This is not circumstantial evidence. This is not evidence that is imagined. This is evidence that, in fact, Wen Ho Lee himself admitted to some of it when he plead guilty to this felony.

Now, some people said, well, gosh, there were 59 charges. Why did they drop 58 of them? It is pretty simple why they dropped 58, because in order to pursue the 58 charges, they had to make further disclosure of national secrets.

So it was the opinion of the FBI and of the Department of Justice and the other individuals involved that it was better to get him on one charge than have to disclose any more secrets, especially since we do not know to what extent Wen Ho Lee allowed other individuals to put their hands on the material that he had taken from our secret labs.

So the question comes back, who is the victim? I hope that, after my discussion with my colleagues this evening, that on the answer to that question, this is not even considered as one of your multiple choices; that the only multiple choice you have, and you volunteer to take it, is that it was the United States of America who was the victim in this case, that it is the citizens of the United States of America who are the victims in this case, that it is the future generations of this country who have become the victim of one individual who absconded with American secrets, who, held in the highest level of trust by his fellow citizens in this country, betrayed his citi-

zens, who went in and in a methodical process transferred, first of all, changed "top secret" classification to "nonsecret" classification, and then put it out to his own computer.

This is an individual who was evasive, who did not tell the truth on occasion, who, through his attorneys, tried to mislead the FBI, who went out on his own and went into the computer and tried to cover his tracks, who on numerous occasions, as I went over, tried to get back into an area of the lab, the secure part of the lab where he knew he was denied, he was not allowed those privileges anymore. And you tell me who is the victim.

It is clear to me, and it ought to be clear to my colleagues, and I am pretty sure it is going to be clear to their constituents that the victim here is us. So keep that in mind as my colleagues hear further information on Wen Ho Lee.

In conclusion of these remarks, let me say that later this week I hope I have the opportunity to sit down with BOB BARR. I have asked BOB BARR, and BOB and I had a lengthy discussion about this, about the policies and what a U.S. attorney looks at, what kind of evidence the government looks for, and why the government, I am going to be very interested in what Mr. BARR has to say, about why the government at times is not allowed to pursue charges because they would have to reveal secrets, and the pluses and the minuses and what kind of thought process goes into that.

Mr. Speaker, I think it is a responsibility of ours when we go on this recess to go out to our constituents and be fully informed on this case. This case obviously has had devastating impacts so far, and it could be much, much more severe. We need to know what we are talking about. We need to have the facts at hand.

So I think the subsequent discussions that I have with Mr. BARR on this floor will also be of some benefit to my colleagues as they go out and visit with their constituents as to what occurred and what did not occur with Wen Ho Lee at the Los Alamos labs.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and October 3 on account of personal business.

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, October 3.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CANNON, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT on H.R. 5284.

#### BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On September 28, 2000:

H.J. Res. 72. Granting the consent of the Congress to the Red River Boundary Compact.

H.R. 999. To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 109. Making continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 2647. To amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

#### ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 3, 2000, at 9 a.m., for morning hour debates.