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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 1996.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For the beauty of life's gifts and for the splendor of Your grace, we offer our thanks, gracious God, for the new day. Though we must know the details of the particulars of each event, yet may we not only focus on what is in front of us, but lift our eyes to glimpse the vision of the opportunities You have prepared for each of us. O loving God, from whom has come our creation and the sustenance of the heavens and the earth, may Your strong arm support us along life's way and may Your spirit sustain us in all we ask or think or do. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Pennsylvania [Mr. KLINK] come forward and lead the House in the Pledge of Allegiance.

Mr. KLINK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain fifteen 1-minutes on each side.

JUSTICE FOR THE VICTIMS OF PAN AM FLIGHT 103 AND THEIR FAMILIES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on December 21, 1988, Pan Am flight 103 was blown out of the sky by a terrorist's bomb. That brutal, cowardly act killed all 259 aboard, including 189 Americans, 1 of whom, John Cummock, was a constituent of my congressional district.

Months of detective work finally uncovered the hand of Libyan dictator Mu'ammar Qadhafi behind this tragedy.

Since the identification of the Libyan agents who committed this crime, diplomatic pressure has been applied in an effort to force the extradition of these murderers. Qadhafi has refused to surrender them for trial, in either the United Kingdom or the United States.

Today, this House will have the opportunity to allow the families of these murder victims a chance to seek justice against Qadhafi, by passing a bill that will allow these families the chance to present the facts of this crime in American courts.

I urge my colleagues to remember the victims of Pan Am flight 103 and the need to seek justice for their families.

REPUDIATION OF EXTREMIST CUTS IN EDUCATION

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

Mr. KLINK. Mr Speaker, the other body yesterday by a vote of 86 to 14 handed out a repudiation of the extremist cuts in education that have been promoted by the Republicans in this House. Many schools are only a few weeks from notifying teachers that they will not be rehired next year. Local and State governments will have to eliminate needed education programs, or they are going to have to raise the property taxes on people who are already overtaxed, who are business owners or homeowners.

The 103d Congress was the education Congress. It passed Goals 2000, national service, school-to-work funding for students who are not going to college but need to be headed into a job. The 104th Congress now wants to cut those programs, along with title I, summer youth jobs, dislocated workers, Head Start, drug-free schools. It was the robber barons of the 1800's that did not want to fund education for the children of their workers, so the public funded education. Now the new robber barons of this generation want to take the public investment out of public schools. We should not let them.

THE ERA OF BIG GOVERNMENT IS ALIVE, WELL, AND LIVING IN THE WHITE HOUSE

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

Mr. CHABOT. Mr Speaker, 50 days ago President Clinton stood before the

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American people right here behind me in this Chamber and said, ''The era of big government is over.'' I am here to announce that, unfortunately, rumors of the demise of big government were premature. Big government is in fact alive and well, and living in the White House.

In case Members have not heard, Mr. Speaker, Bill Clinton has requested billions more in spending on many of his pet projects and liberals' constituencies. The President wants more money for corporate welfare, more money for ineffective job training programs, more money for the National Endowment for the Arts, and more money for Goals 2000, and on and on and on.

Mr. Speaker, let us not delude ourselves into believing that big government is over. The President's pork barrel package proves that liberal Washington special interests and the bureaucrats still want big government. Let us continue the fight against big Federal Government, reduce the tax burden on hard-working Americans, and let us balance the budget.

THE WHITEWATER INVESTIGATION HAS REACHED THE FINAL FRONTIER OF JURISPRUDENCE

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

Mr. TRAFICANT. Mr. Speaker, some people say that politics in America is getting real strange. Take Whitewater. Please, somebody take Whitewater. Whitewater has now gone where no man or woman has ever gone before, as evidenced by juror Barbara Adams, who shows up in a sleek red and black Star Trek uniform, complete with phaser and communicator. Adams said she is constantly prepared to be beamed up by Captain Kirk.

Surprised? Not me. I would not be surprised to see some of those witnesses show up wearing a beanie with a propeller on top. Mr. Speaker, this has taken American jurisprudence to a whole new dimension. Trial by a jury of your peers is getting a whole new definition, and I pronounce here today and acclaim that Whitewater has now entered the final frontier. Beam me up, Mr. Speaker.

THE PRESIDENT IS STILL TRYING TO INCREASE GOVERNMENT

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

Mr. HERGER. Mr. Speaker, just this past January President Clinton stood on this very House floor and proclaimed that the era of big government is over.

Well, once again President Clinton's actions speak louder than his words. He's now threatening to shut down the Government again in an attempt to bully Congress into giving him $8 billion more in the appropriations bill to spend on his liberal agenda. Instead of working to balance the Federal budget, the President wants to increase spending in order to appease his liberal base of support in this election year.

Mr. Speaker, this is not what the American people want. They want a smaller, less costly, more efficient Government. They want their elected officials to represent their priorities and their values, not Washington, DC, values. And, once again, the President has let the American people down by trying to increase, not decrease Government spending.

BIG GOVERNMENT, NO; BUT EDUCATION, YES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would simply say that big government is over, but I think my Republican colleagues think that opportunity for children is over as well. This Republican Congress is the bashing education Congress. They refuse to include in this continuing resolution resources for education. In fact, in my home State of Texas, we will lose $97.8 million in title I funds, $8.5 million in funds for the safe and drug-free schools program, and Harris County alone will lose $7.9 million in title I funds.

Do my colleagues know what school boards around this Nation are doing? They are presently wondering whether we are going to be able to hire teachers to teach our children. Big government is one thing. We all agree we must reinvent government. But what do Members believe about educating their children and having Goals 2000 that emphasizes quality education? Republicans apparently do not believe in it. The Congress will not even fund good education programs—promoting computer and reading literacy among disadvantaged children.

The irony of it is that the Senate has agreed that we need job training and education. They voted 84 to 16 to put in some $2.7 billion for education. We are not listening over here. What else do we not have? Summer job programs. We do not have summer jobs for our youngsters, the Senate agreed summer jobs for our youth should be funded. I wish they would listen. Education, yes; big government, no.

THE PRESIDENT SHOULD BALANCE THE BUDGET

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, you can lead a horse to water, but you can't make him drink. We have led the President to at least agree to the principle of balancing the budget, but he just won't take the next step and do it.

No matter how hard we try to make the President understand the importance of a balanced budget, for our future and for the future of our children and grandchildren, he fights us at every turn.

As a new Member of the House of Representatives, I came here to get a job done.

The American people sent us here to put a stop to the reckless spending practices that have saddled us all with a mountain of debt.

But the Clinton administration fights us at every turn. Somehow, President Clinton wants us to believe that in a budget of about a trillion and a half dollars, we're still not spending enough.

Mr. Speaker, the American people are listening; they have a Congress committed to a balanced budget and a President that isn't, despite his rhetoric to the contrary. If we cannot convince him to do what's right, perhaps the American people will.

REPUBLICAN EDUCATION CUTS ARE WRONG

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday, the extreme agenda of House Republicans was repudiated by their own Republican colleagues in the Senate. The Senate voted 84 to 16 to pass a Democratic amendment that restored vital funding for education.

They restored $2.7 billion in funding for education and job training programs cut by House Republicans. That means $814 million more in basic skills training in reading and math; $635 million restored for summer youth jobs; and $200 million added for safe and drug-free schools.

Education is a priority for the American people. They understand that we live in an age when a good wage is tied to a good education.

Let us not turn our backs on the schoolchildren of America by cutting education funding so vital for them to live a secure and prosperous life in the 21st century.

Mr. Speaker, I hope my Republican colleagues in the House will hear the wake-up call from Senate Republicans, rather than blindly charging ahead with education cuts that are both wrong headed and hard hearted, and that will hurt working middle-class families of this country.

LIBERALS ARE ADDICTED TO BIG SPENDING

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

Mr. HEFLEY. Mr. Speaker, liberals like to wrap themselves in conservative roles, partially at election times. This was the case 50 days ago when Bill

Clinton said that the era of big government was over. Fat chance, Mr. Speaker.

Liberals are very good with disguises. But they can't hide their addiction to spending other people's money. Recently, the President submitted a request to spend an additional $8 billion for what is, essentially, a reelection pork package. The President wants to spend money on all kinds of Federal programs that will appease his liberal base. But the spending request totally contradicts the President's claim that the era of big government is over.

Mr. Speaker, our Government is now responsible for a $5 trillion debt. That debt will be shouldered by our children and grandchildren. It is outrageous that our President would masquerade as a fiscal conservative while asking Congress to add billions more to our debt.

DO NOT BALANCE THE BUDGET ON BACKS OF CHILDREN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is amazing. Never did I think I would be down here saying, ''Listen to the Senate,'' but here I am saying, ''Listen to the Senate,'' because they are speaking words we should hear here.

Yesterday they voted 84 to 16, and they said very clearly, ''You do not balance the budget on the backs of America's children. You do not balance the budget on the backs of America's future.'' These are not the people that caused this deficit. B–2 bombers caused this deficit. All sorts of other pork projects caused this deficit.

Mr. Speaker, I think we have to get down to the specifics of how we do it. And to do this on children, children that do not have political action committees, children who do not have Gucci-shoed lawyers, they are the easy ones to shove out in the cold and say, ''We have to balance the budget.'' We do that, and we have shortchanged the future of this Nation.

Listen to the Senate. They have understood how extreme the other side of this aisle is on those issues. Do not cut Head Start, do not cut drug-free schools, and do not demolish our future.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 45. Concurrent resolution authorizing the use of the Capitol Rotunda on May 2, 1996, for the presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1494) ''An Act to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.''.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. BURNS, from the Committee on Appropriations, Mr. KEMPTHORNE, from the Committee on Armed Services, and Mr. EXON, at large, to the Board of Visitors of the United States Air Force Academy.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. COCHRAN, from the Committee on Appropriations, Mr. REID, from the Committee on Appropriations, Mrs. HUTCHISON, from the Committee on Armed Services, and Mr. LEVIN, at large, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. HATFIELD, from the Committee on Appropriations, Ms. MIKULSKI, from the Committee on Appropriations, Mr. MCCAIN, from the Committee on Armed Services, and Mr. SARBANES, at large, to the Board of Visitors of the United States Naval Academy.

□ 1115

CUT FUNDING FOR NEA

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the President has again issued an ultimatum that we, as Republicans, must allow an additional $8 billion to be spent on a host of Federal programs which many of these programs are nothing but pork barrel type projects. This spending is to satisfy the liberal groups that he needs for the upcoming election. Especially, the supporters of the National Endowment of the Arts.

I appreciate art as much as the next person. But, Mr. Speaker, it simply makes no sense to continue to tax working people's incomes to pay for works of art which insults and demean the values they hold dear.

It especially makes no sense to lay off Federal employees—with children to feed and bills to pay—so that the Government can continue to spend the taxpayer money on art which insults the religious values of the people who are being forced to pay for this so-called art.

We must stop this misuse of the taxpayers' money.

EDUCATION BUDGET CUTS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

(Ms. VELÁZQUEZ. Mr. Speaker, I rise today to voice my deep concern over the massive budget cuts by my Republican colleagues to education programs. We can no longer tolerate this. These are cuts that will not heal.

Their slash and burn approach to educating our children has many casualties. One example under the current continuing resolution is the Safe and Drug-Free Schools and Communities Program. How can children learn in an environment where they must fear for their lives? We must give children every chance to live and learn—not take them away.

Anyone concerned with the health and safety of our children would find these cuts distressing. Who among you could look a child in the eyes and tell them that tax cuts to fat cats are more important than their education—or their life?

Mr. Speaker, it is time that we stop shortchanging our most vulernable citizens. Hasn't enough havoc been wreaked in children's lives? We stand on the brink of another shutdown and a CR with the largest education cuts ever. Let's stop this assault on our children and restore education funding now.

PASS H.R. 739, DECLARATION OF OFFICIAL LANGUAGE ACT

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, much has been said this morning about education and wasting of money. We spend some $12 billion a year in this country, $12 billion a year on bilingual education, which means we teach kids in other than the English language.

Let me tell Members about the Ninth Street Public School in Los Angeles. Many of the students in this school are children of new Americans, and they want to learn English. Their parents want them to learn English, too, but they were so frustrated recently by the bilingual education program being foisted on their children that they took their kids out of school, boycotted the school for a week.

What does it say about our educational system when the second largest city in America has 300,000 students in bilingual education programs, where they are not taught in English, where they are not learning anything, and we are wasting billions of dollars. The parents have no recourse but to yank their kids out of school to articulate their demand for English in the classroom.

I think it is a disgrace. The students of the Ninth Street School are lucky to have parents that will fight the system for their education. Let us teach English in our schools again.

SUPPORT EDUCATIONAL OPPORTUNITY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the real language problem in this country is not the one we just heard about, but it is the fact that our Republican colleagues cannot understand in any language the call of the American people to deal with the real problems that affect their lives. Instead, we have a House Republican majority that has produced one failure after another in the last 14 months.

As if that were not enough, they are proposing to chalk up yet again another failure this weekend as they head home in the face of a third Government shutdown. It is as if no matter what language you speak, they cannot hear the voice of the American people, because instead of solving these problems, they continue to bicker among themselves.

The House Republicans cannot agree with the Senate Republicans concerning how many American young people they should deny an educational opportunity to. The Senate yesterday rejected the extreme House Republican cuts in education. They have got a great battle going on between the far right, the extremists who want to cut out any Federal commitment to education, and the not-so-right that say, ''Well, let's just cut a few children.''

The American people, whatever the language is, want to support educational commitment and opportunity for our young people, and we ought to get about that job.

STOP THE CENSUS BUREAU BEFORE IT DESTROYS FAMILY FARMS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Mr. Speaker, the Bureau of the Census, in its infinite wisdom, has recently proposed to change the definition of a farm. This is a bad idea for America. America's most basic industry is agriculture and the family farm. In North Carolina, under the current definition of a farm, we have over 50,000 farms, but under one of the new proposed definitions, we would magically be reduced to only 25,000 farms. Mr. Speaker, changing the farm definition will affect the allocation of Federal funding since it also changes the distribution of the farm population among States. The Cooperative Extension and many other agriculture agencies use farm population to allocate funds. Small farms in my State represent a significant share of total production of commodities such as tobacco. Over 65 percent of minority farms would no longer be defined as farms. Mr. Speaker, now is the time for Congress to take action to stop this proposal before it economically destroys the small family farms in the Second District of North Carolina and throughout the Southeast.

GIVE THE MIDDLE CLASS A RAISE AND A DECENT EDUCATION

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, in their infinite wisdom, House Republican leaders are once again pushing the Government of the United States to the brink of another Government shutdown.

The reason this time is their insistence on cuts to education and the environment. These cuts are so egregious, however, that even the Republican Senate voted 84 to 16 in favor of a Democratic amendment restoring education and job training funds.

Mr. Speaker, in this changing economy, the last thing we should be doing is cutting funds for programs that will help our children compete against highly educated workers in Germany and Japan.

This Congress, Mr. Speaker, should be concentrating on how to give the American middle class a raise and a decent education, not a Republican-sponsored wedgy.

WHEN WILL WASHINGTON LEARN?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, President Clinton, in his recent State of the Union Address proposed another Federal education program to provide merit based scholarships to the top 5 percent of high school graduates. This despite the fact that there are already 47 scholarship and fellowship programs operated by the Federal Government. In fact, President Bush's Presidential Access Scholarship Program—a merit based program—is still on the books.

This highlights an important point. The Education Committee has discovered over 760 Federal education programs spanning 39 separate agencies, departments, and commissions. Many of these programs were designed to meet the exact same goals—yet each has its own application process and regulations.

So why does President Clinton propose one more education program—program 761? Is it to improve the education of our children or merely to make us feel like we are educating our children by spending money and creating programs? This is a critical question we must answer—the education of our children is at stake.

REPUBLICANS DECLARE WAR ON EDUCATION FUNDING

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

Mr. MENENDEZ. Mr. Speaker, I would like to draw attention to the war that has been declared on education funding at the elementary, secondary, and postsecondary levels by the Republican majority.

If the Republican majority's continuing resolution is extended at its current level, it would mean a $3.3 billion cut in education programs from the fiscal year 1995 level, and this would be a devastating blow to many of the educational services our children depend on. For my State of New Jersey, this would mean a cut of $23.5 million to title I, $2.6 million to Safe and Drug-Free Schools, $2.2 million to goals 2000, $3.7 million to vocational education, $3.7 million to the professional development grant programs, $36 million in New Jersey alone cut in our children's educational future.

The majority's war on education is coming at a time when New Jersey's unemployment rate is above the national average of 7.3 percent. It comes at a time when we ought to be preparing our children for a more globally integrated, more technologically advanced and more competitive workplace.

Shortchanging our students today means shortchanging the National tomorrow. We should not be shutting down the Government, and we should not be shutting down our children's educational future.

HOW DO WE JUSTIFY THE DEPARTMENT OF EDUCATION?

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

Mr. MICA. Mr. Speaker, when you think you have heard it all from this administration, they never cease to amaze me. In today's Washington Times, the U.S. Education Secretary Richard Riley responded to an editorial that questioned the role of the Department of Education.

To justify the Federal Department of Education, let me read what Secretary Riley said: ''Most recently, the President asked me to distribute the manual on school uniforms,'' and I have got a copy of it here, the manual on school uniforms.

I have not read this invaluable tool that helps justify the existence of the U.S. Department of Education. Maybe Secretary Riley suggests color coordination on uniforms. Maybe Secretary Riley suggests now mixing plaids and stripes. Or maybe, in fact, this manual justifies the employment of 4,876 Department of Education employees, of whom 3,322 are in Washington, DC, working on this manual on school uniforms.

REPUBLICANS HURT LOCAL EDUCATION

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

Mr. HILLIARD. Mr. Speaker, the Republicans have our citizens facing the

largest education tax cuts in history. The Republican right wing extremists in Congress seem to enjoy the prospect of bringing public education in this country to its knees.

The Republicans have slashed funds for reading and math programs, they have slashed funds for safe and drug-free schools, for vocational education and adult education programs. There seems to be no end to this madness.

Mr. Speaker, public education is the foundation of our democracy. Public education must be maintained to preserve and protect our democracy. The Republican madness must not be tolerated, but, Mr. Speaker, it must be stopped.

GENERATIONAL ACCOUNTING ASKS: WHO IS GOING TO PAY THE BILL?

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

Mr. LARGENT. Mr. Speaker, I came to the House with one speech in hand to give but I feel compelled to give another.

I just came from a committee meeting of the House Budget Committee where we talked about generational accounting. I just want to say that we have heard many passionate pleas from the other side of the aisle about how we cannot reduce spending, we cannot cut funds in education, in the environment, so on and so forth.

The bottom line is, who is going to pay that bill? It is going to be many of the young people sitting in the House Chamber at this very moment that are going to have to pay that bill.

Generational accounting does this. It says if we continue the current policies that we have in place today, what will the tax rate be on the future generations, my children and my grandchildren? Those experts that testified before that committee said this: that children that are born today will face an effective tax rate of 84 percent over their lifetime if we continue current policies.

Yes, we have tough decisions that we have to make, but it truly is about the future of our country and the future of our children. Just imagine yourself keeping 16 cents of every dollar you earn in the future if we do not make these tough decisions.

HOW CAN WE IMPROVE THE LIVES OF OUR CHILDREN?

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

Mr. FRAZER. Mr. Speaker, we are about to lose two generations of young people due to our failure to act. Corporations are downsizing and factories are closing. Parents are working two jobs, spending less time doing homework with their children. Summer jobs are being cut along with summer school.

So I ask my colleagues, what will we do to make a difference? How can we improve the lives of our children?

I suggest that we work to pass legislation which promotes and sustains a healthy nation. That means passing legislation which funds Head Start, public education, and student loans programs.

We must all work together to insure that the Government decisionmaking processes are deliberative and open. We must also insure that Government institutions are accountable and responsive to the public.

I urge my colleagues, let's do the work of the people. We are elected to serve.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1591

Mr. FROST. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1130

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee on the Whole House under the 5-minute rule: Committee on Banking and Financial Services; Committee on Commerce; Committee on Government Reform and Oversight; Committee on International Relations; Committee on National Security; Committee on Resources; and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 380 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 380

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2703) to combat terrorism. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2 of this resolution. Each amendment printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time for the chairman of the Committee on the Judiciary or a designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution that were not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except the modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendment en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

SEC. 3. After passage of H.R. 2703, it shall be in order to take from the Speaker's table the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes, and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2703 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to more that the House insist on its amendments to S. 735 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I be permitted to insert extraneous material on House Resolution 380, the resolution now under consideration.

THe SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 380 allows for the orderly, but fair, consideration of H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary, followed by the consideration of 17 amendments which are specified in the report accompanying this rule.

While we could not make in order every amendment submitted to the Rules Committee, the committee has tried to be as fair as possible in crafting this resolution. Amendments are made in order which encompass major areas of controversy surrounding this legislation, including those related to material support for terrorist acts, international counterfeiting, immigration, and death penalty reform, to name just a few. I would also note that several amendments included in this rule have bipartisan sponsorship. So I would just emphasize that the more significant areas of concern to members will have an opportunity to be fully debated.

Mr. Speaker, the rule waives all points of order to allow consideration of the amendments listed in the Rules Committee report. The amendments will be considered in the order printed in the report, and will not be subject to further amendment. Debate time for each amendment is also prescribed in the report, with input from the sponsors, so that the House can work its will in a timely manner.

In order to expedite consideration of amendments where there is bipartisan agreement, the rule also allows the chairman of the Committee on the Judiciary to offer amendments en bloc. The rule permits the original proponent of an amendment included in the en bloc format to insert a statement in the CONGRESSIONAL RECORD immediately prior to the disposition of the en bloc amendments. Members should also take note that the rule allows the chairman of the Committee of the Whole to postpone and shorten votes during consideration of this bill.

While the rule provides for the consideration of an amendment in the nature of a substitute, the rule also includes the customary motion to recommit, with or without instructions. Finally, if the House passes this legislation, the rule provides for the necessary steps to consider the Senate bill. S. 735, and to request a conference.

Mr. Speaker, as many of our colleagues know, April 19 marks the 1-year anniversary of the devastating terrorist attack that claimed 168 innocent lives in Oklahoma City. Combined with the nearly 500 people who were injured in that blast, the wanton attack on the Alfred P. Murrah Federal Building ranks as the worst terrorist incident ever to take place on U.S. soil.

Unfortunately, it was not the first such terrorist act to take place here in the United States. The bombing of the World Trade Center in New York City in February 1993 catapulted the threat of domestic terrorism to the forefront of American consciousness, as our citizens slowly began to realize that terrorism is not confined to foreign countries.

Up until that time, most Americans saw terrorism in an international light, brought to life by such events as the bombing of the U.S. Embassy in Lebanon, the murder of American tourist on the *Achille Lauro,* the downing of Pan Am flight 103 over Lockerbie, Scotland, and more recently, the string of terrible bombings that has disrupted the flow of daily life in Israel.

These latest attacks on the Israeli people make it clear that terrorism remains a serious threat worldwide. But, in the wake of the bombings which shook New York and Oklahoma City, we are faced with the sobering prospect that terrorists are at work right here in the United States.

In the months which have followed these tragic events, this Congress, and this House in particular, have faced the challenge of defining the appropriate Federal response to the threat of domestic terrorism. As one member put it yesterday in the Rules Committee, in the fight against terrorism, government must balance the need for public safety and security with individual rights and liberties. Ideally, what keeps us safe from violent crimes, such as terrorism, should not negate those constitutional restraints which also keep us free.

It is vitally important that our citizens have complete confidence in law enforcement's ability to do its job without trampling on any constitutional restraints. To help address these concerns, the rule makers in order the Bartlett amendment, to evaluate the current state of Federal law enforcement and its impact on public confidence.

In my view, this bill represents a serious, bipartisan attempt to protect American citizens against terrorism, while also protecting their fundamental constitutional rights. I commend Chairman HYDE and Representative BARR for working together in recent weeks to address a number of concerns about the constitutional boundaries to giving law enforcement the enhanced capability to deter and punish terrorist acts.

H.R. 2703 contains a variety of tools designed to strengthen law enforcement's hand against terrorists, including, but not limited to: Expanded investigative methods for combatting terrorism; special procedures for removing aliens suspected of terrorist activity; and important reforms to curb the abuse of habeas corpus by convicted criminals.

In addition, H.R. 2703 contains a provision that supports the growing national concern for innocent victims of all forms of crime. Specifically, it includes the language of H.R. 665, the Victim Restitution Act, which the House passed last February as part of the Contract With America's anti-crime package.

Mr. Speaker, throughout my years as a judge and prosecutor. I worked closely with victims of crime whose courage and strength in the face of adversity and personal loss was both moving and uplifting. Like the families of those who lost their lives in Oklahoma City and elsewhere at the hands of terrorists, these individuals did not ask to be victims. But after experiencing crime firsthand they bravely began the process of recovering from their unwanted and undeserved trauma.

After years of elevating the rights of criminals, society has begun to recognize that crime victims have equally important rights. Increasingly, their voices are being given a more meaningful role in developing public policy, helping them turn their personal anguish into positive action, but additional reforms are needed to bring some balance, to a process that often seems especially to them, one-sided. Crime victims clearly should not have to suffer twice—first at the hands of the criminals, and then by an inadequate justice system.

One of those reforms, which is included in section 806 of the bill, is the right to adequate restitution from the perpetrator for losses incurred as a result of the crime itself. While restitution can never erase a victim's suffering, it can provide victims and their families with a small measure of satisfaction that our criminal justice system cares about their needs, too.

Mr. Speaker, this debate is not about who, or which political party, is more committed to fighting terrorism. I think we would all agree that keeping America safe and secure is not a partisan issue—it is one of the most fundamental responsibilities of government. Sadly, domestic terrorism has emerged as a new threat to the safety and security of our cities and communities. In response to that threat, we need a tough, no-nonsense policy that gives law enforcement reasonable and

legitimate tools to prevent and punish terrorist acts, and a policy that puts our sympathy with the victims of crime, not with the criminals.

Mr. Speaker, in closing I would say to my colleagues that this rule provides a fair way to consider a very complex piece of legislation. It will provide the House ample opportunity to debate a number of important issues related to the basic question of what constitutes the appropriate Federal response to combatting terrorism. The Rules Committee voted unanimously last night to approve this rule, and I urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been waiting a very long time for this bill. It has now been almost 1 year since that tragic day last April when the United States was forever changed by the madmen who blew up the Murrah Federal Building in Oklahoma City. We continue to witness senseless slaughter of innocent men, women, and children around the world because terrorists and extremists choose not to use legitimate political channels to register their dissent.

Oklahoma City taught us we are not immune from internal threats to our safety and security. The December 1993 World Trade Center bombing made it very clear that external threats are a clear and present danger to us all.

It was clear, however, that the original legislative response to these threats had substantial opposition from both conservative and liberal Members of the House. And, while the Judiciary Committee chairman, Mr. HYDE, has fashioned a substitute which addresses the concerns of a number of conservative Members, there are still other civil liberties concerns that have been raised by both liberals and conservatives. While the Committee on Rules has reported a rule which will allow many of these issues to be brought to the floor for the consideration of all Members, the committee majority did not provide for some amendments which might have significantly improved this vitally important legislative proposal.

Mr. Speaker, I am not going to oppose this rule. But, I do believe that the Rules Committee Republicans, in their effort to craft what they call a delicate balance, have missed an opportunity to truly open the debate on these issues. The Committee on Rules majority has, in spite of its assurances at the beginning of this Congress, seen fit to limit debate in the House.

This is one legislative proposal that deserves full and truly open debate. We are about to undertake consideration of legislation that seeks to afford us some measure of protection from nameless and faceless terrorists, but in so doing, the bill necessarily grants new powers to law enforcement authorities. These are matters which affect each and every one of us and we have a responsibility—a duty, really—to make sure that what we do will protect both our safety and our civil liberties.

Mr. Speaker, I reserve the balance of my time.

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Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I know that we all agree on the urgent need to combat foreign and domestic terrorism. I wish the Committee on Rules had adopted an open rule, which is the only way that we can fully debate such an important and controversial issue. Several of our colleagues were denied the opportunity to offer important amendments, including one which would ban armor-piercing bullets, something we badly need.

I was denied a chance to offer an amendment which would have closed loopholes in the current explosives law and mandate a background check for individuals purchasing explosives. Although the FBI has documented that criminal bombings have doubled in the past 6 years, this unprecedented increase will continue to go unchecked and the legal loopholes in current law will persist because I was not allowed to bring the amendment to the floor.

Despite the restrictive rule, I want to commend the chairman and members of the Committee on the Judiciary for including measures to protect innocent people from bombs made of plastic explosives. As my colleagues may know, a plastic explosive was used in a devastating terrorist bombing of Pan Am flight 103 in 1988 which killed all 270 passengers on board, including 2 young women from my district.

After that disaster, the United States worked closely with other nations to negotiate the Montreal Convention on Plastic Explosives. One of the most important provisions within this bill requires that plastic explosives include a special chemical that would make the material detectable at security checkpoints. If such a system had been in place in 1988, the explosives would never have reached the plane.

Although the Senate ratified the convention, Congress has yet to pass the implementing legislation that will formally bring our laws into compliance. The bill I introduced earlier this year, the Bombing Prevention Act, would make these necessary changes, and I am pleased to see that the Committee on the Judiciary included the bill's language to implement the Montreal Convention in the bill before us.

Mr. Speaker, the antiterrorism bill does have some positive provisions, but we can do better than the rule and the bill before us. I cannot understand why the Committee on Rules will not allow the House to consider measures which would have traced explosives purchases. It would have mandated better recordkeeping by the sellers of explosives and would better have protected all of our constituents.

For this reason, I urge my colleagues to reject yet another closed rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the member of the Committee on Rules for his good work on the Committee on Rules. But I rise this morning in opposition to a closed rule that blocks some 74 percent of the amendments that were offered to the Anti-terrorism Act of 1996.

Let me indicate my commitment to obliterating terrorism in this Nation. I, too, experienced the trauma of the Pan Am 103 where 270 people lost their lives. A young woman by the name of Myra Royal in my community, a bright and energetic young person with an enormous future, lost here life in that tragedy. But whenever we begin to tamper with the Constitution, I think it is also important that we view it as a traumatic event. The Constitutional Convention might be historically considered a serious undertaking to provide a document to provide for the liberty of Americans.

I was denied the opportunity in presenting two amendments that I think would have brought about both vigorous debate, but were warranted in this legislation: The first one was a sunseting provision on subtitle F, that had to do with the designating of terrorist groups. We recognize that it is important for our State Department and President to list those groups that might engage in terrorist activities. At the same time, we believe in civil liberties and the right to due process.

This particular title would in fact eliminate the opportunity for anyone who might have previously been involved in a group that had some terrorist association to justify their position in this country and to defend themselves if they were not involved in any terrorist activities or in fact they were really advocates for peace in such group. Sunset provisions allow this Congress to come back after a 6-year period and fully review this legislation to determine, has it been effective or has it not been effective?

Likewise, I offered an amendment, a sunset amendment for the entire legislation. Why? Not because I do not believe in eliminating terrorism from these shores but because I believe in the civil liberties of this Nation and the Constitution. This would have allowed us, Mr. Speaker, to have a full hearing to address the pros and cons of this legislation and determine whether it should continue or not in 6 years.

This is a bad rule. It eliminates the opportunity for debate. I ask the Speaker and the House to reject it.

Ms. PRYCE. Mr. Speaker, I yield 4 minutes to my friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, when Pan Am Flight 103 was destroyed

by a terrorist bomb, 270 lives, including 189 Americans, were cruelly snuffed out. These numbers included men, women, infants, students, tourists, and business people, and, most importantly, wives, husbands, and children. That tally included 35 Syracuse University students going home to celebrate the holidays with their families and, it also included John Cummock, a vice president of Barcardi Food Co. and a constituent of my congressional district, who left behind a wife and three young children. While these individuals are beyond our power to help, we have today the opportunity to help the surviving families to secure a measure of justice.

I would like to share with my colleagues today a letter I just received from Victoria Diaz Cummock, the widow of John Benning Cummock, and president of Families of Pan Am 103 at Lockerbie. I would like to share Ms. Cummock's letter with all of my colleagues this morning.

Ms. Cummock says:

DEAR CONGRESSWOMAN ROS-LEHTINEN: On December 21, 1988 terrorists killed my husband, John (age 38), along with 269 people aboard Pan Am 103. The bombing of Pan Am 103 was the single largest act of terrorism against Americans in this country's history. More Americans died aboard Pan Am 103 than in Desert Storm or in the Oklahoma City bombing. I was left widowed with three small children, Ashley 3, Matthew 4, and Christopher 6. For over seven years we have waited for our country's help and support. As with all American families victimized by terrorism . . . we continue to wait . . . still without our country's help.

Today, Congress has the opportunity to help us, so we can help ourselves. The anti-terrorism legislation H.R. 2703, contains a limited provision to waive sovereign immunity in cases of state-sponsored terrorism. This gives all Americans the right to pursue justice and have their day in civil court against these countries. Congress can not continue to allow countries that kidnap, torture, and murder Americans the right to hide behind sovereign immunity. The resounding message sent to countries sponsoring terrorism is that it is safe to target and kill Americans because there is no accountability.

There are over 30 million Americans that travel abroad each year who are not aware of how easily their lives can become unraveled by terrorism. These terrorist acts are tragic and devastating enough for victims' families to live with. To provide no avenues for help or justice to our families or the hostage survivors, like Joseph Ciccipio and David Jacobson, leaves thousands of Americans with both the physical and mental scars, thus allowing terrorists to win over our lives, (the survivors families), as well.

In contrast, for commercial reasons, U.S. corporations have the right to their day in civil court, to seek accountability and restitution for their damages under these same circumstances. In other words, our nation's present law allows restitution for a terrorist bombing of an airplane full of children—but not people. This is an outrage.

Today our legislators can set the record straight and send a message of hope and support to all the orphans, widows and American families victimized by terrorism. H.R. 2703, containing ''the right to sue'' provision allowing us to help ourselves. Please, as our legislators, don't continue to turn your backs on the families of Americans who have paid the ultimate price and sacrificed so much for this great nation. Let me be able to tell my children, who daily pledge allegiance to the American flag, that America stands with us in our pursuit of justice and accountability. Our hopes and prayers are with Congress today.

Sincerely,

VICTORIA DIAZ CUMMOCK,

Widow of John Binning Cummock,

President, Families of Pan Am 103/Lockerbie.

Mr. Speaker, the past several decades have taught us a great deal about international terrorism. We know that, to function in the international arena, these criminals require state sponsorship. As our colleague, Representative TOM LANTOS, has stated:

Terrorists do not operate in a vacuum, but rather rely on certain nations where they know they will find safe haven after carrying out their murderous acts. They must have at least tacit governmental approval of planned operations and millions with which to continue to buy the tools of death and destruction.

The physical evidence recovered from the wreckage demonstrated the truth of that observation. The explosive was identified: it turned out to be an exotic plastic explosive, an explosive formulated to evade detection by conventional airport security. The electronics were similarly specialized and while helping to solve the crime, did not bring justice.

When this forensic evidence identified the regime of Libyan dictator Múammar Qadhafi as responsible for this crime, diplomatic pressure has been applied in an effort to force the extradition of these murders. Qadhafi has refused to surrender them for trail in either the United Kingdom or the United States.

To avoid civil action, the regime has hidden behind the Foreign Sovereign Immunities Act of 1976. This is the classic situation of a criminal regime invoking the protection of the law while acting in contempt of it. This bill contains a provision that will, under the narrow circumstances of terror and genocide, allow victims to reach beyond the Foreign Sovereign Immunities Act to seek redress for these crimes from the governments that sponsor these atrocities.

I urge my colleagues to remember the victims of Pan Am Flight 103 and the need to seek justice for their families.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the 60th restrictive rule reported out of the Rules Committee this Congress. In fact, 89 percent of the rules this session have been restrictive.

Mr. Speaker, for the RECORD I include a compilation of floor procedure in the 104th Congress as compiled by the Committee on Rules Democrats.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park and Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. *RULE AMENDED*.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	.....
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	.....
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered..	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131..	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H. R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee.	N/A
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee.	2D/2R
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735.	6D; 7R; 4 Bipartisan

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***Legislation 2d Session. 89% restrictive; 11% open. ****All legislation 104th Congress 60% restrictive; 40% open. *****Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just assert that this is a very fair way to consider a very complex piece of legislation. It will provide the House ample opportunity to debate a number of very important issues to the basic question of what constitutes our appropriate Federal response to combating terrorism.

Mr. Speaker, I include for the RECORD a report of the amendment process under special rules reported by the Committee on Rules, 103d Congress versus 104th Congress.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 12, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	59	62
Modified Closed[3]	49	47	23	24
Closed[4]	9	9	13	14
Total	104	100	95	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 12, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of March 12, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 376 (3/7/96)	Debate	H.R. 2703	Effective Death Penalty	
H. Res. 380 (3/12/96)	MC		.	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I urge my colleagues to support this very fair rule allowing us to consider a host of important issue relating to crime, terrorism, punishment, the proper role of the Federal Government, and the rights of all Americans. The Rules Committee had a tough assignment in wading through some 70 amendments to this bill—and I believe we have done a fair job of selecting amendments to ensure a broad and inclusive debate.

Mr. Speaker, in a nation that is accustomed to extraordinary personal liberties, we have had to consider the terrible reality of terrorism hitting home. The World Trade Center bombing made us painfully aware of the risks associated with living in a free society in a dangerous and unsettled world.

We agree that all Americans deserve to be safe in their homes, at their schools, on their jobs, and in their neighborhoods. And we are attempting with this bill to improve our ability to meet that challenge. There is a delicate balance, however, between the necessity of empowering Government entities to protect the peace and the necessity of preserving the constitutional rights of free people in our society. I have heard in recent days from many southwest Floridians who are concerned that this bill as now written upsets that balance, overextending the power of the Government at the expense of individuals' rights. They have urged us to be sure that we do not fall into the trap of responding to the risk of terrorism at home simply by passing new legislation that does not effectively attack the problem. As have many of my colleagues, I have been reminded by my constituents that Federal law enforcement already has significant tools with which to combat terrorism—and all the new powers in this bill may not be necessary. Given this serious concern, I am pleased that this rule allows for ample time to debate the merit of the antiterrorism provisions of this bill—and to consider alternative proposals.

Mr. Speaker, that being said, I believe that this bill has many positive aspects, most notably the important judicial reforms that were part of our Contract With America, passed by this house but have not yet become law. For example, we are going to offer victims of crime the opportunity to gain fair restitution. Long-overdue reform will make the death penalty a real punishment, ending in timely execution instead of the never-ending court proceedings that keep justice from being carried out. And marking dangerous plastic explosives will help the FBI solve crimes faster and more effectively.

Mr. Speaker, I am pleased that we have the opportunity to debate these issues—since they matter very directly to every family in this country. Public safety and the security of our neighborhoods is of prime concern to all of us and this bill offers a solid foundation upon which this body can build. I look forward to the debate.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 157, not voting 23, as follows:

[Roll No. 60]

YEAS—251

Allard	Armey	Baesler
Archer	Bachus	Baker (CA)

Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—157

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Dingell
Dixon
Dooley
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hefley
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
LaHood
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Woolsey
Wynn
Yates

NOT VOTING—23

Brown (CA)
Bryant (TX)
Chapman
Chenoweth
Collins (IL)
Collins (MI)
de la Garza
Hoke
Laughlin
Livingston
McDermott
Moakley
Nadler
Neumann
Ortiz
Porter
Riggs
Rush
Sisisky
Stokes
Waxman
Whitfield
Wilson

☐ 1220

Messrs. KENNEDY of Massachusetts, RAHALL, and BARCIA changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 60, I was unavoidably detained on personal business and unable to vote. However, had I been present, I would have voted "yes."

☐ 1515

PERSONAL EXPLANATION

Miss COLLINS of Michigan. Mr. Speaker, this morning I was unavoidably detained and missed rollcall vote No. 60 by about 1 minute. Had I been present, I would have voted ''no.''

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that House Resolution 376, providing for consideration of H.R. 2703, which was a general debate rule only, be laid on the table. This has been cleared with the minority.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 380 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2703.

☐ 1217

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2703) to combat terrorism, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself 10 minutes.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, this bill comes to us against the background of domestic and foreign terrorism that has caused countless murders of innocent men, women, children, and the elderly. So bloody, and so cowardly, a series of crimes that to ignore them and to ignore the frightening potential for future atrocities amounts, in my humble opinion, to a dereliction of duty. The World Trade Center bombing in New York prompted this legislation. That cost 6 lives, and it was a miracle that it did not cost 600. Had the bomb been placed differently, it might have knocked the entire building down.

Mr. Chairman, this bill is spurred by the Pan-American 103 tragedy, which cost 270 lives. It was spurred by Leon Klinghoffer's murder on the *Achille Lauro*; by the American hostages in Lebanon; by the use of chemical warfare in mass transportation in Japan; by the Oklahoma City bombing that cost 168 lives; by the bombings in Tel Aviv and in Jerusalem, and by the IRA in London.

Mr. Chairman, as the tragedies mount, as the efforts at international intimidation mount, what is our response? We are told by some that we do not need any new laws. After all, we caught McVeigh, did we not? Yes, we did, we caught him speeding. Talk about lucking out.

There is an old saying, ''God takes care of drunks, children, and the United States of America.'' I hate to rely on that for our future national security. I do view our sworn duty, and upholding our Constitution, not to prefer the criminals and criminal aliens, but to provide for the common defense within the four corners of our Constitution. All I ask, Mr. Chairman, is that the Members do not consign their common sense to certain groups who belittle what we are trying to do. In the end, we have to live with ourselves and how we vote on this life and death issue.

What is in this bill, I would ask, Mr. Chairman? There are three things that ought to be of interest to all of us: the effective death penalty provisions, H.R.

729 recapitulated, and which has been passed by the Senate; that is habeas corpus reform. There is the Criminal Alien Deportation Improvements Act. That is, after a criminal alien has served his time, an expedited deportation of that person. There is mandatory victim restitution. That brings the criminals to justice and brings justice to the victims.

Mr. Chairman, we have taken out, after months, and I mean 3 months at least and more of negotiation with people out of sympathy with every aspect of this bill, we have taken out emergency wiretap provisions, although I wish they were in. We have taken out the roving wiretap authority, because criminals go from one phone to another. God forbid that we should be able to tap into the person's conversations, rather than specifically to the phone, but we took that out.

We took out military involvement in civil law enforcement provisions. That is where they use chemical warfare in mass transportation. We take that out, even though the military is probably the only organization available that has the technology and know-how to cope with that. We have taken out a definition of terrorism that they complained was overly expansive.

We have taken out the funding for a domestic counterterrorism center that the FBI and the CIA wanted, and the Justice Department wanted. We have taken out funding for additional FBI personnel, as though we have enough FBI agents. We have taken out provisions to pay for digital telephony that will permit our law enforcement people to tap into fiber-optic wires. We will not have that capacity. We took out machine-readable visa provisions.

What is left in the bill? As I said, there is habeas corpus reform, criminal alien deportation, and mandatory victim restitution. Those are largely crime, rather than antiterrorist, but we do require the marking of plastic explosives with chemicals to aid in detecting their presence before they explode. If we had had that capability, we could have prevented PanAmerican 103 and the loss of life.

We prohibit unlawful nuclear material transactions. There is a serious threat of nuclear terrorism from diverted stockpiles from the former Soviet Union. This is deterrence by legislation.

We do not repeal the sixth amendment's protection of our right to confront our accusers in criminal cases. But, in deportation cases, under certain circumstances, when to confront the accused by the source of the information would reveal the source and compromise our security, there is a very useful and, I think, justifiable process in the bill to protect justice and at the same time protect America from alien terrorists. That is taken out by an amendment to be offered by the gentleman from Georgia [Mr. BARR].

Mr. Chairman, this bill bars representatives and members of designated foreign terrorist organizations from entering the United States. That is taken out by the Barr amendment, which we will debate later.

This does include a provision that was part of the Contract With America that provides a good-faith exception to the statutory exclusionary rule. If the court finds a law enforcement officer's violation of the wiretap statute was a good-faith error, the evidence will not be suppressed. That was taken out by the Barr amendment, which we will debate latter.

□ 1230

This bill incorporates the Criminal Alien Deportation Improvements Act, which already passed the House and we are going to try and pass it again. It has not passed the Senate.

This bill changes asylum laws to avoid manipulation by terrorists.

This bill prohibits fund-raising in the United States by designated foreign terrorist groups. That is stripped out of the bill by the Barr amendment, which we will discuss later, by way of stripping the designation process of who is a terrorist or a terrorist organization.

Parenthetically, this morning's Washington Post has an interesting story on page A–18: ''Freeh,'' meaning Louis Freeh, the director of the FBI, ''Says Hamas Raising Money Here.'' That seems to me to be outrageous, but we will come to grips with that later in the debate over the amendments.

But the people of the United States should not bankroll terrorist activity.

The effective death penalty provisions are habeas corpus reform, a major plank in Republican anticrime policy. I can only say when a John Wayne Gacy murders 27 young boys and it takes 14 years from the time of his sentencing to the time he is executed, something is seriously wrong with justice. We try to correct that.

The widow of the Secret Service agent who died in Oklahoma City, Diane Leonard, told us the other day, that for victims there are no indictments, no pretrial hearings, no trials, no appeals, no chances for remorse and no doubt of their innocence. Yet for those who commit these crimes, where there is no doubt of guilt, there is only appeal after appeal after appeal.

We have the Victims' Restitution Act in here, another Contract With America anticrime item that previously passed 431 to 0.

Mr. Chairman, we have a good bill here, a bill that I think is helpful in a situation where danger lurks internationally and domestically. As Israel's best friend in the world, it would be naive in the extreme to assume that we will not be targeted by those forces that are cowardly and promiscuously bombing in Jerusalem and Tel Aviv, where buses and public places get bombed.

To me it is, I hate to use the word insanity, but it is, not to be prepared for this. There are things we can do and we ought to do. I respectfully urge Members to listen to this debate. It will not be pleasant, it will not be easy, but it involves our national security. I commend it to Members' preferred attention.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I want to thank the distinguished chairman of the Committee on Judiciary for opening up the discussion around a very sensitive and important matter. He has worked very hard on this matter and he feels very strongly about it. I hope we will all stay down on the planet, right down here on terra firma as we discuss a very emotional, very difficult, very sensitive, very terrible circumstance that this House of Representatives is called upon to try to resolve.

I begin our part of this debate by referring all of my colleagues, including my chairman, to a Monday, March 11 New York Times op-ed piece by Anthony Lewis. It describes succinctly how terrorism wins.

It wins by undermining the Constitution unwittingly as we rush out with an omnibus bag of about every anticrime piece of legislation that has been laying there, and we throw it all together and we throw it at those awful terrorists. It might help, and it will do some good, and there are some good parts of the bill that was authored by the chairman of the Committee on Judiciary.

Another piece that I refer to the gentleman is the New York Times editorial dated today: ''The Wrong Answer To Terrorism.'' We are going to discuss this, because there are several proposals on the floor today. One is the Hyde-Barr bill passed in the Committee on Judiciary. One is the Barr bill, which is not antithetical to the Hyde-Barr bill, but they go along together in some parts and they fly apart in some places. I will leave them to explain where there are similarities and differences.

But I would like to bring to Members' attention that the bill that many of us are supporting has some very important, good features of the Hyde provision in it, identical. I would like to recite them at the very outset of the debate, because our chairman has made a number of comments that I will be commenting again on with more particularity.

He has talked about the Victims' Restitution Act. It is good. We support it. He has it, we have it, ''we'' being the Conyers-Nadler substitute that will come up at the end of this debate.

We check off one. We both agree on that.

We have significant other agreements in antiterrorism. We both agree that we should have prohibitions on providing material support for terrorists and on fund-raising efforts on their behalf.

He cited Hamas. I cite Hamas. I agree that we should not allow terrorist to raise funds and we should not provide material support for their fund-raising efforts where there could be confusion of whether they are charitable or not charitable. We think that there should be very careful, precise distinctions made about that. I think we may do a better job in the substitute than the chairman's bill, but that is what we are here to figure out this afternoon.

There are new criminal provisions in both bills protecting Federal employees and their families, prohibiting the sale of nuclear materials and the threatened use of weapons of mass destruction, and new criminal provisions for combating terrorism overseas. It is in the Hyde-Barr bill, it is in the Conyers-Nadler bill. Identical provisions. We agree. There is no dispute about that. We think these are effective remedies.

Another area of agreement: Increased criminal penalties for burning or bombing Federal property. Agreement. Conspiring to take hostages and commit air piracy, increase the criminal penalties. Agreement. Transferring explosive material knowing it will be used to commit a crime of violence, increase the penalties. We agree.

We also, on our last point of agreement, have both determined that there should be enhanced investigative authority given to parts of our Government. In the area of requiring the marking of plastic explosives, more investigative authority. In the area of requiring telephone companies to preserve their records for at least 3 months, more investigative authority. And in authorizing monetary awards to assist in the prosecution of felony cases, more enhanced authority. It is in the Hyde-Barr bill, it is in the Conyers-Nadler bill. Agreement, point after point after point after point after point after point.

But I would like to submit, Mr. Chairman, that the substitute bill is tougher on terrorists than the Hyde-Barr bill in two key respects:

First, in our bill we make it a crime to target children when engaging in an act of terrorism, thereby specifically responding to the shocking crime in Oklahoma City. We make it an additional crime to target children when engaging in the act of terrorism. Then we include even stronger protections for American citizens who are the victims of violence in terrorist States like Libya. How? By allowing suits against terrorist nations to be brought directly in an American court.

Mr. Chairman, I would like to invite all of our colleagues to inquire, which bill is more effective? Which one has more expanded authority? Which one has more increased criminal penalties? And which one has more new criminal provisions, as we wind our way through this debate?

Mr. Chairman, I concede that the Hyde-Barr bill came out first, so it was easier for us to improve on their bill than for them to improve on our bill. We might say we are the new, final, refined, updated version on the subject. We are the latest product of a lot of hard work that went into these bills and these provisions by the members of the Committee on the Judiciary.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it is no secret that 80 percent of the people of the country in one way or another have registered their support of the imposition of the death penalty for those vicious types of cases that too often find their way into the headlines of our newspapers and on the evening television news. We have tried mightily from the very beginning to make sure that the Federal establishment has a workable death penalty on the statute books.

When I first came to the Congress, I was appalled by the then Committee on the Judiciary, of which the gentleman from Michigan was a potent part, where the Democrat-controlled committee smacked down every conceivable attempt we made at trying to install a Federal death penalty to cover, of all things, assassination of the President, God forbid, and felony murders, multiple murders, all these heinous crimes that occur on a daily basis. Anyway, it took us until 1988 with a parliamentary maneuver to make an entry into this field by having the House approve, at long last, a death penalty for at least those drug dealers who kill in the furtherance of their enterprise.

We were joyous in the fact that we made this breakthrough and that we had this deterrent effect on the books, after long last. But then we are faced with another phenomenon.

□ 1245

It appears that the inmates on death row who have been convicted of these horrible killings are able to escape the final justice, to escape the noose, as it were, by filing appeal after appeal after appeal, sometimes lasting on inmates row, on death row for as long as 15 years.

Those same statistics that show that 80 percent of the American people want the death penalty properly applied, that same statistic, also yields an outrage on the part of the American people at the inability of the final word to be placed on the killer on death row.

What the provisions in this bill do is to limit the number of appeals that can be filed by the inmate so that justice can be served. That inmate will then meet his justice at the hands of the Federal Government even though he will have tried to avoid justice.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK], who has been on the committee since he arrived in the Congress, has worked on these matters with great diligence.

Mr. FRANK of Massachusetts. I thank the senior minority member of the Committee on the Judiciary, who made such a good statement. I appreciate his reminding me that I have been on the committee, because I could have sworn I was on the committee. I went to a lot of meetings of something that I was told was the Committee on the Judiciary, and I was voting on something called the terrorism bill, but then I see the bill that is on the floor today, and it is not the bill that we worked on in committee.

I very much regret the way the leadership of the House, and I do not believe this is a decision of the committee leadership, I am talking about the House leadership, the House leadership and the Committee on Rules. I regret the way they are systematically denigrating the work of the committee. That is not simply a matter of jurisdiction of turf, it is a matter of legislative procedure that goes to substance.

We are dealing here with about as important a set of issues as we can. How does a democratic society committee to democracy, committed to individual rights, committed to openness, deal with the murderous threat of a small handful of people, internationally based, who are trying to wreak harm in that society? There can be no more important or more difficult task than to arm the law enforcement people, the decent and hard-working and well-intentioned law enforcement people of this country, with the tools that allow them to counter the terrorists who are increasingly a worldwide group, although obviously our domestic people contributed sadly a great deal to this, how do you arm them while at the same time preserving democracy and individual rights? That is a process that takes some balance.

I did not agree with everything in the bill that came out of the Committee on the Judiciary, but the chairman presided over a very fair markup, gave consideration to legislation on the merits offered to amendments, and that bill came out that I voted for because I thought it achieved that balance, and then once it was no longer in the hands of the committee and the committee leadership, the Republican leadership made the decision that they had to conciliate their own right wing, and we therefore have a bill today which is so different than the bill that came out of committee.

Let me give you an example. One of the provisions that was in the committee bill, and it was narrowed in committee. I did not agree with the narrowing. That is the way the committee process worked out. It allowed the Attorney General of the United States to call on the U.S. military if she could certify that she had no civilian expertise and needed military expertise to

deal with certain weapons of mass destruction, biological and chemical weapons.

That was included in the committee bill. It was narrowed in committee, but no one in committee even moved to knock it out. Lo and behold, words I do not often get to use, lo and behold, the bill comes on the floor of the House, and that language is missing.

I went to the Committee on Rules yesterday and said I have an amendment. I would like to restore to the bill language that was in committee, and the chairman of the Committee on Rules said, well, it is not germane. Language that the committee adopted modified, giving the Attorney General of the United States the ability to call on the military of the United States for expertise if she can find that expertise nowhere else, specifically, said the military cannot arrest, the military cannot do detention, the military expertise, special expertise in weapons of mass destruction can be made available.

It was in the committee bill. The right wing, sadly, tragically, increasingly, regards the U.S. armed services to some extent as a bad guy. It is a very interesting factor here. Why did language empowering the Attorney General to ask the U.S. military for assistance that was in the committee bill not only disappear but it is not germane, it is not allowable to be offered? Because the right wing had to be palliated. The right wing, maybe they thought these military people were going to come in black helicopters. I do not know what paranoia on the American right that is involved here. I know it is tragic the Committee on the Judiciary was compelled by its leadership to give in. We are going to see this with the immigration bill, by the way. We had a very good process on the immigration bill once again. Once it left the Committee on the Judiciary, where the chairman presided over a fair and deliberative markup and we came up with a bill, balanced, although some liked it, some did not, it leaves the committee, and right wing pressures are applied through the Republican leadership to change, and presto chango, how things happen, things disappear, things appear, and this terrorism bill, things affirmed in committee have been knocked out. Things not in are put back in. Things in the committee with amendment, amended, and it is critical for this reason: We need to draw a balance.

I am in favor of enhanced law enforcement powers to deal with terrorism, but I want those powers to be accompanied by safeguards tailored to make sure the powers are exercised well. I want judicial review in a reasonable way. I want people who may have had their rights interfered with able to sue in reasonable fora.

I voted for the bill in committee. I am going to have to wait and see how we vote on this. We no longer have the careful product from the committee. We have something that has been jerked out of shape by the leadership of this House giving in to right wing pressure.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 2703, and since this is general debate, I want to say, meaning no pun whatsoever, that I am generally in favor of this bill. I think some further modifications are still indicated, and I intend to vote for some of the amendments that are being offered here today.

However, I believe that we should pass H.R. 2703 and move on this front. I think international terrorism is a reality. It has happened in the United States. It is happening all over the world. It is something that we are going to have to do ever stronger efforts in order to confront.

I want to say that the Federal Government has the chief responsibility in countering threats against this country that originate from outside of this country. Other than modifications, which, as I have indicated, some of which I support, I have heard two general objections to this bill. One is why do we need to give the Federal Government any more responsibility, since a terrorist act by definition, when it occurs, would violate State law? In other words, if a bomb is set, a bomb goes off, that would violate the law in any State of the United States. Of course, it would. But I can tell you from a career in State and local law enforcement that State and local law enforcement simply is not geared to do the intelligence and investigation of processes that would be necessary to try to counter foreign-based terrorism.

Second of all, the argument has been raised that there have been certain events where law enforcement procedures may have been abused by Federal law enforcement agencies, and portions of incidents at Waco and Ruby Ridge are argued, and indeed law enforcement, I think, in both of those incidents fell short. But that does not mean that we do not give law enforcement responsibility to act because there are problems, because there are problems in every law enforcement agency. We clear up those problems, and we move forward when we have to, and I believe this bill does so.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. WATT], an able member of this subcommittee, a practicing attorney for decades.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time on this important subject, and I want to congratulate the members of the Committee on the Judiciary who have dealt with this very difficult issue over a period of time and tried to craft a bill that has a sense of balance to the in the face of a lot of emotionalism that exists on these issues.

I think the chairman of our committee, Chairman HYDE, has framed the issue in this debate a little bit differently than I would frame it. He has said the issue is do we need a bill or some additional laws in the area of international terrorism? I think if you polled every Member of this body, you would get no dispute on that issue. All of us would agree that additional laws are needed to address this dynamic and changing area that we historically have not had to deal with in this country.

So the issue is not do we need additional laws. The way I would frame the issue is not do we need additional laws, the question is do we need these laws that are being proposed in this particular bill. And I will submit to you that there are some very, very troubling aspects to this bill. What we are called upon to do really is to draw a balance between the need for additional laws to address terrorism and, on the other hand, the individual rights that individual citizens in the United States are guaranteed under the Constitution of the United States of America.

When we are stepping across the bounds to make new laws that substantially cut back on our individual rights and freedoms in this country, then we must begin to ask the question, what price are we willing to pay in terms of our individual rights and freedoms? What price are we willing to pay as citizens of this country to make ourselves more secure?

Now, let me illustrate this to you. We can build walls around everybody in this country. We can take away all of our individual rights that are guaranteed to us in the Constitution and lock everybody up whether they have committed any crime or not, and none of those people inside those walls or in those jails who have been deprived of their rights can commit any crimes.

But are we willing to pay that price? Are we willing to pay that price for security? Because the more we take away our rights and lock people up without giving them due process and take away the right of habeas corpus that protects the individual citizen when the Government is engaged in some illegal act, the more we have moved toward a totalitarian society and away from the democratic society which is so important to each and every one of us.

So as we listen to this debate, I encourage all of my colleagues to constantly think about what this balance ought to be. What price am I willing to pay as an individual citizen in terms of my own individual rights and freedoms and liberties and protections? What price am I willing to pay to address this issue? And if we can arrive at some appropriate balance, then that is where we ought to be going in this bill.

□ 1300

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, I stand before you today in a position that I never would have envisioned for myself when I was elected to Congress. I am here today as a champion of habeas corpus reform. This is not because I have had a change of heart, but because of the heartbreak of the people of my State.

April 19, 1995, the day of the ruthless bombing of the Alfred P. Murrah Federal building in Oklahoma City, will be etched in the minds of all Americans for years to come. To the people of Oklahoma, and especially to the families of the 168 people that died in the bombing, this year has been especially long and difficult as we have tried to begin the process of healing and putting our lives back together.

An important part of the healing process for the survivors will be to see that those who committed this heinous crime are punished. The habeas corpus reform that is included in this bill will ensure that those who committed this crime will not be able to delay punishment through endless appeals.

Last week, many of you had the opportunity to meet with the Oklahomans who have suffered the most in the past months. They are real people with real stories. For example, there is Clint Seidl, an 8-year-old boy who will never see his mother again or Nicole and Kylie Williams. Nicole's husband Scott was making a delivery to the Federal building that fateful day. Nicole was 6 months pregnant at that time and now Kylie will never know her father.

The message of these victims and survivors is that they will never see their loved ones again, while those who committed this heinous crime, if convicted, will. And even if they are sentenced to death, they could languish on death row for as long as 17 years. I believe a fellow Oklahoman, Diane Leonard, who lost her husband in the bombing, said it best. She said, ''The victims had no judge, no jury, no pretrial hearing, no trial, no defense, no appeals, no convictions except that found in a sick mind. My husband and others were executed with no dignity, no time to prepare, no chance to repent, no opportunity for their family to know of their love or to be reassured of their families' love for them. They had no guarantee of a painless and swift death. These innocent were left to linger and die in the rubble.''

Mr. Chairman, this bill is about these victims and preventing what happened to them from ever happening again in this country. I stand here today and say enough is enough. Support fundamental habeas corpus reform. Support mandatory victim restitution. Support closed-circuit broadcasting of the Oklahoma City bombing trial for its victims. Support H.R. 2703.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is known as the accuracy in debate portion of our activities on the floor today.

The chairman says that somebody is telling him we need no new laws. Now, maybe somebody is, but nobody on the Committee on the Judiciary that I know of has been telling anybody that, Republican or Democrat. I think everybody knows we need new laws.

The question, sir, is, what new laws, which new laws?

Now, I know we have to refer to the Oklahoma City tragedy, the Klinghoffer, *Achille Lauro*, and other terrorist activities. Hamas will be mentioned 999 times today, and maybe it should be. But what do these have to do with habeas corpus?

Here, Chairman HYDE, is where you went wrong, because you made this a grab bag crime bill and lost sight of the fact that this is an antiterrorist piece of legislation of the first moment. So you gathered up every old sack of legislation that has been laying around. And since you thought you were on a fast track, you stuck it on.

Here is the first train coming out of the station. Well, we have been debating habeas corpus for 10 years. Stick it on. Let us go get the death penalty. Stick it on. Let us get alien deportation. We have immigration coming up. But stick it on.

Now you are paying for it, because you have got a junk bag crime bill, and not what we came here for today, namely, a bill to fight terrorism. Because I have got the best antiterrorist bill that will hit this floor today, the strongest, the most effective, the one with the most additional penalties. And you have got a great crime bill that ought to be debated some other place, some other time. And that is the problem.

Mr. Chairman, the gentleman says somebody took wiretaps out. Well, read the bill. We did not take wiretaps out. That is an inaccurate statement.

We have got plenty of good things in here, and I just want to close with one: Prohibiting material support to terrorist organizations. That is in my bill: Prohibiting the providing of material support or resources to organizations designated as terrorist by the Secretary of State. But it provides expedited judicial review of that designation in a hearing in which the organization will have the opportunity to call witnesses and present evidence in rebuttal of that designation.

You do not mind that, do you? We are in America. Since when can one Cabinet official come up with a list? Do you not remember the McCarthy era, sir? That is what the Attorney General did. Now here we are within the same generation coughing up the same nonsense. And we say, ''Well, let's give people a chance to rebut the designation.''

What for? I would not want the Secretary of State Buchanan designating who is a terrorist organization in this country, America, anytime soon. I do not really think most of the Members do either.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I yield myself this time simply to express my profound appreciation for being instructed by the distinguished gentleman from Michigan. I always learn when he talks.

However, I beg to disagree. I think terrorists who kill ought to die, and they ought not to linger for 16 or 17 years. That is why habeas corpus is in there.

I commend the text of the bill to my friend. He said one cabinet officer can come up with a list of terrorist organizations. No, it is the Secretary of State in conjunction with the Attorney General. That is two, the last time I looked. They come up with the evidence, they submit it to Congress, the facts behind it, and a judicial review is available to the organization or the person. So I commend the text to my friend.

Mr. Chairman, I yield 1½ minutes to the learned gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of the foreign sovereign immunity amendments contained in this legislation. We must make foreign state sponsors of terrorism responsible for their actions. Recent events make clear now more than ever the grave threat posed by international terrorism to the interests of the United States at home and abroad. Outlaw states continue to serve as sponsors and promoters of this reprehensible activity, providing safe haven, training, weapons, and other support to terrorists.

Terrorists are responsible for the deaths of our citizens and other innocent civilians in senseless acts of violence and the destruction of property throughout the world. You will recall, with horror and profound grief, the murders aboard the *Achille Lauro* cruise liner, the bombing of Pan AM Flight 103, the World Trade Center bombing and the four recent bombings in the State of Israel. The list of other such shameful and cowardly acts is endless.

In addition to the horrible human and economic costs of terrorism, it is also a serious attack on United States foreign policy across the globe. Terrorist acts create instability, detract from our efforts to secure peace, and directly assault the United States and our closest allies.

We cannot tolerate support for terrorism from foreign governments. No member of the community of nations should condone or assist such reprehensible violence. And no foreign state should be able to hide behind its immunity as a sovereign government to avoid having to pay the consequences of supporting terrorism. Accordingly, I introduced H.R. 1877, the State-Sponsored Terrorism Responsibility Act to

allow American victims to have a means of redress in the courts. I am pleased to see that under Chairman HYDE's leadership, this measure has been included in the legislation before us today.

We must make a clear statement that support for terrorism is unacceptable in the international community. Allowing lawsuits against nations which aid terrorists will allow us to increase the pressure against these outlaw states which would deprive our citizens, our Nation, and our allies of their freedom and safety.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I listened to my colleague on the other side of the aisle say we have debated habeas corpus reform for 10 years. I think that is plenty of time. If we debate it another 4 years, that will be about the average time that a convicted murderer sits on death row before his sentence is executed, if that occurs in that amount of time, 14 years.

Mr. Chairman, I came to Washington to shape legislation to reflect a reliable sense of right and wrong. But when murderers who rape or kidnap their victims are convicted and sentenced to death, it is wrong to delay their sentence year in and year out with appeals challenging the constitutionality of their conviction. It is not uncommon, as I mentioned before, for criminals to be clothed, fed, and housed for 14 years while their habeas appeals are considered.

Put yourself in the place of a parent of a murdered child. That parent must deal with the pain and the loss, and know full well that their child's killer is escaping the sentence decided by a fair jury. This is cruel and unusual punishment.

Habeas corpus reform contained in this bill limits the number and purposes of habeas petitions, and it is the right thing to do.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to my friend, the gentleman from New York [Mr. SCHUMER] who has served as the chairman of the Subcommittee on Crime for many years and is still its ranking member, and a distinguished member of the Committee on the Judiciary.

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Chairman, I thank my good friend, the ranking member, for his generous yielding of time.

Mr. Chairman, I rise in strong support of this legislation. I wanted to congratulate the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], for the fair and balanced bill he has brought to the House today.

Mr. Chairman, I would like to see even a tougher law. Certain provisions that belong in this bill were knocked out, but I still strongly support the bill. It presents us with a clear choice between two courses of action: We can reject extremism and its spawn of terrorist violence, or we can give in to overblown fantasies of Government oppression that have been advanced against this bill by the fringes on both our right and our left.

The great moderate mainstream of this House can stand up, unite across party lines, and pass this bill. We can reject the creeping paranoia that encourages any nut with a gun and a grudge to take up arms and terrorize the rest of us. Or we can pretend we are powerless to stop the bombing of children and the murder of innocent men and women in future terrorist violence. These are our choices, and they are crystal clear.

Now, I understand and sympathize with the legitimate concerns of those who say we should be careful to protect our liberties as we consider this bill. I share their concerns. I supported and sponsored amendments that are built into this bill to help meet our shared concerns, and I am absolutely convinced that as this bill stands before us today, it has been well crafted to protect those liberties.

But what I do not understand and what I do not share are the extreme hypotheticals that extreme advocates who have lobbied this House from both the right and the left have invented to oppose this bill. Anyone can dream up these tortured fantasies. Anyone can invent an extreme hypothetical under which someone, somewhere, somehow will be treated unfairly by Federal laws we pass. These may be interesting academic exercises for law professors, but we cannot allow these tortured fantasies to paralyze Congress and the Nation. We have to balance.

If there were no bombings at all, no terrorism at all, we would not need this bill at all. If there were bombings everyday, we would need even much stronger action. I do not want us to be too late with too little. Everything is a balance. You cannot, cannot, do nothing without some hypothetical coming up there and rearing its head.

□ 1315

I originally introduced the terrorism legislation similar to this last year before the Oklahoma City bombing. People then said we are overreacting. Oklahoma City proved them wrong.

What will we say if America suffers another such catastrophe? The point is that we already had a process that built safeguard after safeguard into the bill. We have had enough deliberation, enough debate. It is time to act. This bill does not trample our rights. Terrorism, terrorist violence, tramples our rights. Terrorist violence is not a clever hypothetical; it is a harsh fact.

Go be briefed by the FBI counter-terrorism unit and find out what is going on in America. Ask the survivors of the bombings of Pan Am flight 103 and the World Trade Center, and Oklahoma City. These terrorists are raising money in this country today; they are using that money to blow up children and innocent people. They hate America and all it stands for, and they will hurt us again and again and again unless we give law enforcement reasonable tools to stop them.

Make no mistake; terrorism from overseas is real, terrorism from these shores is real. They are real, not hypothetical.

So, my colleagues, we must act. We must act.

I would ask my colleagues, all of them, which is the greater threat? A fanciful hypothetical under which the Attorney General of the United States turns into a power-mad rogue using this law to go after the Girl Scouts, or some sick, twisted terrorist willing to be able to blow up children sleeping in their nursery? Both are horrible scenarios. Which one is the more real? That is what I would ask my colleagues to weigh.

And so in conclusion, Mr. Chairman, we need a hard, cold, strong, balanced, and effective response to the fact of terrorism. This bill provides it. I ask my colleagues from both sides of the aisle, because we will not pass this bill without help from both sides of the aisle, to answer the plea of the overwhelming majority of Americans and vote for this bill.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds because our distinguished colleague from New York was not on the floor. I want to commend to him Anthony Lewis' op-ed of March 11, 1996, which pointed out how terrorism wins when we undermine the Constitution, and today's New York Times editorial, which is entitled ''The Wrong Answer to Terrorism,'' and I think they were referring to the bill that he champions.

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

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

Mr. SCHUMER. Mr. Chairman, the New York Times is a great newspaper, but even they sometimes are wrong.

Mr. CONYERS. But not when it comes to you, sir.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the New York Times editorial was wrong, and I will be happy to show my colleague where they are not quite up to speed.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indian [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me. Let me compliment the gentleman on a lot of great work on this bill. It has taken a lot to get through the committee, and we still have a lot of ground yet to cover. The Senate passed theirs last week. I compliment the chairman on permitting a cooling-off process after the Oklahoma City bombing so we could move legislation with good intellect, and thought and reflection.

I believe that the threat to Americans from international acts of terror is very real. From 1990 to 1994, Mr. Chairman, 40 percent of reported international terrorist acts worldwide were directed against United States' interests. Although many Americans do not realize the risk, U.S. citizens and their property are the targets of choice, often called soft targets. They are either business sites or tourist sites. Because of our status as a world superpower, our economic success and our military prowess, we have, in fact, acquired adversaries throughout the world. Whether we like it or not, we must face the dark truth, that there are those who wish us ill on not only our system of liberty, freedom and justice, but that of the American people. These groups or individuals can be highly structured or have more loose networks, but their aim is the same, to disrupt our systems, thwart our democratic policies. Unfortunately these groups do not hold life in the same light as we do and are willing to use innocents to further their aims.

In this bill also is the effective death penalty, and I think that is extremely important. We have individuals who serve on death row for life. What an oxymoron. I think that it is extremely important that we also send a message that those that participate in acts of terror, indiscriminate acts of cowardly terror, should experience the death penalty.

I know that there will be a great debate here on the floor of what to take from the bill and what to leave in the bill. Recognize that there is a process left here. I think that to my colleagues on both sides of the aisle it is important to move this bill, and let us get it to conference. But the most extremely important is let us have a good, effective bill. If we absolutely live in fear, then we have no freedom. So if we have the World Trade Center bombing, and we have it repeated, or the Oklahoma City bombing, and it is repeated, we are living in fear and, therefore, we really cannot enjoy freedom or liberty.

So when we as a people hold the power and we then extend the Government to insure that we protect ourselves, it is called national security. We think of national security so often internationally, but it is also domestic.

I compliment the chairman for this bill.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. MCCOLLUM].

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me.

Mr. Chairman, Islamic fundamentalists are good people, by and large, but there is a radical group of them that control a country called Iran and control a country called Sudan who have a vision of the world that is quite different from ours. They have a vision of controlling with their movement a Messianic totalitarian movement, a southern Europe, the Middle East, northern Africa, the Near East, all the way through India, and over to much of where the Philippines is today, through Southeast Asia, because they believe it is their destiny to do that. They do not think the same way that we do about matters, and they see the United States, in particular, as standing in their way to do this, and they use terrorism as the means of trying to accomplish their end and to drive us out of a region where we have an obligation to be, where we have national security interests that require our being there in those regions of the world where they want to be dominant and where we have national security interests that dictate preventing a Messianic totalitarian organizational scheme of things from controlling the matters at hand. They are, therefore, going to continue to try to bring terrorism into the United States.

And that is why this legislation is so darned important. It is absolutely incredibly important that we pass this bill today.

I hope people understand what is really in here. The guts of this bill have to do with cutting off their ability to raise money in the United States, not just to raise it as in organizations, but to get material support for terrorists individually who may be in this country by giving them lodging, by giving them free rides to the airport, by providing them with explosives, or whatever else. We have created new crimes in here and new punishments in order to aid us in trying to stop this kind of terrorist act coming from abroad into the United States. This is a terribly important bill.

In addition to what it does in that regard, this bill also contains three provisions from the Contract With America that are also critical: the death penalty provision, the provision that says finally, after all these years, we are going to pass a law that ends the seemingly endless appeals that death row inmates have so that we can begin to carry out their sentences much sooner than we have been, not by ending all right to appeal at all, but by making the appeals responsible so that when they finish their ordinary appeals from their conviction they can only go into Federal court one time under routine circumstances and say, hey, I did not get a lawyer who fairly represented me, or I did not get a proper jury being picked, or there was something irregular. They can go in under what is known as habeas corpus one time and one time only, and that will be it, and we will not have 15- and 20-year delays of carrying out of the death penalty again, and we can put some determinate sentencing back into place and send a message to criminals again that when they do the crime, if it is bad enough, they are going to get the death penalty. And we have victim restitution from that Contract With America to mandate at the Federal level paying money back from the criminals to the victims, and we have in here a criminal alien deportation provision that we passed earlier that we are attaching to this bill that is very fundamental to both the terrorist threat and to getting the aliens out of this country more quickly who may come here, and many times the threats to our national security from abroad come in the form of those who are here in some fashion who should be deported and should not be allowed to hang around.

I cannot overemphasize the importance of this.

I also want to make one point; that I am disappointed to compromise with some who saw things of mischief in this bill that was not there that we had taken out, and I did not get the opportunity under the rule to offer an amendment which would have handled the problem with wiretapping that really should not have the emotion it has today in this bill. The truth of the matter is that today we have an ability for our Federal Bureau of Investigation to go to a judge to get a wiretapping order to tap a phone. We should be giving him the power and the FBI the power to go to the court and ask the judge permission to follow the bad guy, whoever he is, because we have portable phones, we have cellular phones, et cetera, and that is all that that provision that was taken out of this bill would have done. But it is out of the bill, so those who are worried about somehow undermining civil liberties can rest assured that this bill does not do it.

But what is in this bill is very, very important to fighting terrorism, and we need to pass the bill.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. NADLER], a cosponsor of the bill.

The CHAIRMAN. The gentleman from New York is recognized for 1¼ minutes.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, I am not going to go into how desperate the situation is and how important it is that we pass a strong and tough antiterrorism bill. I think everybody here agrees on that. The question is what is an effective antiterrorism bill that will effectively fight terrorism without doing violence to the liberties of the American people.

That is the question before us, and we do not have to make speeches about how important a bill is. We know that; we all know that. Let me simply suggest, and I will have to speak later in greater detail, that to have tough-sounding provisions in a bill that are unconstitutional and, therefore, unenforceable gives us the illusion of being tough, but not the reality of doing anything about the problem, and that is one of the problems of the bill that we solve in the Conyers-Nadler-Berman substitute.

Second, we will talk later about some of the real civil liberties problems. We cannot have a procedure for deporting aliens who are allegedly terrorists where they have no opportunity to cross-examine their accusers, no opportunity to see the evidence against them, no opportunity even to know the specific charges, and that is possible under this bill, and that provision is rewritten to provide basic due process in the substitute that we will be talking about later.

Mr. GILMAN. Mr. Chairman, I rise to offer my support to Chairman HYDE for his work in the area of antiterrorism. It has been 1 year since the bombing attack in Oklahoma and over 2 years since the bombing of the World Trade Center in New York. In an effort to help protect against such events from happening again, we have before us today a measure that will ensure the protection of both our Nation's citizens and its borders.

Included in H.R. 2703 are many important provisions aimed at combating terrorism here at home and around the world. First is a provision establishing criminal asset forfeiture authority for visa and passport offenses. This initiative comes about after the revelation that 9 of 35 Federal indictment counts in the World Trade Center bombing were for visa and passport fraud, with the criminal penalties no more than a mere slap on the wrist. Initially we changed this in the 103d Congress. This is the next logical step.

Second is waiver authority of written notice based upon denial of certain visa applications, allowing the FBI, DEA, and other law enforcement and intelligence agencies to share data with the State Department for visa denial purposes, without disclosure to alien applicants who have no right to enter the United States. It will also encourage greater information sharing.

Third is an expansion of nuclear material prohibitions to cover nuclear material no one had ever envisioned would be in commerce before the fall of the Soviet Union, which is very similar to provisions in a bill I introduced at the beginning of the 103d Congress. Finally, the bill will allow the FBI to conduct police training in the former Soviet Union and abroad.

It is imperative that Congress do all it can to combat terrorist attacks, both overseas and here at home. Some may argue that we can approve a better bill than H.R. 2703. However, as a member who represents families that lost relatives with the tragic Pan Am 103 bombing, and as chairman of the International Relations Committee, I am confident that the bill we consider today will provide adequate tools to assist our law enforcement community in combating terrorism and will not infringe upon our constitutional rights.

Accordingly, I urge my colleagues to support this measure.

□ 1330

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 2703 is as follows:

H.R. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Antiterrorism Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CRIMINAL ACTS

Sec. 101. Protection of Federal employees.
Sec. 102. Prohibiting material support to terrorist organizations.
Sec. 103. Modification of material support provision.
Sec. 104. Acts of terrorism transcending national boundaries.
Sec. 105. Conspiracy to harm people and property overseas.
Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 107. Expansion and modification of weapons of mass destruction statute.
Sec. 108. Addition of offenses to the money laundering statute.
Sec. 109. Expansion of Federal jurisdiction over bomb threats.
Sec. 110. Clarification of maritime violence jurisdiction.
Sec. 111. Possession of stolen explosives prohibited.
Sec. 112. Study to determine standards for determining what ammunition is capable of penetrating police body armor.

TITLE II—INCREASED PENALTIES

Sec. 201. Mandatory minimum for certain explosives offenses.
Sec. 202. Increased penalty for explosive conspiracies.
Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.
Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 206. Directions to Sentencing Commission.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Pen registers and trap and trace devices in foreign counterintelligence investigations.
Sec. 302. Disclosure of certain consumer reports to the Federal Bureau of Investigation.
Sec. 303. Disclosure of business records held by third parties in foreign counterintelligence cases.
Sec. 304. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 305. Application of statutory exclusionary rule concerning intercepted wire or oral communications.
Sec. 306. Exclusion of certain types of information from wiretap-related definitions.
Sec. 307. Access to telephone billing records.
Sec. 308. Requirement to preserve record evidence.
Sec. 309. Detention hearing.
Sec. 310. Reward authority of the Attorney General.
Sec. 311. Protection of Federal Government buildings in the District of Columbia.
Sec. 312. Study of thefts from armories; report to the Congress.

TITLE IV—NUCLEAR MATERIALS

Sec. 401. Expansion of nuclear materials prohibitions.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

Sec. 501. Definitions.
Sec. 502. Requirement of detection agents for plastic explosives.
Sec. 503. Criminal sanctions.
Sec. 504. Exceptions.
Sec. 505. Effective date.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.
Sec. 602. Funding for detention and removal of alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

Sec. 611. Membership in terrorist organization as ground for exclusion.
Sec. 612. Denial of asylum to alien terrorists.
Sec. 613. Denial of other relief for alien terrorists.

Subtitle B—Expedited Exclusion

Sec. 621. Inspection and exclusion by immigration officers.
Sec. 622. Judicial review.
Sec. 623. Exclusion of aliens who have not been inspected and admitted.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

Sec. 631. Access to certain confidential INS files through court order.
Sec. 632. Waiver authority concerning notice of denial of application for visas.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

Sec. 641. Criminal forfeiture for passport and visa related offenses.
Sec. 642. Subpoenas for bank records.
Sec. 643. Effective date.

Subtitle D—Employee Verification by Security Services Companies

Sec. 651. Permitting security services companies to request additional documentation.

Subtitle E—Criminal Alien Deportation Improvements

Sec. 661. Short title.
Sec. 662. Additional expansion of definition of aggravated felony.
Sec. 663. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 664. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
Sec. 665. Limitation on collateral attacks on underlying deportation order.
Sec. 666. Criminal alien identification system.
Sec. 667. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
Sec. 668. Authority for alien smuggling investigations.
Sec. 669. Expansion of criteria for deportation for crimes of moral turpitude.
Sec. 670. Payments to political subdivisions for costs of incarcerating illegal aliens.
Sec. 671. Miscellaneous provisions.
Sec. 672. Construction of expedited deportation requirements.

Sec. 673. Study of prisoner transfer treaty with Mexico.
Sec. 674. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.
Sec. 675. Prisoner transfer treaties.
Sec. 676. Interior repatriation program.
Sec. 677. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.

TITLE VII—AUTHORIZATION AND FUNDING

Sec. 701. Firefighter and emergency services training.
Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
Sec. 703. Research and development to support counter-terrorism technologies.

TITLE VIII—MISCELLANEOUS

Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.
Sec. 802. Compensation of victims of terrorism.
Sec. 803. Jurisdiction for lawsuits against terrorist States.
Sec. 804. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.
Sec. 805. Compilation of statistics relating to intimidation of Government employees.
Sec. 806. Victim Restitution Act of 1995.

TITLE IX—HABEAS CORPUS REFORM

Sec. 901. Filing deadlines.
Sec. 902. Appeal.
Sec. 903. Amendment of Federal rules of appellate procedure.
Sec. 904. Section 2254 amendments.
Sec. 905. Section 2255 amendments.
Sec. 906. Limits on second or successive applications.
Sec. 907. Death penalty litigation procedures.
Sec. 908. Technical amendment.
Sec. 909. Severability.

TITLE I—CRIMINAL ACTS

SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

''Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.''.

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting '', or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or'' after ''assaults, kidnaps, or murders, or attempts to kidnap or murder''.

SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—That chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

"§ 2339B. Providing material support to terrorist organizations

''(a) OFFENSE.—Whoever, within the United States, knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or should have known is a terrorist organization that has been designated under section 212(a)(3)(B)(iv) of the Immigration and Nationality Act as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) DEFINITION.—As used in this section, the term 'material support or resources' has the meaning given that term in section 2339A of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

''2339B. Providing material support to terrorist organizations.''.

SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended read as follows:

"§ 2339A. Providing material support to terrorists

''(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

''(b) DEFINITION.—In this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.''.

SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

"§ 2332b. Acts of terrorism transcending national boundaries

''(a) PROHIBITED ACTS.—

''(1) Whoever, involving any conduct transcending national boundaries and in a circumstance described in subsection (b)—

''(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any individual within the United States; or

''(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State or the United States shall be punished as prescribed in subsection (c).

''(2) Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished as prescribed in subsection (c).

''(b) JURISDICTIONAL BASES.—The circumstances referred to in subsection (a) are—

''(1) any of the offenders travels in, or uses the mail or any facility of, interstate or foreign commerce in furtherance of the offense or to escape apprehension after the commission of the offense;

''(2) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

''(3) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

''(4) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, used by, or leased to the United States, or any department or agency thereof;

''(5) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

''(6) the offense is committed in those places within the United States that are in the special maritime and territorial jurisdiction of the United States.

Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of such circumstances is applicable to at least one offender.

''(c) PENALTIES.—

''(1) Whoever violates this section shall be punished—

''(A) for a killing or if death results to any person from any other conduct prohibited by this section by death, or by imprisonment for any term of years or for life;

''(B) for kidnapping, by imprisonment for any term of years or for life;

''(C) for maiming, by imprisonment for not more than 35 years;

''(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

''(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

''(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

''(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

''(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

''(d) LIMITATION ON PROSECUTION.—No indictment shall be sought nor any information filed for any offense described in this section until the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, makes a written certification that, in the judgment of the certifying official, such offense, or any activity preparatory to or meant to conceal its commission, is a Federal crime of terrorism.

''(e) PROOF REQUIREMENTS.—

''(1) The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

''(2) In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

''(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

''(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

''(2) over conduct which, under section 3 of this title, renders any person an accessory after the fact to an offense under subsection (a).

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'conduct transcending national boundaries' means conduct occurring outside the United States in addition to the conduct occurring in the United States;

''(2) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958(b)(2) of this title;

''(3) the term 'serious bodily injury' has the meaning prescribed in section 1365(g)(3) of this title;

''(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

''(5) the term 'Federal crime of terrorism' means an offense that—

''(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

''(B) is a violation of—

''(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

''(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

''(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.

''(h) INVESTIGATIVE AUTHORITY.—In addition to any other investigatory authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

''2332b. Acts of terrorism transcending national boundaries.''.

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended by—

(1) striking ''any offense'' and inserting ''any non-capital offense'';

(2) striking ''36'' and inserting ''37'';

(3) striking ''2331'' and inserting ''2332'';

(4) striking ''2339'' and inserting ''2332a''; and

(5) inserting ''2332b (acts of terrorism transcending national boundaries),'' after ''(use of weapons of mass destruction),''.

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting '', 956(a), or 2332b'' after ''section 924(c)''.

(e) CONFORMING AMENDMENT.—Section 846 of title 18, United States Code, is amended by striking ''In addition to any other'' and all that follows through the end of the section.

SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

''§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country

''(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

''(2) The punishment for an offense under subsection (a)(1) of this section is—

''(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

''(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

''(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.''.

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

''956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.''.

SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''and later found in the United States'';

(2) so that paragraph (2) reads as follows:

''(2) There is jurisdiction over the offense in paragraph (1) if—

''(A) a national of the United States was aboard the aircraft;

''(B) an offender is a national of the United States; or

''(C) an offender is afterwards found in the United States.''; and

(3) by inserting after paragraph (2) the following:

''(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking '', if the offender is later found in the United States,''; and

(2) by inserting at the end the following: ''There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.''.

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(7) 'National of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting '''national of the United States','' before ''and''; and

(2) in subsection (e), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting '''national of the United States','' before ''and''; and

(2) in subsection (d), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside

the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''; and

(2) by adding at the end the following: ''For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' before ''the offender is later found in the United States''; and

(2) by inserting ''; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))'' after ''the offender is later found in the United States''.

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding the following at the end:

''(5) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''AGAINST A NATIONAL OR WITHIN THE UNITED STATES'' after ''OFFENSE'';

(B) by inserting '', without lawful authority'' after ''A person who'';

(C) by inserting ''threatens,'' before ''attempts or conspires to use, a weapon of mass destruction''; and

(D) by inserting ''and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce'' before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking ''section 921'' and inserting ''section 921(a)(4) (other than subparagraphs (B) and (C))'';

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

''(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;'';

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

''(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.''.

SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking ''or extortion;'' and inserting ''extortion, murder, or destruction of property by means of explosive or fire;''.

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after ''an offense under'' the following: ''section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),'';

(2) by inserting after ''section 215 (relating to commissions or gifts for procuring loans),'' the following: ''section 351 (relating to Congressional or Cabinet officer assassination),'';

(3) by inserting after ''section 793, 794, or 798 (relating to espionage),'' the following: ''section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),'';

(4) by inserting after ''section 875 (relating to interstate communications),'' the following: ''section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),'';

(5) by inserting after ''1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),'' the following: ''section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),'';

(6) by inserting after ''section 1203 (relating to hostage taking),'' the following: ''section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),'';

(7) by inserting after ''section 1708 (theft from the mail),'' the following: ''section 1751 (relating to Presidential assassination),'';

(8) by inserting after ''2114 (relating to bank and postal robbery and theft),'' the following: ''section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),'; and

(9) by striking ''of this title'' and inserting the following: ''section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code''.

SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended by striking ''commerce,'' and inserting ''interstate or foreign commerce, or in or affecting interstate or foreign commerce,''.

SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''and the activity is not prohibited as a crime by the State in which the activity takes place''; and

(2) in clause (iii), by striking ''the activity takes place on a ship flying the flag of a foreign country or outside the United States,''.

SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.

Section 842(h) of title 18, United States Code, is amended to read as follows:

''(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.''.

SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETERMINING WHAT AMMUNITION IS CAPABLE OF PENETRATING POLICE BODY ARMOR.

The National Institute of Justice is directed to perform a study of, and to recommend to Congress, a methodology for determining what ammunition, designed for handguns, is capable of penetrating police body armor. Not later than 6 months after the date of the enactment of this Act, the National Institute of Justice shall report to Congress the results of such study and such recommendations.

TITLE II—INCREASED PENALTIES

SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES OFFENSES.

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

''(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

''(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

''(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be less than 20 years; and

''(3) if death results to any person other than the offender, the offender shall be subject to the death penalty or imprisonment for any term of years not less than 30, or for life.''.

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking ''fined under this title or imprisoned not more than five years, or both'' and inserting ''imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both''.

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3295. Arson offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.''.

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is

amended by adding at the end the following new item:

''3295. Arson offenses.''.

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

''(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.''.

SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting ''or conspires'' after ''attempts''.

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking ''or attempted kidnapping'' both places it appears and inserting '', attempted kidnapping, or conspiracy to kidnap''.

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking ''or attempted murder'' and inserting '', attempted murder, or conspiracy to murder''.

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking ''and 1113'' and inserting '', 1113, and 1117''.

(4) Section 175(a) of title 18, United States Code, is amended by inserting ''or conspires to do so,'' after ''any organization to do so,''.

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting ''or conspiring'' after ''attempting''.

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting ''or conspiring to commit'' after ''committing''.

SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A FIREARM KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended—

(1) by inserting ''or having reasonable cause to believe'' after ''knowing''; and

(2) by striking ''imprisoned not more than 10 years, fined in accordance with this title, or both.'' and inserting ''subject to the same penalties as may be imposed under subsection (c) for a first conviction for the use or carrying of the firearm.''.

SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

''(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.''.

SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) APPLICATION.—Section 3122(b)(2) of title 18, United States Code, is amended by inserting ''or foreign counterintelligence'' after ''criminal''.

(b) ORDER.—

(1) Section 3123(a) of title 18, United States Code, is amended by inserting ''or foreign counterintelligence'' after ''criminal''.

(2) Section 3123(b)(1) of title 18, United States Code, is amended in subparagraph (B), by striking ''criminal''.

SEC. 302. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following:

''SEC. 624. DISCLOSURES TO THE FEDERAL BUREAU OF INVESTIGATION FOR FOREIGN COUNTERINTELLIGENCE PURPOSES.

''(a) IDENTITY OF FINANCIAL INSTITUTIONS.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing a consumer reporting agency to 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. The court or magistrate judge shall issue the order if the court or magistrate judge finds, that—

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

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

''(i) 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

''(ii) is an agent of a foreign power and is engaging or has engaged in 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.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(b) IDENTIFYING INFORMATION.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge shall issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing a consumer reporting agency to 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. The court or magistrate judge shall issue the order if the court or magistrate judge finds, that—

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

''(B) there is information giving reason to believe that the consumer has been, or is, 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).

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—(1) Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, after the court or magistrate finds, in a proceeding in camera, that—

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

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

''(i) is an agent of a foreign power; and

''(ii) is engaging or has engaged in 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.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(d) CONFIDENTIALITY.—(1) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than 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).

''(2) 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 is authorized, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports 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—

''(1) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

''(2) 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, or 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 an annual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services 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 any person harmed by the violation 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 person harmed 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 notwithstanding.

''(l) 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. 1681a et seq.) is amended by adding after the item relating to section 623 the following new item:

''624. Disclosures to the Federal Bureau of Investigation for foreign counterintelligence purposes.''.

SEC. 303. DISCLOSURE OF BUSINESS RECORDS HELD BY THIRD PARTIES IN FOREIGN COUNTERINTELLIGENCE CASES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

''CHAPTER 122—ACCESS TO CERTAIN RECORDS

''Sec.
''2720. Disclosure of business records held by third parties in foreign counterintelligence cases.

''§ 2720. Disclosure of business records held by third parties in foreign counterintelligence cases

''(a)(1) A court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds that—

''(A) such records are necessary for counter-terrorism or foreign counterintelligence purposes; and

''(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is—

''(i) a foreign power; or

''(ii) an agent of a foreign power and is engaging or has engaged in 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.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

''(c)(1) The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside the Federal Bureau of Investigation, except—

''(A) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

''(B) 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.

''(2) Any agency or department of the United States obtaining or disclosing any information in violation of this paragraph shall be liable to any person harmed by the violation in an amount equal to the sum of—

''(A) $100 without regard to the volume of information involved;

''(B) any actual damages sustained by the person harmed as a result of the violation;

''(C) if the violation is willful or intentional, such punitive damages as a court may allow; and

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

''(d) 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.

''(e) As used in this section—

''(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate carrier for the delivery of packages and other objects;

''(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

''(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

''(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

''122. Access to certain records ..... 2720''.

SEC. 304. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.

(a) STUDY.—The Attorney General, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 305. APPLICATION OF STATUTORY EXCLUSIONARY RULE CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: ''This section shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, if any law enforcement officers who intercepted the communication or gathered the evidence derived

therefrom acted with the reasonably objective belief that their actions were in compliance with this chapter.''.

SEC. 306. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM WIRETAP-RELATED DEFINITIONS.

(a) DEFINITION OF ''ELECTRONIC COMMUNICATION''.—Section 2510(12) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by inserting ''or'' at the end of subparagraph (C); and

(3) by adding a new subparagraph (D), as follows:

''(D) information stored in a communications system used for the electronic storage and transfer of funds;''

(b) DEFINITION OF ''READILY ACCESSIBLE TO THE GENERAL PUBLIC''.—Section 2510(16) of title 18, United States Code, is amended—

(1) by inserting ''or'' at the end of subparagraph (D);

(2) by striking ''or'' at the end of subparagraph (E); and

(3) by striking subparagraph (F).

SEC. 307. ACCESS TO TELEPHONE BILLING RECORDS.

(a) SECTION 2709.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''local and long distance'' before ''toll billing records'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(4) by adding at the end a new paragraph (3), as follows:

''(3) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director or the Director's designee (in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized international terrorism investigation (as defined in section 2331 of this title).''.

(b) SECTION 2703.—Section 2703(c)(1)(C) of title 18, United States Code, is amended by inserting ''local and long distance'' before ''telephone toll billing records''.

(c) CIVIL REMEDY.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''customer'' and inserting ''any other person'';

(2) in subsection (c), inserting before the period at the end the following: '', and if the violation is willful or intentional, such punitive damages as the court may allow, and, in the case of any successful action to enforce liability under this section, the costs of the action, together with reasonable attorney fees, as determined by the court''; and

(3) by adding at the end the following:

''(f) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter 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.''.

SEC. 308. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.''.

SEC. 309. DETENTION HEARING.

Section 3142(f) of title 18, United States Code, is amended by inserting ''(not including any intermediate Saturday, Sunday, or legal holiday)'' after ''five days'' and after ''three days''.

SEC. 310. REWARD AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

''§ 3059. Reward authority of the Attorney General

''(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

''(b) If the reward exceeds $100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

''(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

''(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

''(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

''(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program under chapter 224 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by striking the items relating to section 3059 and 3059A and inserting the following new item:

''3059. Reward authority of the Attorney General.''.

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

SEC. 311. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

SEC. 312. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

TITLE IV—NUCLEAR MATERIALS

SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''nuclear material'' each place it appears and inserting ''nuclear material or nuclear byproduct material'';

(2) in subsection (a)(1)(A), by inserting ''or the environment'' after ''property'';

(3) so that subsection (a)(1)(B) reads as follows:

''(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property or the environment; or (ii) such circumstances are represented to the defendant to exist;'';

(4) in subsection (a)(6), by inserting ''or the environment'' after ''property'';

(5) so that subsection (c)(2) reads as follows:

''(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;'';

(6) in subsection (c)(3), by striking ''at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and'';

(7) by striking ''or'' at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking ''nuclear material for peaceful purposes'' and inserting ''nuclear material or nuclear byproduct material'';

(9) by striking the period at the end of subsection (c)(4) and inserting ''; or'';

(10) by adding at the end of subsection (c) the following:

''(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.'';

(11) in subsection (f)(1)(A), by striking ''with an isotopic concentration not in excess of 80 percent plutonium 238'';

(12) in subsection (f)(1)(C) by inserting ''enriched uranium, defined as'' before ''uranium'';

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

''(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;'';

(15) by striking ''and'' at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

''(6) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the

United States or any State, district, commonwealth, territory or possession of the United States.''.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

SEC. 501. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

''(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

''(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

''(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

''(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

''(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

''(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

''(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.''.

SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

''(m)(1) it shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

''(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

''(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

''(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

''(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

''(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.''.

SEC. 503. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

''(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 504. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''(l), (m), (n), or (o) of section 842 and subsections'' after ''subsections'';

(2) in subsection (a)(1), by inserting ''and which pertains to safety'' before the semicolon; and

(3) by adding at the end the following:

''(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

''(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

''(A) research, development, or testing of new or modified explosive materials;

''(B) training in explosives detection or development or testing of explosives detection equipment; or

''(C) forensic science purposes; or

''(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term 'military device' includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.''.

SEC. 505. EFFECTIVE DATE.

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''Sec. 501. Definitions.
''Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Consideration of classified information.
''Sec. 507. Appeals.
''Sec. 508. Detention and custody.'';

and

(2) by adding at the end the following new title:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''DEFINITIONS

''SEC. 501. In this title:

''(1) The term 'alien terrorist' means an alien described in section 241(a)(4)(B).

''(2) The term 'classified information' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

''(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

''(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

''(5) The term 'special removal court' means the court established under section 502(a).

''(6) The term 'special removal hearing' means a hearing under section 505.

''(7) The term 'special removal proceeding' means a proceeding under this title.

''ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

''SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

''(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

''(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

''(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

''(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The special removal court shall

provide for the designation of a panel of attorneys each of whom—

''(1) has a security clearance which affords the attorney access to classified information, and

''(2) has agreed to represent permanent resident aliens with respect to classified information under sections 506 and 507(c)(2)(B) in accordance with (and subject to the penalties under) this title.

''APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

''SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

''(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

''(1) The identity of the Department of Justice attorney making the application.

''(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

''(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

''(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

''(A) the alien is an alien terrorist and is physically present in the United States, and

''(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

''(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

''(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

''CONSIDERATION OF APPLICATION

''SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

''(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis of such application and such other information (if any), that there is probable cause to believe that—

''(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

''(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

''(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

''(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

''(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

''(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

''SPECIAL REMOVAL HEARINGS

''SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

''(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

''(c) RIGHTS IN HEARING.—

''(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

''(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

''(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

''(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

''(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

''(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

''(7) NO RIGHT TO ANCILLARY RELIEF.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

''(A) Asylum under section 208.

''(B) Withholding of deportation under section 243(h).

''(C) Suspension of deportation under section 244(a) or 244(e).

''(D) Adjustment of status under section 245.

''(E) Registry under section 249.

''(d) SUBPOENAS.—

''(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

''(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

''(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

''(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

''(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

''(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

''(1) IN GENERAL.—Classified information that has been summarized pursuant to section 506(b) and classified information for which findings described in section 506(b)(4)(B) have been made and for which no summary is provided shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary (if any) provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and after coordination with the originating agency, elect to introduce such evidence in open session.

''(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

''(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

''(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of evidence.

''(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

''(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the

United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

''(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

''(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

''(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

''(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.

''CONSIDERATION OF CLASSIFIED INFORMATION

''SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider each item of classified information the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

''(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

''(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

''(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

''(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

''(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

''(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

''(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

''(A) IN GENERAL.—If, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

''(B) FINDINGS.—The findings described in this subparagraph are, with respect to an alien, that—

''(i) the continued presence of the alien in the United States, and

''(ii) the provision of the required summary,

would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

''(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(B)—

''(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

''(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

''(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

''(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney (as defined in section 501(4)), (and the alien facing deportation under these procedures, may choose which special attorney shall be so designated, if the alien makes that choice not later than 45 days after the date on which the alien receives notice that the Government intends to use such procedures) to assist the alien and the court—

''(A) by reviewing in camera the classified information on behalf of the alien, and

''(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

''(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

''(A) shall not disclosure the information to the alien or to any other attorney representing the alien, and

''(B) who discloses such information in violation of subparagraph (A) shall be subject to a fine under title 18, United States Code, and imprisoned for not less than 10 years nor more than 25 years.

''APPEALS

''SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

''(1) any determination by the judge pursuant to section 506(a)—

''(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

''(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

''(2) the refusal of the court to make the findings permitted by section 506(b)(4)(B).

In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

''(c) APPEALS OF DECISION IN HEARING.—

''(1) IN GENERAL.—Subject to paragraph (2), the decision of the judge after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

''(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

''(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

''(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

''(d) GENERAL PROVISIONS RELATING TO APPEALS.—

''(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought, during which time the order shall not be executed.

''(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c)—

''(A) the entire record shall be transmitted to the Court of Appeals, and

''(B) information received pursuant to section 505(e), and any portion of the judge's order that would reveal the substance or source of such information, shall be transmitted under seal.

''(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

''(A) REVIEW.—The appeal or review shall be heard as expeditiously as practicable and the Court may dispense with full briefing and hear the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

''(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

''(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

''(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

''(B) QUESTIONS OF FACT.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(ii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information

under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

''(e) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

''(f) APPEALS OF DETENTION ORDERS.—

''(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

''(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

''(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

''(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

''DETENTION AND CUSTODY

''SEC. 508. (a) INITIAL CUSTODY.—

''(1) UPON FILING APPLICATION.—Subject to paragraphs (2) and (3), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

''(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

''(A) the alien, if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee, and

''(B) the alien's release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

''(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

''(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

''(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

''(1) IN GENERAL.—If a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

''(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

''(c) CUSTODY AND RELEASE AFTER HEARING.—

''(1) RELEASE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 505(i) that an alien should not be removed, the alien shall be released from custody.

''(B) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

''(2) CUSTODY AND REMOVAL.—

''(A) CUSTODY.—If the judge decides pursuant to section 505(i) that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

''(B) REMOVAL.—

''(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

''(ii) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

''(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

''(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

''(d) CONTINUED DETENTION PENDING TRIAL.—

''(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

''(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

''(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

''(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

''(f) RIGHTS OF ALIENS IN CUSTODY.—

''(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

''(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.''.

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: ''Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.''.

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting ''; or'', and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years,

which sentence shall not run concurrently with any other sentence.''.

(d) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended—

(1) by adding ''and'' at the end of paragraph (8),

(2) by striking ''; and'' at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND FOR EXCLUSION.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking ''or'' at the end of subclause (I),

(B) in subclause (II), by inserting ''engaged in or'' after ''believe,'', and

(C) by inserting after subclause (II) the following:

''(III) is a representative of a terrorist organization, or

''(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,''; and

(2) by adding at the end the following:

''(iv) TERRORIST ORGANIZATION DEFINED.—

''(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

''(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

''(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

''(IV) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

''(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

''(VI) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

''(v) REPRESENTATIVE DEFINED.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity. The determination by the Secretary of State or the Attorney General that an alien is a representative of a terrorist organization shall be subject to judicial review.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: ''The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: ''For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(b) SUSPENSION OF DEPORTATION.—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking ''section 241(a)(4)(D)'' and inserting ''subparagraph (B) or (D) of section 241(a)(4)''.

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting ''under section 241(a)(4)(B) or'' after ''who is deportable''.

(d) ADJUSTMENT OF STATUS.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or'' before ''(5)'', and

(2) by inserting before the period at the end the following: '', or (6) an alien who is deportable under section 241(a)(4)(B)''.

(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting ''and is not deportable under section 241(a)(4)(B)'' after ''ineligible to citizenship''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

Subtitle B—Expedited Exclusion

SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a) IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

''(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

''(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

''(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

''(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

''(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

''(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

''(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

''(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

''(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(v) For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

''(D) As used in this paragraph, the term 'asylum officer' means an immigration officer who—

''(i) has had professional training in country conditions, asylum law, and interview techniques; and

''(ii) is supervised by an officer who meets the condition in clause (i).

''(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

''(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

''(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

''(B) The provisions of subparagraph (A) shall not apply—

''(i) to an alien crewman,

''(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I), or

''(iii) if the conditions described in section 273(d) exist.

''(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.''.

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(b)(1), deportation'', and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(b)(1), if''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 622. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION''; and

(2) by adding at the end the following new subsection:

''(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

''(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner's claim of United States nationality is not frivolous;

''(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

''(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

''(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

''(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.''.

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.''.

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

''Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.''.

SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

''(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES THROUGH COURT ORDER.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting ''(i)'' after ''except that the Attorney General'', and

(2) by inserting after ''title 13, United States Code'' the following: ''and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

''(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

''(II) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant''.

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting '', except as allowed by a court order issued pursuant to paragraph (6)'' after ''consent of the alien'', and

(2) in paragraph (6), by inserting after subparagraph (C) the following:

''Notwithstanding the previous sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used (i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or (ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.''.

SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(3) by adding at the end the following new paragraph:

''(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens excludable under subsection (a)(2) or (a)(3).''.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

''(6) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, which the person used, or intended to be used, in committing, or facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation.''; and

(2) in subsection (b)(1)(B), by inserting ''or (a)(6)'' after ''(a)(2)''.

SEC. 642. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting ''1028, 1541, 1542, 1543, 1544, 1546,'' before ''1956''.

SEC. 643. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the first day of the first

month that begins more than 90 days after the date of the enactment of this Act.

Subtitle D—Employee Verification by Security Services Companies

SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO REQUEST ADDITIONAL DOCUMENTATION.

(a) IN GENERAL.—Section 274B(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For purposes'' and inserting ''(A) Except as provided in subparagraph (B), for purposes'', and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply to a request made in connection with an individual seeking employment in a company (or division of a company) engaged in the business of providing security services to protect persons, institutions, buildings, or other possible targets of international terrorism (as defined in section 2331(1) of title 18, United States Code).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for documents made on or after the date of the enactment of this Act with respect to individuals who are or were hired before, on, or after the date of the enactment of this Act.

Subtitle E—Criminal Alien Deportation Improvements

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Criminal Alien Deportation Improvements Act of 1995''.

SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), is amended—

(1) in subparagraph (J), by inserting '', or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),'' after ''corrupt organizations)'';

(2) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

''(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or'';

(3) by amending subparagraph (N) to read as follows:

''(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;'';

(4) by amending subparagraph (O) to read as follows:

''(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;''

(5) in subparagraph (P), by striking ''15 years'' and inserting ''5 years'', and by striking ''and'' at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

''(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;''; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

''(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

''(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

''(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (A) and inserting ''or'', and

(B) by amending subparagraph (B) to read as follows:

''(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.'';

(2) in paragraph (3), by striking ''30 calendar days'' and inserting ''14 calendar days'';

(3) in paragraph (4)(B), by striking ''proccedings'' and inserting ''proceedings'';

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

''(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

''(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;''.

(5) by adding at the end the following new paragraph:

''(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.''.

(b) LIMIT ON JUDICIAL REVIEW.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended to read as follows:

''(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.''.

(c) PRESUMPTION OF DEPORTABILITY.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

''(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking ''has served for such felony or felonies'' and all that follows through the period and inserting ''has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.''.

SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

''(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

''(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

''(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended to read as follows:

''(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.''.

SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain,'' before ''section 1029'';

(2) by inserting ''section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or

false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery),'' after ''section 1513 (relating to retaliating against a witness, victim, or an informant),'';

(3) by striking ''or'' before ''(E)''; and

(4) by inserting before the period at the end the following: '', or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain''.

SEC. 668. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

''(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or''.

SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

''(II) is convicted of a crime for which a sentence of one year or longer may be imposed,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 670. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 671. MISCELLANEOUS PROVISIONS.

(a) USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: ''; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien''.

(b) CODIFICATION.—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: ''Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.''.

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''and nothing in'' and all that follows through ''1252(i))''.

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 672. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 673. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the ''Treaty'') to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 674. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 675. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 676. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 677. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

''(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

''(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

''(A) in the case of an alien in the custody of the Attorney General, if the Attorney

General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

''(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

''(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).''.

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

''(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.''.

TITLE VII—AUTHORIZATION AND FUNDING

SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated $5,000,000 for fiscal year 1996.

SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed $10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

(1) in obtaining explosive detection devices and other counter-terrorism technology; and

(2) in conducting research and development projects on such technology.

SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed $10,000,000 to the National Institute of Justice Science and Technology Office—

(1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—

(A) detection of weapons, explosives, chemicals, and persons;

(B) tracking;

(C) surveillance;

(D) vulnerability assessment; and

(E) information technologies;

(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting ''crimes involving terrorism,'' before ''driving while intoxicated''; and

(2) by inserting a comma after ''driving while intoxicated''.

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or'' before ''are States not having''.

SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

''(A) an action under this paragraph shall not be instituted unless the claimant first affords the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

''(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act); and

''(C) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process.''; and

(2) by adding at the end the following new subsection:

''(e) For purposes of paragraph (7) of subsection (a)—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.''.

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(B) by adding at the end the following new paragraph:

''(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.''.

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking ''or (5)'' and inserting ''(5), or (7)''; and

(B) by striking ''used for the activity'' and inserting ''involved in the act''.

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL MATERIAL ON THE MAKING OF BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the extent to which there are available to the public material in any medium (including print, electronic, or film) that instructs how to make bombs, other destructive devices, and weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic and international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism; and

(4) the application of existing Federal laws to such material, the need and utility, if any, for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 805. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

SEC. 806. VICTIM RESTITUTION ACT OF 1995.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law'' and inserting ''shall order''; and

(ii) by adding at the end the following: ''The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.'';

(B) by adding at the end the following:

''(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(B) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and'';

(5) in subsection (c) by striking ''If the court decides to order restitution under this section, the'' and inserting ''The'';

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

''(B) projected earnings and other income of the offender; and

''(C) any financial obligations of the offender, including obligations to dependents.

''(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

''(4) An in-kind payment described in paragraph (3) may be in the form of—

''(A) return of property;

''(B) replacement of property; or

''(C) services rendered to the victim or to a person or organization other than the victim.

''(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

''(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

''(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

TITLE IX—HABEAS CORPUS REFORM

SEC. 901. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A 1-year period of limitation shall apply to an application for a write of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

''(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

''(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

''(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

''(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.''.

SEC. 902. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

''§ 2253. Appeal

''(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

''(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

''(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

''(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

''(B) the final order in a proceeding under section 2255.

''(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

''(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).''.

SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

''Rule 22. Habeas corpus and section 2255 proceedings

''(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

''(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.''.

SEC. 904. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

''(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on—

''(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.''; and

(5) by adding at the end the following new subsections:

''(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.''.

SEC. 905. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

''A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

''Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

''(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

''(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.''.

SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting '', except as provided in section 2255.''.

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

''(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

''(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

''(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

''(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

''(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

''(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.
''2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
''2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
''2263. Filing of habeas corpus application; time requirements; tolling rules.
''2264. Scope of Federal review; district court adjudications.
''2265. Application to State unitary review procedure.
''2266. Limitation periods for determining applications and motions.

''§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

''(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

''(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

''(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

''(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

''§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

''(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

''(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

''(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

''(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

''§ 2263. Filing of habeas corpus application; time requirements; tolling rules

''(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

''(b) The time requirements established by subsection (a) shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

''(3) during an additional period not to exceed 30 days, if—

''(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

''(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

''§ 2264. Scope of Federal review; district court adjudications

''(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

''(1) the result of State action in violation of the Constitution or laws of the United States;

''(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

''(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

''(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

''(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

''(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

''(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

''(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

''(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

''(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

''(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

''(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

''(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

''(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

''(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

''(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

''(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

''(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

''(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

''(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.''.

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases ..... 2261".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 908. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

''(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.''.

SEC. 909. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

The CHAIRMAN. No amendments are in order except the amendments printed in House Report 104–480 and amendments en bloc described in section 2 of

House Resolution 380. Amendments printed in the report shall be considered in the order printed, may be offered only by a Member designated in the report, shall be considered as having been read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It shall be in order at any time for the chairman of the Committee on the Judiciary or a designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of such amendments.

The amendments en bloc shall be considered read—except that modifications shall be reported—shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees.

The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

It is now in order to consider amendment No. 1 printed in House Report 104–480.

AMENDMENT NO. 1 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HYDE: On the first page, beginning in line 4, strike ''Comprehensive'' and all that follows through ''1995'' in line 5 and insert ''Effective Death Penalty and Public Safety Act of 1996''.

Page 6, line 1, strike ''should have known'' and insert ''has reasonable cause to believe''.

Page 34, strike line 19 and all that follows through the matter appearing before line 3 on page 47, and redesignate succeeding sections and any cross references (including the table of contents) accordingly.

Page 137, line 15, insert ''the court shall decline to hear a claim under this paragraph'' after ''except that''.

Page 137, beginning in line 16, strike ''an action under'' and all that follows through ''affords'' ending in line 18, and insert ''if the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded''.

Page 137, beginning in line 21, strike ''an action under'' and all that follows through ''national'' and insert ''if the claimant or victim was not a national''.

Page 138, line 2, insert ''when the act upon which the claim is based occurred'' after ''Act)''.

Page 138, line 2, strike ''and'' and insert ''or''.

Page 138, line 3, strike ''the court shall'' and all that follows through ''has been brought'' in line 5, and insert ''if the act occurred in the foreign state against which the claim has been brought and that state''.

Page 138, beginning in line 9, strike ''new subsection''.

Page 138, line 22, strike the close quotation mark and the period that follows it.

Page 138, after line 22, insert the following:

''(f) No action shall be maintained under subsection (a)(7) unless the action is commenced not later than 10 years after the date on which the cause of action arose. All principles of equitable tolling, including the period during which the foreign state was immune from suit, shall apply in calculating this limitation period.''.

Page 151, after line 5, insert the following:

SEC. 807. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

SEC. 808. CLOSED CIRCUIT TELEVISED COURT PROCEEDINGS FOR VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the courts involved shall, if donations under subsection (b) will defray the entire cost of doing so, order closed circuit televising of the proceedings to that location, for viewing by such persons the courts determine have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) NO REBROADCAST.—No rebroadcast of the proceedings shall be made.

(c) LIMITED ACCESS.—

(1) GENERALLY.—No other person, other than official court and security personnel, or other persons specifically designated by the courts, shall be permitted to view the closed televising of the proceedings.

(2) EXCEPTION.—The courts shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(d) DONATIONS.—The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a). No appropriated money shall be used to carry out such subsection

(e) DEFINITION.—As used in this section, the term ''State'' includes the District of Columbia and any other possession or territory of the United States.

Modify the table of contents accordingly.

Page 52, strike line 1 and all that follows through line 17 on page 53.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

Page 125, strike line 13 and all that follows through line 20.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, the manager's amendment that we are discussing now changes the short title of the bill to the ''Effective Death Penalty and Public Safety Act of 1996.''

It conforms the language in section 102, ''prohibiting material support to terrorists,'' to the language already used in section 204. In other words, it says, ''has reasonable cause to believe,'' instead of ''should have known.'' This amendment would codify current case law on actual and constructive knowledge of criminal activity.

This amendment strikes both section 302 and section 303. Section 302 has to do with disclosure of certain consumer reports to the FBI, and section 303 has to do with disclosure of business records held by third parties in foreign counterintelligence cases. Both of those sections are stricken in their entirety.

Next, the amendment amends section 803, having to do with jurisdiction for lawsuits against terrorist states, which in turn amends the existing Foreign Sovereign Immunities Act, 28 U.S.C. section 1602–1611. This section would allow lawsuits by U.S. citizens against terrorist states who are responsible for state-sponsored torture, extrajudicial killing, aircraft sabotage, hostage-taking, or the provision of material support or resources for such acts which result in death or personal injury.

The manager's amendment would change the language in the committee-reported bill requiring that plaintiffs filing suit under this section must first give the foreign state an opportunity to arbitrate the claim. The manager's amendment would only require pretrial arbitration if the terrorist act upon which the lawsuit is based occurred within the boundaries of the country being sued.

The manager's amendment also contains a statute of limitations provision for such suits. The manager's amendment makes it clear that these lawsuits must be filed within 10 years after the terrorist act, but allows cases to be filed after the enactment of this provision, so long as the suit was previously blocked in Federal court based upon sovereign immunity grounds.

This amendment provides for closed circuit televised court proceedings to allow victims to watch a criminal trial where the trial is moved out of the State and a significant distance from where it originally would have taken place; that is, Oklahoma City to Denver. The provision authorizes the acceptance of donations to pay the cost. No new spending is authorized.

The amendment adds section 807, giving the FBI authority to conduct law enforcement training and instruction to foreign law enforcement officers in order to improve the effectiveness of the United States in investigating and prosecuting transnational criminal offenses. With so many countries emerging from Soviet dominance, it is imperative that the United States establish ties and help create professional law enforcement organizations so that our efforts to investigate and prosecute international criminal offenses is enhanced.

The amendment also strikes section 310 of the bill, relating to the Attorney General's reward authority. This provision violates rule XXI, clause 5(a), of the House rules in that it would provide different uses for appropriated funds than those which were originally intended. In addition, reward authority for the Attorney General has been enacted into law elsewhere. The Justice Department supports this change.

Lastly, the amendment strikes section 670 of the bill because it also violates rule XXI, clause 5(a), of the rules of the House. It proposed to allocate fiscal year 1995 funds for the Department of Justice for purposes other than those originally intended in that appropriations bill. Moreover, the provision is moot because all fiscal 1995 appropriations have already been expended.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] seek the time in opposition?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan will be recognized for 10 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the manager's amendment is not all bad. There are parts of it with which I think those of us on our side would agree.

It does, however, raise issues which were not debated or even discussed during the committee markup. Why do we stay for weeks and months in the committee and then come on the floor to get the latest version? I agree that obligation to require pretrial arbitration and lawsuits against terrorist states where terrorism occurs outside our Nation's borders is a good idea. But why not go all the way and eliminate this procedural obstacle completely, as does Conyers-Nadler?

That is the difference. We are not talking about whether these are good points or bad points. We are talking about which one is better, which one is more complete, how one deals more effectively with antiterrorism. Here is a very compelling example. In Conyers-Nadler-Berman, we have the stronger protections for United States citizens who are the victims of violence in terrorist states like Libya by allowing the suits against the terrorist nations to be brought directly in the United States court.

Notice that, please. Mr. Chairman, this is not fine print. This is a huge, enormous difference in dealing with the people that everybody keeps decrying that we have to deal with. This is not rhetoric. We are talking about whose bill is going to be more effective.

Currently, Mr. Chairman, the Foreign Sovereign Immunities Act prevents suits against foreign governments, even if they sponsor terrorism. This manager's amendment by my friend, the chairman, will allow such suits against foreign terrorists in some instances. We allow it in the U.S. courts in all instances. Please, this is a very important distinction. I therefore, reluctantly, oppose the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the amendment, as well as the legislation to which it is offered.

Mr. Chairman, in Oklahoma City last April 19 when we had the horrific bombing that occurred, several things happened that have still not come to rest that affect the 168 families of the 168 people that were killed in that explosion.

I appreciate the fact that the gentleman from Illinois, Mr. HYDE, the chairman, has incorporated in this amendment language that was suggested to him by my colleague, the gentleman from Oklahoma, Mr. LUCAS; language that was suggested to him by myself, and language that I know Senator NICKLES has expressed great interest in.

Mr. Chairman, the trial has been moved from Oklahoma City to Denver, a distance of some 600 miles. When we have 168 stricken families with spouses, husbands, fathers, children, grandparents, grandchildren, and other relatives, all of whom have a great interest in the trial proceedings, we need to understand that we have a law on the books that says a victim of a violent crime has a statutory right to attend the trial. But unfortunately, when this many people desire to attend the trial to exercise their right as victims, they cannot do so if the trial has been moved 600 miles away. It is a great understaking and a great difficulty.

Fortunately, Mr. Chairman, this portion of the amendment specifies that shall be a closed circuit rebroadcast back to the original location, to Oklahoma City, for the benefit of those who are victims and have the right to attend that trial, who have a great desire and interest and a need to attend that trial.

Mr. Chairman, the language has safeguards. The proceedings are not to be rebroadcast elsewhere. They are not available for Court TV or CNN or anyone else that might wish to do so, because we want to minimize the disruptive effect that some might fear would otherwise occur. Certainly the judge retains his ability to say, if someone is a witness who might be affected by hearing the proceedings, then they can be excluded, as the law already requires.

But to the people who otherwise would have to relocate 600 miles for who knows how long, for an extended period of time, because of this trial, this takes into account their need. This allows them to exercise their rights as victims, for what little comfort and help it might be to them; but whatever we can provide to them, we certainly want to do. Mr. Chairman, this makes that possible.

I was pleased to hear this morning, Mr. Chairman, that the Judicial Conference of the United States has endorsed this approach. It is a very narrowly crafted exception to the normal rule against televising criminal proceedings in Federal court; but it will be of great benefit, we hope, for those who had family members who suffered either by loss of life of injury in that terrible explosion.

Finally, Mr. Chairman, the death penalty reform provisions in this measure are very important to those same family members. As one person who lost a family member said to me, she does not want her newborn child to grow to adulthood before she can experience the resolution of knowing that the person or persons responsible have been brought to justice, and that justice, including the death penalty, can be carried out on that person. We do not want these persons to have those multiple years of uncertainty which this bill will remove by reforming the death penalty procedure so, again it can be swift as well as sure.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to begin by complimenting the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, for putting in a bill that strikes a delicate compromise between those who would cry out for personal freedom and those who understand and recognize the tremendous threat to national security that terrorism poses to Americans, both here and abroad.

I rise today in support of the amendment and to the underlying bill, H.R. 2703. This is a bill that goes a long way toward enabling us as a Nation to protect ourselves from terrorism. Providing physical security is, and it should

be, the first order of business of any government.

The preamble to the United States Constitution states that the foundational reason the Federal Government is formed is to establish justice and to ensure domestic tranquility. Undoubtedly, as the Oklahoma bombing and the bombing of the World Trade Center have reminded us, the presence of terrorists is both homegrown and abroad. They are here in our communities and they are there overseas. Recent events in Tel Aviv and Jerusalem and Israel and Japan have also demonstrated how tragically simple it is to commit terrorist acts in a crowded place.

What terrorism does is to create a paralyzing fear in a targeted populace. It is murder for political gain. Taking precautions against terrorist acts does not allow the terrorists to win, as some have suggested, but rather it renders terrorists impotent by eliminating access and the means to perpetrate the terrorism.

What we seek to do here today is to strike a balance between preserving freedoms we hold so dear and still protecting ourselves from terrorist acts. Our society places an extremely high value on liberty and privacy, but this bill does not compromise it. How free are we if we live in constant fear of organized murder on a massive scale in the places we work, travel, and live? This bill achieves a balance by combating this threat while maintaining the values that make America the freest Nation in the world.

□ 1345

This bill is a good compromise and collectively reflects society's outrage and commitment to defeating terrorism here and abroad. It ends the spectacle of organizations like Hamas raising millions of dollars here in America to finance terrorism and murder abroad, including murder of Americans.

I urge my colleagues to vote a resounding ''yes'' on this bill.

Mr. LUCAS. Mr. Chairman, I rise today in support of Mr. HYDE's amendment to H.R. 2703. I support this amendment because among other things, it provides for closed-circuit broadcating of court proceedings in cases where a trial has been moved out of State, and more than 350 miles from the location where the proceedings would have taken place. I appreciate the chairman and his staff's efforts on this provision.

As the Member of Congress who represents downtown Oklahoma City, I believe this provision is crucial, especially in light of the upcoming trial of the suspects in the bombing of the Alfred P. Murrah building. Recently, this trial was moved from Oklahoma City to Denver, and the judge ruled cameras impermissible in the courtroom.

For the victims and survivors of this, the worst terrorist attack to occur on U.S. soil, the trial and any subsequent punishment of those who committed this heinous crime are part of the healing process. For most, this is a time to rebuild their lives, therefore the upheaval of going to Denver to watch the trial seems cruel and unfair.

I believe victims deserve the opportunity to view the trial of those accused of committing a crime. Although it is uncommon for a trial to be moved out of state, this manager's amendment would provide relief for those victims. This is the least we can do for those that experience such a great loss.

Support the manager's amendment and show your support for victims of crime.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–480.

AMENDMENT NO. 2 OFFERED BY MR. BARR

Mr. BARR. 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:

Page 28, strike lines 10 through 20, and insert the following:

SEC. 112. STUDY AND RECOMMENDATIONS FOR ASSESSING AND REDUCING THE THREAT TO LAW ENFORCEMENT OFFICERS FROM THE CRIMINAL USE OF FIREARMS AND AMMUNITION.

(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes; and

(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition, rifles firing handgun caliber ammunition and shotguns; and

(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers' assailants from officers, and those committed with other officers' firearms; and

(D) those killed or seriously injured because shots attributable to projectiles defined as ''armor piercing ammunition'' under 18, §921(a)(17)(B)(i) and (ii) pierced the protective material of bullet resistant vests or bullet resistant headgear; and

(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

(3) the calibers of ammunition that are—

(A) sold in the greatest quantities; and

(B) their common uses, according to consultations with industry, sporting organizations and law enforcement; and

(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act and made available to the public, including any data tapes or data used to form such recommendations.

(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.

Page 34, strike line 6, and all that follows through the matter following line 2 but before line 3 on page 47.

Redesignate succeeding sections accordingly.

Page 48, strike lines 3 through 14.

Redesignate succeeding sections accordingly.

Page 63, strike line 14 and all that follows through line 23 on page 94.

Redesignate succeeding sections accordingly.

Page 95, strike line 10 and all that follows through line 17 on page 100.

Redesignate succeeding sections accordingly.

Page 6, line 1, strike ''or should have known''.

Page 32, line 22, strike the one-m dash and all that follows through ''(2)'' on page 33, run in the material before and after the matter so stricken, and realign the margins of lines 1 through 5 on page 33 so as to be flush to the margin.

Page 47, after line 22, insert the following:

(b) EXCLUSION.—No study undertaken under this section shall include black or smokeless powder among the explosive materials considered.

Page 47, line 23, strike ''(b)'' and insert ''(c)''.

Page 49, strike line 12 and all that follows through line 7 on page 51.

Redsignate succeeding sections accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and a Member opposed each will control 30 minutes.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment, and I claim the 30 minutes in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

Mr. HYDE. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CONYERS], and I ask unanimous consent that he be permitted to yield blocks of time to other Members.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are debating here today fundamentally important legislation. It is fundamentally important legislation because there is no more basic, more critical, more fundamental and more important duty of our Government than to protect its citizens, their homes, their businesses, our public institutions from acts of terrorism, from acts perpetrated by criminals in whatever capacity whatsoever.

Mr. Chairman, I think it is also important as we debate this important bill, the effective Death Penalty and Public Safety Act of 1996, to be careful and mindful of how best to frame the debate over these issues.

I do not think it would be appropriate, Mr. Chairman, to think of our framing this debate in terms of preventing every act of terrorism. If we framed the debate thusly, then we would be forever frustrated in our analysis, in our efforts, because we will never stop criminal activities, no matter how many laws we pass, no matter how effectively or how broadly all of those criminal laws are enforced.

Rather, Mr. Chairman, we need to keep this debate focused on two things. First, Mr. Chairman, how can we most effectively and most comprehensively minimize the chances for acts of terror being committed against our citizens, our institutions, and our homes? The second point that we must keep in mind, Mr. Chairman, throughout this and other debates that we will have in this great body, is how would we do so, how do we pass laws that minimize the chance for terrorist acts and other criminal acts being committed, balanced against the very important, fundamentally important civil liberties that all of us here in this country enjoy enshrined in that great document, our Constitution.

Indeed, Mr. Chairman, the balancing of these concerns is fundamental to the very makeup, the very structure of our Government; the balance between individual freedom and government power, and another balance that is important to keep in mind, Mr. Chairman, the balance between government accountability and absolute government power.

Mr. Chairman, this bill that we are considering here today, crafted in large part by my esteemed colleague from Illinois, the great chairman of the Judiciary Committee, in almost every respect properly balances those concerns, and indeed should be a hallmark for the American people to look to in terms of how to craft legislation that does protect our citizens while being mindful of the important civil liberties guaranteed to all of us.

But, Mr. Chairman, I have before this House today at this time an amendment that includes several provisions that I believe strengthen that balance on the side of protecting individual liberties, while at the same time giving to the Government those tools that it needs to effectively investigate and prosecute acts of terror.

With regard to the various provisions in H.R. 2703 that my amendment seeks to delete, Mr. Chairman, I think it is also important to note that in many of these instances I have proposed their deletion knowing that there are existing, current Federal laws which will remain on the books and fully available to our law enforcement agencies and our Federal prosecutors, laws and adequate safeguards to protect us against acts of terrorism.

I would draw attention, for example, Mr. Chairman, to section 212(a)(3)(b) of our Immigration Act, which clearly defines and gives the Government full and plenary power to exclude and deport not only terrorists but terrorist organizations. I would also draw attention, Mr. Chairman, to the provision in my amendment which would seek to delete section 601 of this bill that relates to special, read that secret proceedings to exclude or deport aliens with provable terrorist connections.

If the Barr amendment is adopted, Mr. Chairman, on this particular point, as one example of the balance in my amendment, we will be doing nothing, absolutely nothing to weaken the very strong tools that our Government currently has under the Immigration Act, for one example, to exclude and deport terrorists or terrorist organizations.

My amendment, with regard specifically to section 601, would simply say we must do so openly, in the light of day, without having the entire proceedings not only secret but so secret that the defendant himself or herself is not even made aware of the evidence against them other than in at best a summary form, with that summary provided by the Government.

I would also want to ensure that my colleagues know that again, for example, with regard to my proposed deletion of section 601, that the provisions of the Classified Information Protection Act or CIPA remain fully available to the Government. If my amendment is adopted, it does not weaken the ability of our Government to protect against disclosure of classified, important national security information in whatever proceeding, including exclusion or deportation proceedings.

I would also like, Mr. Chairman, to focus on many of the limitations that the chairman and others who support this legislation have very properly crafted into the bill, that provide a very real and very substantial limit on expansion and abuse of Federal authority, and we all know that from time to time that does in fact occur.

For example, Mr. Chairman, with regard to title I of this bill, there is protection afforded to all Federal employees and former Federal employees against somebody seeking to kill them because of their Federal employment. This corrects, I think, Mr. Chairman, an imbalance in the current laws of our country that would afford that protection only to certain covered, explicitly listed in our statute, categories of Federal employees.

I do not think, Mr. Chairman, that if a person who works for our Social Security Administration goes to work, that he or she should do so knowing that they are any less valuable to our country and should receive any less protection than somebody that works across the hall from them, that may work for the U.S. attorney's office instead of for the Social Security Administration.

This bill properly protects against abuses of Federal authority in these areas. It is not a vast expansion of Federal authority. For example, further, Mr. Chairman, with regard to title I, the bill does prohibit material support to terrorist organizations. It is clearly limited to those who provide material, demonstrable, substantive support to terrorist organizations, not any organization but terrorist organizations.

Further with regard to title I, it is important to recognize the very strict limitations included in H.R. 2703. For example, with regard to acts of terrorism transcending national boundaries, there are several explicit limiting provisions in this legislation. The underlying predicate with provides for the basic Federal jurisdiction, in the first place, it must cross national boundaries. There must be one of several additional jurisdictional bases before the Federal Government can become involved.

Third, the Attorney General must certify explicitly in writing that the proposed case which it seeks to prosecute is also a Federal crime of terrorism that explicitly, and I repeat explicitly, requires that the crime be designed to influence or to affect U.S. Government policies or conduct. It must relate, then, to a series of explicitly laid out provisions in our current criminal code.

For those Members, Mr. Chairman, who are very properly fearful of abuse of Government power, which does occur from time to time, and are hesitant to grant ever-increasing powers to the Government without a firm constitutional and practical basis for doing so, I say to them that those provisions in title I are replete with provisions that explicitly limit the reach of the Federal Government only to those instances of criminal behavior directly affecting our Federal public institutions and personnel.

Returning, Mr. Chairman, to my proposed amendment and its constituent parts, I believe it does correct some remaining imbalances in H.R. 2703 on which the chairman and his staff and I and my staff and dozens of other individuals have worked mightily for the better half of a year on this. For example, Mr. Chairman, there are provisions in this bill currently which I would seek to delete, which do not affect the underlying important substance of the bill but which would avoid potential problems in the future.

If the Government, for example, Mr. Chairman, is going to prosecute someone who sells a firearm to somebody who then later uses it in the commission of a crime, I do not believe it is unreasonable to require the Government to prove beyond a reasonable doubt that the person that sold that firearm knew that it was going to be subsequently used in the commission of a crime.

Changing and lowering that burden substantially, Mr. Chairman, as the current provisions of H.R. 2703 would do, to the person having reasonable cause to believe, for example, that the

firearm might be used in a future crime, is too vague. It is unnecessary. The Government can currently reach the person that sells a firearm with reasonable knowledge that it will be used in the commission of a crime.

A further provision explicitly dealt with, Mr. Chairman, in my omnibus amendment addresses section 305, the so-called Mack truck provision. I call this a Mack truck provision, Mr. Chairman, because it is so broad, in looking back over it, that one could drive a Mack truck through it.

□ 1400

This is the so-called good-faith exception to the exclusionary rule for wiretap evidence. In layman's terms, Mr. Chairman, this provision would allow the Government to use whatever it overhears in any electronic surveillance activity, whether related to a crime of terrorism or any other crime or other behavior which the Government seeks to stop, even if that evidence was acquired illegally, as long as the Government can go into court and show that it believed or its agents believed that they were operating in good faith.

Mr. Chairman, in title 18, there are very extensive steps which the Government must take in each and every instance in which it seeks to surveil one of our citizens or anybody else electronically in this country. As a former United States attorney, Mr. Chairman, I had to be involved in that process on numerous occasions. It is a very powerful law enforcement tool. But by the same token, Mr. Chairman, those safeguards built into the current title 18 of our code which restrict the ability of our Government to engage in electronic surveillance are very proper because of the very invasive nature, inherent nature of electronic surveillance.

I do not believe, Mr. Chairman, that we should in any way at this time be granting such very broad exception authority to the Government as the current section 305 would do. H.R. 2703 also, Mr. Chairman, would require a study of so-called armor-piercing ammunition. My proposed amendment improves on that requirement. It improves on that requirement, Mr. Chairman, by requiring that the Secretary of the Treasury, in carrying out this important study to protect the lives of our police officers, is conducted in a comprehensive way and in a comprehensive context, studying not only the effects, the availability of armor-piercing ammunition, which, I would hasten to add, is currently illegal under U.S. law. My proposed amendment, which changes and expands the nature of that study, does nothing as does H.R. 2703 currently does nothing to amend or weaken or delete the provisions currently in Federal law in title 18, section 922, that make the importation or sale of armor-piercing ammunition illegal in this country.

This provision, though simple, Mr. Chairman, in my proposed amendment will strengthen that study that is required currently by H.R. 2703. With regard, Mr. Chairman, to what I consider the linchpin of this legislation, and that is habeas corpus reform, it is important to recognize that the proposed amendments in H.R. 2703 to our Federal habeas corpus laws strike a very appropriate balance between Federal and States' rights that is not currently in place. The reforms contemplated by H.R. 2703 will stop the endless, pointless, and abusive delays currently available to those in our State court system to avoid the carrying out of a death sentence.

I was dismayed, though not surprised, to read, Mr. Chairman, that recently in my home State of Georgia a new trial had just been granted to an inmate in a State institution in Georgia who had committed murder and who had been sentenced to death. Not 2 years before, not 5, not 20, but 23 years before, and had just been granted a new trial.

The reforms of our habeas corpus laws in this bill strengthen us and get us back to what our habeas corpus laws were intended to be, and that is a true safety valve for serious abuse by either a Federal or a State court judge. They bring a better balance, because under this bill no longer would a Federal judge be able to arbitrarily take in any habeas corpus case that he or she wants for whatever reason they want. Rather, they would have to, under H.R. 2703, they would have to show that there is an articulable and reasonable basis for bringing that case into the Federal system. It is a true safety valve. Yet it would not be one that could continue to be abused as the current provisions allow.

Moreover, Mr. Chairman, the provisions in H.R. 2703 that relate to reform of our Federal habeas corpus laws would place reasonable time limits on the use of the Federal habeas corpus provision. There have to be reasonable limits. There has to be a reasonable balance, else it will be an unreasonable system and wreak havoc on the American people, as we have seen in decade after decade.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, this is a very interesting and important debate. Frankly, as the distinguished gentleman from Georgia said, we negotiated for 3 months trying to get a bill in proper shape that would be acceptable to people of different points of view in this matter. We took out emergency wiretap provisions, to my regret. We took out roving wiretap provisions, to my regret. We took out use of the military to protect against the use of chemical warfare, say, in mass transportation, to my regret. We took out funding provisions for that domestic counterterrorism center, which the intelligence agencies and the FBI wanted, to my regret.

We have no way to pay for digital telephony, which will permit our law enforcement to wiretap fiber optics, which is the wave of the future, to my regret. But, we bent over backwards to accommodate the distinguished gentleman because we wanted his support. Evidently, we did not bend over far enough, because now we have several other objections to our bill that he seeks to strike.

First of all, let me make clear I resist with whatever strength I can muster the gentleman's amendment without in any way diminishing my profound respect for his sincerity and for his scholarship.

But, for example, he strikes section 301 of the bill relating to pen registers and trap and trace devices for foreign counterintelligence investigations. We are talking about counterespionage cases where one is suspected of being a spy for a foreign government. Pen registers record the telephone numbers called from a telephone; trap and trace devices record the telephone numbers calling into a telephone. The law requires that a court order must be obtained before these devices can be installed, and it does not seem to me too big a stretch for our law enforcement to learn who is calling whom in an appropriate criminal investigation after a court order.

This is especially vital in espionage cases because of the necessarily secretive nature of the contacts between a spy and a foreign government agent. There is no fourth amendment protection for one's telephone number. But, in striking this from the bill, we seem to imply one.

Strike section 305, this is serious. This provides in the bill a good-faith exception to the statutory exclusionary rule for wiretap evidence. In other words, if you get a court order, a warrant to wiretap, and there is a defect, a technical defect, but it was made in good faith as determined by a judge, you still have a suppression of that evidence, because it did not comply with the fourth amendment.

Well, I hate to remind our people, but this Contract With America, which was signed by myself and the gentleman from Georgia and others, specifically provides, on page 62, for a good-faith exception to the exclusionary rule. The contract says too many guilty go free because of simple technical errors committed by officers who believed they were conducting proper investigations.

May I say, the gentleman from Georgia was a leading defender of the good-faith exception to the exclusionary rule on February 7, 1995. I have his remarks here, and they do make stirring reading, and I commend them to my colleagues. But that is out, under the gentleman's amendment, somewhat to my surprise.

Another part of the bill that the gentleman from Georgia strikes is section

601, the alien terrorist removal provisions. I vehemently oppose effort to strip these provisions from the bill. These were thoroughly discussed, debated in committee, and the bill will be incomplete without these alien terrorist removal provisions. They do not deny due process rights to aliens. An alien will not find himself in these proceedings unless a Federal district court judge finds that there is probable cause to believe that the alien is a terrorist and that the use of normal deportation proceedings would pose a risk to the national security of the United States.

The alien in entitled to court-appointed counsel at these special hearings, which will be open to the public. The alien gets extensive rights to confront and cross-examination witnesses and examine any nonclassified information.

Now, when you get to classified information, it may be used as evidence in the deportation proceedings, but only if the alien is given an adequate summary of the classified information that will enable him to defend the allegations.

Legal permanent resident aliens will be given an attorney at Government expense who can challenge the classified information if no summary can be provided. The only circumstance in which classified information can be used without providing a summary to the alien is if the judge finds that providing the summary would cause serious and irreparable harm to the national security of the United States or serious bodily injury to any person, and the continued presence of the alien in the United States would pose the same risks.

The Government's burden of proof, as in regular deportation proceedings, is to establish by clear and convincing evidence that the alien is a terrorist.

Now, please hear me, the Supreme Court and lower Federal courts have upheld the authority of the Immigration Service to use classified information in the cases of aliens who seek discretionary relief from deportation without disclosing such information to the applicant.

I have got all the citations here. The sixth-amendment protection of our confrontation rights has no application in deportation proceedings, because they are purely civil matters. They are not criminal. Striking these provisions, as the gentleman does, would lead to alien terrorists being allowed to remain in the United States, to harm our citizens and lawful residents.

Now, the next thing I object to is his striking of section 611. Section 611 bars entry of representatives and members of designated terrorist organizations and the process by which those foreign groups are designated as terrorists. By passing the Barr amendment, you remove from the bill the process by which groups are designated terrorists. These are not done arbitrarily with the Attorney General, who provides the factual evidence to Congress, and judicial review is provided to the group or the individual.

I do not know how much more protection you can have to protect us from alien terrorists, who really have no right to come in this country, anyway. In any event, that is barred, and the process by which these groups are designated as terrorists. And, so, with Hamas, Hezbollah, Islamic Jihad, there is no way to designate them as terrorist organizations.

We can designate a terrorist country under another law, thank God. They have not found that yet or they would take that away.

But here they are not going to let you designate terrorist organizations. Your Washington Post today, on page A18, says Hamas is raising money in the United States today. Are you comfortable with that? I am not.

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

Mr. HYDE. I will yield to the gentleman.

□ 1415

Mr. SCHUMER. Is the gentleman saying that under the Barr amendment, Hamas would continue to be perfectly allowed to raise money here in America, members of Hamas would be allowed to come to America? Is that correct?

Mr. HYDE. That is correct.

Mr. SCHUMER. Mr. Chairman, that is amazing. I thank the gentleman.

Mr. HYDE. Last, Mr. Chairman, the gentleman strikes the reasonable-cause-to-believe language in section 102 relating to knowingly providing material support to terrorist organizations, and section 204 relating to knowingly transferring a firearm to another, knowing or having reasonable cause to believe it will be used in a crime of violence or drug trafficking offense.

The key here is knowingly or having reasonable cause to believe. Now, what the gentleman from Georgia [Mr. BARR] objects to is reasonable cause to believe, thinking that is too amorphous a standard. I just submit that it is the law in all other places in the code. I suggest 18 USC section 922(f)1 and (i), for instance. So this is nothing new or strange.

I just submit it will be unfortunate if the Barr amendment passes, because we eviscerate the bill. It still has some good in it, but it is a frail representation of what started out as a robust answer to the terrorist menace.

Mr. Chairman, I reserve the balance of my time.

Mr. BARR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with regard to the comments made by my distinguished colleague, the chairman of the Committee on the Judiciary, I would want our Members to understand that in deleting section 301 of this bill as my amendment would do, we are not in any way preventing, prohibiting, or weakening the government of our country from seeking information by court order against any person, whether they are foreign or domestic, terrorist or somebody that simply violates one of the other provisions of our criminal laws. We are not weakening that capability which our Government now has.

With regard to my distinguished chairman's reference to the good-faith exception, oh, how I wish it were as limiting as he would have us believe. It does not simply say, if wiretap evidence is sought to be introduced into evidence and yet is excludable because of a technical defect in the wiretap documentation, that it can be admitted.

It is not so limiting. It applies to any evidence whatsoever, in whatever type of case whatsoever, that is obtained by our Government pursuant to electronic surveillance, gathered in violation of those provisions of our law that set limits on the admission and the gathering of electronic surveillance, so long as the Government agents can come into court with a straight face and say we did it in good faith.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARR. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, this is one of our major concerns among the groups called the conservative action team in the House. I just want to make absolutely clear to all of our colleagues what the gentleman is saying right now, and I want them to understand it. This is going to expand the ability for people to be wiretapped way beyond where it is right now.

Mr. BARR. Mr. Chairman, the gentleman is correct.

Mr. BURTON of Indiana. So any citizen of the United States might be subject to this good-faith exception which would allow the Government to find something out about them inadvertently through a wiretap that could cause them unbelievable problems.

Mr. BARR. The gentleman is correct.

Mr. BURTON of Indiana. I think my colleagues ought to think long and hard about that. One of the things we are concerned about is expanding the Government's ability to spy on or to find out everything about any individual in this country. Expanding this wiretap provision, I think, is something that is very, very disconcerting to me and many of my colleagues.

Mr. BARR. I thank the gentleman for his insightful comments.

Mr. Chairman, I would also direct my learned colleagues who oppose this very limiting and responsible and reasonable amendment that I am proposing to our Immigration and Nationality Act laws. There could be no broader definition of terrorist activity or terrorist organization or of the activities in this country in which those people would want to engage, such as raising money for a terrorist organization, than is currently found in our Federal laws. We have the protection currently. We have the capability currently to deal with these problems.

What I have a great concern with are those provisions in H.R. 2703 that would give this President or any President and his or her Secretary of State unilateral plenary authority to declared some group they do not like a terrorist organization.

Our current laws, which we are not seeking to amend, provide the necessary safeguards and capability for our Government.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York [Mr. NADLER], the cosponsor of the Conyers-Nadler substitute.

Mr. NADLER. Mr. Chairman, let me begin by commending the gentleman from Georgia [Mr. BARR] for his diligence and some of the provisions in his amendment, many of which I would point out are not copied, but included in identical form in the Conyers-Nadler-Berman amendment.

We agree, I certainly agree, and I commend the gentleman for his provision, that would remove section 301, granting the FBI new authority on pen registers and trap and trace devices. We agree with and I commend the gentleman on his section disallowing the provision in the bill to allow wiretapping evidence obtained in good faith against defendants, as the gentleman points out, the Mack truck provision, without any court order. It is a terrible violation of civil liberties and a very dangerous expansion of Government power. Again, we do this in the substitute that will be considered later.

There are a number of others. We agree with the gentleman and include in our bill the deletion of section 112 and modification of section 304.

Unfortunately, I cannot support the amendment, though I agree with a lot of what it does. As I said, much of what it does is included in the substitute we will be offering later, because, to quote the Congressional Quarterly's Washington Alert of yesterday, it says that this amendment would dump most of the provisions aimed specifically at terrorist activities and would turn the package into a simple anticrime bill.

There is nothing wrong with an anticrime bill, but we are supposed to be dealing here with an antiterrorism bill.

Now, I understand the concern and why the gentleman wants to delete the provision allowing the Secretary of State to brand any organization as a terrorist organization and put it out of business. We agree with the gentleman's concern. But we cannot go so far as to delete it. What we have done in our substitute we will consider later is to subject that to a meaningful judicial review, to rein in that power. But without that, we have no prohibition that can be enforced against the funding from the United States of terrorist organizations.

Likewise, the gentleman's deletion of the provision in I think section 601 permitting use of secret evidence against criminal aliens, whom we want to deport, I call that the Star Chamber court provision, to reinstate the court of Star Chamber that our ancestors rebelled against in this country. I agree that this provision is unconstitutional and is overbroad and is very destructive of civil liberties, but we in our amendment modify it. We provide basic due process protections. Again, without that we could not deport criminal aliens, not aliens, but alien terrorists in many situations.

So I commend the gentleman from Georgia [Mr. BARR] and commend many of the provisions of his amendment, which, as I said, we duplicated in our amendment, but, unfortunately, I cannot support this amendment, because it removes the anti-terrorist provisions which should be modified but not removed.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Chairman, reasonable men differ on issues reasonably, and I agree with the gentleman from Georgia that we need balance in this area. But I do not think he is striking the balance, and I must oppose strenuously this amendment, because I frankly think it guts this terrorism bill. If we enact the provisions that he is asking us to enact to strike from this bill those things he wants to strike in toto, the sum of that would be highly irresponsible.

I particularly am concerned with a provision just mentioned, the exclusion of the denial of asylum for alien terrorists. The ability of the Secretary of State to name foreign organizations in the Federal registry as terrorist organizations is absolutely essential. Somebody has got to do that.

We very strictly confine in this legislation who does it. But, by golly, we have to identify who they are and what the foreign terrorist organizations are, and then kick those people out and do not let them come in.

We are talking now about asylum seekers. We do not want people to come into our airports in New York and Miami and San Francisco and have the opportunity when they set foot in this country to claim political asylum, ''hey, I will be persecuted if I am sent home,'' and use that as a cover to stay here, as we have had terrorists already do involving the World Trade Center and other activities in this country. We cannot afford to allow that to happen. If you take away the naming of the terrorist organizations, as he does, and do not allow them to be identified and then have the power in this law to exclude them when they come into those airports and deny them asylum, you have taken away an incredibly important tool we are going to all rue to fight terrorism.

The next time we have some major foreign organization, a state from Libya, Iran, Iraq, or Hamas or whoever come over, bomb a building, kill a lot of people, we are going to be the ones to blame for it, not somebody else.

Some of the things in the Barr amendment we can differ on, we can say we agree with or fudge around the corners. But the gentleman does not allow us to break it apart. It is a total package. you either take it or leave it, and we must leave it. In the strongest possible terms I urge the defeat of the Barr amendment. It is irresponsible.

Mr. BARR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. TAYLOR].

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Chairman, if we knew that government was perfect and it was all goodness and light, we might not need this amendment. We know from the Travelgate revelations that justice is not always blind. In fact, it is not even always just when administered by individuals. We know that the government will mess up a one car funeral, and, when dealing with our civil rights, that is a mistake we do not want to make.

I support the Barr amendment because it would protect innocent firearm vendors who could be held liable for failure to know they are lending support to those who may commit crimes.

The amendment corrects privacy concerns by eliminating the right of law enforcement officers to access certain consumer, hotel, telephone, and employer records in order to conduct a criminal investigation. Most importantly, the Barr amendment corrects the overreaching language in title III which would allow for good faith exceptions to the exclusionary rule for permitting evidence obtained by wiretaps. I have serious concerns about giving law enforcement officers even more power to use wiretapped evidence, and therefore I support the Barr amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. HEINEMAN], a distinguished member of the Committee on the Judiciary.

Mr. HEINEMAN. Mr. Chairman, I stand in opposition to the Barr amendment. There are great sections of this terrorism bill, effective death penalty reform, victims restitution, criminal alien deportation, that are great. That is fighting crime. But what does it do substantively for the cops?

This is not a cops bill. What the gentleman's amendment does is it guts the bill. As stated in section 112 of the overall bill, 112 states that the National Institute of Justice shall test every single commercial bullet in this country against every single piece of protective armor that the policemen carry, that they can buy commercially.

Have you ever ridden downtown at midnight? Were you ever scared? Cops handle 911 calls. They cannot turn

them down. They have to go to a 911 call. When people are running out of banks, the cops have to run into banks, and they have to feel secure that their protective armor is good and contains integrity.

I say that we need to deal with the cops. This is not a cops bill. We need to retain section 112, which is a cops bill. I say let us leave politics out of this.

□ 1430

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], former chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. I thank very much the gentleman for yielding this time to me.

Mr. Chairman, like the gentleman from North Carolina [Mr. HEINEMAN], I consider myself a strong friend of law enforcement. I consider this amendment, the Barr amendment, to be the most anti-law enforcement amendment that we will see in this entire bill.

Mr. Chairman, if we ask police officers, if we ask FBI agents, about the Barr bill, they will be amazed that anyone who considers themselves pro-law enforcement would vote for this, and let me make one thing perfectly clear:

Under the Barr amendment, Hamas will be allowed to continue to raise funds here, and an individual can write on their passport that they are part of Hamas, and the State Department cannot prevent them from coming here.

I would ask my good friend from Georgia, does he remember the sheik, a man who came in, who was part of a terrorist organization, and blew up the World Trade Center and killed innocent people? Under the Barr amendment the sheik could say I am part of a terrorist organization and walk right into America, and then he could raise money and send it back home to be used for blowing up innocent people.

This amendment is a travesty. If this amendment passes, and I have put my guts into this bill, I have taken a good amount of flack from people on my side. But I cannot vote for this bill with the Barr amendment because it will become a total sham. It will not be an antiterrorism bill, it will not be a pro-law enforcement bill. It will just be a shred of something that is left.

And do my colleagues know what? If we in this body dare vote for this amendment and then vote for the bill, we will understand why the American people think we are hypocrites. Because we cannot say we are passing an antiterrorism bill, and then put nothing in it, and take out every provision because of some hypothetical. What are we thinking of here? People's lives are at risk. We have had people die of terrorism. It was not even thought about that on these sacred shores terrorists could kill our citizens, and now we have seen several events where people are dead.

The bill that the gentleman from Illinois has put together is a carefully crafted measure. There are those on both the far right and the far left who oppose it; I know that. But this amendment, this amendment, just eviscerates that bill.

I will not support an amendment that panders to either side. I will not support an amendment that says it is fighting terrorism and does nothing to stop a Hamas or any other terrorist organization from raising money here in America. I will not support an amendment that makes fighting terrorism, something we should all care about, a sham. I strongly urge my colleagues on both sides of the aisle to oppose this amendment.

Mr. BARR. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding this time to me. Let me just say that I want to vote for this bill, but I cannot vote for it without the Barr amendment in it, and I want to tell my colleagues why.

If the Government of the United States can through, quote-unquote, good faith tap our phones and intrude into our lives, they violate our constitutional liberties, and that is something that we should not tolerate, and that is in section 305 and section 307. The FBI can gain access to individual phone billing records without a subpoena or a court order. Once again I believe that infringes upon our constitutional rights and liberties, and while we are trying to deal with terrorism, and we should, we should not violate our constitutional rights and liberties, and I believe this bill in its present form does. And that is why I think the Barr amendment is absolutely essential if we are going to pass something that will really deal with terrorism crime, but protect the liberties that we fought so hard for in the Revolutionary War.

Mr. CONYERS. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I am not quite sure where the gentleman whose amendment this is is coming from because of his very strong prosecutorial and law enforcement background, and it leaves me confused that his amendment does not stop the FBI from intercepting stored e-mail and electric funds transferred information, although he does prevent the FBI from obtaining information from 10 registers which record the numbers dialed on a telephone. Was there some law enforcement reason that the gentleman drafted his amendment in that way?

Mr. Chairman, I would yield to the gentleman if he chooses to make a response about it.

Mr. BARR. I will address those and other issues on my time. I have learned early on that it is not best to do it on somebody else's.

Mr. CONYERS. The gentleman does not have much time left. My colleague, I am being super-generous this afternoon.

Mr. BARR. I appreciate the gentleman's generosity.

Mr. CONYERS. Does the gentleman know what I think? I think I can come to my own conclusion, then, with the gentleman declining to explain this.

Mr. Chairman, I have two conclusions. One, he intended to do it this way; and, two, it was sloppy draftsmanship. Who knows? But we have got a problem, I would say to the gentleman, and it has been delineated very carefully in the discussion so far. Five minutes from now the gentleman will never have a chance to explain anything about this before 435 people vote on it. It is a very important subject matter. Some people are saying that whether this amendment succeeds or fails will determine the fate of the antiterrorist bill in the House of Representatives.

We have a lot of things floating around here, and I just think that the gentleman might want to make us at least understand what he is doing. He is a respected person, a former leader in the Department of Justice. What in the world is going on here? Does the gentleman know that he would allow the Islamic Jihad to come into the United States and not be denominated a terrorist organization in his bill?

May I get the gentleman's attention? If the gentleman does not want to talk to me, he does not have to, but does the gentleman know that? That is a fact.

Mr. BARR. Do I know what?

Mr. CONYERS. Well, if the gentleman would listen to me, I will repeat it again so the gentleman can respond to me.

Does he know that the Islamic Jihad would be not denominated a terrorist organization under his provision? Does he understand that?

Mr. BARR. If the gentleman would yield, I know that current law would so designate it; yes, I know that. Current law would designate Hamas.

Mr. CONYERS. And is that why the gentleman left it out of the bill, of his amendment?

Mr. BARR. It is under current law.

Mr. CONYERS. Is the gentleman suggesting that the chairman of the Committee on the Judiciary does not understand that, that the chairman of the Subcommittee on Crimes does not understand, that all the members on the Committee on the Judiciary do not understand what the gentleman alone understands? Of course we have got to denominate that. We have got to denominate them as terrorists. That is why we are having—I am not yielding anymore, I am not yielding anymore.

That is why we are here today, I would say to the gentleman, legislating an antiterrorist bill, not a criminal law bill, but an antiterrorist bill. And for the gentleman to hold up an orange book and tell me that it is already in the law, I think I understand what I am going to do with the gentleman's amendment.

Mr. BARR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise today in support of this amendment. I, too, want to support this bill, but I think that there is a balance that has been drafted very carefully by the gentleman from Georgia [Mr. BARR] to balance what we need to do and, at the same time, protect individual rights and liberties.

Terrorism in this country obviously poses a serious threat to us as a free society. It generates fear. But there is a far greater fear that is present in this country, and that is fear of our own Government. We should not further that fear. We should not do anything to promote further lack of confidence in our own Government. Public officials must recognize that our citizens fear not only terrorism, but our Government as well.

A recent Gallup Poll found that an astounding 52 percent of the people believe the Federal Government has become so large and powerful that it poses a threat to the rights and freedoms of ordinary citizens. Four out of ten thought that this danger was imminent. We can ill afford to pass legislation in the name of antiterrorism that is seen by many law-abiding citizens of this country as a threat to their freedoms.

The Barr amendment deletes provisions of the bill that I feel are essential to protect individual rights. I believe this bill violates constitutional rights without the Barr amendment, and it takes away personal liberties which are so precious, and we should not sacrifice them for any cause.

For that reason I urge my colleagues to join me in support of the amendment. The Barr amendment protects our precious individual liberty.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much; I thank him for his leadership. I thank the chairman of the Committee on the Judiciary for his leadership as well.

Mr. Chairman, this is an important issue. It is against a backdrop of an incident that none of us in our lifetime would have imagined, the tragedy in Oklahoma City. So we are facing this issue, trying to emerge into unison around ensuring the safety of Americans on our shores without having experienced a long history of dealing with the terrorism of Oklahoma City. We have, of course, seen the tragedy of Pan Am 103 and the Korean Air Flight 007. With that in mind, then, we must strike a very fine balance.

And the gentleman from North Carolina [Mr. HEINEMAN], Chief of Police, please let me agree with him. I stand in opposition to the Barr amendment because we have got to be focused and strong on terrorism, and terrorism includes our law enforcement officers who day after day after day are confronted by surprises in the community. We have in this bill an appropriate response to cop killer bullets. That is to ensure that we look at the ammunition to determine whether they kill and whether, in fact, they provide a terrorist atmosphere for our law enforcement.

What does the Barr amendment do? It simply provides a study to see if we have killed any cops. Would not my colleagues say that we did not want Oklahoma City to happen? If we have an opportunity today on the House floor to prevent terrorist activities against our law enforcement officers in communities like St. Louis, MO, or Houston, TX, Detroit, MI, Atlanta, GA, is not it our responsibility to, in fact, go in front of it and avoid cop killer bullets from getting on the street?

What about terrorist fund-raising activities? We have just seen the United Way stopped from fundraising if they do a little lobbying to increase more dollars to help kids in our neighborhoods and our communities. But yet we are going to allow, through the Barr amendment, the opportunity for individuals to fundraise and to encourage terrorist activities in this community, in this Nation, with taxpayer dollars. Our constituents' dollars, fundraising for terrorist activities; this is not a good approach to terrorism. Let us vote this amendment down.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Barr amendment.

In the wake of the World Trade Center bombing and Oklahoma City, it is unbelievable to me that we could be standing here today debating an amendment that would weaken the ability of law enforcement officials throughout the United States to protect us from this ever-growing menace in our country.

□ 1445

Mr. Chairman, I had a recent conversation with the FBI Director. The FBI is recognized worldwide as the most effective law enforcement agency in the world. Their efforts in the World Trade Center bombing and the Oklahoma City bombing can stand as an example of effective law enforcement, but they need the tools to do that. My concern is that the Barr amendment limits those tools that they use.

Mr. Chairman, let us have some faith in our judicial system and our law enforcement capabilities in this Chamber. If we pass the Barr amendment, the antiterrorism bill, as it is labeled, will not be worthy of the name. Let us reject this amendment and pass a good bill.

Mr. BARR. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT], my distinguished colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me say at the outset that I am disappointed that the gentleman from Georgia [Mr. BARR] did not include in his amendment a provision to take the habeas corpus provisions out of this bill. But he did not do that. I have to evaluate his amendment on its merits.

Mr. Chairman, I want to say this to my colleagues. There is politics all over this place, on the right, on the left. But I want to tell my colleagues that the Constitution of the United States protects conservatives, protects liberals, protects moderates. The Constitution of the United States protects black people and white people and Mexican-Americans, and the whole range and array of people.

To the extent that we undercut the provisions of the Constitution of the United States, we do our whole Nation a disservice. The gentleman from Georgia [Mr. BARR] is putting back in some sanity and some constitutional provisions. I think we ought to support his amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me ask my friend, the gentleman from North Carolina, who told us that we ought to remember how color-blind the Constitution is and that the provision of the gentleman from Georgia [Mr. BARR] does something good, tell me, why is the gentleman supporting the Barr amendment, just for the record?

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would tell the gentleman, I am supporting the Barr amendment because he restores the good faith exception under the fourth amendment.

Mr. CONYERS. Mr. Chairman, I take my time back. That is all the gentleman is getting.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], chairman of the committee.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. Mr. Chairman, I thank the gentleman, not only for yielding time to me, but for his tremendous work as the chairman of the committee in drafting the antiterrorist bill, which I think is a very strong and needed piece of legislation.

Mr. Chairman, I rise in opposition to the Barr amendment. I do not know if it weakens the bill or if it eviscerates it or guts it, as some of the other speakers have said, but there is no question it deletes it in some way or another.

Mr. Chairman, we must try in this country to prevent every act of terrorism we can. We must do all that is legal to apprehend and convict perpetrators of such acts, to protect the American people. We must give law enforcement every tool possible. That is what this bill does. The amendment, for reasons stated by many speakers, and I do not have the time to enumerate them here, takes away some of the ability of law enforcement to enforce acts dealing with terrorism in this country.

Mr. Chairman, I look at the problems that have happened in Ireland and England, I look at Tel Aviv and Jerusalem. I know that the individuals who have committed these acts, terrorists, are international terrorists. We know they take airplanes, they have contacts in various places. We do not want them to come to our shores. We want them to know that we have the strongest possible law. So for that reason, Mr. Chairman, I support the legislation, the antiterrorist legislation, and hope we will all oppose the Barr amendment.

Mr. BARR of Georgia. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the Barr amendment.

Mr. Chairman, I have to tell the Members that our original antiterrorism bill was terrorizing the good constituents of our district. I have had numerous calls from them. They were genuinely concerned, and I think rightfully so, about the possibility of infringing on their constitutional rights.

Mr. Chairman, I hold here the primary reason I am supporting this amendment. That is because I believe that without this amendment, the original bill seriously threatens some very important constitutional rights. We have to have a proper balance here. If I am going to err, I am going to err on the side of supporting the Constitution. I took an oath to do that when I came here.

I am going to vote for this amendment, and if it passes, and if my amendment which I will offer passes, I will vote for the bill. I did not think we could make a silk purse out of a sow's ear. Our Congressman did that. I think him very much for his diligent efforts.

Mr. BARR of Georgia. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Georgia [Mr. BARR] is recognized for 1½ minutes.

Mr. BARR of Georgia. Mr. Chairman, this, obviously, has been a very vigorous debate, as it should be, and hopefully will continue year after year after year, because these concerns that we are debating today are not going to be concluded in one piece of legislation.

However, Mr. Chairman, I do think it is important to realize that our Government already has at its beck and call vast powers with which to stop, investigate, prosecute, and sentence to lengthy prison times people who commit terrorist acts in this county.

As the gentleman from Michigan [Mr. CONYERS] said previously, I am a former prosecutor, a U.S. attorney. I know from having prosecuted cases involving international figures that they do not come into this country frequently because they are afraid of our criminal justice system because of its strength because of its expanse, because of its ability to stop them, to put them away.

Mr. Chairman, we do not need to grant our Government now vast new powers. They already have them. What we need to do, Mr. Chairman, is to fine-tune what we already have to make it better. My amendment strikes that very delicate but absolutely essential balance with regard to accountability in Government, individual rights, and Government need to protect us.

Mr. Chairman, I urge all of my colleagues on the left, on the right, in that vast middle, to recognize the balance that is struck through the Barr amendment. Vote for it, so we can tremendously strengthen this habeas-death penalty-crime prevention package so it protects all of our citizens without infringing on the rights of law-abiding citizens.

Mr. HYDE. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 1½ minutes remaining.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, it is kind of a sad day for me, and I will tell the Members why. Earlier in the day, standing back there I heard a dear friend of mine, a great Republican, say ''I trust Hamas more than I trust my own government.'' Those words hurt. That is a very tragic situation, because our Government is made up of a lot of people, including me and you, a lot of good judges, honest judges with families.

Yes, there are corrupt judges. There are corrupt clergy. So what? Our Government is run by people in a democracy, and ''I trust Hamas more than I trust my own Government''? I heard the distinguished gentleman from Oklahoma say almost the same thing, about how paralyzed with fear we are of our own Government. We should get rid of the bad apples.

Mr. Chairman, my friend, the gentleman from Indiana, asked my friend, the gentleman from Georgia, does this expand wiretapping; how intrusive. Well, it does not expand wiretapping. It provides for a good faith exception to the exclusionary rule, which the gentleman supported on February 7, 1995; which the gentleman supported when he signed the contract. What happened? Why has it suddenly become a terrible thing to have a good faith exclusion?

Mr. Chairman, I will tell the Members what happened. The ACLU and the National Rifle Association, in a strange, bizarre marriage, the Jack Klugman and Tony Randall of national security policy, decided it was a bad idea, and people who supported it then, including the gentleman from Georgia, enthusiastically did 180 degrees.

Mr. Chairman, I do not care. It is bad policy. We have a real threat. We either do something about it, or take a pass and pretend we are. With the Barr amendment, this is not an antiterrorism bill.

Mr. HEINEMAN. Mr. Chairman, earlier today, I stood in opposition to the Barr amendment as I would on any amendment that compromises the health and safety of police officers. The Barr amendment strips this crime bill of necessary procedures to safeguard the lives of police officers.

Effective and enforceable death penalty reform, victim restitution, expedited criminal alien deportation—these are great law enforcement tools. That is why I support H.R. 2703.

But what about supporting our Nation's cops?

The Barr amendment removes protection for our law enforcement officers and flies in the face of effective law enforcement.

Have any of you ever run into a bank when everyone else is running out of it? I have.

You need to remember a 911 call means you must respond. You have no choice. Are we satisfied that we are protecting the men and women who protect us?

Cops protect all of us, gun enthusiasts as well as gun control advocates. This should not be a political issue.

Let's stop the demagoguery and analyze the facts.

Currently, there are no cop-killer bullets available on the market. In 1986 Congress banned specific types of cop-killer ammunition based on weight and composition. After the M39B bullet was manufactured in Sweden and imported into the United States, Congress expanded the definition of a cop-killer bullet to encompass all alloy coated ammunition which would pierce body armor. This was done in the 1994 crime bill. Thus, Congress not only has the authority and responsibility to ban cop-killer bullets, it has shown a decisive willingness to do so in the past.

The original section 112—the so-called cop killer bullet study does not grant the Attorney General unfettered discretion to ban broad types of ammunition—including some ammunition used solely for hunting. Rather, the National Institutes of Justice [NIJ] will develop a standard to be used to identify any future cop-killer bullets. I have utilized the NIJ's expertise during the 24 years I was the Raleigh chief of police. Under the provisions of H.R. 2703 NIJ can only develop the standard to identify cop-killer bullets, it does not have the power to arbitrarily ban ammunition.

The Barr substitute does nothing for cops. At best the Barr substitute is smoke and mirrors. All of the issues supposedly to be studied in the Barr amendment have in fact already been studied. The FBI already has published the results in the ''Law Enforcement Officers Killed and Assaulted 1994.''

Over the last 10 years, 708 officers were killed in the line of duty with firearms. During 1994, 76 officers were killed in the line of duty.

Of those, 31 officers lost their lives during arrest situations. Firearms were used in 74 of the 75 slayings. Handguns were used in 63 of those killings. Of 223 officers wearing body armor when slain during the past 10 years, 130 suffered gunshot wounds to the head, 61 suffered gunshot wounds to the upper torso, and 18 suffered gunshot wounds below the waist.

The original section 112 study of H.R. 2703 was a win-win for cops. It directed NIJ to formulate standards for Congress to use to determine whether ammunition can pierce body armor and thus be designated cop-killer. These standards do not currently exist. Using these standards, Congress would have been able to scientifically ban any future cop-killer bullets. Development of these standards will prevent arbitrary exclusion of ammunition and allow Congress to intelligently address this life and death issue.

I hope NIJ will formulate these standards unilaterally.

UNIFORM CRIME REPORTS—LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED, 1994

SECTION I: LAW ENFORCEMENT OFFICERS KILLED

During 1994, 76 law enforcement officers were killed in the line of duty. Officers' deaths were recorded by law enforcement agencies in 29 states, the District of Columbia, and Puerto Rico. Of the victims, 45 were employed by city police departments, 14 by county police and sheriffs' offices, and 8 by state agencies. Three deaths were reported by two federal agencies, and Puerto Rico reported 6 killings.

The total was higher in 1994 than in 1993 when 70 officers were slain. Comparisons for 5- and 10-year periods showed the number of officers slain in 1994 was 15 percent higher than in 1990, but 3 percent below the 1985 total.

Victims

Of the 76 officers killed in 1994, 73 were males and 3 were females. The average age of officers slain was 36, Six of the victims were under the age of 25; 20 were between the ages of 25 and 30; 29 were aged 31 through 40; and 21 were over 40 years of age. Sixty-four of the slain officers were white, 11 were black, and one was Asian/Pacific Islander.

The law enforcement officers killed in 1994 averaged 10 years of experience. Twenty-seven officers had over 10 years of law enforcement service; 26 had 5 to 10 years of service; and 15 had 1 to 4 years. Eight officers had less than 1 year of law enforcement experience.

Circumstances surrounding deaths

During 1994, 31 officers lost their lives during arrest situations. A further breakdown of these situations showed 16 officers were killed by robbery suspects, 3 by suspects during drug-related situations, 3 by burglary suspects, and 9 by assailants suspected of other crimes.

Fifteen officers were slain investigating suspicious persons or circumstances; 11 were killed while enforcing traffic laws; 8 were killed while responding to disturbance calls; 6 were ambushed; 4 were killed while dealing with mentally deranged individuals; and 1 was killed while handling or transporting a prisoner.

Types of assignment

Patrol officers accounted for 50 of the 76 victims in 1994. Of those officers killed while on patrol, 43 were assigned to 1-officer vehicles, 6 to 2-officer vehicles, and 1 was on foot patrol. Fourteen victims were on detective or special assignment, and 12 were off duty but acting in an official capacity when slain.

Figures for 1985 through 1994 also show that the largest percentage of victim officers were assigned to vehicle patrol when they were slain. Fifty-four percent of the vehicle patrol officers were alone and unassisted at the time of their deaths, while 31 percent of the victim officers on other types of assignments were alone and unassisted.

Alleged assailants

Seventy-one of 76 slayings of law enforcement officers in 1994 have been cleared. Of the 106 suspects identified in connection with the murders, 102 were male, and 4 were female. Fifty-six of the suspects were white, and 45 were black. Sixty-eight of the 106 alleged assailants were under the age of 30.

Sixty-one of the suspects identified had previous arrests, and 41 had a prior conviction. The records showed that 46 suspects had previous arrests for crimes of violence, 26 for drug-related offenses, and 41 for weapons violations.

Of the 106 persons identified, 75 have been arrested by law enforcement agencies. Sixteen were justifiably killed (5 by victim officers), 11 committed suicide subsequent to slaying the officers, and 4 are fugitives. No suspects have been identified in connection with six slayings.

Dispositions of 973 persons identified in connection with officers' murders during the decade, 1983–1992, were reviewed. By moving the period back 2 years, the number of pending cases was only 15. Of the 973 identified, 787 were arrested and charged; 129 were justifiably killed; 1 was murdered in an unrelated incident; 51 committed suicide; and 5 remain at large.

Among those persons charged for whom final disposition is known, 73 percent were found guilty of murder; 8 percent were found guilty of a lesser offense related to murder; and 4 percent were found guilty of some crime other than murder. Nine percent of the suspects were acquitted or had charges against them dismissed, and 2 percent were committed to psychiatric institutions. One percent of the persons charged with the officers' murder died in custody before final disposition was determined.

Available data revealed that 112 of the 580 offenders found guilty of murder were sentenced to death, 274 received life imprisonment, and 190 were given prison terms ranging from 5 to 450 years. Two were placed on probation, and 2 were given indeterminate sentences.

Weapons

Firearms claimed the lives of 92 percent of the 708 officers killed in the line of duty from 1985 through 1994. Seventy-three percent of the murders were committed by the use of handguns, 13 percent by rifles, 6 percent by shotguns, and 8 percent by other weapons.

Eight-nine officers were slain with their own weapons during the 10-year period. In the same time frame, 169 officers fired their service weapons, and the weapons of 122 officers were stolen.

More than half of the officers killed by gunshot wounds during this 10-year period were within 5 feet of their assailants at the time of the attack. Forty-seven percent of the firearm fatalities were caused by wounds to the head, 47 percent by upper torso wounds, and 6 percent by wounds below the waist.

During 1994, firearms were used in 75 of the 76 slayings. Handguns were the murder weapons in 63 of the killings, rifles in 8, and shotguns in 4. Six officers were shot with their own service weapons.

As in previous years, the most common handgun cartridge types used against officers in 1994 were the .38 caliber, .380 caliber, and 9 millimeter. These three weapons jointly accounted for more than half of the handgun deaths.

One officer in 1994 was intentionally struck with a vehicle.

Body armor

Of 223 officers wearing body armor when slain during the past 10 years, 130 suffered gunshot wounds to the head, 61 suffered gunshot wounds to the upper torso, and 18 suffered gunshot wounds below the waist. Of 61 officers killed by upper torso wounds, 31 officers were killed when bullets entered between the panels of the vests or through the arm openings. Seventeen were killed by wounds above the vest area, and 11 officers were slain when the bullets penetrated their protective vests. Two officers were killed by the wounds in the back area and/or lower abdominal area not protected by their vest.

Also wearing vests, 8 officers were intentionally struck by vehicles, 3 officers were stabbed, 1 was beaten, 1 was struck on the head with a bucket of spackling compound, and 1 pushed to his death.

See the following special report on body armor.

Places

The most populous region, the Southern States, reported 24 of the 76 officers' fatalities in 1994. The Western States reported 18, and the Midwestern States reported 16 officers slain. The Northeastern States reported 12, and Puerto Rico reported 6.

A comparison of regional totals for the two periods, 1985–1989 and 1990–1994, showed that the number of officers killed during the latter 5-year span declined in all regions except the Midwest.

Times

In the past 10 years, 63 percent of the incidents resulting in officers' deaths occurred from 6:01 p.m. to 6 a.m. The figures show the periods from 4:01–6 a.m. and 6:01–8 a.m. to be the hours when the fewest officers are slain and the 2-hour period, 8:01–10 p.m., to be when the greatest number are killed.

Daily figures for the decade, 1985–1994, showed more officers were slain on Fridays than on any other day of the week; the least number of fatalities was recorded on Sundays. A review of the monthly totals for the same years showed January with the highest figure, 74.

Accidental killings

Sixty-two officers lost their lives due to accidents occurring while performing their official duties in 1994. Fifty officers were killed in automobile, motorcycle, and aircraft accidents; 7 were accidentally struck by vehicles; 2 were accidentally shot; and 3 were killed in other types of accidents such as falls, drowning, etc.

Regionally, the Southern States recorded 26 accidental deaths; the Midwestern States, 13; the Western States, 12; and the Northeastern States, 6. Five officers were accidentally killed in Peru.

Mr. BUNNING of Kentucky. Mr. Chairman, I come to the floor today to lend my support to the Barr amendment. Without this important amendment, the bill, despite the good intentions behind it, is fatally flawed and should not be supported.

We do not need another so-called antiterrorism provision to add to the ones that are already on the books. We do need the kind of death penalty reform that the Barr amendment would provide without the trampling of our civil liberties.

The Barr amendment will give us the ability to enforce the death penalty and end the frivolous appeals that keep legitimate cases from being heard in a timely manner. But, the Barr amendment strips away the threat of big brother snooping into the private affairs of American citizens.

In my view, it is important that we adopt the Barr provision so that private records about

consumer credit, public accommodation, and common carrier information do not become tools of the Federal Government without a search warrant.

The amendment will also block Federal authorities from digging around in citizens' telephone billing records without a court order.

Equally important, the Barr amendment will prevent the wrongful use of wiretaps by Government agents simply claiming a good faith exception to the exclusionary rule.

Mr. Chairman, fear of terrorism is no excuse for infringing on the civil liberties of the American people.

I think that the author of the base bill, while completely well-intentioned in this effort, would be the first to admit that there is nothing in this bill that would have prevented the tragedy in Oklahoma.

Terrorists act outside of the law. The Congressional Research Service has compiled a list of the current antiterrorism laws on the books that spans 17 pages. We do not need to add to that list.

To the extent that a committed terrorist can be deterred by the law, I believe the knowledge that we have a swift and sure justice system would be a far better deterrent.

That is why the death penalty reform portion of the bill is so important. Criminals need to know that if they are given the death penalty it will be enforced and the people need to know that their government will protect them from the predators of society.

Stripped of the intrusive provisions, the underlying bill will provide us with much needed change in the criminal justice system.

The bill will provide the mandatory victim restitution that so many of us have wanted for so long. It will make it easier to deport criminal aliens and of course it enhances the ability of the justice system to carry out the execution of violent criminals.

These are all laudable provisions and I congratulate my dear friend from Illinois, HENRY HYDE, for including these measures. We just need to make sure that we attach the Barr amendment so that we can keep the bill focused on punishing criminals rather than expending the power of big government.

We should not indulge ourselves in legislation simply because it makes us feel good to pass something—so that we can go home and say that we passed a bill.

If we are going to pass something, lets make sure that it is consistent with the constitutional freedoms that we Americans enjoy and guard so jealously.

Without the Barr amendment, the bill before us may make us feel better; but, it will be just one more expansion of Federal power and one more restriction on the civil liberties of the people.

As the late Justice Felix Frankfurter said, "Personal freedom is best maintained * * * when it is ingrained in people's habits and not enforced against popular policy by the coercion of adjudicated law."

I urge my colleagues to support the Barr amendment and the bill as amended.

Mr. WATTS of Oklahoma. Mr. Chairman, for the last few months, I have been in contact with hundreds of my constituents in Oklahoma City and throughout my district regarding this legislation that we are considering today.

There is a consensus among Oklahomans that we critically need the habeus corpus provisions that are included in this bill to assure that criminals, including those who perpetrated the Oklahoma City bombing—cannot abuse America's judicial system.

However, there is great—and I believe ligitimate—concern and fear that other provisions in this bill attack fundamental constitutional liberties.

The Barr amendment addresses these problems in a thorough and comprehensive way.

The Barr amendment will delete the fatally flawed provision that would hold innocent firearms vendors criminally liable for failing to know that their customer was planning a felony.

The Barr amendment will eliminate the wiretapping provision that would expand the use of wire communications as evidence in federal criminal prosecutions.

The Barr amendment will delete the provision that authorizes the government to brand organizations as terrorist.

The Barr amendment strips out those sections of the bill that undermine our civil liberties, and I know that many of my colleagues agree that without these deletions, we cannot support this legislation.

I commend the gentleman from Georgia for his leadership on this issue, and I urge my colleagues to support the Barr amendment that underscores and protects the constitutional rights of our constituents. If the Barr amendment passes, we have clean legislation that will stop criminal abuses of our American justice system and merit our strong support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 171, not voting 14, as follows:

[Roll No. 61]

AYES—246

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Chabot
Chambliss
Christensen
Chrysler
Clement
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fields (TX)
Foley
Forbes
Fowler
Frisa
Frost
Funderburk
Gekas
Geren
Gillmor
Goodlatte
Gordon
Goss
Graham
Green
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hutchinson
Inglis
Istook
Jacobs
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Ortiz
Orton
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Young (AK)
Young (FL)
Zeliff

NOES—171

Ackerman
Andrews
Baesler
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Canady
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Dunn
Durbin
Engel
Eshoo
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Heineman
Hilliard
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McCollum
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Miller (CA)
Mink
Molinari
Moorhead
Moran
Morella
Nadler
Neal
Nussle
Olver
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Porter
Quinn
Rangel
Reed
Regula
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Sabo
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano

Shays	Torres	Weldon (PA)
Slaughter	Torricelli	Wolf
Stark	Towns	Woolsey
Stearns	Velazquez	Wynn
Studds	Vento	Yates
Stupak	Visclosky	Zimmer
Thompson	Walker	
Torkildsen	Ward	

NOT VOTING—14

Bryant (TX)	Duncan	Sisisky
Chapman	Laughlin	Stokes
Chenoweth	Martinez	Waxman
Collins (IL)	Moakley	Wilson
de la Garza	Rush	

□ 1513

The Clerk announced the following pair:

On this vote:

Mr. Duncan for, with Mr. Waxman against.

Mr. PACKARD and Mr. WELDON of Pennsylvania changed their vote from ''aye'' to ''no.''

Messrs. MCHUGH, SAXTON, BATEMAN, FROST, BENTSEN, and COX of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1515

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

Mr. Chairman, I yield to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of section 101 of the bill before us dealing with the protection of Federal employees allowing for the Federal prosecution for murder, attempted murder of all officers and employees of the government while engaged in official duties, and I commend the chairman for taking up this measure and making it part of our bill.

Mr. Chairman, our colleague, and an outstanding member of your committee and the House International Relations Committee, Mr. CHABOT of Ohio, joined me earlier this year in introducing H.R. 2737. That particular bill was introduced after we learned of a death of a U.S. Customs inspector along the Mexican border at a drug hearing held last year.

Along the Southwest border not long ago, a Customs Service inspector was run down and killed by a drug trafficking port runner. We were appalled to learn at the hearing that the prosecution was handled not by the U.S. Attorney's Office, but by the local prosecutor.

This should not be the case. Those courageous and dedicated Federal officers such as Customs Service Inspectors, Agents, Canine Enforcement Officers, and other employees engaged in official duties protecting us from drug trafficking and other criminal elements, should be protected under Federal law, and we should not have to rely on local law and local prosecutors in such cases.

Our Department of Justice must be fully empowered and be prepared to prosecute those who would murder or attempt to take the lives of all of the Customs Service personnel engaged in official duties. H.R. 2737 was introduced to insure that would be the case.

I am informed that section 101 of the bill before us will fully cover and help provide full protection for all those Customs Service employees, and all other Federal employees in the future, under appropriate circumstances.

I applaud the chairman's efforts to bring about that worthy goal, and I appreciate this opportunity to work together to solve a serious problem. I thank him for his time and leadership.

AMENDMENTS EN BLOC OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to the authority granted in the rule, I offer the following amendments en bloc. No. 3, Mr. HASTINGS of Florida; No, 8, Mr. TRAFICANT, No. 11, Mr. BACHUS and Mr. SPRATT, and No. 14, Mr. KENNEDY of Massachusetts, and Mr. KASICH.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. HYDE:

Page 6, beginning in line 23, strike ''32'' and all that follows through ''2332b'' in line 25 and insert ''32, 37, 81, 175, 351, 831, 842(m) or (n), 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or 2340A''.

Add at the end of title VII the following:

SEC. 704. SENSE OF CONGRESS.

It is the sense of Congress that, whenever practicable recipients of any sums authorized to be appropriated by this Act, should use the money to purchase American-made products.

TITLE — INTERNATIONAL COUNTERFEITING

SEC. 01. SHORT TITLE.

This title may be cited as the ''International Counterfeiting Prevention Act of 1996''.

SEC. 02. INTERAGENCY TASK FORCE ON INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Secretary of State shall establish, and appoint the members of, an interagency task force (hereafter in this title referred to as the ''task force'') to—

(A) monitor the use and holding of United States currency in foreign countries;

(B) produce a statistically valid estimate of the amount of counterfeit United States currency that is produced, passed, and possessed outside the United States each year; and

(C) coordinate the activities of the agencies represented on the task force in carrying out the duties described in subparagraphs (A) and (B).

(2) COMPOSITION OF TASK FORCE.—The task force shall consist of the following:

(A) The Under Secretary of the Treasury for Enforcement, or a designee of the Under Secretary.

(B) The Director of the United States Secret Service, or a designee of the Director.

(C) The Director of the Bureau of Engraving and Printing, or a designee of the Director.

(D) Such other officers of the Department of the Treasury, including any officer in any bureau, office, or service within the department, as the Secretary of the Treasury may determine to be appropriate, or any designee of any such officer.

(E) A member of the Board of Governors of the Federal Reserve System as designated by the Chairman of such Board, or a designee of such member.

(F) The general counsel of the Board of Governors of the Federal Reserve System, or a designee of the general counsel.

(G) Such other officers of the Board of Governors of the Federal Reserve System as the Chairman of such Board may determine to be appropriate, or a designee of any such officer.

(H) Such officers of the Department of State as the Secretary of State may determine to be appropriate, or a designee of any such officer.

(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the task force.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The task force shall establish an effective international evaluation audit plan that is designed to enable the agencies represented on the task force to carry out the duties described in subparagraphs (A) and (B) of subsection (a)(1) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The task force shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) 1ST EVALUATION AUDIT UNDER PLAN.—The task force shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) SUBSEQUENT EVALUATION AUDITS.—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) REPORTS.—

(1) IN GENERAL.—The task force shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) CONTENTS.—In addition to such other information as the task force may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to detect counterfeit currency.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and an analysis of the statistical significance of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) The total amount of United States currency and the total quantity of each denomination found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(F) An analysis of the types of counterfeit currency discovered and any recurring patterns of counterfeiting, including currency that fits the family of counterfeit currency designated by the United States Secret Service as C—14342.

(3) CLASSIFICATION OF INFORMATION.—

(A) IN GENERAL.—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) CLASSIFIED AND UNCLASSIFIED FORMS.—If, in the interest of submitting a complete report under this subsection, the task force determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) SUNSET PROVISION.—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

SEC. 03. LAW ENFORCEMENT AND SENTENCING PROVISIONS RELATING TO INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) FINDINGS.—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The 103d Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(b) TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—

(1) IN GENERAL.—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) COOPERATION OF TREASURY REQUIRED.—The Secretary of the Treasury shall promptly provide any information request by the Secretary of State in connection with such requests.

(3) REPORTS REQUIRED.—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(c) ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

Add at the end the following:

TITLE —BIOLOGICAL WEAPONS RESTRICTIONS

SEC. 001. SHORT TITLE.

This Act may be cited as the ''Biological Weapons Enhanced Penalties Act of 1996''.

SEC. 002. ATTEMPTS TO ACQUIRE UNDER FALSE PRETENSES.

Section 175(a) of title 18, United States Code, is amended by inserting ''attempts to acquire under false pretenses,'' after ''acquires,''

SEC. 003. INCLUSION OF RECOMBINANT MOLECULES.

Section 175 of title 18, United States Code, is amended by inserting ''recombinant molecules,'' after ''toxin,'' each place it appears.

SEC. 004. DEFINITIONS.

Section 178 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or naturally occurring or bioengineered component of any such mircroorganism, virus, or infectious substance,'' after ''infectious substance'';

(2) in paragraph (2)—

(A) by inserting ''the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances'' after ''means''; and

(B) by inserting '', and includes'' after ''production'';

(3) in paragraph (4), by inserting ''or a molecule, including a recombinant molecule,'' after ''organism''.

SEC. 005. THREATENING USE OF CERTAIN WEAPONS.

Section 2332a of title 18, United States Code, is amended by inserting '', threatens,'' after ''uses, or''.

SEC. 006. INCLUSION OF RECOMBINANT MOLECULES AND BIOLOGICAL ORGANISMS IN DEFINITION.

Section 2332a(b)(2)(C) of title 18, United States Code, is amended by striking ''disease organism'' and inserting ''biological agent or toxin, as those terms are defined in section 178''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] will each control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I would ask the gentleman from Michigan to proceed.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise to commend Congressmen CONYERS and NADLER on crafting a true antiterrorism substitute which balances the fundamental rights of the American people with a firm stance against domestic and international terrorism.

Unfortunately, the Hyde legislation before us today threatens personal liberties and constitutional rights. Once again, the Republicans have taken a great idea—combating terrorism—and turned it into a avalanche of extreme ideas. Why has this bill become bloated with controversial provisions? The answer is simple—leverage. It's time for this body to say enough is enough. The Republican leadership should have learned by now that the American people will not be blackmailed into accepting radical new laws from this Congress.

The Hyde bill dramatically weakens the fourth amendment by allowing illegal search and seizures if they are conducted in so-called good faith. It also allows for a sweeping definition of terrorism by politically appointed officials without judicial review. Lastly, the bill places too many limits on the right to appeal a conviction under habeas corpus. I urge Members to vote for the Conyers/Nadler substitute which corrects some of these problems, while retaining the good sections of the underlying bill.

Worthy of particular mention is the first section of the substitute—and the Hyde bill—which expands the protections for Federal employees. Under the substitute, ''any officer or employee of the United States'' and any person assisting that employee in the performance of his official duties is protected from violent, threatening, or harmful actions.

These simple protections are long overdue. Almost an entire year has passed since the Nation was jolted by the Oklahoma City bombing and the concept of domestic terrorism. Long before that tragic day, however, many of our Federal employees, especially in the western United States, have been putting their lives on the line in order to implement and enforce the laws of the land—the laws this Congress created. Although I have repeatedly requested that the chairman of the Resources Committee schedule hearings on this issue, my requests has been either ignored or deemed an inappropriate ''use of the committee's resources.''

The hostile climate toward our Federal employees, often the result of an extreme faction of the citizenry that opposes the enforcement of land use laws, has been translated into threats or acts of physical violence with increasing frequency.

Last January, a U.S. Forest Service office in Santa Fe, NM, was bombed. The blast resulted in structural damages to the building with repair costs estimated to rise as high as $25,000. No one was injured, this time.

And last August, a bomb was detonated outside of the Nevada home of a U.S. Forest Ranger. His wife and daughter were home at the time of the incident and only escaped serious injury because of sheer luck.

Unfortunately, these two incidents are neither as uncommon nor as isolated as the 5-month window between them may suggest. Throughout the past few years, other offices of the Forest Service and Bureau of Land Management have experienced bombings, Federal employees' and their families have threats, employees have been physically prevented from performing their duties, ranger stations have been vandalized, unexploded pipe bombs have been discovered on public lands, and, as a result, many struggle with daily fear and social isolation.

It is about time for Congress to beef up the legal protection of Federal employees. Those who carry out the laws of the land every day deserve nothing less.

This substitute warns would-be violators in no uncertain terms that there will be serious consequences if you threaten or harm a Federal employee.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

We are now in the portion of the bill where we are now combining four amendments that have been agreed to by the chairman of the Committee on the Judiciary and myself. We support them, and I would like to allow at least one of the sponsors to be recognized, and I will shortly recognize the gentleman from Florida.

But before I do that, I would like to clarify where we are in the proceedings on the antiterrorist bill. Because with the last vote cast, we have just eviscerated the heart and soul of the antiterrorist bill. Here we are, the House of Representatives, with the last vote cast on this bill, we have now eviscerated the antiterrorist bill that was brought by the Committee on the Judiciary. There are no new penalties. Terrorist organizations can now raise funds on our shores, inside of the United States. There are no new tools for Federal law enforcement agencies. And with the National Rifle Association, we have just put to rest the parts that

I supported in the bill brought by the committee.

We now have only the Conyers-Nadler-Berman substitute that will have any hope, if we really want to respond to the victims of Oklahoma, the other tragedies that have been recounted almost with Members with tears in their eyes, and now we have turned around and done this.

I continue to move forward to better provisions of the bill.

Mr. Chairman, in that regard, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me this time. Also I would like to thank the chairman of the Committee on the Judiciary for offering initially to extend to me a small amount of time.

Mr. Chairman, my amendment is simple. It makes it easier for our Government to prosecute those persons who provide material support knowing that the support will be used in acts commonly associated with terrorism. It is designed to buttress existing Federal law and to make those who knowingly support these crimes accountable.

The crimes are enumerated, and in the interests of everyone's time, particularly the chairperson and the ranking member and any other Member who may wish to speak, I merely wish to add in spite of the matters that have gone before us, and I do agree with the ranking member that this matter now has been eviscerated, we must somehow or another get at the roots of terrorism by giving our law enforcement authorities the ability to prosecute those persons who, while they may not actually carry out the activities themselves, enable the terrorists to operate here in the United States as well as elsewhere.

My amendment had hoped to be able to address that specific subject by expanding the enumerated crimes.

I ask support for this version and the en bloc amendments.

Mr. Chairman, it is time to get tough on terrorism. The amendment I am offering today will do just that. I am proposing a very simple, yet very important modification to title I of H.R. 2703.

Title I provides criminal jurisdiction to the United States to investigate and prosecute certain terrorist offenses carried out by or against American citizens as well as terrorist offenses that are planned within the United States but carried out overseas.

Section 103 of title I states that persons who provide material support ''knowing or intending'' that it be used for certain criminal acts will be subject to a fine or imprisonment. The section does not specify that a terrorist must be the one to knowingly provide material support; it states that anyone who knowingly provides material support for terrorist activity shall be punished.

My amendment adds specific criminal violations to the list of crimes currently found in this section. This modification does not tread on civil liberties; it simply expands the list of crimes in the material support provision to cover other acts commonly associated with terrorism. These acts, from title 18, section 2339A, United States Code, include: Arson with special maritime-territorial jurisdiction; development, production, or transfer of biological-nuclear weapons; transferal or possession of plastic explosives which do not contain a detection agent; destruction of communication lines, energy facilities, national defense materials; production of defective national defense materials; and conduct relating to torture.

This amendment is timely and necessary. Here is why:

One of the crimes my amendment will be adding relates to nuclear weapons, as in ''Whoever knowingly provides material support, for the delivery, possession, use, transferal, receives, possess, alteration of, disposes of, or disperses, disposes of, any nuclear material and knowingly causes the death of or serious bodily injury to any person or substantial damage to property; or knows that circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property'' shall be punishable by fine or imprisonment.

Therefore, if I, ALCEE HASTINGS, give money to Hamas, knowing that the funds would be used to transport nuclear material to Tel Aviv, where it would be used against civilians, I would now be punishable under section 103 by imprisonment or a fine. Without this addition, the person who knowingly provided material support for the crime would go unpunished.

By expanding the current list of crimes to include other acts associated with terrorism, we are making the bill more comprehensive. And in the shadow of recent terrorist bombings in Israel and England, as well as an increase of terrorist attacks within the United States, it is vital that we provide law enforcement with sufficient tools to fight these atrocities. Support the Hastings amendment.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Traficant amendment is a sense-of-Congress resolution to Buy American wherever practicable. We certainly support that.

Mr. Chairman, on the Bachus-Spratt-Leach amendment, I yield 3 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Iowa [Mr. LEACH] and I have been working with the Secret Service to address a problem that is critical to our Nation, and that is international counterfeiting.

Members of this body may not know that over half of the counterfeit U.S. currency circulates overseas, and in recent years over half of the U.S. counterfeit currency which circulates domestically was produced overseas.

We, in this legislation, have addressed it in three regards. We have increased the penalties for international counterfeiting. We have worked with the Secret Service on enhancing penalties. The Secret Service has less than 20 agents overseas working on this problem. They simply do not have the manpower. So this bill would require the orderly placement of additional agents overseas.

I am happy to report the Congress has already appropriated funds for those agents. They would be in place by the end of this year.

The third thing that the bill does is it calls for an evaluation of the extent and location of counterfeiting overseas. The gentleman from South Carolina [Mr. SPRATT], I think, is the expert on this area, and I am going to reserve to him discussion of that.

I will close simply by saying this, Mr. Chairman. International counterfeiting funds terrorism. Counterfeit currency is the currency of choice for terrorists. It makes their activities less traceable. It lowers their cost of doing mischief.

Mr. Chairman, at this time I yield to the gentleman from South Carolina for any additional remarks which he would like to make.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to rise in support of this amendment and say that it is the result of nearly 2 years of investigative effort by the General Accounting Office, a committee hearing by the gentleman's Subcommittee on Government Reform, and it is fully warranted.

Now I understand that it also meets with the approval of Treasury Department. We made changes to accommodate them. This deals with a potential problem which needs attention, and we give a mandatory charter to a task force that already exists, but we give them broader authority.

We also ask this task force to report periodically to the Congress, which is a time-honored way of getting the executive branch's attention. This warrants support. And I appreciate the gentleman yielding.

□ 1530

Mr. BACHUS. Mr. Chairman, reclaiming my time, I do want to acknowledge the work of the gentleman from New York [Mr. HINCHEY] on this bill, and I have also mentioned the gentleman from Iowa [Mr. LEACH] for his strong work on the bill, and to again commend the gentleman from South Carolina [Mr. SPRATT], who a year and a half ago realized that we needed more of a handle on the problem.

Mr. Chairman, I would simply close by saying every time we have witnessed a terrorist act throughout this world, we can know that they have probably used counterfeit currency to fund their operations. Not only that, but drug smuggling money laundering, gun running, and the corruption of public officials throughout the world.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY], an author of one of the en bloc amendments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. CONYERS] and the gentleman from Illinois [Mr. HYDE] for including an amendment which the gentleman from Ohio [Mr. KASICH] and myself and the gentleman from Massachusetts [Mr. MARKEY], have worked hard on, to try and deal with what is an astounding gap in Federal law, a gap which allows toxic chemicals, such as sarin, bubonic

plague, and a range of other toxins to not only be made by labs which we support, but then to be readily made available to anyone that might write in and care to request from our labs thousands and thousands of samples of these very, very dangerous materials.

We have laws on our books which make it illegal to make a nuclear bomb, but we have no laws on our books which prevent the same kind of destruction to take place from these kinds of chemicals and biological toxins.

The legislation that is contained en bloc I think will go a long way toward making activities illegal, toward the licensing of individuals and universities and the like. We have worked closely with our universities, we have worked closely with the FBI, and we have worked closely with the CIA to deal with the incidents that have taken place, such as the potential sarin attack against Disneyland late last year, and the incidents that have taken place in both Ohio, Minnesota, and Mississippi by other fringe groups.

This is important legislation, and I appreciate and thank the committee for accepting it en bloc.

MODIFICATION TO AMENDMENTS EN BLOC OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I ask unanimous consent that a revised amendment to H.R. 2703 which the gentleman from Alabama [Mr. BACHUS] has just handed me, which makes important corrections which are agreed upon, be substituted for the text that we have been discussing and that we will vote on with regard to Amendment No. 11.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment en bloc offered by Mr. HYDE:

Add at the end the following new title:

TITLE —INTERNATIONAL COUNTERFEITING

SEC. 01. SHORT TITLE.

This title may be cited as the ''International Counterfeiting Prevention Act of 1996''.

SEC. 02. AUDITS OF INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter in this section referred to as the ''Secretary''), in consultation with the advanced counterfeit deterrence steering committee, shall—

(1) study the use and holding of United States currency in foreign countries; and

(2) develop useful estimates of the amount of counterfeit United States currency that circulates outside the United States each year.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The Secretary shall develop an effective international evaluation audit plan that is designed to enable the Secretary to carry out the duties described in subsection (a) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The Secretary shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) 1ST EVALUATION AUDIT UNDER PLAN.—The Secretary shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) SUBSEQUENT EVALUATION AUDITS.—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) CONTENTS.—In addition to such other information as the Secretary may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to develop estimates of the amount of counterfeit United States currency in circulation outside the United States.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and a statistical analysis of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) An estimate of the total amount of United States currency found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(3) CLASSIFICATION OF INFORMATION.—

(A) IN GENERAL.—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) CLASSIFIED AND UNCLASSIFIED FORMS.—If, in the interest of submitting a complete report under this subsection, the Secretary determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) SUNSET PROVISION.—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—No provision of this section shall be construed as authorizing any entity to conduct investigations of counterfeit United States currency.

SEC. 03. LAW ENFORCEMENT AND SENTENCING PROVISIONS RELATING TO INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.

(a) FINDINGS.—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The 103d Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(b) TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—

(1) IN GENERAL.—The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) COOPERATION OF TREASURY REQUIRED.—The Secretary of the Treasury shall promptly provide any information requested by the Secretary of State in connection with such requests.

(3) REPORTS REQUIRED.—The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(c) ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.—Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Illinois?

Mr. BACHUS. Mr. Chairman, reserving the right to object, I would simply say this is a change that the Secret Service requested.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Illinois?

There was no objection.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Illinois [Mr. HYDE].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–480.

AMENDMENT NO. 4 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. DELAURO: At the end of title II, add the following:

SEC. 206. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

Amend the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Connecticut [Ms. DELAURO], and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Chairman, our police officers and the public are facing a deadly new threat on the streets of my home State of Connecticut and across the Nation: Laser sighting devices aimed at our law enforcement and law abiding citizens. These laser sights mounted on the barrel of a gun emit a tiny red beam of light the shooter uses to line up a target, thereby, if you will, creating a supergun. In the hands of a criminal, these high-technology weapons turn ordinary street thugs into sharpshooters.

My amendment directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes involving laser sighting devices. The amendment will deter the use of laser sight technology in street crime and require the Sentencing Commission to collect data on laser sighting devices and criminal activity throughout the Nation.

Let me stress, this bill does not ban laser sight technology nor does it ban guns equipped with laser sights. This is not about gun control.

I crafted this legislation with the help of local law enforcement in Connecticut, with their input. This legislation has one endorsement from the National Fraternal Order of Police, the International Brotherhood of Police and others. Let me read directly from the letter of support that I received from the National Fraternal Order of Police regarding the amendment:

The police and citizens of this Nation already suffer far too much from tragedies precipitated by firearms crime. This problem is exacerbated by criminals using laser sights to make their criminal activity even more deadly.

I urge my colleagues to protect the public and our men and women in blue who put their lives on the line every day and vote in favor of this vital amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want the gentlewoman to know we have examined the amendment, we find it important, and we are very pleased to support it.

The CHAIRMAN. Does anyone seek the time in opposition?

Mr. VOLKMER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

Mr. VOLKMER. Mr. Chairman, members of the committee, this amendment seems innocuous if we look at it, but what it is is an attempt by those who are in favor of gun control legislation to try and isolate certain paraphernalia that is used by law-abiding citizens in an attempt to make its use illegal.

By going to the Sentencing Commission and saying that certain devices, if used in an act of crime, could be used to further make a person be further incarcerated.

Now, that may appear to be innocuous, but when you analyze it, it is a further attempt by those who have in the past few years been in favor of taking away all guns to also take away devices.

Mr. Chairman, I remind Members that those that are supporting this amendment also when we had the ban back in 1994 for semiautomatic weapons said that we need to ban bayonet mounts on rifles. Now, bayonet mounts on rifles do not kill anybody. They do not hurt anybody. Yet, they said they had to be banned. It is a similar thing here.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I would like just to let my colleague know that this does not ban anything.

Mr. VOLKMER. It is a step to doing that.

Ms. DELAURO. No, it is an attempt to say that the criminal, the individual who commits the crime with this new technology, bears the burden of doing it and that the penalty would be increased on the individual. It is specifically what a lot of my colleagues have talked to me about, that it is the individual, the criminal, who ought to be penalized, and not the gun owner.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, as a former prosecuting attorney back in Missouri and as one who has been in constant contact with my law enforcement officials back there, I have not from my local people had any great desire to ban laser sighting devices. In the first place, I do not know very many people that actually have them. So I just do not see the necessity to put this into a bill of this magnitude for antiterrorism.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I want to point out to my good friend from Missouri that they may not have invented laser sighting devices when he was a prosecutor.

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield, I keep in contact. They have been around for some time.

Mr. CONYERS. Mr. Chairman, the gentleman is still prosecuting law on the side?

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I just might to my colleagues say the following: It is my understanding that this is something that the NRA has always emphasized and said: Punish the criminal; do not punish the gun owner; do not punish the technology.

This incident occurred in the city of New Haven, and it has on several occasions, where we are turning thugs into marksmen and sharpshooters with this device. Again, over and over again, the emphasis has been, place the responsibility on the criminal. If you are going to commit the crime, then you are going to do the time, and more.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, that is the point I was going to make to my friend from Missouri. In all the debates we have had on gun control, the gentleman has always reminded and said: Do not ban the gun, just go after the criminal who uses the gun illegally.

That is just what the gentlewoman from Connecticut is doing here. She is not banning the device, she is not curbing its technology. She is simply saying, when you use it in a criminal act, you will get an enhanced penalty. That seems to me to be completely consistent with what the gentleman from Missouri has been advocating. I might say ban the device, but I am not on this case. But just going after the criminal with an enhanced penalty seems to me to be something that everybody in this Chamber might be able to accept. I hope we will support the gentlewoman's amendment.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just like to close with a comment from the Connecticut Police Chiefs Association president:

As you are well aware, the law enforcement community is faced with many challenges today, including the use of sophisticated weapons by individuals who are committing very serious crimes. Your legislation is a step in the right direction to reaffirm that society will not tolerate sophisticated weapons by criminals against the citizens or law enforcement personnel.

This bill punishes the criminal, not law-abiding gun users or gun owners, and I urge its immediate passage.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to remind the Members of the House that when the Judicial Sentencing Commission was initiated, and since it has been, it was done for the purpose of taking the Congress and the political arena away from sentencing and letting the Commission itself set sentencing. They can make this if they so desire. They can put anything that they determine to be legal and warrant additional punishment within it. But we have in the past always taken the attitude that we do not direct the Commission to do certain things. We let the Commission make their own decision as to what guidelines are to be set.

Now, there may be minimums or maximums we may wish to put on it, but I do not believe it is appropriate at this time to direct the Sentencing Commission to make the enhanced penalties for this type of technology. As a result, I still oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO] will be postponed.

□ 1545

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 104–480.

It is now in order to consider amendment No. 6 printed in House Report 104–480.

It is now in order to consider amendment No. 7 printed in House Report 104–480.

It is now in order to consider amendment No. 9 printed in House Report 104–480.

AMENDMENT NO. 9 OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCHUMER: At the end of title VIII (Miscellaneous) add the following:

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 1996 through 2000 to the Federal Bureau of Investigation such sums as are necessary—

(1) to hire additional personnel, and to procure equipment, to support expanded investigations of domestic and international terrorism activities;

(2) to establish a Domestic Counterterrorism Center to coordinate and centralize Federal, State, and local law enforcement efforts in response to major terrorist incidents, and as a clearinghouse for all domestic and international terrorism information and intelligence; and

(3) to cover costs associated with providing law enforcement coverage of public events offering the potential of being targeted by domestic or international terrorists.

Conform the table of contents accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that was in the bill that left the House. It is one of the amendments that law enforcement considers of great importance. It would allow the various agencies to coordinate the fight against terrorism.

Let me stress that these days the fight against terrorism is something that involves not just one agency, and so what the amendment does is put back in the bill three important resources that the FBI asked for that were included in the bill as originally reported out of committee and was stripped out of the bill before it came to the floor.

They were, first, additional personnel to investigate both domestic and foreign terrorism; second, the establishment of domestic counter-terrorism to coordinate a domestic counter-terrorism center to coordinate the resources of Federal, State, and local law enforcement against domestic terrorism; and finally a fund for protecting against terrorism at major public events such as the upcoming Olympics.

It seems to me there should not be too much opposition to this. We need a great deal of coordination among the various agencies. We are now getting information from satellites and NSA and everything else, and I hope that the amendment will be adopted.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SCHUMER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 104–480.

AMENDMENT NO. 10 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. WATT of North Carolina: Page 151, strike line 6 and all that follows through line 25 on page 176.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. WATT] and a Member opposed will each control 15 minutes.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will control 15 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to advise the Members that the gentlewoman from Idaho [Mrs. CHENOWETH], who is a cosponsor of this amendment, is apparently en route from her district and may not make it in time for the debate.

Mr. Chairman, let me just point out to my colleagues that, as the prior vote on the amendment of the gentleman from Georgia [Mr. BARR] indicated, there is a substantial division in our ranks about the extent to which we must go to protect constitutional rights and freedoms and still feel that we are making a concerted and effective effort against terrorism. It is a very, very difficult issue, and there are some of us, myself included, who believe that we cannot afford to undermine our Constitution and the rights and protections our Constitution provides to individual citizens in this country because, when we do that, we undermine the very fabric of our Nation.

What has happened in this amendment is that we are trying to remove from the ambit of this bill a provision which was not in the bill which came out of the Committee on the Judiciary. The Committee on the Judiciary considered the antiterrorism bill, went through a long, drawn-out evaluation of that bill, and voted out a bill which had no provisions in it dealing with habeas corpus.

Apparently, after the bill was voted out of committee, the leadership, in an effort to expand the coverage of the bill and pick up votes from various places to try to pass the bill, saw fit to add habeas corpus provisions to this bill. Habeas corpus has nothing to do with terrorism in our country. If it does, it has such a small amount to do with it that it certainly was not something that was in the contemplation of the Committee on the Judiciary.

Let me explain to my colleagues that the habeas corpus provisions were put in the Constitution of the United States years and years and years ago

for the purpose of protecting individual citizens and giving them the right to seek an independent review and have the court determine that their government, in some cases, was doing an injustice to them in that the government was holding them improperly.

The habeas corpus language in the Constitution has no color, it has no political ideology. It is not designed to protect one group of people against other groups of people. It is designed to protect individuals, individual citizens of our country, when the government makes a mistake and puts an individual in jail improperly. It gives that individual citizen the right to seek a review by the court and have the court make an independent determination of whether the incarceration is proper or not proper.

This bill, as it is currently written, not the bill that came out of the Committee on the Judiciary, but the bill that is proposed on this floor, substantially cuts back on the rights of individual citizens under habeas corpus, and I want to encourage my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

First of all, the remark made by the distinguished gentleman from North Carolina [Mr. WATT] that habeas corpus has nothing to do with terrorism; I have heard that several times, and I am kind of at a loss as to the logic behind that because a terrorist who murders somebody, and that is what they do, that is their business, deserves the death penalty, and if they get the death penalty, they ought not hang around like John Wayne Gacey did for 14 years, or like William Bonner did for 16 years, or like Kermit Smith did for 14 years, or like Robert Alton Harris did for 13 years. Justice ought to be imposed surely and swiftly.

Now this amendment simply maintains the status quo on habeas corpus by striking the entire title. We are not ignoring due process for the convicted. We seek closure and finality for the judgment that has been rendered and some compassion for the families of the victims who wait years and years and years. And that is the name of the game: Stretch it out, and then maybe get a new trial 10 years later where there are no witnesses to be found. We understand that. These things ought to be adjudicated reasonably swiftly, reasonably with dispatch, fairly. But 14 years is an absurdity; it makes the law a joke.

Diane Leonard, the widow of a Secret Service agent who died in the Oklahoma City blast, said this:

> For victims there are no indictments, no pretrial hearings, no trials, no appeals, no chances for remorse, and no doubt of their innocence; yet for those who commit these crimes where there is no doubt of guilt there is only appeal after appeal after appeal.

The same provisions in the bill, our bill, passed the Senate in June 1995 as the vote was 91 to 8. This is a major plank in the Contract With America anticrime policy.

Now under our bill it simply requires that all claims be brought in the single petition. The time period for filing is 1 year after the U.S. Supreme Court rejects a direct appeal. Subsequent petitions will be allowed if the convicted defendant can show cause for not including the claim in his first petition. Government suppression of evidence, newly discovered evidence proving innocence, are also grounds for a new appeal. Deference is given to State courts' legal decisions if they are not contrary to established Supreme Court precedent. The prisoner can rebut any presumption by clear and convincing evidence. But now it takes more than a decade to carry out a death sentence, and that is an injustice.

□ 1600

Mr. Chairman, I ask that the amendment of the gentleman and the gentlewoman be defeated, and that we proceed with habeas corpus reform.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, this is a bill that is supposed to be dealing with terrorists. It is an antiterrorism bill.

Mr. Chairman, habeas corpus got onto the antiterrorism bill in the following way. Everybody thought that this was a fast train that could take on anything that was hanging around the Committee on the Judiciary. As it turned out, antiterrorism is not a fast train to anywhere, because it is really a crime bill. Now it is a gutted antiterrorist bill. Now we have a gutted antiterrorist bill, and habeas corpus reform that we have been trying to get through, restricting constitutional rights, for years. It has never gotten anywhere.

Mr. Chairman, it would not do for the ranking member on the Committee on the Judiciary to explain that again for maybe the 25th time in my career, but what about a former Attorney General named Ben Civiletti? What about the comments of a former Attorney General named Nicholas Katzenbach? What about of the comments of a former Attorney General named Edward H. Levy? What about the comments of an Attorney General, former Attorney General, named Elliott L. Richardson? Two Republicans, two Democratic former Attorney Generals.

Here is what they say: ''The habeas corpus provisions which the House will soon take up are unconstitutional.'' They did not say that maybe they will be found unconstitutional, or that they could be challenged for unconstitutionality. They said ''They are unconstitutional,'' four Attorneys General. ''Though intended in large part to expedite the death penalty review process, the litigation and constitutional rulings will in fact delay and frustrate the imposition of the death penalty.''

Do Members understand that? Is this partisan? Are these liberals? Is this the left? Four Attorneys General are telling us this provision is going to be ruled unconstitutional.

Mr. Chairman, what that means, nonlawyers in the Congress, is that it will then take longer to execute people than it does now. Mr. Chairman, I get a little tired of hearing somebody telling me about one 14-year case. If we check the one 14-year case, it was not because the judges were sleeping, it was not because the prosecutors were not prosecuting. There might have been some reason that one case took 14 years. There are a lot of cases where people get executed, and if we had had more time, they would be alive today.

Mr. Chairman, let us get off of this unusual example of three people whose cases took years and years and years.

Mr. Chairman, the same person who is telling me not to believe in this process was the same person that just told me on the previous amendment that we ought to believe in the system.

Mr. HYDE. Mr. Chairman, I yield myself 30 seconds to respond to the very learned gentleman from Michigan.

Mr. Chairman, the gentleman has given us some distinguished names of Attorneys General. I would like to give him a few: Griffin Bell, Dick Thornburg, William Barr, and the late William French Smith. Also, all of the State attorneys general in the country have signed onto habeas corpus reform. Yes; we should not talk about that one horrible case, or those three horrible cases. Let us talk about the average. The average is 8 to 10 years, from sentencing until execution.

Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Chairman, I want to add to what the gentleman from Illinois [Mr. HYDE] is, I think, saying. What the chairman is trying to explain to all of us today is that we have been waiting for years to get an effective death penalty, for years to get a death penalty that has the meaning of swiftness and certainty of punishment for those who might perpetrate murders and other heinous crimes that are subject to the death penalty.

We are not sending the message. That is, the primary reason why we have a death penalty is to send the message to people. Another reason, of course, is to execute people because that is their just desserts, and because we ought to be doing that, in certain heinous cases, to get them off the streets.

However, to me, the primary reason for the death penalty always has been to send a message to would-be perpetrators of murder and other violent

crimes that get the death penalty, ''If you do it, you are going to get the ultimate sentence, the sentence of death.'' People do not tend to believe that if they can delay and delay, and see other people delaying and delaying the carrying out of their sentences. Whether it is 8, 10, 14 years, whatever it is, it is far too long.

If anybody is truly innocent, if they have evidence that they did not commit the crime, there is nothing in the procedures we are putting in this bill today or we passed on the floor of the House last year in this Congress that would keep them from raising it at any time, and stopping the execution. But if we look at what we are doing today, we are getting at the procedural problems that have caused these delays; the opportunities, after you have had your regular appeal all the way to the U.S. Supreme Court on the issue of guilt or innocence, and all the procedural matters, your opportunity to go into Federal court and seek a petition to give you freedom, based on the fact that maybe you did not have a proper attorney, or maybe you did not have the jury selected properly, or maybe there is some other technical deficiency in the way the trial was conducted and you ought to get relief from Federal court, after you have exhausted your normal appeals.

All we are saying is, instead of being able to carry them one after another, ad seriatim, with excessive petitions to the Supreme Court and delaying the carrying out of the sentence, you have to put them all into one at one time, or lose your opportunity. Mr. Chairman, I think that is very critical.

We are asking for a deference in those kinds of rulings to State court decisions; not that it cannot be overcome, but on the facts in the trial that has occurred underlying it. Why should the Federal courts go back and review all of these matters over and over again on a procedural basis, if they have a clear record in front of them?

It has just simply been the fact that in this country we have delayed the carrying out of these sentences it seems to me almost forever. It is long since past due that we put this into law. Yes; we have passed this out before. Yes; the President has said he will sign it if we can ever get it to him, but it looks to us as though it is a logical place to put it, to put it on this bill today. It is why the bill has been renamed, to try to emphasize the fact that now we think we have a vehicle, with a few other things, we can finally get to the other body, send to the President, and get this signed into law to end the seemingly endless appeals of death row inmates. It is about time we passed it.

Anybody that votes against this, votes for this amendment, has to know they are gutting this provision out, and they are going to delay the process even further.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the reason Attorney Generals Levy, Richardson, Katzenbach, and Civiletti have explained they tried hard to explain that what the Members are trying to do is unconstitutional. I know you want to fry them as soon as you can, I know that any time is too long. How dare a Member of Congress that serves on the committee that makes the law on this get up and say in broad daylight that it takes too long to execute a person in America, under the process we have? And instead of bringing this up on its own merits, we wait until we get an emotionally charged piece of legislation and bring up habeas corpus, which has no relationship to terrorism whatsoever. How long is too long?

Mr. Chairman, by the way, Attorney General Edwin Meese, did he join the gentleman on that, too?

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman, no, that was Griffin Bell, Dick Thornburg, William Barr, William French Smith. I forget Dan Lundgren, the attorney general of California. But all, all of the State attorneys general and their association have signed on.

We do not try them and kill them as soon as possible. The average now is 8 to 10 years. If the gentleman would think of the victims' families waiting for justice to be done, the gentleman might have a more moderated tone toward this issue.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for describing what my tone ought to be for the victims' families. However, I know victims' families that oppose the death penalty. They do not want them executed in 10 years or 2 years or 2 days, because they happen to have another view from the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. I understand that, and there are more people who support the death penalty overwhelmingly than oppose it.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield one more time, I will never ask him again.

Mr. HYDE. I would hate to think that the gentleman would never ask me again.

Mr. CONYERS. Then I will take it back.

Mr. Chairman, let me say this, sir, is there not something redeeming about us passing legislation on its own bottom, since more people want this, since the gentleman has as many Attorney Generals, and then throw in Dan Lundgren on top of it? Could we not just have a bill that studies the death penalty, and we come up on it? Why do we have to tack it onto a piece of antiterrorist legislation which, unfortunately for both you and I, has been gutted?

Mr. HYDE. I am going to have to reclaim my time. Again, I have been illuminated by the gentleman, although I totally disagree.

Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, first of all, I would like to say that regardless of what your position is on this issue, whether political or personal belief, it is a legitimate issue, the death penalty. For 40 years we have not been able, as the gentleman said, to have habeas corpus or death penalty reform. There is a new majority that represents the majority of people that feel that there should be some reform.

Let me explain, the gentleman mentioned the frivolous cases. We just had a gentleman in California to kill 14 kids, we just executed. That is one case. We have another one which the gentleman knows about, Alton Harris. This is a confessed killer in my district. He went out and killed two young boys, after eating their hamburgers and taunting the second one, and then killed him. Yet, even an admitted killer took 14 years to execute.

Mr. Chairman, the gentleman talks about we are building more prisons than we are facilities for education. Let us press on with it. let us take care of the people that are the criminals, and have justice be done. Think about the injustice to the families that have to suffer all the way through this, for the period of time.

Again, I would say to the gentleman, he speaks of a legitimate issue and what he believes in, but we need to press on with this. The American people support it. I ask Members to support the position of the gentleman from Illinois [Mr. HYDE].

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

WITHDRAWAL OF DEMAND FOR RECORDED VOTE ON DE LAURO AMENDMENT

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on a previous amendment, the DeLauro amendment. Even though I do not agree with this amendment, I do not believe it is appropriate to take the time of the House for a recorded vote on it.

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

There was no objection.

The CHAIRMAN. The DeLauro amendment was agreed to by a voice vote.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to argue that we should not, in an illogical way, attribute to those who oppose the language of adding habeas corpus gutting to this terrorist bill as being against the death penalty. I think what we should focus on, Mr. Chairman, and I rise in support of the amendment offered by the gentleman from North Carolina [Mr. WATT] is the fact that we are destroying an historic relationship between the Federal courts and the State courts. That is, to give another level of constitutional privilege to those who would be subjected to the death penalty.

It is a historic role. It is a confirmed role. The real direction that we should take, if we are serious about any habeas corpus reform, would be, frankly, to address it head on. That is, to have hearings, to address the situation, and not worry about whether it took 4 years or 3 years. It is important to do it right. This is the wrong way. We should support the Watt-Chenoweth amendment, and ensure that we have liberties for all Americans.

□ 1615

Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, may I inquire who has the right to close?

The CHAIRMAN. As chairman of the committee the gentleman from Illinois [Mr. HYDE] has the right to close.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, many Members of this body have asked how we could have a coalition on this issue between myself and the gentlewoman from Idaho [Mrs. CHENOWETH], those people knowing of course that we are not always philosophically in tune with each other, the two of us. I want to spend the balance of my time talking about that, because I think it reflects something on this issue.

The writ of habeas corpus was inserted into the Constitution of the United States to provide protections for individual citizens vis-a-vis their Government. I am not an individual who believes that the Government is constantly out to be insidious with its citizens, but sometimes the Government makes mistakes. When that occurs, individual citizens ought to have the right and the ability to petition the judicial branch of Government to have that mistake redressed.

That is a proposition that is not unique to people on the left end of the political spectrum or the right end of the political spectrum or the middle of the political spectrum. It is not a proposition that is unique to black people in our country, white people in our country, or any shades between. It is a right that our U.S. Constitution provides to each and every citizen in this country.

What has happened is that people in the middle have now decided that, ''Well, the government is never going to take any action that is contrary to my rights, so I do not need habeas corpus any more.'' That is what is happening in this bill. This bill essentially destroys the writ of habeas corpus in our country.

What I am entreating my colleagues to do is to stand up and understand the tremendous value that this great writ provides to the citizens of this country, regardless of their political persuasions, regardless of their political beliefs.

The gentlewoman from Idaho [Mrs. CHENOWETH] and I are far, far apart on many, many issues, but on this one we agree with former Attorneys General Benjamin Civiletti, Edward Levi, Nicholas Katzenbach, and Elliot Richardson, the American Bar Association, and we believe that we agree with every single citizen of the United States of America that this is a right and protection in our Constitution that is worth being preserved. Please help us preserve it.

Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I respect the writ of habeas corpus. It is a great writ. I want to preserve it. I want it to be strong. I do not want it to be weakened.

So those of us who simply want justice not to be delayed for an average of 8 to 10 years, those of us who are concerned that the families of victims have a right to see that justice is done, those of us who look at the case of one Kermit Smith, it is not that it took 14 years from the sentencing to his execution, but 46 different judges considered his case and it went to the U.S. Supreme Court five different times.

Now, we have to have some answer not to the use of habeas corpus but to the abuse of habeas corpus. All we are asking, we are not bloodthirsty. We simply say look, if you have been convicted, if you have had your direct appeal, then you have had your habeas appeal through the State courts, through the Federal court, let us come to closure and let justice be done.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the vote be held until tomorrow. The mother of the gentlewoman from Idaho [Mrs. CHENOWETH] is ill and the gentlewoman cannot be here.

Mr. CONYERS. Mr. Chairman, I join with the gentleman in that request.

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

There was no objection.

The CHAIRMAN. The vote will be held tomorrow.

The Chair will still put the question to a voice vote before rolling the vote.

The question was taken; and the Chairman announced that the noes appeared to have it.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from North Carolina [Mr. WATT] will be postponed.

It is now in order to consider amendment No. 12 printed in House Report 104–480.

PREFERENTIAL MOTION OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer a preferential motion.

the CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause by stricken.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, as I have reviewed this legislation, I have some serious misgivings about it. I am desirous that we continue to have the provision in the bill that is sponsored by the gentleman from Illinois on habeas corpus.

I am sorry I have to disagree with the gentleman from North Carolina in regard to that matter, and the gentleman from Michigan, but I believe that that matter should remain in the bill. The bill, other than that, I have some serious misgivings. I surely think that if this bill was reported back and we had to go back to committee, I think the committee could probably do a lot better job than what you have done so far.

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

Mr. VOLKMER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman's parliamentary finesse has always stood the House of Representatives in good standing and credit. I only wish I could have thought of this motion and then had the courage to follow through on it, being the ranking member of the Committee on the Judiciary.

But am I not correct that we are at this situation? We have had the principal vehicle of the Committee on the Judiciary gutted. We now only have a substitute remaining. The measure is probably a lower grade crime bill, certainly not an antiterrorist bill. So I do not have a reason in the world why I should object to the gentleman's amendment.

Mr. VOLKMER. We cannot get all excited about what we have left, Is that that the gentleman is saying?

Mr. CONYERS. Not just not excited but disappointed.

Mr. VOLKMER. Mr. Chairman, I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. No. I would like to get my own time in opposition. May that be done?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Chairman, the gentleman is moving to strike the enacting clause and to kill this legislation. I know that would please him and it certainly would not disappoint the gentleman from Michigan, but I think it would disappoint a lot of people, such as the families of the victims at Oklahoma City whom I have met, such as the families of the victims of pan Am 103 whom I have met, such as the hostages who returned from Lebanon who were here the other day, such as the daughter of Leon Klinghoffer, who was murdered by thugs on the *Achille Lauro*. These are people who would like to see us pass this legislation.

You may think there is nothing left, but there is substantial good left in the bill, despite the Barr amendment which I deplore. One of the things left is the ability of the victims' families to sue terrorist countries and perpetrators of terrorist acts in this country and get a judgment, because some of their assets are here have been frozen. So that alone makes this worthwhile.

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

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman makes a very strong argument for the bill, and I will have to continue to consider it as a result of his statement and elucidation about all the good things in the bill.

Mr. HYDE. Does the gentleman mean I am persuading him?

Mr. VOLKMER. I will not ask for a recorded vote on this motion. We will just let it pass and go on with the regular amendments.

Mr. HYDE. I certainly thank the gentleman for his vote of confidence in my persuasive ability.

The CHAIRMAN. The gentleman from Missouri is controlling the time.

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

Mr. VOLKMER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I agree with the gentleman from Illinois [Mr. HYDE] every time I get a chance, but he has just witnessed what I have. Now, crying for the victims after this bill is gutted does not do a service to anybody connected with this measure.

This is not an antiterrorist bill any longer. It is a low-grade crime bill that we could have gotten out any day in the week. It has a very sad and shaky future, and I am very disappointed that the gentleman from Missouri may not ask for a record vote. Anybody on this floor can ask for a record vote.

Mr. VOLKMER. Reclaiming my time, I recognize that. I was hoping that we could be able to continue with the legislation.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri [Mr. VOLKMER].

The preferential motion was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 104–480.

AMENDMENT NO. 12 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BARTLETT of Maryland: Add at the end the following new title:

TITLE —COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

SEC. 01. ESTABLISHMENT.

There is established a commission to be known as the ''Commission on the Advancement of Federal Law Enforcement'' (in this title referred to as the ''Commission'').

SEC. 02. DUTIES.

The Commission shall investigate, ascertain, evaluation, report, and recommend action to the Congress on the following matters:

(1) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(2) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

(3) The criminal investigation and handling by the United States Government, and the Federal law enforcement agencies therewith—

(A) on February 28, 1993, in Waco, Texas, with regard to the conception, planning, and execution of search and arrest warrants that resulted in the deaths of 4 Federal law enforcement officers and 6 civilians;

(B) regarding the efforts to resolve the subsequent standoff in Waco, Texas, which ended in the deaths of over 80 civilians on April 19, 1993; and

(C) concerning other Federal criminal law enforcement cases, at the Commission's discretion, which have been presented to the courts or to the executive branch of Government in the last 25 years that are actions or complaints based upon claims of abuse of authority, practice, procedure, or violations of constitutional guarantees, and which may indicate a pattern or problem of abuse within an enforcement agency or a sector of the enforcement community.

(4) The necessity for the present number of Federal law enforcement agencies and units.

(5) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(6) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(7) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and correct systemic or gross individual Federal law enforcement abuses.

(8) The extent to which Federal law enforcement agencies have attempted to pursue community outreach efforts that provide meaningful input into the shaping and formation of agency policy, including seeking and working with State and local law enforcement agencies on Federal criminal enforcement operations or programs that directly impact a State or local law enforcement agency's geographic jurisdiction.

(9) Such other related matters as the Commission deems appropriate.

SEC. 03. MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed as follows:

(1) 1 member appointed by the President pro tempore of the Senate.

(2) 1 member appointed by the minority leader of the Senate.

(3) 1 member appointed by the Speaker of the House of Representatives.

(4) 1 member appointed by the minority leader of the House of Representatives.

(5) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(b) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) QUORUM.—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) MEETINGS.—The Commission shall meet at the call of the Chair of the Commission.

(f) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

SEC. 04. STAFFING AND SUPPORT FUNCTIONS.

(a) DIRECTOR.—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(b) STAFF.—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed per day the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

SEC. 05. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out

this title. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to the United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 06. REPORT.

The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the Commission's recommendations for such actions as the Commission considers appropriate.

SEC. 07. TERMINATION.

The Commission shall terminate 30 days after submitting the report required by this title.

The CHAIRMAN. Pursuant to the rule, the gentleman from Maryland [Mr. BARTLETT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. BARTLETT].

□ 1630

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be brief. This amendment is a very simple amendment. What it does is to set up a blue-ribbon commission that will function for 2 years. The commission will have responsibility to look over our Federal law enforcement agencies and to make recommendations relative to their charter as to how they operate and as to how they can better function so that we can again achieve the high level of public confidence in our Federal law enforcement agencies that is necessary for them to act efficiently and effectively.

As you know, there have been some incidents, like Waco and Ruby Ridge, that have caused a great number of our constituents to lose confidence in our Federal law enforcement agencies. We have many brave people in these law enforcement agencies that every day put their life on the line. It is unfair to ask them to function in an environment in which far too many of our people lack the kind of confidence that they should have in our Federal law enforcement agencies and in the individuals who work there.

It is the intent of this amendment that we will, as a result of their findings and their recommendations, reestablish, reestablish confidence in our Federal law enforcement agencies so that they can be more effective in their work.

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

Mr. BARTLETT of Maryland. I yield to the gentleman from Illinois.

Mr. HYDE. I would like to state, Mr. Chairman, that the majority accepts the amendment of the distinguished gentleman from Maryland. We find it is useful, and it makes a contribution to this generic problem. We are pleased to accept it.

Mr. BARTLETT of Maryland. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. CONYERS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not surprised that a commission to evaluate public confidence on the current state of Federal law enforcement would be put into this sandwich that we have got on the floor now. We do not have anything in it. We have got to put something in it. So let us go back into, Mr. BARTLETT, Waco. We had three committees spend millions of dollars. We had every law enforcement office in the Federal Government before the House and Senate. But you did not get enough, did you? The gentleman from Maryland did not get enough, did he? The gentleman wants to go into it some more.

Let us look at Waco some more, please. The Attorney General, the Secretary of the Treasury, the head of three other agencies, the two top-ranking members other than the Director of the FBI, 50 other witnesses, lawyers from all over the planet, the witnesses, people that survived Waco, and we now come to it under this antiterrorist bill and want to set up a blue-ribbon commission.

May I ask one question? Who would be on this commission?

Mr. BARTLETT of Maryland. Mr. Chairman, if the gentleman will yield, law enforcement experts. Law enforcement experts.

Mr. CONYERS. Who?

Mr. BARTLETT of Maryland. Law enforcement, really, experts.

Mr. CONYERS. Law enforcement experts like who?

Mr. BARTLETT of Maryland. I cannot designate who would be appointed by those who have the responsibility of making the appointment under this.

Mr. CONYERS. Who would make the appointments?

Mr. BARTLETT of Maryland. Speaker, minority leader, there would be five, and they are all designated by individuals like that, bipartisan.

Mr. CONYERS. Would the gentleman be very greatly disappointed in the legislative product that is on the floor, which is antiterrorism, if his measure happened to not succeed?

Mr. BARTLETT of Maryland. Yes, I would. I think that we have a major——

Mr. CONYERS. Wait a minute. That is all I wanted to know.

Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I want to back the gentleman's comment.

Ladies and gentlemen, we hear from the other side all the time another commission, another commission. We should not have commissions. All of a sudden, we know what this is all about. It is about Waco. The Waco hearings in the Committee on the Judiciary, and the Gov Ops Committee did not accomplish what those acolytes of the NRA wanted. It showed what David Koresh was. It showed our law enforcement people did an estimable job, it showed very simply that the conflagration that occurred was the fault of David Koresh himself. But now they are going back to it. I suppose they do not want it to be in Congress anymore. We would show them up again. Instead they are going to a commission. I think this is a total waste of money here. We strike out provisions that would fight Hamas and fight other terrorist organizations, and we put this commission in.

We know what this bill is becoming. This bill is becoming an NRA wish list. That is all it is. And I do not think it should be here. This does not belong here. It makes no sense at all. And what we have learned here is that this body is less interested in fighting terrorism and more interested in showing their obeisance to the NRA. It is an absolute disgrace.

Mr. CONYERS. May I say, my colleague from New York is always temperate in his remarks and is thoughtful in analyzing the contributions or problems that other organizations raise that lobby us all the time.

I just think that this would strike a blow at the confidence in our judicial system and criminal justice system that Chairman HYDE reiterated his strong confidence in only a few hours earlier.

I have got confidence in this system. Doggone it, it has been wrong a lot of times, but do we really think a blue-ribbon commission of ladies and gentlemen appointed by the Speaker and the minority leader would get to the bottom of this?

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

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. I wanted to answer your question. Yes, I think so, because we may need that to get enough votes to pass this bill.

Mr. CONYERS. I know we are grabbing for votes, sir, but I do not know if the Bartlett amendment will help in this quest or not.

Well, one person has volunteered that the gentleman from Maryland [Mr. BARTLETT] is doing the work of the Lord on this bill. Well, if we need it, fellows, what the heck.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say that my colleagues have made an overemphasis of the exploration of episodes like Ruby Ridge and Waco. The real intent of this is, as I stated, to reinstill public confidence in our Federal law enforcement agencies.

I would point out to the gentleman from Michigan [Mr. CONYERS] that this is apparently also the dream of the ACLU, because they have endorsed this amendment. LEAA and ACLU have both endorsed this amendment. So it has very broad support from the public community.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. BARTLETT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 104–480.

AMENDMENT NO. 13 OFFERED BY MR. BRYANT OF TENNESSEE

Mr. BRYANT of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BRYANT of Tennessee:

Add the following at the end:

TITLE —REPRESENTATION FEES

SEC. 01.—REPRESENTATION FEES IN CRIMINAL CASES.

(a) IN GENERAL.—Section 3006A title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) DISCLOSURE OF FEES.—The amounts paid under this subsection, for representation in any case, shall be made available to the public.''; and

(2) in subsection (e) by adding at the end the following:

''(4) DISCLOSURE OF FEES.—The amounts paid under this subsection for services in any case shall be made available to the public.''.

(b) FEES AND EXPENSES IN CAPITAL CASES.—Section 408(q)(10) of the Controlled Substances Act (21 U.S.C. 848(q)(10)) is amended to read as follows:

''(10)(A) Compensation shall be paid to attorneys appointed under this subsection at a rate of not less than $75, and not more than $125, per hour for in-court and out-of-court time. Fees and expenses shall be paid for investigative, expert, and other reasonably necessary services authorized under paragraph (9) at the rates and in the amounts authorized under section 3006A of title 18, United States Code.

''(B) The amounts paid under this paragraph for services in any case shall be made available to the public.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to cases commenced on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. BRYANT] and a member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a narrow amendment, one that I think is very appropriate and necessary, given the apparent loss of credibility that our judiciary system is suffering in this country. It is narrow in the sense that it amends the law which allows a Federal judge in death penalty cases to award court-appointed lawyers for these death row inmates an unlimited amount per hour, completely in the court's own discretion, as to what that rate may be.

We think it would be appropriate that we set some constraints on this. We want to ensure that the judiciary does remain independent, and as part of that fee-setting this is necessary. On the other hand, we think also that the courts should be accountable to the taxpayers, in particular, for some potentially outrageous awards per hour that they award the court-appointed attorneys. We have heard instances in the past where the courts have awarded these lawyers up to $250 an hour for their work both in court and out of court, which is much higher an hour than the rate allowed for other cases.

We also think that in these awards of attorneys' fees and expenses, there ought to be a requirement to the American public, to the taxpayers, that these be made public. And this amendment also requires public disclosure of these fees.

We have also asked that, rather than leaving the discretion completely in the hands of the judge, that we allow that judge to award fees in the range of $75 to $125 per hour. This is consistent with the judge's own guide to judiciary policies and procedures. We think, again, that this is a fair, a commonsense balance that we can reach here.

I hope we will have the support of all Members of Congress as, again, we close, I think, a very signature loophole in the law which allows this, I believe, travesty to occur. Again, we maintain a fair balance between the independence of the judiciary as well as set some standards, set some accountability for the American people and the American taxpayer.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. HYDE. Mr. Chairman, I do not rise in opposition, I really rise in support, if that is appropriate.

Mr. WATT of North Carolina. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] is recognized for 5 minutes in opposition.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time and I as I may consume.

Mr. Chairman, I think that we have already basically wiped out any rights if we passed the hebeas corpus provision that someone on death row has to defend themselves.

The appropriations process is in the process of wiping out the death penalty centers which provides any semblance of legal representation to people who have been sentenced to death in our country. And here we are now trying to do even more to speed up our Nation putting people to death. We should be ashamed.

There is not any other place in the judiciary or decisionmaking process where judges do not have discretion, when they have the statutory ability and right to award legal fees, to determine what a reasonable legal fees, to determine what a reasonable legal fee is or is not.

So this is not different in any respect from any other area of the law. It is already virtually impossible to find lawyers who have any background in providing the kind of representation that I thought our legal system insisted that every defendant in this country ought to have. It is something that we have supported as a proposition for as long as this country has existed, the right to legal representation.

Yet here we are saying, give me a novice lawyer who has no experience to defend a person whose life is on the line. We ought to be ashamed of ourselves in this body if we have gotten to this point.

Let the judges continue to exercise the degree of discretion that they have had in this area. There has been no showing in the Committee on the Judiciary that that has been abused. Let us vote down this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1645

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is not an argument on the validity of the death penalty. It is simply setting a cap on what

is, I am embarrassed myself as an attorney to stand up and tell the American public we are paying people in Tennessee at least $250 an hour, which I do not know of a single lawyer in Tennessee that makes that much outside of this range. We are simply saying that these attorneys are entitled to fair compensation.

The figure that I choose, leaving discretion to the judge to award anywhere from $75 an hour to $125 an hour, which I think will hire a good, competent attorney anywhere in this United States, within that range, which is the range actually suggested by the courts' own guide to judiciary policy and procedures. So this is nothing unusual. This is a range they are comfortable with, and I think we need to cap that, again. To allow judges that unfettered discretion to come in and award in cases up to $250,000, when we multiply the rate times $250 an hour, is certainly an embarrassment to me as an attorney.

What we are doing is taking here reasonable, not draconian steps, but reasonable steps; $125 an hour is again very appropriate in certain areas of this country. We do not violate anyone's rights here. It is common sense, reasonable legislation. I would urge my colleagues to close this loophole and vote for this very good amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I would say to the gentleman from Tennessee [Mr. BRYANT], I do not know where the gentleman has been practicing law, but even in the gentleman's State, I can assure the gentleman, and I hope we can get some statistics for the gentleman for his benefit, but the lawyers who represent people in bankruptcy law, the corporation lawyers, the litigators, the trial lawyers, all of those who represent transnational, if the gentleman would talk to them about representing corporations, inanimate objects, at $175 an hour, they would laugh the gentleman off the floor of the House of Representatives. If the gentleman has been a lawyer, the gentleman knows it, just like I do.

Now, I know capping is the big thing in the 104th Congress; whatever it is, we want it cap it. But these are death penalty cases. This is a human being's life that hangs in the balance.

Mr. Chairman, do my colleagues know the one reason that the gentleman from Illinois [Mr. HYDE] can cite all these years that cases went before getting a final disposition in death penalty cases? The reason is there were young lawyers, new lawyers, untrained lawyers.

Mr. BRYANT of Tennessee. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let be begin my remarks by saying I will put a statement in the RECORD.

Mr. Chairman, I might also say for noncapital cases, for people who are appointed in Federal court to represent people who go to jail for life sentences, it might not be capital cases, but who go to jail for 20 or 30 years of their life, are appointed at a fee schedule of $40 per hour out of court, $60 per hour in court, and $75 per hour in high expense areas. The judges have the right to increase those amounts, and they have not done so for 10 years.

So those folks have the attorney to keep people out of jail for years. What we are talking about here is very appropriate for death penalty cases. Again, I urge adoption of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is the height of micro-management, the Congress of the United States debating a provision that would set attorney's fees and take that discretion away from judges.

Mr. Chairman, it is the height of hypocrisy for people who believe in States rights to now say that all of a sudden we are going to set attorney's fees. This amendment is not even limited to Federal cases. It is the height of inhumanity to say that a person who has his life in the balance and has not even been found guilty or innocent, has his life in the balance, we ought to be passing an amendment like this.

Mr. Chairman, we ought to be ashamed if we pass this amendment.

My colleagues, come to your senses and defeat this amendment today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BRYANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104–480.

AMENDMENT NO. 15 OFFERED BY MR. MARTINI

Mr. MARTINI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MARTINI: Add at the end the following:

TITLE —DEATH PENALTY AGGRAVATING FACTOR

SEC. . DEATH PENALTY AGGRAVATING FACTOR.

Section 3592(c) of title 18, United States Code, is amended by adding after paragraph (15) the following:

''(16) MULTIPLE KILLINGS OR ATTEMPTED KILLINGS.—The defendant intentionally kills or attempts to kill more than one person in a single criminal episode.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. MARTINI] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer my amendment in response to a horrible tragedy that occurred in my congressional district almost 1 year ago. On March 21, 1995, in the early evening, a man walked into the Montclair, NJ postal substation and summarily killed two postal employees and two postal customers. Postal workers Stanley Walensky and Ernest Spruill were killed in that incident, along with Robert Leslie and George Lomaga, who also had their lives senselessly lost in that criminal act. Another victim by the name of David Grossman fortunately survived, despite two severe gunshot wounds.

Immediately thereafter, a manhunt began to find the individual who committed such a heinous crime. Within several days, law enforcement officials captured a Christopher Green, who shortly thereafter admitted that he murdered these four individuals.

As a former assistant U.S. attorney, I and others in the community naturally expected that the U.S. attorney would seek the death penalty under the Federal statute for such a heinous incident. Myself and others were frankly shocked when we learned that the U.S. attorney, in her review of the statute, concluded there was not a sufficient aggravating factor that would clearly apply though this type of an incident.

Mr. Chairman, the Martini amendment, formerly known as the Death Penalty Clarification Act of 1995, H.R. 1811, would simply expand the list of aggravating factors in the Federal death penalty statute to include situations in which a defendant ''Intentionally kills or attempts to kill more than one person in a single criminal episode.''

My amendment is simply and straightforward. It will simply provide Federal prosecutors with the option of pursuing the death penalty in cases like the Montclair postal shooting. I would like to restate, it would only apply to Federal crimes.

Mr. Chairman, this proposal sends a clear message to the criminal that execution-style multiple killings in Federal facilities will not go unpunished because of some oversight or loophole in Federal law. It is supported by the House Committee on the Judiciary, the leadership, and, most importantly, the American people.

Tragedies like the Montclair postal shooting carry an impact far beyond its immediate effect on the victims and their families. Every time we are exposed to such a heinous act like this, one more parent is reluctant to let their child play outdoors, one more senior citizen stays home at night, and one more guard bar goes on our windows and one more lock goes on the front door.

Mr. Chairman, let me conclude by saying if you believe that execution-style multiple murders should be punishable by the death penalty, then you should certainly support this very simple, direct, straightforward amendment. The people of Montclair and surrounding communities are still trying to heal from last year's tragedy. Let us give them part of that healing process.

Mr. Chairman, I urge my colleagues to support the Martini amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague for bringing this amendment forward. It must have a useful purpose besides filling the gap in the anti-terrorist legislation. Is this directed at terrorists, sir?

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

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. MARTINI. Mr. Chairman, this is directed at anyone. It could be directed at terrorists, or also directed at anyone who in one incident were to execute more than one individual.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I would ask the gentleman, in other words, this is not germane particularly to the anti-terrorist legislation. This is a anti-crime measure, is it not?

Mr. MARTINI. This is certainly directed at that.

Mr. CONYERS. Now, let us figure out how many times in the Federal jurisdiction that the gentleman can remember there have been multiple killings or multiple attempted killings in which the gentleman's provision, if it became law, would have application? I would yield to the gentleman for an answer to that question.

Mr. MARTINI. If the gentleman will yield enough time for me to answer the question?

Mr. CONYERS. Mr. Chairman, I am yielding for an answer, not a lecture.

Mr. MARTINI. I do not have the number of incidents.

Mr. CONYERS. Mr. Chairman, that is all I wanted to know. The gentleman does not know, and neither do I, but it sounds great.

I am telling the gentleman one thing: If we ever get somebody that fits this description in this amendment, they are going to really get it, because the death penalty as an aggravating factor, multiple killings or attempted killings, has nothing to do with terrorism, but that is really not that important.

Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just want to point out as I read this amendment, it is not limited to any Federal issue. In the last crime bill that this body passed, we made carjacking, whether the car went interstate or not interstate, a Federal offense. We made drive-by shooting, whether the bullet was fired across State lines or not, a Federal offense. Now, apparently under this amendment, we would make any multiple killing, manslaughter, any kind of circumstances, a Federal offense.

Where are the people who for so long in this body have been advocating for States rights? Where have you gone? This is not an issue that ought to be a Federal issue. If we are going to do it for Federal offenses, at least limit it to Federal offenses and not State offenses.

Mr. MARTINI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time.

The World Trade Center bombing, which was a terrorist bombing of the first impression, killed dozens of people. New York State did not have a death penalty. The Federal establishment at that point did not have a Federal death penalty, so the gentleman's amendment, had it been in place, would have covered that situation to the letter.

This is an excellent way for the jury to have an extra dimension, extra guideline, extra standard against which to weigh the difference between a life sentence and the death penalty. Therefore, I would support the gentleman's amendment, because it is simply an additional tool that the jury of one's peers would have to determine whether or not the death penalty should apply.

Everyone in the world knows when there is a mass killing or multiple killing, that that is much worse than a single killing, as sad and horrible as that single killing could be. But to mount up the terror with three and five and seven killings gives the jury additional weight to determine whether or not the death penalty should apply.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make it plain to the gentleman that what I am complaining about is not the Federal offenses, but there is no reason that we ought to say to the State of New York, which has their own legislative body and has, based on the gentleman's party's proposition, a right as a State to make its own laws, that every multiple killing in the State of New York ought to carry the death penalty, if the State of New York has made a decision of its own that they will have no death penalty in State offenses. That is the point that I am making.

This is way, way too broad, and it is totally inconsistent with the philosophies that I have heard espoused from the other side of this body consistently during this term of Congress.

□ 1700

Mr. MARTINI. Mr. Chairman, I yield myself such time as I may consume.

Just in response to my colleague, first of all this only applies to the Federal death penalty statute, and if he read and took the time to read the other 15 aggravating factors that would make someone eligible for a Federal death penalty as punishment, he would see that there are far less aggravating factors than this particular amendment would add to it.

Moreover, the gentleman mentioned where would this apply? This would simply apply to an incident that occurred in my district less than a year ago in which four people were basically shot down in one incident in a postal Federal facility, and under the review by the U.S. Attorney at that time in reviewing this statute she felt that that type of an incident would not be eligible for consideration of the death penalty adding aggravating factors.

In conclusion, let me just add this. This does not change State law. This only affects Federal prosecutions in which there is more than one person in the same criminal episode that is actually killed during that episode. If my colleague would take the time to read some of the other 15 aggravating factors, my colleague would see how, in comparison, this is certainly a more aggravating factor than the other aggravating factors that exist already in the statute.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make sure that everybody understood that this must have been a terrorist attack in the district of the gentleman from New Jersey [Mr. MARTINI] that this terrorist bill is designed to take care of.

Was it, in fact, a terrorist attack as the gentleman from Michigan [Mr. CONYERS] understands it?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, I doubt it very seriously.

But may I use the few seconds that I have to gain the attention of the gentleman from Pennsylvania [Mr. GEKAS] with whom I worked for many years on the Committee on the Judiciary?

See, New York, I would say to the gentleman, has a death penalty now. But the gentleman is living in the past. Sir, I am not going to yield, I regret.

Mr. GEKAS. I thought the gentleman from Michigan was a friend of mine. Not that friendly.

Mr. CONYERS. But the fact of the matter is, sir, that New York does now have a death penalty. So if the gentleman's excuse for supporting this was because of the past, it is no longer appropriate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MARTINI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. MARTINI] will be postponed.

The point of no quorum is considered withdrawn.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOSS) having assumed the chair Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2703) to combat terrorism, had come to no resolution thereon.

PERMISSION FOR MEMBER TO OFFER AMENDMENT OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 2703, COMPREHENSIVE ANTITERRORISM ACT OF 1995

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that during further consideration of the bill H.R. 2703, pursuant to House Resolution 380, I may be permitted to offer the amendment numbered 7 in House Report 104–480 out of the specified order and immediately following amendment No. 15.

I spoke with the ranking minority member about this, and he indicated that he would have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. COLEMAN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from California a question, if I might, and I would be happy to yield to him for that purpose. As I understood the amendment, it was gone over because the gentleman was not ready for presentation at the time it came up; is that correct?

Mr. DOOLITTLE. Mr Speaker, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, the estimates we were given—they did not—a couple of amendments were dropped before us, and they did not hold a vote on one of them, so, yes, I was not here and I could not get over in time. I was here, but I just missed it by the time we got here.

Mr. COLEMAN. Mr. Speaker, further reserving the right to object, let me only ask one question that I had an interest in.

I do not know; it may have just been the analysis of the amendment that was in error, but I did not understand, and I just wanted to ask this one question, if I might, and I would like to not object because I think what happened to the gentleman happens to a lot of Members, and I think it is right for all of us to try to accommodate them. But I certainly had a question with respect to the amendment with respect to a statement that I had read before. It said that before arresting individuals who had been reported as having been here illegally, State and local law enforcement agencies would have to confirm their status with the INS before arrest. Is that the gentleman's understanding of what the amendment reads?

Mr. DOOLITTLE. If the gentleman will yield further, they are authorized to arrest and detain, but only after they have obtained confirmation from the INS. So they would have to call into the INS and get their confirmation that indeed this person is a criminal alien.

Mr. COLEMAN. But, of course, that is before they are arrested. So a person could not even be detained while that is going on, is that the gentleman's understanding?

Mr. DOOLITTLE. If I may add, typically this situation arises when they have stopped an individual for a traffic offense, and in the course of running the check this pops up. So that is kind of the normal circumstance when it would occur.

Mr. COLEMAN. But of course that is not all circumstances.

Mr. Speaker, I just want to say to the gentleman, if the gentleman will help me answer that question during the time he has for the debate, I would not object because I think people ought to be entitled to offer their amendments that are made in order.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ADDITIONAL TIME FOR DEBATE ON AMENDMENT NO. 10 TO H.R. 2703, COMPREHENSIVE ANTITERRORISM ACT OF 1995

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes proceedings on the request for a recorded vote on the amendment which is the Watt-Chenoweth amendment, amendment No. 10, it may be first in order to debate the amendment for an additional 10 minutes equally divided and controlled by an opponent and a proponent of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF CONFEREE IN LIEU OF CONFEREE H.R. 956, COMMON SENSE PRODUCT LIABILITY AND LEGAL REFORM ACT OF 1995

The SPEAKER pro tempore. Without objection, the Chair appoints the gentleman from Massachusetts [Mr. MARKEY] as conferee on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, to replace the gentleman from Oregon [Mr. WYDEN].

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

The SPEAKER pro tempore. Pursuant to the House Resolution 380 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2703.

□ 1708

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2703) to combat terrorism, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a demand for a recorded vote on amendment No. 15 offered by the gentleman from New Jersey [Mr. MARTINI] and on which the ''ayes'' prevailed by voice vote had been postponed.

Pursuant to the order of the House of today, it is now in order to consider amendment No. 7 printed in House Report 104–480.

AMENDMENT NO. 7 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DOOLITTLE:

Page 133, after line 17, insert the following new section (and conform the table of contents accordingly):

SEC. 678. AUTHORIZING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO ARREST AND DETAIN CERTAIN ILLEGAL ALIENS.

(a) IN GENERAL.—Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States, and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction,

but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into Federal custody for purposes of deporting or removing the alien from the United States.

(b) COOPERATION.—The Attorney General shall cooperate with the States to assure that information in the control of the Attorney General, including information in the

National Crime Information Center, that would assist State and local law enforcement officials in carrying out duties under subsection (a) is made available to such officials.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I held a meeting recently with many of our key law enforcement people in my part of northern California to help identify reasonable and constitutional ways in which Congress can assist them in their fight against violent crime in our communities. Not surprisingly, many of them pointed to California's increasing problem with illegal immigration as an issue they felt deserved Congress' immediate attention.

I am pleased to see that H.R. 2703 has taken major steps in addressing the problem of illegal immigration by specifically focusing on the deportation of criminal aliens from our country. However, I feel that the bill fails to address a critical problem associated with criminal aliens, and that is the fact that almost all of those deported eventually find their way back to our country with a potential of committing crimes again.

In California alone, the INS deports thousands of illegal immigrants every year who have committed felonies in our State, and every year thousands of those same criminal aliens return back again. In fact, the California Department of Justice recently reported that 98 percent of all immigrants who are deported for committing felonies in California will eventually return to the State, and of those, 40 percent will commit crimes again.

Unfortunately, this epidemic is not unique to urban areas, but has started to infest rural America as well. Just a few years ago, in the small rural community of Lincoln, which is located in my district, an illegal alien was found guilty of a driveby shooting, which was the first driveby shooting ever in that area. After spending a short time in prison, the criminal alien was deported out of the country by the INS. Now, despite his deportation, he returned to the area after only 1 week and, without hesitation, committed another crime.

With such a threat to our public safety posed by criminal aliens, one would think that we would give law enforcement all the tools it needs to remove these criminals from our streets, but unfortunately just the opposite is true. In fact, the Federal Government has tied the hands of our State and local law enforcement officials by actually prohibiting them from doing their job of protecting public safety. I was dismayed to learn that the current Federal law prohibits State and local law enforcement officials from arresting and detaining criminal aliens whom they encountered through their routine duties. In fact, a low re-entry into the United States by deported aliens was considered a felony. Our State and local law enforcement officers are only permitted to release the felon and contact the INS with the details of the incident.

Mr. Chairman, current Federal law in this area places our communities at risk and has led me to offer this amendment to H.R. 2703, an amendment I feel will help put some sense back into our laws dealing with the reentry of criminal aliens into this country.

My amendment would also permit State and local law enforcement officials to assist the INS by granting them the authority in their normal course of duty to arrest and detain criminal aliens until the INS can properly take them into Federal custody.

With my amendment, law enforcement officials would no longer be required to release known dangerous felons back into our communities. Instead, this amendment would give those with the responsibility of protecting our public safety the ability to take a known criminal alien off our streets and put him behind bars.

Mr. Chairman, you will be interested to know that shortly before my district was victimized for the second time by this criminal alien I spoke of earlier, an area police officer actually stopped him for a traffic violation. With my amendment the police officer would have been able to put him in jail for being back in the country illegally until the INS could take him into Federal custody. Without it, the officer had to release him, and our area became the victim of yet another crime.

My amendment is supported by our local law enforcement because they know that fighting illegal immigration can no longer be left solely to Federal agencies. Let us untie the hands of those we ask to protect us and include my amendment in H.R. 2703 today.

Mr. Chairman, by way of summary, I would like to allay fears or concerns that Members may have about the scope of my amendment.

First, my amendment does not require anything of State and local law enforcement. There is no Federal mandate. The provision I seek to add would merely authorize local law enforcement agencies to hold the criminal alien until the INS has taken him back into Federal custody.

Secondly, my amendment is very narrow and only covers situations in which the State or local officer encounters criminal aliens within his routine duties. In addition, the subject can only be held if the State or local police have obtained appropriate confirmation from the INS of the illegal status of the individual. Only confirmed criminal aliens are at risk of being taken into custody.

In closing, Mr. Chairman, I think my amendment represents commonsense reform. It is narrow in scope but will help mightily people on the ground who have the primary responsibility of keeping our children and families safe from crime.

□ 1715

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

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I would tell the gentleman from California [Mr. DOOLITTLE] that a lot of us who represent border districts understand and appreciate the gentleman's effort. A lot of us believe that we need to have a process and a system that works in the way that the gentleman's amendment attempts to describe it.

Mr. Chairman, I have to say that I noted the gentleman pointed out that there are no unfunded Federal mandates. I will tell the gentleman that the transferring of any person taken by my local police department into custody over to the INS will require some amount of paperwork. It may be, I hope, de minimus. I truthfully hope that is the case. But I must tell the gentleman that in that process, in and of itself, there will be some expense; perhaps not even just to the local department, but certainly to the Federal agency called INS as well.

Mr. Chairman, I would hope that there is an understanding, and perhaps if this amendment does survive the House and makes it into the conference, we would have an opportunity to discuss how it is that we will ensure that there will be sufficient funds to pay for the process that the gentleman has attempted, I think, to outline and describe in his amendment. It is one which I think most Members would be supportive of, except for the fact that a lot of us are not quite sure exactly how it is going to work in terms of the dollars and cents.

It is easy for us to say, Here is what we want. Americans do it all the time. Yet, they do not say how we are going to pay for it. I am one of those who has an interest in the process and want to ensure, as I know the gentleman does, the rights of the arrested individual, the guarantee and assurance that that is a person who is in violation of an immigration law, in addition to the fact that that person may have committed an offense within the United States. As the gentleman and I know, we think NCIC works pretty well. We on the border think it does work fairly well. There are exceptions, but nonetheless we would like to see it work.

Mr. Chairman, as long as the gentleman has a procedure and process now being required, as I understand his amendment would require, that some action at least would be taken by State and local officials, as well as the INS, I have to say, I am convinced there will be some costs associated with it.

Mr. DOOLITTLE. Mr. Chairman, let me say to the gentleman that I would be delighted to work with him on this

issue. Obviously, the primary responsibility for dealing with the control of our borders rests with the Federal Government. Representing California, we have had a number of problems getting, really, reimbursed for the costs that have been incurred.

On this amendment I bring today, the intent is to give the option to local law enforcement. It really came at the suggestion of one of our local police departments within the city of Roseville, which has had problems in this area, and the others who were there felt that this made perfect sense.

The gentleman is correct, of course, that if they detain an illegal, there will be some additional expense involved with the processing of that. They seemed willing, at least at this point, to incur that. But I would be more than happy to work with the gentleman to see if there is a way we can help the Government to live up to its primary responsibility of dealing with the control of our borders

Mr. COLEMAN. Mr. Chairman, if the gentleman will yield further, I would just point out that since, in fact, the ability to deal with some of the costs are directly related to the property values of a given district or a given area which is represented by a local police department, I must tell the gentleman that some communities will be unable to come up with those kinds of funds that are necessary, I think, for some of these additional costs, unless they are budgeted in some way; that there is some provision made at our level to say that we intend to hold harmless those departments who are working in that area, or at least provide some assistance to them, maybe through the INS.

That is the kind of thing I would like to work out, and maybe we can find a mechanism for funding it. I do not think that people would object, as I said earlier, to the thrust of the amendment. I am very concerned about its workability. As I say, I welcome the opportunity to work with the gentleman.

Mr. DOOLITTLE. As do I, Mr. Chairman. We will proceed ahead.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

Does any Member seek time in opposition? Hearing none, the question is on the amendment offered by the gentleman from California [Mr. DOOLITTLE].

The amendment was agreed to.

WITHDRAWAL OF DEMAND FOR RECORDED VOTES ON AMENDMENTS NOS. 13 AND 15

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the demand for recorded votes on amendments Nos. 13 and 15 be withdrawn.

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

There was no objection.

The CHAIRMAN. Amendment No. 13, offered by the gentleman from Tennessee [Mr. BRYANT], is agreed to by voice vote.

Amendment No. 15, offered by the gentleman from New Jersey [Mr. MARTINI], is agreed to by voice vote.

It is now in order to consider amendment No. 16 printed in House Report 104–480.

AMENDMENT NO. 16 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MCCOLLUM: Add at the end the following:

TITLE —FINANCIAL TRANSACTIONS WITH TERRORISTS

SEC. . FINANCIAL TRANSACTIONS WITH TERRORISTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting before section 2333 the following:

§ 2332c. Financial transactions

''(a) Except as provided in regulations made by the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is a country that has been designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as a country supporting international terrorism; engages in a financial transaction with that country, shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) As used in this section—

''(1) the term 'financial transaction' has the meaning given that term in section 1956(c)(4); and

''(2) the term 'United States person' means any United States citizen or national, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter of title 18, United States Code, to which the amendment of subsection (a) was made is amended by inserting before the item relating to section 2333 the following new item:

''2332c. Financial transactions.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the centerpiece of the existing bill as far as terrorism is concerned is the provision which denies the right of a terrorist organization or state to come to the United States and raise money to then take back abroad and presumably use it to engage in terrorist activities, perhaps in a foreign country, wherever that might be, northern Africa, southern Europe, the Middle East, or wherever.

The converse or the complement to this is equally important. That is what my amendment addresses. It addresses the situation where a terrorist organization, in an effort to be able to be involved in the United States in some terrorist activity, actually has some American citizen, a recipient, to bring into this country from a terrorist state government a certain amount of money that might be used to further the cause of terrorist activities in the United States.

As opposed to the underlying bill's provisions, the amendment I am offering only applies when a terrorist country, one designated in law by existing law that we already have, which currently includes Iraq, Iran, Libya, Syria, Sudan, Cuba, North Korea, are the donee countries, rather than to the organizations, because that becomes a more complicated technical problem.

It seems to me, Mr. Chairman, that we should not permit American citizens or American permanent resident aliens to bring money into this country under any guise from a country that has been put on the terrorist state list. We do not know what that money might be used for, but more likely than not, when we think about it, for terrorist activities it would be used to buy explosives or to perhaps harbor some people who are going to actually commit the technical acts, or maybe to buy the taxicab fare or the plane fare, or who knows what. Certainly it could be used for those purposes. We have no business having financial transactions with terrorist states coming to American citizens.

There is some existing law, but it is very weak law in this regard. The definition in the amendment I am proposing with regard to a financial transaction that would be prohibited is the one currently used in our money laundering statutes. It is a fairly broad definition, defined as ''any movement of funds, use of any monetary instruments or financial institution or the transfer of any real property or certain types of personal property.''

The Secretary of State under this amendment could make certain exceptions in cases of an inconsequential nature, perhaps something connected with the United Nations activity by one of these countries, such as postal, telephone, travel services, for specific purposes and the like.

Mr. Chairman, why is this important? It is obviously important. We want to protect our citizens from terrorist acts just as much as we want other countries to be protected. The bill just is not adequate as it is now.

An example of what might be, and I do not know that it is, a situation of this nature came to my attention reading the newspapers recently, when Louis Farrakhan went abroad and visited a number of terrorist states. It has been reported that in Tripoli during his stop, Farrakhan received a pledge of $1 billion from the Libyan Government, from Mu'ammar Qadhafi. I do not know whether that is true or not, but that is what has been reported.

I do not believe that the Libyan Government ought to be giving Farrakhan or any other United States citizen $1 billion to come to the United States. Who knows what that might be used for? I am not trying to disparage Mr.

Farrakhan's purposes, although he is reported as having said during his tour, ''You can quote me, God will destroy America by the hands of Muslims.''

I do not know his motives or his intent, and I do not wish to bring up his situation to disparage him, because I really do not know. But it does call to our attention the fact that there are states like Libya and the Sudan and Iran who could provide money to the wrong hands in the United States in large quantities, potentially under current law. We need to close that loophole. That is what my amendment does. That is why I offered it.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding time to me.

I support the amendment, Mr. Chairman, for a simple reason. I think it is wrong for anyone in the United States, I think it is wrong for anyone in the United States to knowingly deal with a country that sponsors terrorism. Why should we allow countries that sponsor such horrible acts as blowing up our barracks or blasting our airliners out of the sky to benefit from dealings with U.S. citizens?

As I understand the measure, it essentially ties together in one place existing prohibitions that depend on a series of executive acts. I want to salute the gentleman for doing it. I think it is not controversial, and hope we can move the amendment with alacrity.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agree to.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DOOLITTLE] having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2703) to combat terrorism had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 163, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 163) making further continuing appropriations for the fiscal year 1996, and for other purposes, when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, and I certainly would not object, I would like to inquire of the chairman if he has any idea what time tomorrow this would be brought up on the floor.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would advise the gentleman that we expect to bring this up sometime mid-afternoon tomorrow. I would tell the gentleman that, had we received a more speedy process on the current bill that passed the House last week, that this might not be necessary. But in view of the fact that we have not been able to go to conference, it does become necessary.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1730

AUTHORIZING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 45) authorizing the use of the Capitol rotunda on May 2, 1996, for the presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. DOOLITTLE). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 45

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on May 2, 1996, at 2 o'clock post meridian for the presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359.

Mr. LONGLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the Following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FATTAH] is recognized for 5 minutes.

[Mr. FATTAH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

[Mr. GEJDENSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

[Mr. SHADEGG addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WOMEN IN THE HISTORY OF THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for giving me this time. I guess we are not finishing the bill today. I must say I hope Members think about the bill that we had under debate when the committee rose, because at this moment we still have the President in Egypt talking about terrorism, and what I think has happened is we have gutted the terrorism provisions in this bill. So while the President is away trying to say we will not

allow terrorists to terrorize us into not pursuing peace, we are here undoing the terrorism bill, and I do not think that is a happy conclusion for anybody. I feel like we should ring him up and say, hello, President, guess what we just did.

I do not think the President is going to be too happy about that. I think tomorrow we are going to have an opportunity to reinstate the terrorism provisions, and I hope Members think about that. This was a very strange day procedurally.

While I have the floor and while it is still March, I would like to also continue talking a bit about Women's History Week, because it has been a very interesting month in that every time I talk about it, it seems there are some people who absolutely cannot stand the fact that women have done anything in the great history of this Nation. I have been talking about women in the history of the military, the fact that there were women in the revolutionary war. In fact, one of them is buried at West Point. About Mrs. Washington going off there. Today let me talk about Mary Goddard. Let me talk about Dr. Walker, who was one of the surgeons during the civil war.

There are so many women in history that contributed to this country and so few of us know about it that that is why we have this month, to try and reinstate some of the history that we know about.

On July 4, we all celebrate the wonderful independence day, the Declaration of Independence, how exciting it is, but the thing that very few people really realize is that while these esteemed forefathers wrote this, writing it was not a crime. Printing it was a crime. Because obviously you didn't have radio, you did not have television. Printing it was how you could distribute it. If you had to sit down and hand write every copy of the Declaration of Independence, we would probably still be waiting for the revolutionary war. So as a consequence, printing such a document was treason by virtue of an act of the crown, and when they got done with this, they went around trying to find somebody who would print this document.

Everyone, many, anyway, would see it and say, well, thank you very much. We wish you well with the revolution, but we are not really into treason this year. You know, that is kind of a high price to pay, and it will be my neck that they will come after.

After searching diligently to try and find a way to get this printed so they could disseminate it to the 13 colonies, they found a woman named Mary Goddard who had a printing press, agreed to print this, and in fact wrote her name on the bottom because the register of the press had been in the name of one of the male members of the family, and she wanted the king to know that she had done this because she had not transferred the seal over to her name yet.

I think that was a very courageous thing to do. If this thing had not worked, she would have been the first one they would have gone after and she would have been the first one to lose her head by order of George III. Now, for that she became the highest paid Federal employee in the history of America and that was postmistress of Baltimore.

If you look at where we got freedom of religion, it is no secret that many of our forefathers who came here really were about freedom of religion. They were about freedom to practice their way but they did not want anybody practicing any other way, so they were very repressive once they got here to anyone who did not agree with them.

It was Anne Hutchinson, her husband and her followers who were chased out of Massachusetts, the Massachusetts Bay Colony, through a trial that took them two or three times to finally try and convict her because she was so popular in the area. They tried her for heresy, and she left and went down to what we now know as Rhode Island.

It used to be called Rogues Island because they thought only a bunch of rogues would live together and be for freedom of religion. It went from Rogues Island to Rhode Island. It is wonderful and many women are very proud that a woman founded the colony, and it was the first colony that had freedom of religion in its charter.

There were many, many women who were forgotten. We all remember Abigail Adams, wife of John Adams, who kept writing him during the time that the Constitution was being drafted. She kept saying, ''Remember the ladies,'' and he wrote back sarcastic things like many of our radio hosts fire off over the radio every day. He would write back these sarcastic things, and of course they did not remember the ladies. They wrote the Constitution and left women out.

But Abigail raised her son very properly, and many years later he was writing in his memoirs and letters how tragic it was that with each year that passed, people knew less and less about the contributions many brave women had made during the colonization of America and during the Revolutionary War period. We all know about Paul Revere riding through Boston, but we do not know about Sarah Luddington saving Connecticut, riding through there.

These things are all important. These things we celebrate. I must say I get very, very tired of people trying to minimize this. It is not that we are saying we did it all and men did nothing. We are saying both men and women contributed to this great country.

That is our model of standing shoulder-to-shoulder, and this is a time where we should really go back and reinstate women in history rather than continuing to pretend like they did not do anything, they came here on cruise ships, they sat around and ate bonbons, sat around and got their hair done and nails done, waiting for everything to be done so they could celebrate.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

CUTS IN APPROPRIATIONS FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, as we have progressed in this House through the appropriation for the education program, especially for our title I program, we have found a continuation of the philosophy on the majority side that these funds for elementary and secondary education can be cut without causing any harm to the students in the school systems throughout the United States, that the majority of the Republicans feel, under the leadership of NEWT GINGRICH that these funds can be cut and no harm will be done.

I would suggest, Mr. Speaker, that you and other Members of this House do as I have done, and that is to contact your local school districts and talk to them about what a 17- or 20-percent cut in title I funds for remedial reading and reading recovery or math, remedial math, and those programs will do to those local districts.

I have done so and I would like to read to you, without naming the names of the school districts, some of the comments that have come from those schools. One says a 17-percent cut in funding will be a cut of $15,000 to $16,000 real program dollars. They currently have two full-time teachers, elementary level, who teach remedial reading and math. Since the calculation for change this year, they actually get more money and will have a little carryover. They plan to use the carryover to fund a reading recovery program. They do not have a summer school program.

Another one currently has 35 or 36 full-time teachers, about 18 aides, who serve 400 to 500 students. They deal with remedial reading and math during the regular school year and summer school, which includes pre-kindergarten level, to start a reading recovery program for at-risk first graders which is working out wonderfully. A 20-percent cut, which is what is heard, will be a great impact on their schools. Off the top of his head, the superintendent said that they would do all they could to save the reading recovery, but cuts will be done to regular remedial programs.

□ 1745

Another one, currently one of every two teachers with two aides full-time;

they deal with two remedial reading classes. Total program costs $75,000 to $80,000 to fund, no math program, no reading recovery program. They have had astounding success with remedial reading, do not want to lose this program, program serves grades 1 through 6. Majority emphasis is on 1, 2, and 3, although it continues to grade 6, and they have students in 4, 5, and 6 who still participate in the program. The majority of students graduate after grade 3. Cuts in the program would hurt this system.

Another one currently has 3½ teachers in grades 1 through 6 teaching remedial reading and math, are anticipating loss of 1 full-time teacher. Each teacher there serves 45 to 60 students. If you lose one teacher, 60 students will not be served in remedial reading. Feels that remedial reading is a good program, has had good results.

Here is one from another school district. They get a little over $200,000 in title I funding, have about 7 full-time teachers plus two aides. Figures they would be cut about $40,000. This means a loss of one teacher, probably one aide and one program. Currently have remedial reading and math in extended-day kindergarten and a transition program for first graders. Those who seem to be struggling are placed in classroom with two teachers. Figures the program that would be cut would be the extended-day kindergarten. They currently serve about 200 kids. Said they are not a high-impact district.

And there are other local school districts closer by that are high-impact and would have more adverse effects on those.

Here is another one. They are every dollar they receive from the title I to directly benefit a child. Currently have three full-time teachers who teach remedial reading and math. Besides regular program during the day, they have had an evening program which provides tutoring. The three teachers serve about 500 students, 25 percent of school population. Cuts in the program funds would directly cut one or more of the teachers. Could not absorb the cuts, and they thank our staff for calling. They say they are quite concerned with it.

I have many others here that have answered our questionnaire, and all of them are to the gist that with a couple of exceptions where the school districts are fairly well funded, that they would not be able to replace these programs with local funds, that they would have to do without, and many children would be hurt by these cuts that are being made in education for the title I programs.

Every one of them said that these moneys, our Federal dollars, are being used wisely to help educate, they are being used to make sure our children learn as they progress through the elementary grades. And I think it is poundwise, very foolish for their House to continue on the road to cutting education for our youngsters. They are the future of our country. To say we do not need to educate them, I think is a vast mistake.

Another thing I would like to comment on is some of these school districts are in very economically low-grade or poor areas, and they need this money. They are not going to be able to replace it with local tax dollars.

So I urge the House to restore the funding for our educational programs.

ENVIRONMENTAL CHANGES AND FUNDING OF THE EPA

The SPEAKER pro tempore (Mr. DOOLITTLE). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I wanted to address the House this evening and talk about the Vice President's speech today. The Vice President was on a mission to distort what the Republicans are actually doing in Congress relating to environmental changes and funding the EPA. I think it is important that the Congress and the American people know what is happening.

Today Vice President GORE said we are putting our kids in danger. He said that today more than 10 million American children under 10 currently under 12 currently living within 4 miles of a toxic waste site are at risk. The Vice President also said, yes, the era of big Government is over.

My colleagues, unfortunately, I think, the Vice President is talking out of both sides of his mouth to us. I think we need to set the record straight, and let me share with you some of the facts relating to what is going on with this great current Superfund site.

First of all, the Superfund Program has been in existence for 15 years, and only 75 sites out of several thousand identified sites out of several thousand identified sites have been cleaned up, an average of 5 sites per year. The average cost of a cleanup of a site is $30.7 million. The total cost to date in the Superfund Program to the Government and private sectors is about $25 billion. The Superfund costs the Government and private sector $4 billion annually for nonfederally owned sites.

However, only 53 percent of the total Superfund dollars are spent on cleaning up the sites. The rest of the money, and this is the Paul Harvey part of the story, the rest of the money, $1.3 billion annually, is spent on attorneys and studies.

So we are, under this current system of Superfund that the Vice President is so concerned about protecting, the money does not go to clean up these sites. The money goes back for attorneys' fees and studies, and you see out of all of the sites identified, several thousand, only a handful have, in fact, been cleaned up.

What about those children the Vice President spoke about today when he addressed group here in Washington? Are we taking care of the risk to human health and safety and welfare? How did the GAO report? This GAO report is June 17, 1994. Let me read this GAO report about the sites we are cleaning up.

Although one of the EPA's key policy objectives is to address the worst sites first. Relative risk plays little role in the agency's determination of priorities. EPA headquarters leave the task of setting priorities to the regions. Yet the regions do not even rank the sites by risk. So we find that we are not cleaning up the sites that pose, in fact, the most risk to our children, public health, and safety, and that the system that President GORE is protecting is really out of whack.

Ladies and gentlemen, we have also heard comments that EPA is going to, in fact, make polluters pay. We have to look at the record. The Vice President says this great system, in fact, currently makes polluters pay and we do not want to change that. In fact, look at these headlines, ''EPA Lets Polluters Off the Hook.'' In fact, under the current system, you find that very few of the dollars are collected by EPA.

The Lincoln Star reported, June 21, 1993, that internal EPA figures obtained by Associated Press showed the Agency has recovered only $843 million, or less than one-fifth of the $4.3 billion, in cleanup costs that could be recovered from polluters under the current law. So they are not doing it now. And these are the kinds of changes we want to make here.

Finally, ladies and gentlemen, let me tell you what this is about. This is about command and control bureaucracy here in Washington, DC. This is about how many employees EPA has. EPA has 5,924 of its nearly 17,850 employees in the entire agency. There are 6,000 here in Washington, DC. This is about command and control and bureaucracy, not about the environment.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mr. BARCIA. Mr. Speaker, I lent my name to the Independent Contractors Simplification act without fully comprehending the implications of this bill. I ask unanimous consent to have my name removed as a cosponsor of H.R. 1972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEVASTATING EDUCATION CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, tomorrow we are likely to take up another temporary spending bill to keep the Government open. Unfortunately, that bill will very likely contain the same

devastating education cuts that were put in place by the current continuing resolution.

These cuts in education are causing a crisis, truly a crisis in American education. I know in my school district and school districts all over this country, what they are trying to do at the moment is struggle and grapple with a plan for the upcoming school year.

How much money will they have available in order to carry out what their mission is, that is, to educate our children in this Nation? They have no idea today how much money they are going to have to carry out education functions.

The budget plan will have a tremendous, a tremendous impact on the lives of schoolchildren all over the country, and, in fact, they are going to have a tremendous impact on what happens for our future and the future of these young people.

My Republican colleagues offer no relief to these school districts. What we are likely to do tomorrow is extend the uncertainty for yet another week.

Let me pause a moment here to say that I often hear my colleagues on the other side of the aisle for the past year and 3 months talk about what they felt their mandate was in 1994. That is, they were going to come here, revolutionize the Congress, make it run like a business, a laudable goal. But what business do you know of that is open for 2 weeks, that closes for 2 weeks, that says to its vendors or the people who supply it with services, that maybe we will pay you, maybe we will not pay you, or maybe we will pay some and not others?

What business do you know that says we are only going to extend our services a week at a time? I do not know any business that does that that could stay in business.

So that this way of managing is truly incompetent, total mismanagement. And what is at stake here in the education area is the future and the lives of our young people and their ability to be able to compete in an international world, their ability to have an education, that they ultimately can work and work and get a living wage.

School districts, let me repeat, all over the country, are in the dark about the type of Federal assistance that they will be able to count on in order to continue what they are doing.

I went to a school in my district where I met with parents. I went to a kindergarten class, several of them, and I watched these little bits of kids at their computers with their earphones on and reading, identifying the alphabet, and looking at the letter C and saying yes, this is a cake, looking at the letter D and say this is a duck, this is a deer, and doing this with the computer, listening to stories with comprehension and then writing down what they hear there.

These are the kinds of initiatives that are in jeopardy because of the irresponsibility of this congressional majority.

The funding of these kinds of efforts is unknown, and therefore we do not know whether these programs will be able to continue, in addition to which one of the things we talk about in private education and private schools is that classroom sizes are very small so you have individual attention. Well, in our public school system, the classes are larger, and therefore we deal with aides who work with the teacher, who can get around to all the kids in the class. So that we are not only dependent on private education in this country which, but in fact that we have a good strong public education system.

□ 1800

Mr. Speaker, my kids went to public school. I believe in the public school system. Now, with a cutback, we will see those aides removed. So in public education, where you have an expanded and larger classroom, these children are not going to get the kind of attention that they need in order that they might learn and learn quickly and have opportunities available to them.

Worst of all, my Republican colleagues in the House are promising to continue the deep cuts in education that they have made so far this year, at a time when we know in this Nation that Americans are rightly anxious about their job security and at a time we all know that a good education is the key to a good job, congressional Republicans are launching an assault on American education.

Poll after poll shows that the American public overwhelmingly supports education and schools. As public servants, it is our duty to ensure that our schools are able to provide quality academic foundations for our kids to be able to meet the challenges of the 21st century.

Despite this obligation, and that is one of the reasons we are sent here, congressional Republicans are making tough times even tougher for kids trying to get a good education and for their parents who want to see their kids get ahead. They are making the largest cuts in the history of Federal aid to education.

In addition, money is being cut for a school-to-work program. We have young people in this country who go to high school and then go to work. The majority of our young people do that. It is a small percentage that go on to a 4-year liberal arts college. It may be that that is okay. We may have enough history majors and enough English majors to take care of ourselves forever. But the aspirations and the values of these young people who want to go from school to work, those aspirations are being crushed.

We began the school-to-work program and it works. Talk to the business community, talk to the academic community, talk to the youngsters involved, they need to bridge that time between high school and the job market in order to go in and to be good, solid, professional workers.

We are going to pull away that funding for school to work.

The new temporary measure that funds education, which is known as a continuing resolution, is expected to continue to cut basic skills training, reading, and mathematics, by 17 percent; funding to keep our schools safe and free of drugs is expected to be cut once again by 25 percent.

Talk to any of the DARE officers, any of our law enforcement community who work in the program, in a DARE program, they tell you that this program is working, let us give it a chance. Let us work the bugs out. Let us start with our youngsters in the elementary grades and follow them along to see if this training has made a difference in what happens with drugs in our school and with our young people today. Let us give this program a chance. People who are working in it believe that it is working.

I also might add that our colleagues in the Senate, which I think is interesting to note, our colleagues in the Senate yesterday voted overwhelmingly, I think the vote was 84 to 16, to restore some of this funding in education for Head Start, for skills training, for school to work, for reading and mathematics readiness.

Yet, in today's Washington Times, the majority leader of the House of Representatives, the gentleman from Texas [Mr. ARMEY], commented, and this was only restoration of money for education because there is a recognition of how important education is in our lives, what kind of opportunity it provides to people in this country, Mr. ARMEY said: ''Well, isn't that typical of the Senate? All they want to do is spend money.''

Mr. Speaker, it was 84-to-16, a bipartisan vote on a Democratic amendment, I might add, but a bipartisan vote to restore some of the funding to education.

Before we can expect our kids to do all of the great things we wish for them, we indeed have to provide them with the essentials, training and basic skills, a safe place for them to learn.

It is in these areas where my Republican colleagues have made crippling cuts. Congress will soon face a choice: Will we allow my Republican colleagues to extend these cuts, or will they restore the funds that they have taken from America's classrooms and America's children? I can tell you in my State of Connecticut these cuts spell disaster. We cannot continue to do this; $8.6 million will be taken from the State of Connecticut for basic skills training; 9,200 needy students will go without. Schools in my district will lose $1.5 million. Under the safe-and-drug-free program, $729,000 will be cut for the State of Connecticut.

Mr. Speaker, what makes these cuts so wrong-headed is that our Nation now stands at this crossroads. We can either choose to give our people the skills they need to compete and win in a global marketplace, or we can allow

our citizens to fall further and further behind as they compete with low-skill workers around the world for the lowest paying jobs in the world.

Getting a good education has always been a tremendous part of the American dream. It is what has enabled our people to succeed. Public education has been the great equalizer in this Nation. It is said to all children, let us emphasize your God-given talents. Let those talents take you to the highest pinnacles that you can reach.

These cuts will dash that dream for too many of our kids and for too many of the working families in this Nation.

As Congress considers a new spending message for the rest of the year, I urge my colleagues to remember the children in the classrooms all over America and the parents who have a bright hope for their kids' future. We need to restore the Federal funds that enable our children to make those dreams a reality.

I am delighted to be here this afternoon with several of my colleagues to talk about this issue of education, its importance in this country, and what the importance of these cuts are and what a devastating effect they will have on our kids future.

I yield to my colleague from West Virginia.

Mr. WISE. Mr. Speaker, I thank the gentlewoman for taking this time.

The title I program which you have talked about some, I decided it was time to put some faces in front of the statistics. You just look at programs as title I, what is wrong with cutting it 17 percent? I have been visiting title I programs across the State of West Virginia.

Of course, there is a problem too that you pointed out. All of our States have to prepare their budgets for the next school year now in the spring. In the State of West Virginia, on April 1 they have to post the list of transfers and layoffs by State law on April 1. So the fact that this Congress has not gotten around to getting them a 1996 budget, even though the Congress is working on a 1997 budget at this point, doubly compounds the problem. They are presently operating under the assumption there will be a 17-percent cut.

What that means to the State of West Virginia is on April 1 they will have to announce the layoffs of 226 title I teachers and 90 aides. Of the roughly 38,000 students that take advantage of the title I program across the State, title I being assistance in math and reading, but it has actually expanded far beyond that to be a total classroom approach in many of our schools, in addition to the 226 teachers and the 90 aides, 6,500 out of 38,000 students will not be able to get title I services.

Some would suggest maybe this perhaps needs to be cut. I would point out it has been cut and restricted significantly in past years. In one school district I was in yesterday, a few years ago there were seven schools that participated in it. Right now it is at three. If these cuts go into effect, it will probably be only two. Whether you are talking about Chesapeake Elementary School in Kanawka County, Rock Branch Elementary School in Putnam County, or Ransom Elementary School in Jefferson County, every one of them came out and parents took time off from work to come educate me about what title I meant.

If you listened to Melissa's mother at Rock Branch grade school begin crying as she pointed out how Melissa had been earning F's before the title I teacher intervened, Melissa is now earning B's and has a positive outlook on life.

If you listened to Mrs. Clark yesterday in Ransom Elementary School talk about how much her children had benefited from it and how concerned she was that this program would be cut back, or Patty Lavendar at Chesapeake Elementary School, who really saved the program when the Kanawha County Board of Education was having to look at where they would cut, that one was on the block. They were able to save the program because of the outpouring from the parents, the parental involvement. That is one of the things that title I focuses on, is parental involvement, not just teacher involvement.

So title I is a vital, vital program. It has always had strong bipartisan support. The interesting thing is we are now having to look to the Senate, which did restore basically the funding for title I yesterday, and hope that same spirit follows through over here.

This is a program that has blossomed. At one time it used to be a teacher pulling a few kids out of class and working on math and reading, and in some cases that is still the appropriate educational forum. But it is also a case where the title I teacher and aides are actually working in the classroom. They are working with the entire class in some situations, assisting that classroom teacher, as well as providing additional skills.

It is true that title I is a program that the formula is based upon free and reduced lunches in schools. But yet students benefit far beyond just those receiving free and reduced lunches.

In closing, my visits to title I programs have caused me to think anew what it is we are asking from Government. The fact of the matter is that for many parents, they do not have the resources of a Steve Forbes. They are not able to go out and hire resource rooms and teachers. They, by the same token, most parents do not have the resources to have a library of 1,000 or 2,000 volumes and CD–ROM disks and the computers that go with it. What we do as a people is pool our resources in something called education, and we pool it in title I.

One mother pointed out to me the other day her real concern that if title I was not there, what would be the outlook for her children in years to come? She says the very worst case would be possibly jail or prison, but at the least, a child has an increased frustration level, a child is not succeeding.

The one common element to every program I visited was self-esteem. The children were doing better because they felt better. There is nothing worse than a child, a young child who is having trouble reading and no one is reaching out to them, or having trouble with a certain subject and no one is reaching out to them. This helps them to develop those skills and move on.

So, as I say, I consider the cuts that have been passed by this House, 17 percent in title I alone, shortsighted. My concern is that the boards of education across the country are having to implement those even before they are finally passed, because they have to make some assumptions, and that the title I program is already suffering some impact, adverse impact, by actions, even though there has not been finality or closure yet on what the budget situation is.

My advice to every Member of the House is go visit a title I program.

Ms. DELAURO. You just encapsulized it. I think it is so critical. When I told you I went, there were 20 youngsters around the table. They had their sheets of paper and they were counting. You had the teacher, and what they had to do was count each of the lines, whether it was 7 or 6 or 8 in a row, and then they put their number in. The teacher took one-half, the aide had the other, and individually going to each child. And when they saw the answer, if the answer was correct, they put a C on it, and if it was not, they would go back and count with the youngster so that they would get it right and understand where they had made the error.

What we talk about in this body all the time, there are folks here who want to provide vouchers to families to be able to go to private schools where they get individual attention and they have all of the resources that are there. For God's sakes, we have got a resource. We have public education. We have a program that is providing this kind of individualized attention to these children. What we want to do is end it. It is to have half of that classroom or a fourth of that class there not have individual attention, and someone there who can help them with their self-esteem if they get it right, show them where they may have had an error, and let them move on and allow them to learn and progress. And it is mindless what is being done here with regard to education.

I would like to yield time to my colleague from New York, MAJOR OWENS. No one has spent more time on this issue of education than the gentleman has. We are grateful to you for your commitment and vision.

Mr. OWENS. Mr. Speaker, I want to thank my colleague from Connecticut for the special order. We cannot come to this floor too often. We cannot say too much about education at this critical hour.

□ 1815

It is a critical hour, and I would like to use it to make one last appeal to our colleagues on the other side of the aisle. The majority, the Republican majority, has the power, and they can use that power to strengthen education and do a great deal for this Nation. They can use that power to wreck what has been accomplished to date in this country in terms of building some meager Federal support for the great educational apparatus that we have spread out across the country.

The Federal Government only has a small role, you know, of all the money spent for education. It is about 7 percent to 8 percent, and a large part of that goes into higher education.

So we only have a small role to begin with, but that role is critical. We are like the gyroscope on an airplane. That role is critical in terms of giving guidance and direction and inspiration and encouragement to the rest of the country.

When you do not have that support coming from the Federal Government, all kinds of things begin to happen at the local level. The commitment is lessened at the State level, the commitment is less than at the local level. We have had a retreat which has followed the drumbeat of the Republican majority here in Washington, a retreat across the country, in terms of Governors and legislatures and local mayors, in terms of commitment, their commitment to education.

What the Republicans have done, the majority of Republicans have launched a savage guerrilla warfare against education. I am baffled. I do not understand why the attack has been launched against the children of America, starting with the School Lunch Program, which baffled me greatly in terms of the amount of money. They squeezed some savings out, but the amount of money they saved is relatively small.

Yes, we want to eliminate inefficiencies; yes, we always want to eliminate waste. And that is a constant process. We must constantly strive to eliminate inefficiencies, to eliminate waste. We must constantly strive to get rid of incompetence and to replace it with competence and the best possible management. But more than that is being attempted here, and money seems not really to be the problem. We are not really talking about saving money. There seems to be a concerted effort to wreck, to recklessly destroy, the education improvement effort in America.

They call for the elimination of the Department of Education as key, and anyone observing the situation and understanding what is going on here, it is not about saving money only. It is about destroying the public education effort in America. Someone has made a determination that they can take care of a small elite group of children, students that they want to take care of, but they do not want the burden of educating all Americans, a commitment that is made from the very origins of the Nation. It is made not so much by the Federal Government, but certainly by the various State governments, and as the society has gotten to be more complex, that part of our Constitution which talks about promoting the general welfare is a joke if you do not focus your attention on improving education.

No modern society can prosper and grow without paying a great deal of attention to education, and all of our competing industrialized nations, they all clearly understand this. It might be that we may never want to go as far as Japan or Germany in terms of centralizing the direction of education through a Federal department; that is not necessary. But we are a long ways from that when you only have a 7-percent investment at the Federal Government level, a long ways from any centralization that is going to destroy local initiative.

Local control is there now. Local control will be there for a long time to go. If you increased education, the Federal share of education expenditures, by 25 percent, and we have a comparable amount of control, then you might have 25-percent Federal control, using that word, and 75-percent State and local control. Well, with 75-percent State and local control, it is still basically a State and local control operation. We have no danger of that happening with our 7-percent commitment.

We have to understand, however, that we cannot go forward and promote the general welfare, we cannot go forward and produce the kind of population, which is the greatest resource that any civilized nation can have right now, is an educated population. Our military might will do us no good if we do not have an educated population to win the economic competition. Our military might will not do us any good if we do not have an educated population, and we cannot maintain basic law and order, and we cannot have a society which is a viable society.

You know the kind of recklessness that we see first with the missiles aimed at the Department of Education and then the guerrilla warfare conducted against school lunches, and even the summer youth employment program is not a part of the school system, is not a part of the Department of Education; it is a basic part of the orientation of children as a basic part of a message that the Federal Government sends to children that it cares. And that, too, is under attack. Small amounts of money within the context of the overall Federal budget, but they have chosen to go after it anyhow. They have chosen to deal with the one area where there is some possible relief for local and State governments.

Local and State governments are under a lot of pressure, the expenses for education expenditures are increasing to deal with some of the modern requirements of education, and some of the myriad of problems faced by our schools means they need more money. Where can the money come from? It should come from the Federal Government. Certainly research and development, certainly support for populations that need extraordinary attention; that is the whole philosophy behind Title I and the Elementary and Secondary Education Act. We need more help from the Federal Government.

All taxes originate locally. Tip O'Neill used to say all politics is local. All taxes originate locally. The taxes that run the Federal Government come out of the pockets of people who live in cities and towns and school districts, and some portion of their taxes they should be able to get back in order to deal with the crisis in education. We ought to be able to get back more than 7 percent. To cut it off completely, however, and to wage a guerrilla warfare on the commitment that has been made, and chip away at it, as we are presently, is a reckless and savage act.

Jonathan Cozel uses the term ''savage inequalities'' when he is describing the differences between the best in America and the schools that are usually serving our poor and minority populations. But what we have here is a savage attack on the whole public school system, a savage attack that will destroy the effort that has been made over the years, and we were making some progress, even through Republican administrations, the steady movement from President Reagan's recognition of the fact that something had to be done when he commissioned the report that led to, commissioned a group that produced support called a Nation at Risk. Following that, George Bush and his efforts with America 2000, and all of it has just been one seamless effort, not such a disjointed partisan effort.

And suddenly, after President Clinton follows through on George Bush's goals, and we are moving in the same direction that the Governors and a whole lot of very intelligent and powerful people have decided we should move, suddenly the Republican majority in this House decides they want to wreck it all, they want to destroy it all. They are barbarians, and this is a barbaric act.

Mr. MILLER of California. I thank the gentleman from New York, and I thank the gentlewoman from Connecticut, for taking this time.

I think the gentleman from New York [Mr. OWENS] makes an important point. It would be one thing if what we were considering was a well-thought-out proposal about the reform of one of these programs, if we were trying to better target the money, if we were trying to put it into a reducing the class size where we have students who are educationally handicapped or economically disadvantaged, some of the intensive title I. It would be different if we were asking people to refocus on a path that we thought would bring these young people a better education.

But this is simply the crass withdrawal of resources, and the gentleman from New York is so right. We have in the private sector, in the nonprofit sector, and in the public sector under the leadership of Presidents of both parties, we have tried to continue to develop the means by which we can improve the Nation's schools for all of our students, for those going to college and for those who are going to work and maybe to continuing education in connection with their employment.

But this is the first time where we just see the radical withdrawal of resources and say that is it, you take care of it, but with less resources.

You know, in the district that I represent in the San Francisco Bay area of California the school districts that are going to lose this money, the West Contra Costa School District, is going to lose $837,000. It has no ability to go out and to replace that money.

So, as I think the gentlewoman from Connecticut pointed out, this program is simply going to be withdrawn wholesale from schools as they start to retrench. That does not mean that children in that school are not deserving or needing of the additional resources that title I brings to that school, but they simply will be cut out of that because you are retrenching and trying to serve these. The same is true of the Mount Diablo School District. They have no ability to make up $324,000 of this, or—I see the gentlewoman from San Francisco here—$2 million. Here is a school district that just took an initiative on its own to try and reduce class size in the first 3 years of school because of the returns that they believe they will get with these children, and now they are going to withdraw $2 million from the school district.

This is not just about title I students, or title I classrooms, or title I schools. It is the entire drawdown on education resources that this kind of arbitrary and capricious decision—because this decision is simply a number picked out of a hat. It is not related to education reform, it is not related to educational preference. The gentleman from New York is exactly right. This is a dramatic and historic reversal of what has been a bipartisan trend to try and to improve and to upgrade the education and resources of this Nation so that the children can be gainfully employed, so they can go on to higher education, so they can take their place in the American economy.

And all of a sudden what we see is the wrecking crew comes in, and the wrecking crew says we are going to cut your resources by 17 percent. They do not ask you whether or not this is going to interrupt their reforms, they do not ask you whether or not this means our children are going to go without research. They just picked this number out of a hat.

Now fortunately, as you both mentioned, the Senate maybe sees it another way and maybe wants to continue the notion of the reforming of our schools. And I just want to say this. You know, if people had been visiting their schools and visiting with the parents, and we had the President in for Nut Day in the Mount Diablo School District in my district, and a number of parents showed up with their children in tow, excited about the expanded educational opportunities that being on the Internet would mean for their children.

People again, because of the economy, because of this problem of sliding wages and living standards, are revaluing, revaluing education, and they know that they need more out of it, that their children need more out of it, and at the exact same time of course the Republicans have been out of step with the public on most of their agenda, but at the exact same time where America is revaluing education and the teachers of education, the Republicans walk in with the wrecking ball and just knock it all down and remind you. This is a lesser of the cuts. The House Republicans, these cuts would have been much deeper. They were looking for deeper cuts than this.

And I think the gentleman from New York just makes an excellent point, that this is not a strategy to improve or reform our schools. This is just the wholesale withdrawal of resources, and we should reject it, if we get a second chance in the House. Hopefully maybe the Senate provision will hold, and we will stop this just arbitrary playing of politics with the future of our Nation's children.

I thank the gentlewoman for yielding and the gentleman from New York.

Ms. DELAURO. I just want to add one point. Your notion about when you are retrenching is that you pull out that money. If the school districts decide that it is important enough to do and they want to do it, where are they going to go for the funding? They are going to a property tax, and they are going to look at increased revenues, and most of that comes with increased taxes for people in your district and my district and districts everywhere.

And then the other piece is that they cannot do that, they do not want to risk raising the taxes; so, as you said, it is gone, and the ripple effect of that going is just enormous, and you cannot even calculate it.

Mr. OWENS. Why should they raise property taxes and other taxes when the Federal Government has a tremendous amount of waste that ought to be transferred into education? Just to give one example. Most Americans are not aware of the fact that auditors at the CIA found $2 billion. Hear me carefully; I use the word B—billion—$2 billion was found in the petty cash funds that they had lost track of.

Ms. DELAURO. At the CIA.

Mr. OWENS. At the CIA.

□ 1830

Two billion dollars. There is an agency that the President does not know has $2 billion, the director does not know has $2 billion, it is just wandering around there. Think of what that could do for the education budget. One and one-tenths billion dollars of those $2 billion could go to end the cuts. That is the exact amount of the cuts, the $1.1 billion proposed for title I.

You could take another $300 million for Head Start. Those are the Head Start cuts proposed. You could take $600 million for the summer youth employment program. It is $2 billion. That adds up to quite a bit for education funding.

People of America should not rally to fill up the gaps when our Federal Government really has the resources, and the resources are still going in the wrong directions. They are being wasted, and not being directed at the priority of the moment. The priority of the moment is an educated population in America. We need more money in education from the Federal Government.

Ms. DELAURO. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI] to join the conversation.

Ms. PELOSI. Mr. Speaker, let me thank the gentlewoman from Connecticut for her leadership in this body, and particularly this evening, for calling this special order on education.

I would like to follow up on what has been said earlier by my colleagues. As a member of the Permanent Select Committee on Intelligence, and also as a member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, I saw firsthand the budgeting for the intelligence budget, and I agree with the gentleman from New York [Mr. OWENS] on his observation about our spending priorities; and then also on the front line in our subcommittee, when we saw the $1 billion being slashed from title I, with the blink of an eye.

When we said to our Republican colleagues, ''But what will happen to the 1 million children who will not be able to have access to Title I services,'' they said ''We have to cut somewhere.'' As our colleague, the gentleman from California, said——

Ms. DELAURO. In reading and mathematics.

Ms. PELOSI. It would be one thing if they brought in a critique or criticism of title I, and they said, ''This is where we think the same number of children or even more children could be served with the same money or less money by addressing some reforms,'' but they could not criticize title I. Title I is effective. It does the job. The money will mean that 1 million children will not be served.

In California, and I would like to put some observations on the record, in California, that will mean over $123,000,000 out of our one State, over 100,000 children will no longer have this special assistance for reading and math. That is why I rise also and join you to express my great concern about the future of our Nation's education programs at the hands of the Republican majority in the House.

So drastic was this cut that even the Republicans in the Senate abandoned it. So drastic was it that they agreed to add back billions of dollars for education, because they knew that they were slashing right at the heart of America.

Following up on something the gentleman from New York [Mr. OWENS], said earlier about our entire budget, we hear a great deal of talk around here about how we have to reduce the deficit, and therefore we have to cut the budget to do that, cut spending to do it. But the very idea of cutting education, and that is going to increase our deficit, unless we invest in our children, enrich their lives, make them productive members of society, increase our competitiveness internationally, we are going down a path of increasing the deficit and increasing the national debt, because we are not investing in our greatest resource, our children.

Our Federal commitment to education is truly a measure of our sincerity about economic recovery, social progress, and our children's future, again. In the House omnibus appropriations bill, as has been mentioned, $3.3 billion is cut from the Department of Education, $3.3 billion, or 13 percent; as has been mentioned, a 17-percent cut in compensatory education, title I.

Ironically, just this week, March 15, the Ides of March and the last day for this CR is also the day that California school districts are required to notify teachers whether or not they will have jobs in the fall. Unless funding for title I is restored, thousands of California teachers and teachers' aides will lose their jobs. Tell me how that is going to help the children of California.

In the House bill also, funding for safe and drug-free schools, an issue that I know that the gentleman from California [Mr. MILLER] has worked very hard on, will be cut by $12 million or 25 percent. The safe-and-drug-free-schools program is vital, especially to urban school districts like the one I represent in San Francisco.

The drastic cuts proposed by this funding would place in jeopardy the most vulnerable students. Basic needs that help young people survive cannot be addressed. At-risk children need the assistance that these programs offer.

Funding for bilingual education in California would be cut by $18 million, or 32 percent, one-third of the funding for bilingual education. We talk about wanting everyone to speak English and making English the official language, and yet we are cutting funding for bilingual education. Anyone who supports any initiatives for English-only has to be a staunch supporter for bilingual education. That funding should follow. I, myself, do not subscribe to that theory of English as the official language, but ironically, those who do are just the ones who want to cut the funding for bilingual education.

No funds for Goals 2000, the bill the President requested, $750 million. As the gentleman from California [Mr. MILLER] said earlier, these programs were developed under a Republican President, President Bush, with bipartisan cooperation of Republican and Democratic Governors across the country, passed in a bipartisan fashion in the House, signed by a Republican President, and yet zeroed out in the labor, health, and human services, and education bill.

I almost think we should strike education from the name of the committee, because we have taken such a blow at the education funding. I have more facts and figures, but I know my colleagues need time. I do not know how much time can be allocated. Perhaps I can resume later.

Mr. MILLER of California. Mr. Speaker, on the point of the Goals 2000, which unfortunately has become a political football, it has become a political football in Washington, DC, but not in the States. In the States where it was originally designed by the Governors and brought to the Congress with recommendations made, it is being embraced now as, again, parents hunger to know that their children are going to have to meet world class standards; that this education is the very best education; that we should not accept the dumbing down of education, we should not accept a second-class education; that our children not only deserve the very best education, but in fact the world's economy requires that they be given that.

Now we just see that swept aside in a fit of ideology, in just an absolute fit of some kind of extreme ideology that says that the Governors should not have a right to apply for this money, to upgrade the quality and the class.

These standards that are being developed are being developed with private sector associations. The American Electronics Association wants to be able to develop standards and have them incorporated so a young student can take that and go anywhere in the United States and work, and the employer will know that that certificate, that diploma, means that that person is qualified to do that job and to enter that industry, and to participate in that.

What do we have today? We have in many instances diplomas that do not mean anything. That is what Goals 2000 is about, it was about upgrading that. It is swept aside in this provision. It is just crazy that this kind of extreme ideology would drive these kinds of education decisions, because it is not even a matter of debate. It is just a matter of pulling these numbers out of the hat. As the gentlewoman said, in her committee, unfortunately, the attitude was ''Well, we have to cut somewhere.''

All things are not equal. Whether or not a child gets a first-class education, as the gentlewoman so correctly pointed out, the gentlewoman from San Francisco, that is the beginning and the end. That is either the beginning of a wonderful life in this country, or it can be the end of that. It is a question of whether that is the beginning of your productivity, that is the beginning of your being able to provide for yourself and have economic self-sufficiency, or if you choose to start a family. That is what that education is about.

Somehow the people who cheapen that education are now the Republicans, because they slash it again without blueprint, without detail. They simply pick a number and say ''This is the number we are going to give the President to spend, because we are angry at him because we got caught shutting down the government,'' or something. The whole thing is just a tantrum and a fit of anger that really is an insult to parents of this Nation who are struggling to educate their children. I want to thank the gentlewoman again for taking this time.

Ms. DELAURO. I want to thank my colleague. I would like to mention a couple of things. One is that there is all this talk about how we cannot spend this money and we have to cut, and it is the Democrats who want to spend all of this money. But what they do not want to tell us about is where they do want to spend money, and that is on the tax breaks for the wealthiest Americans.

They will deal with repealing the alternate minimum tax, and expatriots getting a break for renouncing their citizenship and being able to not pay any taxes. They do not have any problem at that end. But with kids and their future, they say, ''We have to cut back, we have to tighten our belts.''

The AmeriCorps Program, let me just say this, this is a program that says to young people, ''We will help you with your college education if and only if you give back something to your community, you exercise some responsibility for getting this assistance. We want you to participate in the life of your community.''

We are trying to teach our young kids values and responsibility. We are caught up today with saying young people do not have any responsibility, the ''me generation,'' the x generation; that they just want to take something and not do anything. This is a program that goes after that very fundamental value that we have tried to instill in people of responsibility and taking on something, and it is working.

Again, it is working all over this country. Young people are involved in the lives of their communities and are given some help to be able to further their college education. Now we are saying ''Forget it. No. It is over.'' We have about 800 kids in Connecticut who are going to be just cut off of that program, not only the work they are doing in the community, but their ability to be able to go to school.

Mr. OWENS. Mr. Speaker, in less than 2 years the barbarian Republican majority has destroyed all of that. A

piece of civilization that has been wrecked by the pressure that has been put on them, budget-wise. We have large numbers of people being forced to sort of retire early and drop out. Experienced administrators and experienced teachers are going. You have large numbers of people who are planning to get out, and are just marking time in the system. You have reductions in any investment in equipment and plant buildings.

They have, in less than 2 years, done an amazing job. I tremble when I watch what the blitzkrieg against education has accomplished so far. The American people had better take note of what you can do with the appropriations process, how you send a message out there. As well as take away the dollars, you send a message to every level of government that public education is expendable, public education is no longer a part of the grand design of a great America. They have accomplished that in less than 2 years, the Republican barbarians.

Ms. PELOSI. If the gentlewoman will continue to yield, and when we think that this is done in the context of a $250 billion tax break to the wealthiest people in our country, $250 billion, and we are here talking about $3 billion or $4 billion. Could they not make the tax break that much less? It is penny-ante. It is change to them. It is a little bit of money when it is a tax break, but it is all the money in the world when we are trying to deal with education.

Mr. OWENS. They are not rational. That is the most foolish thing.

Mr. PELOSI. I think there is a lack of understanding by some of our Republican colleagues about how this issue is understood in the country.

As a member of the subcommittee, I get many calls and letters, et cetera, from very different people; not the usual folks who usually call, but members of PTA's across the country. This has gone beyond the usual advocacy groups who will pay attention to what goes into legislation in Congress. This is well beyond that. This is parents, members of PTA's and the rest, members of school boards across the country. They are not particularly political, but they understand how this is going to affect their neighborhood schools. That is critically important.

I certainly think the Senators understand, because they put back almost all of the $2.7 billion. I think nothing speaks more eloquently to the bankruptcy of the policy in this House on education funding than the fact that even the Republican Senators disassociated themselves from it and came back with $2.7 billion, which I hope we can get into the House bill, or in conference back in.

The other point I want to make is that in the course of all of this appropriating, our colleagues on the Republican side say, ''We will put more money back into some of these programs, contingent upon the House passing a separate bill, a reconciliation bill, and then we will have money for education, if you pass a balanced budget bill in 7 years, a reconciliation bill.''

We can never let that stand, that children are contingent upon some reconciliation bill. Children are a first priority. This is not something we do when we see how much money we have left over from tax breaks and an increased defense budget that the Pentagon did not even ask for. This is what we do first, take care of our children, educate them; that is, if we have, I think, our priorities in order.

Our budget must be a statement of our national values. It must reflect what is important to us, and that is what we would put our resources to. It certainly is not, in the case of the budget we have before us.

□ 1845

Of course, that goes on to higher education, as well. Eliminates 13 percent for student financial assistance, less than 1995, eliminates the Perkins Loan Program, and the direct loan program is capped at 40 percent, and further reductions, which will again pose an obstacle for people without means or middle-income people in our country to receive the benefits of higher education.

Then it goes on and on to what has happened to job training, school-to-work, lifetime learning, reflecting that our economy is a different one and that people in the work force must be constantly educated in a lifetime, but much of that job training funding is also cut on the labor side of the Labor, Health and Human Services and Education. I might say that the Senators restored the education cuts, but there are other problems that we have with the bill for cuts that were not restored.

I would be happy to yield to my colleague.

Mr. MILLER of California. The gentlewoman from Connecticut mentioned that our Republican colleagues and sometimes the editorial boards get mad at us when we talk about the cuts to children that were scheduled in the school lunch program or in student loans or in title I or Medicare and Medicaid cuts. We say they are taking from the neediest people in this country to provide this tax cut, and yet here is the graphic example.

Here are children that are identified as economically disadvantaged, as educationally disadvantaged, and we try to target some resources into the schoolrooms where those children reside, and yet we find out that as we read down the impacts in the State of California, district after district, school after school, 150 students, 170 students, 694 students, 1,000 students, 131 students, it goes on and on and on, these children.

This is not abstract. I have been teaching the last several Monday mornings at a continuation high school, and I visited with the teachers at Olympic High School after I was done with my class period, and they said, here is the impact of the cuts. This woman, who is helping these young people with business subjects and is here as a student assistant, she is gone if we lose this. In their budget, they had some upgrades for the computers. They thought maybe they were going to get hooked up to the net. That is not going to happen now.

Those children are losing those kinds of resources and that kind of access. These are among some of the most disadvantaged children in our society, and we have decided that we would rather cut them than ask if the wealthy could just wait until there is a balanced budget, just wait until there is a dividend, and let us see if that is what the country wants to do.

But here we are whacking up the education budget on an arbitrary manner, and the job opportunity budget, the AmeriCorps budget that is trying to send a message to young people in this country that they care, that they matter, that they are a resource, that they can make a difference in our communities.

The brilliance of AmeriCorps, like Vista that was before it, is not what that individual does, but they become a catalyst for other resources in the community. They attract somewhere between $10 and $25 for every dollar they get in in-kind services and help from other organizations. That is the message we want to send young people.

We keep blaming young people. We keep getting mad at young people. We blame the education establishment after we withdraw the resources. The next thing what will become is the same people who cut these budgets are going to tell us, they could not educate the kids, so give them a voucher and send them down the road. They will be cutting the vouchers once that is accomplished.

As MAJOR OWENS said, people better wake up and understand the kind of systematic, comprehensive assault that public education is under in this Congress by the Republicans. This is not an accident. We say it is arbitrary. It was not arbitrary in their minds. They made the decision that this is where they were going to cut the budget, not in the waste in the CIA, not in the waste in other programs, programs that you cannot even debate on this floor. This is systematic. This is intentional, and it is about the destruction of the public education system in this country and certainly the Federal contribution to that effort.

Again, I thank the gentlewoman for yielding.

Ms. DELAURO. Again, it was MAJOR OWENS who mentioned the issue of military might. If we only measure this Nation in terms of its military might, our national security is at great risk. Education is as much a part of what the national security of this country is all about as is the number of weapons that we have in our arsenals.

I come from a State that is defense dependent, that depends on tanks and

aircraft and engines. But I will tell you that if we do not have the young people who are smart enough and competent enough to be designing and manufacturing and doing all those things, our national security is at great risk. When we cut preschool and when we cut school lunch and we cut summer employment, and when we cut skills training and when we cut higher education, we are doing an enormous disservice to the national security of this country.

Mr. OWENS. Our economic viability is directly threatened. Education is the basis for the kind of skills that we need in order to compete economically. Bangalore, India is now called the computer programming capital of the world, Bangalore, India which is in a country which is considered a developing nation. But they have as good a computer program in English as you have anywhere in the world, and many of the companies of this country are contracting their computer programming to Bangalore, India where they can get a year's worth of work for a month's salary, what they pay to computers in this country.

Economically the competition is going to broaden, and the competition economically will be more dependent upon the educated population that a nation has and the way it utilizes that educated population. People are not going to have the jobs if they do not have the skills and the education.

The corporations that are now uniting with the Republican majority to cut the budget for education are the same corporations that are asking for, in the immigration bill, that we allow them to keep bringing in technicians.

Ms. DELAURO. Foreign workers.

Mr, OWENS. And people at high levels, especially computer programmers, in order to fill the gap they have here for computer programmers. So it is all interwoven, interconnected, and we cannot maintain a military power if we do not maintain our economic might.

We cannot provide for average families and keep the economy healthy unless we have a strong school system which is dedicated to the education of all children, not an elitist system seeking to get away with just educating one portion of the population and allowing the other portion of the population by triage to go overboard and not provide them with a decent education.

Ms. DELAURO. My colleague, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Yes. I know the focus of this special order is education and the Republican cuts, and that is most appropriate, but I want to also point out that these cuts are not made in a vacuum. Our colleague, the gentleman from California [Mr. MILLER], talked about community service in AmeriCorps, as did the gentlewoman from Connecticut [Ms. DELAURO], and I wanted to just add something briefly there because I think we will have to have our own special order on community service cuts, too, but they are related to education.

In the same Labor, Health and Human Services and Education appropriations bill there are drastic cuts in community service, and some of the programs affected are RSVP, foster grandparents, et cetera. In our testimony, all the testimony that we get from professional judgment opinions and testimony of those who have to justify the spending in their agencies, looks to what the gentleman from California [Mr. MILLER] said.

For every dollar you spent on an AmeriCorps volunteer, you get at least $25 return on your investment. So, too, with community service across the board, also contained in this bill. It flies in the face of the trend, because what we are saying here is everybody wants to reduce the deficit, right? So how do we use the spending to the best advantage? Of course we educate our children. That is an investment.

But we also had what they call the twin engines of paid supervisors and thousands of volunteers, but who need the employees in place to organize their work and them, in order for us to have the big payoff in our society of people coming together and helping children to read or taking seniors to the park or whatever it happens to be to meet the need. It was referred to as the catalytic power of community service.

This is what we should be doing if we want to reduce the deficit, is make sure that the dollars that we spend are investment and that they have a multiplier effect across the board. When we cut those dollars for community service, we are really going backward. It does not take an economic genius to see the worth of all of that, the power of men and women across the country volunteering.

But subtract the Federal commitment there and you lose the supervision, the organization, the guidance and the catalyst for making all of that work. So these education cuts are taking place at the same time as we are making community service cuts. Begging off of AmeriCorps captures both aspects of it, education and community service, and it does a grave disservice, whether it is to civic associations or volunteerism in our country or, as President Bush so aptly called it, 1,000 points of light. Let us support President Bush's 1,000 points of light by fueling and funding the community service agencies that we have in Government.

Ms. DELAURO. I want to thank my colleagues for joining me tonight. If there is a place we can cut, we do not have to repeal the alternate minimum tax. We could apply $17 billion to either the deficit or doing some of these other things.

THE REAL WORLD OF PUBLIC EDUCATION FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, now let us move from fantasy land to the real world. I think that would be a good approach. I would have thought, after what I heard, that somehow or other the Federal Government was in charge of public education in this country, even though we only spend 6 percent of all the money that is spent, 6 percent.

Under our plan, incidentally, we spend $340.8 billion over the next 7 years on education. Compare that with the former majority that was just speaking. During their last 7 years, they spent $315.1 billion. All those cuts you heard about does not quite add up, does it? Because ours is an 8.1 percent increase.

Now, what is the problem? the problem is that we want to do something differently. I agree with the former chairman that I sat beside who would say to me on occasions, ''Bill, these programs are not working,'' and I would say, ''I know it, Mr. Chairman. Let's change them.''

The chairman would always say, ''We cannot do that because the money might not get to the right place.'' And I would say, ''Well, if it isn't doing any good getting there, what good does it do to get to it the right place?''

But all those years I sat there saying there were different ways to do this. We have to make changes. All the studies, I wish the last group would have unveiled all of their studies showing all of the accomplishments, because every study we have from the department, every study we have from an outside group would indicate, as a matter of fact, that we are doing more poorly today than we did 10 years ago, after we poured all of this money into these programs.

Let me also point out that when we talk about spending on education, spending on education in the States alone rose from $60 billion in 1983 to $115 billion in 1993. During the same period, local contributions to education grew from $55 billion to $120 billion. State and local governments have increased their spending over that 10-year period by 100 percent.

What results do we have from all of this spending? According to the national assessment of education progress, reading, average reading proficiency among 9-year-olds was about the same in 1992 as it was in 1971. Math average, mathematics proficiency among 9 to 13, was slightly higher in 1992 than 1973, but for 17-year-olds the same. Science. Science, we went backwards for 17-year-olds. It is lower.

So on and on you go, and all we are saying as a new majority is that we have scarce dollars. We know that.

Therefore, we have to make sure they work well. For whom? Not the people that are employed in the businesses out there, the programs they are trying to protect, but for the children that we are trying to help.

□ 1900

Now, here is a good example. We recently had a study done, and it took a long time to do this, because when I became chairman, I said, now, for once we are going to look at all the programs that are on the books and see how many are duplicating each other, how many are doing well, how many are doing poorly, how many should be eliminated.

The President said in his budget we should eliminate 41. We have discovered that there are 760 education programs, spending $120 billion spread out over 39 agencies downtown. You see, this was my argument when we created the Department of Education. I said I could be wholeheartedly in support of that if I thought all education and training programs were going to come under one roof so we really could get a handle on it and see what is being done and whether we are having any successes. I know that would not be the case, and here is a good example.

Now, some will tell you, oh, you have all sorts of programs in this. Yes, but they all come back to education and training, in many instances duplicating what somebody else is doing in another agency. We cannot continue to do that, because now you are talking about 1,760 programs, $120 billion spent, you have 50 States, D.C., and territories to spread it over. You have 14,000, almost 15,000 school districts, and you have over 80,000 schools. We have to get a handle on this so that we can provide quality education, and that is what it is all about.

We are not trying to attack public education. Most of us are products of public education and proud of it. What we are saying is we play a very small role on the Federal level and the local level, and the State wants it to remain that way. They do not want us to be involved in public education. But we play a small role, and in that small role we have to guarantee quality.

Access will not get these young people anywhere. So we need studies that are not individuals that benefited from chapter I or benefited from this, we need concrete stories that can tell us the magnificent successes I just heard about that we cannot find anyplace in any study that exists today.

I yield to the gentleman from California, who I noticed was taking prolific notes and will be tremendously educated by the fantasy land.

Mr. CUNNINGHAM. The gentleman from New York [Mr. OWENS] says what we are doing is barbaric. Everything we are talking about here in Washington in this political year, Mr. Speaker, is about power. It is the power to disburse money to get reelected, so you have got the power and you need a bureaucracy to sustain that.

What we are doing is removing the bureaucracy, combining programs that are efficient, and those that are not efficient, we are doing away with them.

Let me give you a classic example. And first I would say, though, that every nation scores above the United States in every category in education. In many cases, the Brits and Japanese score twice of what our students do in scores. We have less than 12 percent of our classrooms that have a single phone jack when we are talking about Net Day. This is 40 years of bureaucracy and Democratic-run House that has destroyed education.

We have some of the best school programs. And I taught in Hinsdale, we had Evanston and New Trere, you go right outside of Chicago, where you have 7½ miles of Federal housing, and the kids have no hope.

What we are trying to do is take and fund down to the local level where you have quality, where you have parental involvement, you have teacher involvement, where we can pay teachers what they really deserve and where we can upgrade the classrooms instead of dumping money into these programs.

They talk about title I. They talk about Head Start. Well, every study, including the Department of Education, little liberal, and the President's own administration and every study says that title I is not doing its job. It should take two students at the end, there is no difference, and we are putting billions of dollars. Did we kill it? No, we reduced it until we said, is there quality, is there a standard, and is it effective? And I do not think that is too much to ask.

Look at Goals 2000. There are 45 instances in Goals 2000 that say States will, one of those instances you have to set up a special board, every school, that board reports to the principal. The principal reports to the superintendent, the superintendent then has got to send it to Sacramento in California. Think about all of those schools doing that and the paperwork that has got to go through the State, and then think about all the schools in the United States and generating all that paperwork.

Guess what there is back here in Washington, DC? There is a big bureaucracy here that receives all of that paper and all of that information to see if they are in compliance.

What we are saying is let us send the money to the Governors and to the departments of education if the State Constitution says, and do a Goals 2000 on a State level. Do away with the rules and regulations. Do away with the paper, and you be the masters of the destiny of your education program in the State.

But I have heard the gentleman from New York [Mr. OWENS] sit up here and say we do not trust the States, we are the only people in the world that can decide and make those decisions here in River City in Washington, DC. Why? Because they want to keep the power here.

We are saying that the power belongs with the people, it belongs with the students, it belongs with the teachers and the principals to master the destiny that we think is right.

My wife writes grants for Goals 2000. She works 5 nights a week. There are other schools that hire people to write grants for Goals 2000. Many of them never get a single grant, and in some cases I have documented where you have got people that are hired to write a Goals 2000 grant that the grant that they get in does not even pay for the grant writer. And in some cases, if it does, by the time you go through the administrative fees, paperwork, and extra people you have to have to force it, you get no money. Some of the big schools do not. We are saying that that is a waste, and it is a system that, yes, Goals 2000, on a State level, do it if it works in your State. Title I, if it works in your State, do it. There are programs.

And drug-free schools, we have a whole block grant for drug-free schools. I happen to think DARE works, and very, very effectively. That is taken care of in that block grant. And if DARE works in your State, do it. But we are not reducing education.

What is cutting education is the President's title I, for example, costs a billion dollars more just in administrative fees, capped at 10 percent. He wants all the direct lending programs GAO said it would cost $3 to $5 billion just to collect the dollars. We took those savings, the gentleman from California [Mr. MCKEON], his committee, and spread it across and increased student loans by 50 percent, increased Pell grants, IDEA, we level funded for special education and the other programs. But, yes, we are consolidating some of those 760 programs, doing away with the ones that do not work and focusing the dollars down.

A vision, for 5 years I have been talking about let us get high-technology and computers and fiber optics into the classrooms with only 12 percent, and the President jumps on the bandwagon. I am glad the President jumped on the bandwagon. It took 40 years of misrepresentation. Why? We have so many schools that are not up to speed. If we really want to educate our kids, we need the Federal Government to get involved in research and development, working with telecommunications, get AT&T, the Baby Bells, get the folks that can invest in our school systems an get our kids ready for the 21st century. You listen in the hearings, we have a large portion of the kids coming to our education programs do not even qualify for an entry-level job because they cannot read, they cannot write, they cannot do the math, or they cannot speak the English language. That is not a legacy, Mr. Speaker, I want to leave with our kids.

I repute, and every single Member that spoke in the last hour is among the most liberal left of this House in every case, they will spend money on

everything and drive us further into debt and deficit except for one area, and that is the field of the Department of Defense, and they will cut. But in every instance they are the left of the left, and they want to keep the power here in River City so they can get reelected and scare children and scare students, and I am not going to stand for it.

Mr. GOODLING. Mr. Speaker, I yield to another subcommittee chairman from California, the gentleman from California [Mr. MCKEON].

Mr. MCKEON. I appreciate the opportunity of being here with you tonight and participating in this special order.

You know, sometimes the best intentions can do the worst harm. When we attempt to help, we often simply burden. When we attempt to inspire, we may only discourage. With all the helping that the Federal Government has done in the last 30 to 40 years, you would think that the previous majority should have admitted that something was not working and that some of these programs maybe could have been eliminated. Perhaps we needed to explore other methods of giving our children the first-rate education that they really need and deserve.

You know, a few weeks ago Chairman GOODLING held a hearing about what was working in public education. A few months earlier Mr. HOEKSTRA held a similar hearing in Chicago to highlight public and private schools in low-income areas that were successfully educating their students.

I personally have visited several schools in my district and elsewhere that are having a positive impact on children. The good news is there are many good things that are happening in education, and they are working quite well under the jurisdiction of local school boards and administrators and teachers and parents that really care and want to make things happen, and they are able to do that across this land. They do not have to wait until someone from Washington decides what is best for them and what program we decide they should participate in.

These hearings and site visits have all led to the same conclusions about what factors are behind that success; namely, success is not a matter of how many Federal programs the school participates in or how much money a school spends per student. Rather, the picture that is quickly developing from these hearings and site visits is that committed parents, strong local leadership, and an emphasis on basics is the recurring theme behind successful schooling.

The success stories that we have seen are about what local administrators, parents, and teachers are able to do together to make academic achievement a reality in their schools for their children.

This message, however, is not being heard in Washington. You know, we held a press conference a few days ago, and we had a pile of paperwork, you know, the chart there that you have of the 760 programs. This paperwork was only what was required for about a third of those programs. And yet it was a pile stacked this high.

The Clintons believe that it takes a village to raise a child. What we have found is it really takes a village to fill out the paperwork. Duplicative Federal programs begat State paperwork, State paperwork begat local paperwork, and local paperwork takes teachers away from their job of teaching our children.

I spent time on a school board, and I know how much work is done to write grants, how much work is done to fill out reports to send somewhere, and, hopefully, maybe somebody reads them. You never really knew. You just knew that you had to fill out the paperwork. The out-of-control paperwork load required for these programs too often leaves out rural and poor school districts that do not have the sophisticated grant writers, so they simply do not apply for the programs.

There has been such a severe focus on an investment in bureaucracy surrounding education that we really have failed our children. It should be an assault to our sensibilities, with the massive increase in spending citizens have supported through their taxes over the years.

You know, it is interesting in this chart here, it shows, and I do not know if we can focus in on that down in the corner, it shows the taxpayers, and the money goes from the taxpayers to Washington, siphons through those 760 programs and then eventually some of its reaches the children.

When I first came here, I figured out that from California, just in rough numbers, we send over $2 billion a year to Washington, more than comes back to California, to benefit the children just by running it through this siphon here in Washington.

We saw we still have a great deal of work to do in identifying the breadth and depth of Federal intrusion here. This 760 that we have, I would add, is we know is not complete. We know we have to do more, but we are going to work on this until we complete this project.

You known, we do not currently know how much of each Federal dollar gets down to the local classroom after the large amounts are siphoned off here in Washington. We do know the cost is extremely high. Just one example, the cost of Boston University. According to their provost, the university spent 14 weeks and about 2,700 employees hours completing the paperwork required to complete funding for title IV. They were hampered by the use of separate definitions in 26 separate schedules required to complete their application.

□ 1915

They were slowed by repeated corrections and clarifications requested by the department. In the end, after spending the equivalent of 1.5 personnel years compiling what turned out to be a 9-pound application, the university delivered its final product, this despite the fact that the form said this should take 3 hours to fill out. I do not know if anybody in Washington determined that and ever spent the time to figure it out.

Now, if you figure there are 6,500 institutions of higher education that participate in title IV across the country, each one responsible for their own 9-pound pile of paperwork, assuming similar burdens as experienced by Boston University, it would take 9,750 full-time employees to merely complete the applications submitted in title IV. That makes one wonder how many employees it takes to read, review, process, and file these forms here in Washington once they are submitted.

We talked to the Department of Education. They did not know how many employees they had.

Title IV is only the tip of the iceberg, only one of those 760 programs, compared with the enormity of the universe of Federal education spending.

As we continue to pursue this aggressive review, we fully expect those who benefit from the status quo to challenge us, as we see here tonight, in an attempt to defend the current state of education. It is inconceivable to me how anyone can defend this bureaucracy and say this is what is best for the children of this country.

Mr. Speaker, we welcome the debate. We hope at least to have an energetic dialogue that results in the best education system we can give our children and grandchildren. I thank the gentleman again for this opportunity to participate here tonight.

Mr. GOODLING. Mr. Speaker, I thank the gentleman. The gentleman from Michigan [Mr. HOEKSTRA], our subcommittee chairman, who has been doing a lot of oversight work, is here to participate also.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman for giving us this opportunity.

I have got good news, bad news, and some more good news. The good news is there are a lot of people around the country that recognize we have this difficulty, and on the chart up there we are focusing too much on the dollars spent. We are focusing too much on the Washington Bureaucracy and not spending enough time talking about students and teachers.

Christy Todd Whitman, the Governor of New Jersey, in her State of the State Address, identified the problem that my colleague from California was talking about: We must stop chasing dollars and start creating scholars.

We found that in the hearings that we have done in Chicago and Milwaukee and around the country, one goes into a successful school and says, ''What is making your school work? How come your kids are scoring better than the national average?'' They don't come back and say, ''It is this program, it is title I out of Washington that has

really made the difference.'' They said, ''We have got even parents involved in the schools, and these are some of the toughest neighborhoods in Chicago. We have parents involved in the school. We have liberated teachers and principals to create special programs for special needs.'' You started talking to them about Washington programs, and they started talking about the bureaucracy.

Even Secretary of Labor Reich, I think one of the staunchest defenders of the status quo here in Washington, said we must stop throwing money at education and training programs that do not work.

There is a realization that focusing on the bureaucracy and dollars is not where we should be, and we need to start talking about what is going to help kids, parents, and help the kids become scholars.

In my role as chairman of the Subcommittee on Oversight and Investigations of the Committee on Economic and Educational Opportunities, I get the opportunity to identify some of the ancedotal things that we find. The gentleman from California [Mr. MCKEON] identified the 9-pound document for title IV. I was going to multiply 9 pounds times 6,500, and it is in the tons of documents. That is why we need these big buildings.

Mr. Speaker, one of the other anecdotal things we found in the drug free schools, somebody had spent $1,000 preparing all of the paperwork and writing the applications and filling out the grant requests. By golly, we went out and helped them. They got a grant for $13.

Now, it is kind of like somewhere in this process.

Another example, and this does not directly relate to education, but this was in the Wall Street Journal today. A document roughly this size, nine pages, two-sided, actually this one is one-sided, it is nine pages, two-sided document, 1994, President's State of the Union speech. This is how Washington defines an emergency. It was 4 or 5 o'clock in the afternoon and the Labor Department said, ''We need to have these available to hand out before or after the President's State of the Union speech. It is so critical. We cannot do it in black and white. We better do it in color.''

They avoided all the Government regulations we have put in place about how to purchase and these things. We have a Government Printing Office. They went to Kinko's. I don't know if I can give advertisements, but it is in here, in the document. They went to Kinko's and said, ''Can you print this for us?'' Being the entrepreneurs they were, they said sure, but we are going to have two people working overnight to create these documents.

So they said, ''This is an emergency. This 9-page document is an emergency and has to be ready. It is called the Middle Class Bill of Rights. It has to be ready tomorrow morning.'' The Government Printing Office could have printed it in 24 hours. Kinko's could do it in 12.

Kinko's did it for the grand total of, 1,500 documents, they did it for the price of $21.33 apiece, $32,000. The Government Printing Office could have done it for $500.

Now, I am not sure who is educating who here, but when you take the average family income for the American family today and you define a 9-page document as being an emergency, and you are willing to spend one family's entire income for the year to get that document out in 12 hours faster, I am not sure that we know best here in Washington.

The bottomline on this bill is we do have a great chairman of the Committee on Government Reform and Oversight, the gentleman from California [Mr. THOMAS]. I am surrounded by Californians tonight. We had to approve that bill. He came back, and I have got to give him credit, he said, ''No, you went outside the rules. This does not meet my definition for an emergency. We are not going to pay it.'' The problem is right now Kinko's has not received their funding. But it was $32,000, or $21 a document, versus 33 cents.

If I can have a couple of more minutes, because there was a lot of discussion about a program that, if I do not say it, my three colleagues will remind me very quickly that I voted for in 1993.

Mr. GOODLING. I will remind you.

Mr. HOEKSTRA. I am sure you will. I was warned about what might happen with this program. Many of my colleagues were correct. The reason I am bringing this up is because it returns $1.25 and $1.50, is what the speakers before us talked about.

Here is what was said about AmeriCorp that maybe helped me decide I should vote for it and give it a chance. In 1993, April 30, Bill Clinton said, ''We are going to set up a National Service Corporation that will run like a big venture capital outfit, not like a bureaucracy.''

President Bill Clinton, April 30, 1996:

> The National Service Corporation Act will establish an innovative entrepreneurial Corporation for National Service to offer Americans educational awards in return for vital service to our country. The corporation is designed to cut waste, promote excellence in government, encourage locally driven initiatives, and create flexibility.

Here is what the new Chairman of the Corporation for National Service said in his confirmation hearings in October of 1995. ''At our corporation, we want to do what any business person would do, and that is make our product the best it can be.''

Sometimes we get critiqued for actually going and taking a look at these 760 programs. AmeriCorp is a good reason why we go and take a look.

There was a press conference today and some reforms were announced on AmeriCorp. But there was one reform not announced today that I am very, very disappointed and upset about. Later on this week, we have gotten some preliminary documents and the President of the Corporation for National Service, Harris, sent us a letter telling us what this document is going to be. It is a requirement the Corporation for National Service, a $500 million corporation, which would put it into the Fortune 500, it has to have its books audited. Fairly reasonable. BUCK, you are a business guy.

Mr. MCKEON. Good idea.

Mr. HOEKSTRA. Good idea, let's audit the books. I bet you had that done, Mr. GOODLING, when you were on the school board. You had your books audited. But this a Fortune 500 company.

So I called my stockbroker today, and I was going through a scenario with him, and I said, ''If you know of a Fortune 500 company traded on the New York Stock Exchange that had the auditors come in for their yearly audit,'' and, we are benchmarking against business excellence. Actually it is the business minimum. ''And the auditors came back and were going to announce publicly that the books and the financial systems were in such disarray that the auditors could not audit the books, what would happen?''

My stockbroker is trying to figure out what company this is. He says, ''Well, No. 1 is trading of that stock would be suspended immediately. When trading opened on it, the price of the stock would plummet, because shareholders, the brokers, the employees would have no idea of what the financial stability of that company would be. The CFO would be fired immediately. The rest of the executive team would be brought in front of the board of directors to explain how they got to this point and come up with a corrective action, not 60 days, not 90 days, but what are you going to do now?''

Well, what we are going to find later on this week is that for our $500 million corporation, the Corporation for National Service, the books are unauditable for 1994, and we are going to find and discover that for 1995 the auditing company has basically said, ''We do not think it is appropriate to invest any money in even taking a look at the books, because from what we have seen, they have not changed their procedures and they are still running on the same outdated models of what they are using in 1994.''

Think about it. Finally, when by broker said, ''Who is it,'' I said, ''It is the Corporation for National Service.'' His response was ''Oh. That is government.''

It is expected. That is why we are going to go through those 760 programs. We have got a $500 million program where the books cannot be audited. That is not Washington's money, that is the parents' money who decided to send it or were told they had to send their money to Washington, and not use it at home for their family and their own kids' education. We are entrusted with that money, and we cannot even meet the minimum standards

for what a corporation is. And this is Government at its best.

If this happened to a publicly held company, it would be the front page of the Wall Street Journal. Because it is Government, it is going to be a footnote on page 10, and it is going to be ''Oh, there they go again. This is what we expect.''

We have got to set a higher standard. We are going to go through those 760 programs, and we are going to see whether there are any more like this, and we are going to see whether they are effective, whether they are efficient, whether they are getting the kind of results we want, and whether they are even the Federal Government's role.

We will still have the debate about whether AmeriCorps is appropriate or not. When they are using $500 million like this, they should not get one more dollar until they come back in front of us and convince us they have put in place the changes that are necessary. I do not think they have a chief financial officer right now that has an accounting or finance background.

Mr. GOODLING. The tragedy is that when you talk about that system of federally financed volunteer programs, contrast that with what happened in my district recently, where the Brethren Nursing Home had a contract with a local high school where the students would come in and volunteer their time to give those seniors what the paid people would not give them, because they do not have time to give them, and the Department of Labor moved in and said, ''That is a $15,000 fine, and it is $13,000 back wages you must pay to these students who came to volunteer.''

So I called the secretary and said, ''Wait a minute. Your President got the Congress to pass a program for volunteers that costs $20,000 to $30,000 to $35,000 for every volunteer. Here you are going to zap this nursing home because these kids volunteered to help seniors, read stories to them, push them in a wheelchair?''

Oh, he did not like that. I said, ''I don't like it either. Because on one hand it was stupid to pay volunteers, and then on the other hand, you zapped those who volunteer their time. Not only that, have are you going to determine then which was work and which was volunteer? Was pushing the wheelchair work, or was that a volunteer? Was reading the story to the senior citizen work, or was that a volunteer''

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It is just—well, I will refrain from saying what I really think it was, but nevertheless these are the inconsistencies. The important thing is to remember, when we talk about education, is that 6 percent, that is what we are involved in. Why are we involved in that? We were to deal with special population. Why were we to deal with special population? We were supposed to try to give them an even start. We were supposed to try to give them a quality program that would help them compete with youngsters who were not from disadvantaged homes.

Our problem was, right from the beginning, that a lot of people then decided, well, this is the most those students can do. In other words, in many instances we dumbed down. In many instances we did not require more. In many instances we did not demand enough.

The hearing we had recently where we were talking about good things happening in public education, and there are wonderful things happening all over this country in public education, but you noticed every person's testimony, when they talked about why it is working and why it is a good program, it all came back to: We demand excellence, and we insist. The one program, if you will remember, the parent had to sign up to participate daily in the classroom so that they were right there helping those children and learning a lot what it is you do to help children when you are at home.

I mean, these are the inconsistencies that we are faced with a limited amount of money, and so we have to improve.

IDEA was mentioned by that group.

Where do the mandates come from? Federal Government.

What did we tell them we would send them? Forty percent of the money.

What did we end up sending them? Eight percent of the money.

So I am very proud that last week in the bill that we sent, which I hope the President will sign, we increased funding for special education. Why did we increase funding for special education? Because we mandated the programs.

Second, why did we increase it? Because then the local government, the local school district, can take their money and spend it on all of the students rather than having to take their money to spend it on a program that we mandated.

So I am proud that we made that change, and I know that the gentleman from California [Mr. CUNNINGHAM], the chairman of the subcommittee, has some other thoughts on tonight's discussion to bring us back into the real world.

Mr. CUNNINGHAM. Mr. Speaker, this special order makes my heart soar like an eagle because you know you are able to talk about that I know the chairman was an educator, and I know the gentleman from California [Mr. MCKEON] owned a business, and I was a teacher, but not only in the high school, but the college level, and the dean of a college. And I have got children. And if the other side is trying to say that we are barbaric, that we are trying to destroy education, and I have got children in elementary and secondary education, and I want them to go onto college education, the last thing I am going to do is to bleed the public system that is going to help them. And the notice that they are giving to the American public, that we are cutting those programs, is upsetting to me.

And I would say that you mentioned we control only 6 percent of the spending, but what does that 6 percent do? It represents over 50 percent of the rules and regulations on the States in the school systems, over 75 percent of the paperwork, and it is inefficient. That is not a legacy that we need to continue, and we are trying again to get the dollars down to the local level so that we can have better quality, we can have parental involvement to work with the teachers and the administrators and let them make the decisions instead of someone like MAJOR OWENS, or Mr. MILLER, or DUKE CUNNINGHAM, or anybody else here in Washington, DC.

They talk about title I and Head Start and Goals 2000. Every study, including HHS, the Department of Education, the inspector general; here is the quotes: Over a 1-year period title I participants did not improve the relative standings in reading or math. The progress of title I participants on standardized tests, on criteria references tests, was no better than a nonparticipant. Two students, both parallel programs, one participating in Head Start or title I, no difference at the end.

When you got 760 programs, we only have 6 percent of the funding to spread those dollars so thinly, there is not enough money in the world to function. And they said more generally the relative performance of students in very high poverty schools, one with at least 75 percent of poor children, actually declines from the earlier to later grades.

But yet I do not think it is too much to ask that a Head Start or a title I program has standards, that we insist on quality, that we insist on results.

Mr. GOODLING. See, this goes back to the idea that I used to hear, year after year after year. They say, well, we need more money in the program because we are only covering a small number of the children. And I would say what are you covering them with because that is very, very important.

So we had a 180 percent increase in Head Start funding which translated into a 39 percent increase in participation. Now, if we have to increase funding 180 percent every time to get a 30 percent increase, there is not enough money in the world to ever get around to full participation.

So, you know, it was just the idea: more money, more money, more money. Nobody paid any attention about quality. Just more money.

Mr. CUNNINGHAM. That is the liberals' and socialists' excuse to just keep dumping more money into a program, regardless if it is effective or not. And you know the other side would say that we are cutting.

First of all, for every dollar the government spends, it has got to take it away from somebody in the first place. It is not free money. We have the charge of making sure that those dollars are effectively spent, and when

you look at our school systems, that where our systems across this country are last in most—below all nations in math, and reading, and writing, and science; I mean that is not a good system and we need to change it, and to effectively do that instead of just continually dumping money.

They say, well, you are cutting. We are not cutting. What we are doing is focusing the dollars in the most effective means and letting local districts control it, and what we are cutting, whether you are talking about any other program outside of even education, is we are cutting the precious bureaucracy that they can control, and that is what their whole thing is about right now. You are cutting. What we are doing is cutting their ability to spend money so that they can get reelected. We are cutting their ability to spend money so they can get reelected so they got the power here in Washington, DC. And that power represents even a bigger bureaucracy, 760 programs all the way down the line.

That is wrong. Forty years has brought us to that point.

Talk to anybody, Republican or Democrat in your district. They feel something is wrong with the system. And what is wrong is we are not managing the Government, whether it is the Department of Defense, the Department of Education. Government is not and does not have the ability to manage money and get effective results. People do that work directly with the program, and I want to personally thank the chairman.

And all of this results in a $5 trillion debt. Think what we could do with, you know, $365 billion. We pay nearly a billion dollars a day on just the interest. What we could not do for education. And when we talk about the deficit, every one of those Members I checked did not vote for a balanced budget. Why? Because it takes their power to spend money away.

Mr. GOODLING. I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, as my colleagues know, Mr. CUNNINGHAM just made a good point on the debt. Our country is a little over 200 years old, and the first 200 years, the debt increased very, very slowly, until, at the end of 200 years, we had a debt in 1980 of about a trillion dollars. And then it started accelerating because spending accelerated, taxes were cut, revenue increased, but spending went up even greater. And so from 1980 to 1982 that debt increased from $1 trillion to $4 trillion. And then in the last 2½ years, 3 years, it has gone up even faster, now to $5 trillion. So it does not take a rocket scientist to figure if the curve is like this, and then it goes like this, what we can look forward to.

When we are talking about education, we are talking about children, and I have 6 children, I have 11 grandchildren, and one more on the way, that I know of. And you know I think that many times they, the other side, paints us as not caring. Well, if I did not care, I would not be here, and if I did not care about those children and grandchildren and nieces and nephews that I have, I would not be here.

Mr. Speaker, I think it is important that we get a handle on our fiscal responsibility. Maybe these 760 programs would be good, and maybe they should all be funded fully, and if we had the money, maybe that is something that we should do.

I personally think that is probably not the case, and I think we are on the right track in trying to look at these programs, especially when we find out that they are also showing very poor fiscal responsibility. But we do not have the kind of money. When we are in that kind of debt, to pass that $187,000 onto that new granddaughter that I just had born does not make very good sense to me, and that is what she is going to have to pay in her lifetime just to serve interest on the debt, if we do not get this taken care of.

You know, we used to spend—hardworking people, the people that settled this country, the pioneers that moved across the plains to establish this country, did not look to the Government to help them, You know, if their wagon wheel broke, they did not send a telegram or a Pony Express rider to Washington to ask somebody to come out and fix their wagon wheel. You know, they took care of themselves.

And when the President said the other night in the State of the Union something about the effect that people—it was terrible that they should have to depend on themselves. You know, I think some way we missed the boat.

Mr. Speaker, I think we should also mention tonight a little bit about student loans. You know, there has been a lot of talk about how we killed student loans, and I have some real concerns that there are young people out there that maybe will not even go to school this year because they will believe some of the rhetoric that they have heard emanating from Washington, that when the other side says that we have killed student loans they may think what is the use; you know, why even try? I think that we ought to set the record straight, that, if anything, we have increased student loans from $24 billion to $36 billion in the next 7 years, and every single student that goes to postsecondary education, that applies for a loan, can get a loan. Whether they are poor, whether they are wealthy, has nothing to do with it. The money is there, it is available, we increased that money, and every single student can get a student loan, and I think it is important for us to clarify that.

Mr. HOEKSTRA. If the gentleman would yield, the Secretary of Education has said that the forms are not available because the Government shutdown. Is that correct?

Mr. GOODLING. I think it was rather humorous. It was rather humorous. The forms are not available because they had 21 days of bad weather and shutdown. The forms had to be printed long before the shutdown and long before the bad weather if, as a matter of fact, they were going to meet their deadline. So you have all of these students and parents and schools up in arms because they did not have the free forms to fill out in order to apply for the loans.

Now these are the same people, keep in mind, who are also now going to manage direct lending. They could not seem to manage the lending that would be taken care of by the private sector if they just get the forms finished in time. But they are now also, and the President would have his way, they will manage 100 percent of all of the loan.

So you know this excuse when summer comes, I hope they forget about the bad weather as an excuse, and hopefully they will not have another shutdown so they cannot use that as an excuse, and they will really have to do the job.

Mr. HOEKSTRA. If the gentleman will yield, the Federal family education loans, I mean just printing the documents which were the things that were late, why it is not available, printing documents is not that tough. We talked a little bit about Americorps not meeting the minimum requirements to be auditable. FFEL, the Federal Family Education Loan Program where they cannot print the applications so that——

Mr. GOODLING. In time.

Mr. HOEKSTRA. In time, also just happens to be the largest funded program of those 760 programs. So for a program that is a half a billion dollars, we cannot keep the books. Whey you get to a program, the Federal family — or Federal family education loans, $18 billion. I am not—you know, I do not think we have to audit those books. I would love to have an accounting firm take a look at those books.

□ 1945

Mr. Speaker, if we cannot manage $500 million, these have to be a disaster. We have a clue. The books are probably bad, because they cannot even print the forms on time.

Mr. MCKEON. That $18 billion, by the way, is just in 1 year.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will further yield, I just want to add a couple of things.

We really are talking about focusing on how do we make kids scholars, the quote from Christine Todd Whitman. You would think if we were focusing on making kids scholars we would go through those 760 programs and say, the problem is we just have too many programs focused on science, or too many focused on reading and math, and we ought to really just consolidate that. I will bet there are a lot of science programs there, a lot of reading, and a lot of math. That is what we want kids to excel in.

Seven hundred and sixty programs. The number of programs for arts promotion and education, and arts are important, are 39. What I did not know is that the arts are more important than science. We only have 28 programs promoting science. But it is good, science is twice as important as reading, because for reading, we only have 14 programs.

We know that reading is more important than math, because for math, out of 760 programs, we have all of 9 programs. So we have 28 for science, 14 for reading, 9 for math, 39 for the arts.

There is one other little program in there that you ought to know. I guess it is not Monday night, but for those who have the TV's that you get the menu, and if you figure out how to use it, you can also put closed captioning on. Out of those 760 programs, there is an option that is provided to you by the Department of Education for closed captioning of ''Baywatch.'' So when you turn on ''Baywatch'' on whatever night it is on, you can go through your menu, and you push the button that allows you to watch it with the closed captioning on. It will say at the bottom, at the beginning of the program, ''Brought to you by funding through the Department of Education.''

So the reading scores are not what they ought to be, math is not what it ought to be, science is not what it ought to be. I am not even sure, they may even classify that as a reading program. Tell your kid to go watch ''Baywatch'' and turn on the captioning, and read the words going along on the bottom of the page.

Mr. GOODLING. I want to point out how important the captioning is. But what a foolish way to spend money for captioning, when you could spend money to really help the people who need the captioning on programs that are meaningful and important to them, as far as their future life is concerned. I doubt whether ''Baywatch'' is one of those.

Mr. HOEKSTRA. Mr. Speaker, I would tend to agree with the gentleman.

Mr. GOODLING. I think what I would like to point out, Mr. Speaker, in my closing remarks is that I want the parents and the students who are high school seniors and college students to understand that there is a program out there called disinformation, disinforming the public. They are trying to scare you into the idea that somehow or other, because we are in the leadership at the present time, we are going to destroy your loans and we are going to destroy your grants. They know very well that we increase both the Pell grants and the student loans.

To those who are not going on to a 4-year institution, they would probably have you believe that somehow or other we are not concerned about that 75 percent who never complete a 4-year education. The opposite is true. That is why we worked so hard in the last couple of years to get the careers bill through the House of Representatives, through the Senate, so we can concentrate on that 75 percent who are going to have to have the best skills, the highest skills, the best work ethic, in order to have our country compete with the rest of the world, or otherwise there are no jobs for anybody.

For those who are in high school, all we ask from our Federal expenditures is quality. All we demand is excellence. To the preschoolers, all of us want to make sure that those who are from disadvantaged families, those who do not have the normal opportunities that your children and my children had to become reading ready, that we want to do what we can to make sure they are reading ready, but we do not do that simply by throwing money.

We do that by insisting that they are quality programs, so we do not find that, by the time the children get to third grade, they have lost any head start that they ever had. They will have quality programs that will help them compete with all students, no matter what background they may come from.

So, Mr. Speaker, it is important that the American public understand that there have been billions of dollars, I suppose, by this time spent on advertising to disinform the American public. All we are telling you is that we are here to make sure that all education programs are the very best programs that anybody can provide, and that every child will have an equal opportunity for those good programs.

It does not come just by simply throwing more money at 760 programs. It comes from making sure that, first of all, sufficient money gets to program that are working well, rather than spread it out all over these programs. Second, its means that we have a limited amount of money, and therefore must demand quality, must demand excellence. That is the only way we are going to make it in a very competitive world.

Mr. CUNNINGHAM. If the gentleman will continue to yield, I will make my summation real quick, so I can give the time to my colleagues.

Mr. Speaker, I would say what is really cruel is to leave the system, in view that we have some very good schools across the country, but across the board, a system in which I think every American sees there is a lot wrong with that system, and to where the majority of our children who are applying for entry-level jobs do not even qualify for that entry-level job, because they cannot read, write, do the math, or speak English; that we have only been in the majority for 1 year. This is after 40 years of letting the Government manage and control even the 94 percent from the rules and regulations and paperwork.

Mr. Speaker, I do not think it is asking too much that they give us a chance to prove that we can ensure quality, we can ensure results, by focusing more dollars down not to the Washington bureaucrat, but to the teachers, the principals, the parents, and the children. And they should make those decisions on a local level. I think that concept is worth taking a look at. We are not killing education, but we are focusing those dollars down the maximum to local control.

Mr. MCKEON. The gentleman from Pennsylvania mentioned the careers bill. I think it is important that people understand this is an effort that you started in the last Congress and could not even get a hearing on the bill. This year, with the change, we were able to take it and on a bipartisan way, take 128 Federal programs, like we are looking here tonight at 760. And while it is not into law yet and we are still working on it with the Senate, we have taken those 128 programs down to three block grants, made efficient use of the dollars, and we have.

We block grant that money out to the States and local communities where it will really be efficient, instead of having several cross programs working at odds with each other.

Mr. Speaker, I want to commend the gentleman for his leadership on that, and for the continued effort. I think it is important that people understand that we are doing some very positive things here that will bear some great results as time goes on.

What we need now is a President that will sign some of the bills that we have passed, so we can have true welfare reform, so we can have a balanced budget, so we can really get this country moving forward to get our fiscal house in order. I thank the gentleman very much.

Mr. GOODLING. We are here to support those teachers back there on the firing line, and we want to help them as they try to produce the quality that we need to order in be successful.

Mr. CUNNINGHAM. My wife is one of them.

Mr. HOEKSTRA. Just in closing, at the beginning of the year we got together and talked about what our vision was for our committee, where we wanted to drive the education agenda. We started out not with the bureaucracy, not with the dollars, not with the number of programs. We started out with the kids.

We said, we know what works in schools. We know what works in educating kids. We need to empower kids. We need to empower parents to get involved in their kids' education. We need to take a look at whether the bureaucracy and the 40 Federal programs and the $120 billion, whether all that influence out of Washington is empowering parents, enabling students, or whether it is getting in the way. Are the programs getting in the way between parents and the local school board, so the school board looks more to Washington than they do to parents?

We are focused on kids. We are focused on good education. We have the same goals in mind. We just have a different way of getting there.

Mr. GOODLING. Children is the name of the game as far as our program is concerned. We are here to make sure that anything we do will not hinder there getting a good education, but will enhance that possibility.

THE MOST IMPORTANT ISSUES FACING THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. ROGERS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Vermont [Mr. SANDERS] is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the Congress, what I would like to do is touch on a few thoughts that my Republican and Democratic colleagues often choose not to address. There are a lot of very, very important issues which Congress discusses every week, but somehow or other we seem not to talk about some of the most important issues facing the American people.

The first issue that I would like to talk about is heightened by an article which appeared in the February 5 Washington Post National Weekly edition. The article touches on an issue which I think all of us in this country should be very concerned about. That is the quality of American democracy, and to what degree we in America remain a vibrant democracy.

Mr. Speaker, all of us should be deeply concerned, no matter what our political persuasion is, that in November, 1994, when the so-called Republican revolution took place, and the gentleman from Georgia, [Mr. GINGRICH] became Speaker of the House, all of 38 percent of the American people voted in that election. Sixty-two percent of the American people did not vote. The vast majority of low-income Americans did not vote. Young people in large numbers did not vote. Working people did not vote.

What does it mean, Mr. Speaker, when in Europe and in Scandinavia and in Canada and in other industrialized democracies, 60 percent, 70 percent, 80 percent of the people come out to participate in the political process, but in the United States of America, we have a major national election of great consequence and 38 percent of the American people participate? What does that mean?

I think it suggests, Mr. Speaker, that the vast majority of American people are giving up on the political process. They are hurting. They are in trouble. But they look to the Government, and they do not see a government which responds to their needs. I think what they instinctively understand is that by and large, what happens here in Congress and the decisions that we make here in Congress reflect to a very large degree the interests of the wealthy and the powerful, the people who can contribute $10,000 a plate to a Newt Gingrich-sponsored fundraising dinner; the people who contribute $16 million in one night to a Republican Party fundraising dinner.

Meanwhile, the folks back home are working longer hours for lower wages. They are concerned that they cannot afford to send their kids to college. They cannot afford health care. They are worried about the health care bills for their parents. They are deeply worried, and they look to Congress, and essentially what they see is a Congress which represents the interests of the wealthy and the powerful, and forgets about the needs of the middle class and the working people of this country.

Mr. Speaker, in the article in the Washington Post on February 5, their National Weekly edition, there is some information that they received from a national poll which should be of major concern to all Americans, regardless of their political persuasions. Let me quote a little bit from that article.

I quote: ''To measure how much Americans know about politics and the political system, the Washington Post, the Kaiser Foundation, and Harvard interviewed 1,524 randomly selected adults in November and December. These Americans were asked 18 general knowledge questions about how their government works and who their leaders are. An additional 21 political knowledge questions were asked in 4 other national Washington Post polls. The surveys revealed a knowledge gap that is deep and wide.'' I would hope that people listen to the following paragraph.

□ 2000

This is based on polling by the Washington Post working with other institutions. Two-thirds of those interviewed could not name the person who serves in the U.S. House of Representatives from their congressional district. In other words, two-thirds of those polled did not know who was representing them in the House of Representatives. Half did not know whether their Representative was a Republican or a Democrat.

Then they go on, ''Who is the Vice President of the United States?'' Who is the Vice President of the United States? Four in ten, 40 percent of Americans surveyed, did not know or got it wrong. Forty percent of the American people did not know the name of the Vice President of the United States.

It goes on, two out of three could not name the majority leader of the U.S. Senate, ROBERT DOLE, who will be likely a candidate for President. Nearly half, 46 percent, did not know the name of the Speaker of the U.S. House of Representatives, NEWT GINGRICH, and on and on it goes.

It seems to me when 62 percent of the people do not participate in an election, when 40 percent of the people do not know the name of the Vice President of the U.S., when two-thirds of the people do not know the name of their Representative to the U.S. Congress, when many people, a majority of the people cannot name their two United States Senators, it seems to me that we have a serious problem regarding democracy in America. If we do not change the circumstances in a variety of ways, I fear very much that in the years to come we are going to lose the democracy that we have today.

Why is it that so many people do not have faith in Government, and why is it that so many people do not participate in the political process? As I said earlier, I think that has a lot to do with the belief that most people have that despite all of their problems and all of their needs, that the elections do not mean much because the people who are elected end up not representing ordinary people, but end up representing the wealthy and the powerful.

Unless we can create a political revolution in this country by which Government begins to stand up not just for those people who have huge amounts of money but for ordinary Americans, unless we can reaffirm the faith of the American people in the political process and in their Government because they see the Government responding to their needs, I fear very much that we are not going to increase voter turnout or get young people to understand what democracy is all about.

I think one of the problems that we have in this whole area is that there has been a tremendous misstatement of reality that has been going on for the last number of years by the corporately controlled media, I believe, and also by our two-party system. What has been going on is that when people turn on the television and they watch CBS or NBC, or they pick up their local newspapers, what they are hearing is the economy is booming, the economy is growing, the economy is doing very, very well.

Then the television people will tell them, well, gee, the stock market is at an all-time high. Then they will tell them corporate profits are doing very, very well this year for the major American corporations. Then they will say inflation is down and that is very good for the economy. The economy is growing and millions of new jobs are being created, all of which may be true, but it does not bear on the most important economic reality, and that is what is happening to the average American.

It is not a question of whether the stock market is soaring for the wealthy people who own most of the stocks. It is not a question of whether corporate profits are at an all-time high. The question is what is happening economically to the average American? The corporate controlled media, and I think to a large degree—there are exceptions—the two political parties represented here have not addressed that issue.

That reality is that for the average American, for the middle-class American, the economy of the United States is in a depression-like situation, and I use that word advisedly.

The reality is that since 1973, 80 percent of all American families have either seen a decline in their incomes,

decline in their standard of living, or at best their incomes have remained stagnant. Now, if 80 percent of American families are seeing a decline in their standard of living, or at best economic stagnation, how can anybody with any sense of integrity talk about a growing or dynamic economy? For the middle class of America, we are in the midst of a major depression.

When I go back to Vermont, and I go back to Vermont almost every weekend, and I talk to the people throughout my State, we hold many town hearings on what is going on here in Washington. We talk to people. What do we find? I do not think Vermont, by the way, is terribly different from the rest of the country. What we find from our dairy farmers in the State of Vermont, our small farmers, they are working 60, 70, 80 hours a week. Their income is declining, and many of them are being forced off the land.

What we find is for many of our working people, they no longer work one job at 40 hours a week. Forget about that. That is ancient history. Nobody works one job at 40 hours a week. What they have to do now is work two jobs, on occasion three jobs, in order to bring home the income that their family needs to survive.

Mr. Speaker, 20 years ago American workers were the best compensated in the world, and when people would say America is No. 1, what they were talking about it that for the middle class of this country, their wages, their benefits, their pension plans, their health care, we were No. 1.

But something has happened over the last 20 years. CBS does not talk about it too much. The Speaker of the House does not talk about it too much. Most of the people in Congress do not talk about it too much. But in that 20-year period, Mr. Speaker, we went from first in the world to 13th in the world, and now our standard of living is far behind many of the countries in Europe and in Scandinavia.

One of the very interesting things that is happening, and it is a sad statement to make, is that increasingly we see European companies coming to the United States and starting factories here. There is nothing wrong with that. That is a good thing.

But why are European companies coming to the United States of America? The answer, and it really would have shocked our parents or any of us 20 or 30 years ago, they are coming to the United States today for cheap labor. They are coming to America for the same reason that American companies are going to Mexico.

In my State of Vermont we have skilled workers, hard-working people, who earn $7 an hour, who earn $8 an hour and less without benefits, who are skilled and hard-working people. You cannot get the type of labor in Europe, you cannot get that type of labor in Scandinavia, because the wages paid in those countries are much higher. So all over America, what we are seeing is companies coming to America to hire our people at low wages, minimal benefits, and I would say that that is a real tragedy that this Congress has got to address.

Mr. Speaker, adjusted for inflation, the average pay for four-fifths of American workers plummeted, declined by 16 percent, in the 20 years between 1973 and 1993. In 1973 the average American worker earned $445 a week. Twenty years later, accounting for inflation, that worker was making $373 a week.

Today the reality for the middle class of America is that they are working longer hours for lower wages. So despite what CBS or NBC or the New York Times may tell us, the reality is that for ordinary Americans, we are in the midst of a severe depression.

How many women all over this country, we hear a whole lot of discussion about family values here, and many of us believe that if a woman wants to stay home—and many women do not, and that is fine—but if a woman wants to stay home with her kids, she has the right to do that. But what we are seeing in this country now are millions of women forced to join the work force because their family cannot make it with one breadwinner, and I think that that is pretty unfortunate.

Just the other day, just last week in Burlington, VT, my hometown, I talked to a woman who said that between her and her husband they are receiving eight separate sources of income. Both of them are working different part-time jobs. They have one kid. They very rarely have a chance to have the whole family together.

That is happening all over America. Husbands do not see wives. Wives do not see husbands. Parents do not see their kids together. This is a tragedy, and it is a tragedy that the U.S. Congress must address.

Mr. Speaker, as bad as the situation is for middle-aged, middle-class workers, there is another phenomenon going around and going on that deserves a whole lot of discussion. As bad as it is for middle-aged folks, it is far, far worse for young workers, and this is pretty scary stuff.

When we ask why the average American is angry or why the average American is nervous or anxious, it is not just that he or she is working longer hours for lower wages. That is pretty bad. But they are terribly worried about what is going to happen to their kids, and I speak as somebody who has four kids.

What is happening is in the last 15 years, the wages for entry-level jobs for young men who are high school graduates has declined by 30 percent, three-zero percent. For young women it has declined by 18 percent. Wages for entry-level jobs for college graduates have also declined for men.

What about young families? Families headed by persons younger than 30 saw their inflation-adjusted median income collapse by 32 percent from 1973 to 1990. What the result of that is, is many young people are not getting married. They cannot afford to get married. Young families are not buying their own homes. They cannot afford to buy their own homes.

Most of the new jobs that are out there are not paying working people a decent wage. Very often they are in the service industry. They are flipping hamburgers at McDonald's. They are working in a ski resort. They are not jobs that are allowing people to come into the middle class.

Mr. Speaker, the dream of America, what the American dream is about, it is a dream that my parents had. My father came to this country from Poland without a nickel in his pocket and our family never had much money. But the dream of what America is about is that as parents you work hard, you are prepared to sacrifice so that your kids can do better than you did, so that your kids will have the opportunity to have the education that you never had.

I think one of the areas of anxiety and panic that so many middle-class families are feeling now is not only what is happening to them, it is the great, great worry as to what is going to happen to their kids. It is not just the kids who do not go to college. It is even the college graduates, as well.

Mr. Speaker, we are creating so many low-paying jobs that right now, Americans at the lower end of the wage scale are now the lowest paid workers in the entire industrialized world. That means if you look at what goes on in Europe, what goes on in Scandinavia, many other countries, what you are seeing now is that American workers at the low end are now, if you can believe it, the lowest paid workers in the entire industrialized world, and I think that is quite unfortunate.

Mr. Speaker, the majority of new jobs in this country today pay only $6 or $7 an hour. They offer no health care benefits. They offer no retirement benefits, and they offer no time off for vacations or sick leave. In fact, more and more of the new jobs being created are part-time jobs or temporary jobs.

In the State of Vermont, I hear from people who say, well, I have to go out and have two 20-hour jobs because the local grocery store is not hiring anybody at 40 hours anymore. They hire two people at 20 hours so that they do not have to pay benefits or provide health care or any other type of benefits that a full-time employee might receive. Many employers now consider 27 hours a week full-time jobs.

In 1993, if we can believe this, one-third of the U.S. work force was comprised of, quote-unquote, contingent labor.

□ 2015

The largest employer in the private sector today is not General Electric, it is not General Motors, it is Manpower Inc. So more and more of our workers are having to go out and find a job for 2 months, they are finding a job for 3 months, but they are not having any

security on the job. They are not moving up the ladder. They are working for a couple of months, then they are gone, no benefits no security. Then they have to go out, and they have to hustle a new job. That causes, to say the least, a great deal of stress for the American work force.

Mr. Speaker, when we talk about why wages are in decline in the United States and why the new jobs that are being created are primarily low wage, part time temporary jobs, one of the reasons for that is the major decline in manufacturing jobs in America and the major decline in middle-level white-collar management, middle-level white collar management jobs as well.

In the past 10 years, the United States lost 3 million white-collar jobs; 1.8 million jobs in manufacturing were lost in the last 5 years alone. There is a wonderful word that is out there now in the American vocabulary, and that word is downsizing. Corporate America does not even have the guts to use the word firing any more. But they are using the word downsizing.

All over this country, in virtually every major American corporation, we are seeing massive layoffs at a time, I should mention, when corporate profits are at an all-time high.

Mr. Speaker, five companies alone, Ford, AT&T, General Electric, ITT, and Union Carbide, laid off over 800,000 American workers in the last 15 years. While decent-paying jobs continue to disappear, the number of involuntary part-time workers tripled between 1970 and 1993.

Mr. Speaker, there have been studies that have been done which have shown, if you can believe it, a correlation between the compensation that the CEO's for the largest corporations in America receive and the downsizing that they do. It appears that it is a wonderful thing to be rewarded, that the heads of AT&T and the large corporations are throwing thousands of American workers out on the street and in return what they get are very large bonus increases and salaries and very positive and beneficial stock options for them.

The more workers you can throw out into the street, the more money you make. And I think this is a very sad statement about the culture of corporate America at the present time.

Mr. Speaker, when we talk about industries, clearly one of the reason is a very simple fact: The average American today is working far harder and far more hours than was the case just 20 years ago.

Mr. Speaker, according to recent studies, the average American is now working 160 hours a year more than he or she worked in 1969, 160 hours. That is 1 month extra. That means people are now forced to work, not to bring in income, to work overtime, they are working two jobs, working three jobs, women are now forced to go out into the work force. The number of Americans working at more than one job has almost doubled over the last 15 years.

Now, it is important again to reiterate the kind of jobs that are being created. President Clinton, and President Bush before him and Reagan before him, they touted the growth of millions and millions of new jobs. Well, they are right. Millions of new jobs are being created. But what kind of jobs are they? Are they jobs that people can work at and become members of the middle class, or are they jobs that people work at and after 40 hours of work they are further behind the 8-ball than when they started?

Mr. Speaker, between 1979 and 1987, there were over 4.4 million jobs created. That is pretty good, 4.4 million jobs. And that is the information that we see in the newspapers, that we hear on television, millions of new jobs being created. That is the good news.

But what is the other side of that equation? Of that 4.4 million new jobs being created between 1979 and 1987, 3.6 million of them were at poverty-level wages. So what you are having is new jobs being created, but, unfortunately, the vast majority of them are at poverty level wages.

Mr. Speaker, as I mentioned earlier, we now have the dubious distinction of being the country in which our low-wage workers are now poorer than in any other country in the industrialized world.

Mr. Speaker, in addition to that, if parents and working people cannot earn a decent living, how are they going to take care of their children? And the answer is they are not.

One of the areas we should be terribly ashamed of, and I fear Republican policies are only going to make a disaster even worse, is that 22 percent of our children today live in poverty. We have by far the highest rate of childhood poverty in the industrialized world. We have some 5 million children who go hungry every single day.

Now, Mr. Speaker, I have talked for a moment, actually for more than a moment, about what is going on for the middle class and the working people of this country.

But there is another reality out there. And that is, while the middle class is shrinking, while more and more workers are receiving poverty level jobs, there is another reality that is taking place, and it is a reality that we do not talk about enough on the floor of the House, and it is a reality that we do not hear about on television, virtually at all, and that is that today, at the same time as the United States has by far the highest rate of childhood poverty in the industrialized world, we also by far have the most unequal distribution of wealth in the industrialized world.

I know we are not supposed to talk about that. That is something that is kind of a little bit dirty, and we are not supposed to talk about that here in the Congress. But the reality is the wealthiest 1 percent of the population in America own over 40 percent of the wealth of America. They own more wealth than the bottom 90 percent.

Further, in terms of income distribution, that means what people are earning every year, the highest earning 4 percent make more money than do the bottom 51 percent. Prof. Edward N. Wolf, who is a professor at New York University, concluded the most recent study of America's concentration of wealth by saying, and I quote—

> We are the most unequal industrialized country in terms of income and wealth, and we are growing more unequal faster than the other industrialized countries.

You know, I think it is appropriate every now and then that we talk about things like justice, like decency, terms we do not hear too much on the floor of the House. We have got to ask ourselves some basic questions: Is it just, is it right, that the wealthiest 1 percent of the population in America owns more wealth than the bottom 90 percent? Is it appropriate to be seeing in our economy today a significant increase in millionaires and people on top, while at the same time more and more people are forced to work for poverty level jobs?

Mr. Speaker, during the 1980's, the wealthiest 1 percent of families saw their incomes rise by 80 percent. So, for the people on the top, the economy is doing fantastically. In the same decade, the 1980's, the bottom 90 percent of families saw their income rise only 3 percent. Most people saw a decline in their standard of living. No wonder that the richest 1 million families today own more than 84 million middle-class working and poor families put together.

Mr. Speaker, when we talk about economic growth, all of us are in favor of economic growth. But there is something wrong when the vast majority of that income growth goes to the people on the top, the people who make $200,000, $300,000, $400,000 a year; meanwhile the middle class is shrinking, people work longer hours for lower wages, and the jobs available to millions of working Americans pay $5 an hour or $6 an hour.

Mr. Speaker, there is another issue that really needs to be addressed because I think it really smacks of obscenity, and that is that in 1980 the average CEO in America, the corporate, the chief executive officer of a major corporation, that CEO earned 42 times what the average factory worker earned.

Today, according to recent reports, the CEO's of the major corporations are now earning 200 times what their average worker is earning.

Just this last year, a report that I saw indicated that the compensation, that is, salaries, bonuses, stock options for the major CEO's went up by over 23 percent. Meanwhile, workers were getting 2 or 3 percent increases in their income.

I think ultimately we have to ask ourselves whether the CEO's of the largest corporations need to eat 200 times more than their workers, need to spend 200 times more for education for

their kids than the average middle-class person, should have 200 times more income, to take care of their health care needs of their parents than the average middle-class person.

I think we have got to bring the issue of justice back home again and say to the CEO's of the major American corporations, the people who are downsizing all over this country despite recordbreaking profit, the people who are taking our jobs to Mexico and to China, it is wrong, it is wrong for you to be earning 200 times what your workers are earning. It is your workers who have created wealth in your company, and you have got to have a little bit of decency, and you have got to share it, and you cannot gobble it up all for yourselves and your families. There is a limit to the number of automobiles you can have, a limit to the number of cars you can have, the working people of this country, the middle class of this country, they also have a right to have health care for their kids and their parents, they also have a right maybe to go on a vacation every once in a while, they have a right to send their kids to college also.

The fact that we have such a grotesquely unfair distribution of wealth and incomes is an issue that this Congress must address, and it has to address.

Mr. Speaker, one of the areas that has been discussed a great deal lately is taxation. Taxation, everybody wants tax reform. I would just simply point out that, according to a study conducted by the House Committee on Ways and Means, the top 1 percent of taxpayers saved an average of $41,000 in 1992 over what their taxes would have been at 1977 rates. In other words, one of the scandals that we have seen is the result of the tax reforms of 1977, 1981, and 1986 is a major cutback in the tax rates of the largest, the wealthiest people in America, and the largest corporations.

In fact, in 1977, if Federal 1977 individual tax rates had still been in effect in 1992, the Nation's wealthiest top 1 percent would have paid $83.7 billion more in taxes which is about one-half of the Federal deficit today.

So, maybe Mr. GINGRICH and his friends would not have had to propose slashing Medicare, Medicaid, education, environmental protection, veterans' programs, the needs of our littlest kids, maybe they would not have had to propose that the wealthiest 1 percent of our people, whose incomes are soaring, had paid, were able to pay, had paid their fair share of taxes.

Mr. Speaker, let me chat for a moment about some suggestions that I and other Members of Congress are making. I am the chairman of the House Progressive Caucus, which now has 51 members, and the Progressive Caucus has been attempting to lead the effort, with success, against the disastrous policies of the Contract With America and Mr. GINGRICH's Republican Party.

But more than that, we are attempting to come up with sensible solutions that would allow the middle class of this country to expand, to grow, rather than to see it shrink. So let me, if I might, just suggest six or seven areas that I think this country and this Congress should been moving forward in.

□ 2030

Mr. Speaker, given the fact that most of the new jobs that are being created are low wage jobs, many of them are part-time jobs, many of them are temporary jobs, this Congress must raise the minimum wage. In my view it should be raised to at least $5.50 an hour.

Mr. Speaker, the current minimum wage of $4.25 an hour is in terms of purchasing power 26 percent less than it was 20 years ago. In other words, our minimum wage workers today are far poorer than was the case 20 years ago.

Mr. Speaker, we hear a whole lot of discussion about welfare reform and the need for people to go out and work. I believe that. But I believe that, if somebody works 40 hours a week, they are entitled to live above poverty. I do not think that people are making it at $4.25, $4.50, or $5 an hour without benefits. You cannot raise kids on those wages.

So I think that, given the fact that the minimum wage in terms of purchasing power has declined by 26 percent over the last 20 years, we have got to have the courage to raise the minimum wage. In my view it should be raised to at least $5.50 an hour.

What is happening around this country because of the failure of Congress to act, a number of States, including the State of Vermont, are themselves trying unilaterally to raise the minimum wage. I applaud that matter. But the truth of the matter is the best way for it to be done, it should be done in 50 States in America, not in 5, not in 10. Let us do that. Let us raise the minimum wage here in Congress to at least $5.50 an hour.

Mr. Speaker, the second area that I think we need to take a hard look at is creating jobs right here in America rather than continuing to defend Europe and Asia against a nonexistent enemy. Many taxpayers may not know this, but our Government continues to spend about $100 billion a year defending Europe and Asia against whom we are not quite sure. It seems to me we should take that $100 billion, being it back home to rebuild both the physical and human infrastructure of the United States of America.

Mr. Speaker, we can put a heck of a lot of people back to work doing meaningful work, rebuilding our roads, our mass transportation, our bridges, our schools, our libraries. In terms of human needs, we can save a whole lot of misery by hiring qualified people in terms of disease prevention, getting people out, working against smoking, against teenage pregnancy, against AIDS.

We can save a lot of lives by having people going out into our communities. We should be putting more money into Head Start, not less money; hiring more people for child care, not cutting back on those important areas.

So it seems to me that, rather than spending $100 billion a year defending Europe and Asia, bring the money back home, put our people to work, making the country a richer country, improving our physical and human infrastructure.

Mr. Speaker, there is another area that needs to be discussed which gets relatively little discussion on this floor, and that is our current trade policy. In my view, our current trade policy is a disaster. I think that, sadly, tragically, all of us in the House who stood up and said ''NAFTA was not going to work,'' unfortunately, we were proven right.

What we have seen is many tens of thousands of American jobs lost to NAFTA. We have seen a trade deficit grow with Mexico. We have learned that the Mexican Government lied to us about the state of their economy. They devalued their peso which necessitated President Clinton to propose a $50 billion bailout loan guarantee for Mexico, which many of us opposed. I brought forth legislation on the floor of this House which would have forced the President to come to Congress before lending Mexico any more money as part of the bailout. Unfortunately, that did not get through the Senate.

But it is not just NAFTA and it is not just GATT, it is our entire trade policy. This year the United States will have a trade deficit of about $160 billion. People say, so what? What does it mean to me? I don't care.

Let me tell you what it means to you. The economists estimate that, if a company were to develop a plant in the United States that produced $1 billion of export, exported $1 billion on product, on average, that company would be hiring 20,000 American workers at decent wages. What that means is when you have a $160 billion trade deficit, when you are importing $160 billion more in goods and services than you are exporting, that equates to the loss of 3 million decent jobs.

Mr. Speaker, just this last weekend I was at a mall in Vermont. I was just looking around at the goods that were available and went into one of the stores where they were selling televisions and VCR's, went into another store selling clothing. I would urge Americans to do that and take a look at the labels as to where these products are made. Increasingly what you see is: Made in China, made in Malaysia, made in Mexico, made in El Salvador.

What is going on is that major American corporations have basically deserted the United States of America, taken their factories to very desperate Third World countries where people have to work for horrible wages.

I remember several years ago going to Mexico as part of the NAFTA debate, and going into a factory there

where it was a very state-of-the-art factory, a very sophisticated modern factory. Most of the people there were women who were hard-working, good people. They were earning $1 an hour. We left the plant and walked a quarter of a mile down the road to see where the folks were living. Where they were living was in shacks, often without running water, often without electricity.

Even worse, as bad as the economic situation is in Mexico, it is, of course, worse in China. When our friends at the Nike sneaker company or the other major sneaker companies leave the United States and go to set up their plants in China, what they are doing there is hiring workers at 20 cents an hour; 20 cents an hour.

So what you are doing, it is a worthy exercise. Take a walk through the mall and see where products are manufactured. Increasingly where you are going to see these products manufactured is in desperate Third World countries.

Mr. Speaker, whenever we have a war, our multinational corporations become very patriotic and tell us how much they love America and how much they support the young men and women who are prepared to put their lives on the line defending America. They have big parades and are just ever so patriotic.

I hope very much that the CEO's of the major American corporations would begin to show us their love of this country and patriotism by maybe not running to China and Mexico, but reinvesting back home here in the United States of America.

I think this is an issue I know that the Progressive Caucus and other Members of Congress are prepared to address. It makes zero sense to me, Mr. Speaker, that we continue to give huge tax breaks to large corporations who are downsizing their work force, despite record breaking profits, who are taking our jobs to Mexico and China. It seems to me those are not the companies that should be receiving major tax breaks.

Frankly, Mr. Speaker, it seems wrong to me that, given the fact that the U.S. Government is the largest purchaser of goods and services in the entire world, not just military, but many, many products, that we should begin to think about preferential treatment for those companies, and there are many of these companies who are reinvesting in their communities, who are hiring American workers at decent wages.

We have got to take a hard look at this issue. We have got to give support to those American companies that are doing the right thing. And they are out there. They are treating their workers with respect and with dignity. They are showing us their patriotism, because they are not running to Mexico or China, but they are supporting their communities, the communities that made them money in the first place.

So I think, Mr. Speaker, we have got to take a fundamental look at our entire trade policy. Do we build a wall around America? No. Do we think that trade is a bad thing? No. Trade is a very good thing. But we want to develop a trade policy which allows us to export roughly as much as we import.

We want to have the option of purchasing foreign products. There is nothing wrong with that. But we need a trade policy which puts Americans to work building the goods that we can build so well. Our workers are second to none in the world, if they are given the chance. But the truth of the matter is, we do not talk about it too often, but corporate America is selling out the middle class and working class of this country when they run to China and they run to Mexico. We need a series of policies to get those companies to reinvest here in the United States of America.

Mr. Speaker, there is another issue which I am working on, which some other Members of Congress are working on, that needs to be addressed, and that is that when we try to understand why the standard of living of working people has declined, when we try to understand why the middle class is shrinking, it is important to understand the correlation between the decline of the standard of living of working people and the decline in the trade union movement in America.

It seems to me that if working people are going to get justice, if working people are going to earn decent wages at the place that they work at, if working people are going to get decent representation here in Washington or in their State capitals, it is important for the U.S. Congress to develop policies which allow working people to join unions, if that is what they want to do.

Mr. Speaker, there are a whole lot of workers who do not want to join a union, and that is their right. No question about it. But in my view, and I think the studies indicate this, there are millions of working people who want to join unions, who understand that workers who are in unions earn significantly more than nonunion workers.

The problem right now is that the deck is very much stacked against workers who want to join unions. Despite the law, which is routinely ignored by company after company, those workers who are trying to form a union are fired, they are laid off, they are disciplined. Workers are terrified they are going to lose their jobs. Companies threaten workers that they are going to go to Mexico or shut down the whole place if a union comes.

It seems to me if we are interested in raising income for the working and middle class, we need major labor law reform. The essence of that labor law reform must be that if 50 percent of the workers in a shop vote to join a union, plus one, they have a union. We need legislation that compels the company to sit down and negotiate in a serious way with those workers.

Too often in America, after workers go through all the blood, sweat, and tears of forming a union, they sit down to negotiate their first contract, and the owners refuse to negotiate in good faith and they drag it on and on and the union gets lost. It seems to me that should be illegal. An owner should negotiate in good faith with a union, and if the company does not do that, disciplinary action is taken against that company.

Mr. Speaker, another issue that I think needs to be addressed that is an issue that we hear very, very little discussion about on the floor of this House now, which is the crisis in health care. Many of us right now are, of course, preoccupied fighting against GINGRICH'S massive cuts to Medicare and Medicaid and other health care programs.

What we are trying to do is see that these cuts do not take place, to see that elderly people do not have to pay double the premiums that they are paying today in 7 years, that we do not see massive cutbacks to hospital, general rural hospitals in particular, which might close down hospitals.

In terms of the cuts in Medicaid, we do not know what will happen to the elderly people who need nursing homes, who will not be guaranteed nursing home care. We do not know what will happen to the middle-class families who today can see their parents taken care of well in a nursing home through Medicaid, but will no longer have that guarantee that that will take place. So while we are fighting those terrible cuts, we must not lose track of the real need for fundamental health care reform in America.

When we talk about health care, we have got to understand several basic facts. No. 1, the health care crisis today is worse than it was 3 years ago when we had this big debate on health care. It is not better, it is worse. Today, over 40 million Americans have zero health insurance. More than that have inadequate health insurance. These are the people with very high deductibles. They do not go to the doctor because they cannot afford the deductible, they cannot afford the copayment.

Furthermore, what we have got to understand is that despite the fact that 40 million Americans have no health insurance and so many people are under insured, that the United States today continues to spend far more per capita on health care than does any other major industrialized nation on Earth.

☐ 2045

We are spending more for a terribly bureaucratic and wasteful system that rewards the insurance companies with huge profits, that pays the CEO's of the major insurance companies huge salaries, that rewards certain doctors with huge incomes, that allows our pharmaceutical companies to charge our people in America far more for the same product that they sell in Europe, or in Canada, or in Mexico. So I think we

have got to move toward a simple, nonbureaucratic health care system which guarantees health care to every American. That is what our vision must be when we talk about family values. What we must be saying is that every family in America knows that they will be able to go to the doctor of their choice without worrying that they are going to go bankrupt.

So, Mr. Speaker, while we continue the fight against these disastrous cuts in Medicare and Medicaid, we must hold out the vision for a single-payer, State-administered health care system which guarantees health care to all people, and in fact we can guarantee health care to people, to every man, woman, and child in America, and we can spend less than we are right now with our wasteful, and bureaucratic, and inadequate system.

Mr. Speaker, I think the last point that I want to touch on has to do with campaign finance and election reform, and that is, as I think many Americans understand, it is not a level playing field in terms of what goes on here. We have our freshman Republican class who are revolutionaries, and they certainly are. Mr. Speaker, as I understand it, they have broken all of the records from any other class in the history of Congress in raising corporate PAC money. The biggest corporations; that is pretty revolutionary, I suppose, getting far more than any other class has received.

Mr. Speaker, 29 percent of the members of the United States are millionaires. My understanding is 25 percent of the freshman Republican class are millionaires, millionaires, and it seems to me, Mr. Speaker, that if we do not want to convert the House of Representatives, the people's body, into a House of Lords, we need some pretty fundamental campaign finance reform which takes away the ability of big money interests to continue to dominate what goes on here in the Congress.

Let me just briefly touch upon some of the issues that I think must be addressed in any serious campaign finance reform legislation.

No. 1, we have got to revisit the issue of very, very wealthy people being able to buy elections. I have nothing personally against Steve Forbes, or Ross Perot, or anybody else, so it is not a personal criticism of them. But I really think it is unfair that people who are just born or perhaps made hundreds and hundreds and millions of dollars, that they have the freedom to get up and say, well, you know, getting boring, you know, middle age, tired of my business career. I think that I am going to run for the President of the United States. Why not? Let us take out $25 million, $50 million out of the old checking account. No problem. We are worth a billion dollars, we are worth a half a billion dollars, and guess what? We will break the monotony. We will run for the President of the United States. Gee, that must be a lot of fun.

So I have nothing against Steve Forbes or Ross Perot; they are fine people. But I think that we have got to create a situation in which every American has the ability, should be able to run for President of the United States, should be able to run for the Senate, should be able to run for the House, should be able to run for Governor, and not just millionaires. And what we are seeing is not just on the presidential level. Do not kid yourself. More and more people who are running for the United States Senate or running for the United States House of Representatives are millionaires. The leadership of both parties is soliciting those people. It is pretty easy. You do not have to worry about raising funds for these guys. They are millionaires; they will pay for it themselves.

And we are seeing this also not only here in Washington, you are seeing it in State capitals as well. Millionaires, you know, became Governor of Louisiana not so long ago, and that is the pattern.

Is that what we want for America? Is that what people fought and died for, to defend democracy for, that we end up having people with huge amounts of money running the government? I do not think so. I do not think that is right.

So I think we want to revisit Butler versus Valeo, the very wrong-headed Supreme Court decision which basically said, gee, millionaires and billionaires have a constitutional right, a freedom of expression, to buy elections. I think that is wrong, and I think through a constitutional amendment or perhaps rethinking on the part of the Supreme Court we have got to revisit that issue. Wealthy people should not be able to buy elections.

Second of all, if we are talking about fairness and elections, the most important issue is to limit the amount of money that can be spent in an election, and we can argue whether for a House race that should be $400,000, $500,000, or $600,000, but that is the most important thing. If somebody has $2 million, somebody has a hundred thousand dollars, the guy with the $2 million is going to win the vast majority of the time, no matter how good or bad that person may be. So we want to limit the amount of money that can be spent.

And third, we want to make sure that the money itself is not coming from wealthy, powerful interests, but from ordinary people, and I think what we probably want to do is have a combination of small contributions balanced off against public funding of elections so we do not have to have spectacles of the Republican National Committee, I guess it was, holding a fundraiser in Washington, DC, and on one night raising $16 million, and Mr. GINGRICH going around the country at $10,000 a plate fundraisers, and in fairness it is Republicans who do this; the Democrats do it as well. And I think we want to end that type of politics.

Mr. Speaker, I would simply conclude my remarks by suggesting that this country faces some serious problems; there is no question about that. But I think those problems are solvable. I do not think there is anything that I have discussed today, the lack of a national health care system, decent wages for our middle class growing out between the rich and the poor. I think those problems are solvable. But I want to say this. Those problems are not going to be solved if tens of millions of American people continue to turn off to the political system. People fought and died to continue this country as a democracy, and we are insulting those people when we say, oh, politics, hey that is all crap, they are all crooks, I am not going to get involved. Wrong.

And I want to say this also; that there are people in Congress and in government who really do not want ordinary Americans to vote and to participate in the political process because, if you only have a small number of people who are voting, as in the last election where we had 38 percent of the people, then big money can dominate what goes on if ordinary people in the middle class do not participate.

So let me simply conclude by saying this country has serious problems, but they are solvable problems. We can create policies by which the middle class will expand rather than shrink. We can create policies by which we do not have $160 billion a year trade deficit. We can create policies which move us toward a balanced budget in a fair way, by dealing with corporate welfare and defense spending rather than slashing Medicare and Medicaid. We can improve education in this country and make college affordable for every middle-class and working-class young person. We do not have to continue to have, by far, the highest rate of childhood poverty in the industrialized world. We can address those issues. But we will not address those issues unless ordinary people begin to stand up, and fight back, and make the effort to reclaim this government which belongs to them. It does not simply belong to the millionaires and billionaires who have used this government for their own interests. It belongs to ordinary Americans, middle class and the working people of this country.

So I hope, Mr. Speaker, that we can see a reinvigoration of democracy in this country, serious political debate about how we can improve life for the vast majority of our people. That is my hope, and I think if people do that, we are going to see some really good changes in this country.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbough, one of his secretaries.

THE NEW POPULISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr.

SCARBOROUGH] is recognized for 60 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I certainly enjoyed listening to the last speaker that came to this floor, and I think there are a few things that, despite the differences in opinion on many things, I think there are a few things that we can agree on. I think we can agree on the fact that more Americans do need to get involved in the political system, and I do believe that a lot of people have tuned it out, and that has been unfortunate, but that we have to do what we can to help middle-class families expand that middle class and to contribute.

But I have got to say that is about where the similarities end, because unlike the previous speaker, I do not believe the answers lie in Washington, DC. In fact, I think most of the problems that afflict middle-class Americans come from Washington, DC. Now that is not demagoguery, it is not simple-mindedness. It is just reality.

He spoke for some time about what I would call class warfare, talking about, oh, the big business men and women that make all that money, that steal from the middle class, that steal from the working class. And we have heard that type of class warfare come out of the White House for the past few years, we have heard it on the floor of the House here, and I just—it strikes me as being very interesting because I look back over my background, look back over my history, and I remember growing up in a very middle-class family. We certainly were never wealthy by any stretch of the imagination growing up, and I remember, in fact, my father, being one of the first people in his family to graduate from college, and to go off and get a good job and work for the first 7, 8 years of my life. But then, when there was a recession, he lost his job, and I remember him driving around across the southeast, small towns throughout Georgia, Alabama, and Mississippi looking for a job, and I was with him. We spent, in fact, a summer doing that in the car, driving across the southeast looking for gainful employment for my father.

But you know during that entire time, when we went through the difficult times that we went through, I cannot remember one single time when my parents said to me, ''Joey, look at that doctor's house over there,'' or ''Look at that lawyer's house,'' or ''Look at that person that started their own business. We should resent them. How dare they actually go out and make money?''

I mean I just do not understand where this idea comes from that we are somehow going to build up the middle class and working class and blue-collar Americans by tearing down those who actually get up early in the morning, like many of our blue-collar workers and working-class families do that go to work all day, that have invested their time, and their money, and their effort over 10, 20, 30 years, and built up a business and have become successful. That to me is the American dream. That is not something we should discourage. That is something we should encourage and something that we should be excited about.

But let me tell you something, and let me just say, if the previous speaker has been in Congress for the past 4 years, I will guarantee you that he made more money over the past 4 years than I made and my family made.

Now I understand what it is like to be in the working class, to barely make enough money to get by every 2 weeks, to not have enough money to put aside for health care, to not have enough money to put aside for your children's college programs. I understand what that is like, and it is extremely difficult and excruciating. But at the same time I am not going to run around and try to whip up class warfare simply for my own political purposes or agenda. It just does not make good sense.

But if you want to talk about what Americans are really angry about out there today, it is not the populism of old, it is not the populism of William Jennings Bryant when he stormed across the country almost a hundred years ago talking out against rich people, and people who dared to be successful, and corporations. Now we have a new populism, and it is a populism that helped elect me and others, and it is a populism that focuses on big government more than big business, because for an American family earning $30,000 or less, or $40,000 or less, that is having trouble getting by week after week after week, and paying those bills, and being able to afford health care, being able to afford to take their children to the doctor, or to the hospital, or to get the prescriptions filled, or to afford to put aside a few dollars for their children's education fund, it is not big business that is taking away all their money. It is big government.

And look at the historical trends. Back in the 1950's, the average family spent 4 percent of their revenue, their take-home pay, on Federal taxes, 4 percent.

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Four percent. Today the average family spends at least, on average, 26 percent to pay taxes to the Federal Government. Now, if you add up the impact of taxes, fees, and regulations that the Federal Government throws on the average American family, they work 50 percent of their year paying off taxes, fees, and regulations placed on them by the Government. They see it every 2 weeks in their paycheck. Look and see how much the Federal Government takes out.

Yet, we still have people standing on the floor of the House of Representatives in 1996 wondering why Americans are angry with the Federal Government, wondering why a revolution that started in 1994 is going to sweep through the turn of the this century and into the 21st century, and why the American people are standing up and saying enough of big government, enough of government telling me how to spend my money, enough of government telling me how to educate my children, enough of government telling me how to protect my family, how to protect my streets.

Americans have had enough of big Government. We have failed. The Congress of the United States, over the past 40 years under liberal rule, has failed to achieve its mandate. Back in 1965 LBJ started the Great Society, the war on poverty. But it is a war not on poverty but on families, on hard work, on discipline, on personal responsibility, and a war against those very people that LBJ thought he was going to help.

All you have to do is drive through the torn-out ghettoes in South Central L.A., or in the South Bronx, or in Gary, IN, or in Philadelphia, and ask yourself a basic question: Are those people today better off than they were 30 years ago, before the Federal Government started tampering with their lives and trying to micromanage every social ill that was out there? The clear answer is no.

The Federal Government is ill-equipped. Our Founding Fathers knew that. Thomas Jefferson knew that, when he said, ''The government that governs least governs best.'' Jefferson did not say that because he was anti-government, he said that because he was pro-freedom, and because he believed in the goodness of the American people, because he believed in the greatness of the American character, because he knew from his experience with King George III in Great Britain that the answer did not lie with a highly centralized monarchy, the answer was out in the community, was out in the country, was out on the farms with the goodness of the American people.

There was a debate earlier this evening on education. We had people that have supported the liberal view for the past 40 years, the centralization view for the past 40 years, come to the floor and say what was causing the problems in this country was simple, that we were not spending enough money on our Federal education bureaucracy; that these bureaucratic programs needed to expand, that we needed to raise taxes, send more education dollars to Washington, drain more education dollars out of the community, drain more education dollars out of schools, drain more education dollars out of teachers' paychecks, drain more education dollars out of computers, send them to Washington, DC, so Big Brother, a Federal bureaucracy, could decide what to do with those education dollars.

Mr. Speaker, some of the people that were on the floor today were condemning what we are trying to do, but what we are going to do is empower the teacher, empower the parent, empower the local school system. However, they

said that we ''* * * wanted to destroy public schools.''

Mr. Speaker, that is very disturbing to me. Of course, I have to recognize who the source is, because these were the same people that called us Nazis for wanting to balance the budget, for trying to only spend as much money as we take in. They called us Nazis because we did not want to rob from future generations, we did not want to rob from our children or from our grandchildren. They called us Fascists because we believe that Americans deserve to be able to control their destiny more than a Federal bureaucracy in Washington does. But anyway, let us fast forward it to tonight, they said that we wanted to destroy the American public education system.

Let me tell the Members something, Mr. Speaker, I can give two good reasons why we do not want to destroy the public school system in this country, why I do not personally, two very personal reasons. One is Joey, age 8, and another is Andrew, age 5, who are my two children, my two boys who are in Pensacola, FL, this evening, and who tomorrow morning will go to public school.

I have a vested interest in education. I have a vested interest in public schools. I have a vested interest in trying to end the insanity that this Federal Government has been pursuing for the past 15, 20 years on education. It is my two boys.

Mr. Speaker, there was a study from a report called ''Nation at Risk.'' In that study, this was the conclusion that they came to on what the Federal Government has been doing in education. It was this. They said ''What has been done to America's educational system, had it been done by a foreign power, would have constituted an act of war.'' Yet, this bizarre bureaucratic experiment with education that started in 1979 continues, continues today unabated.

Back in 1979, when we started our Federal education bureaucracy, we were spending $14 billion on education in the Federal bureaucracy, $14 billion. Fast forward to 1996. We are now spending $36 billion, and soon it will explode to $50 billion, just on our education bureaucracy. That is taking $50 billion out of the communities, out of the educational budgets of the local school boards, out of teachers' salaries, out of school upkeep, and bringing it to the Federal education bureaucracy.

Of course, what has happened? The same thing that has happened when we tried to micromanage these other social ills: We have fallen behind. Our children have suffered, because we have people in Washington, DC, today that still believe, despite the failures over the past 30 years, that Washington has all the answers, and that Americans are either too stupid or too lazy to teach their own children without Washington's intervening.

Mr. Speaker, I am going to give the Members some basic facts to show that is not true. We have spent all this money coming up to Washington, DC, and yet, if you go through the State budgets for education departments, the average State only receives 6 percent of their money on education from Washington, DC. Yet, an Ohio study showed that they get over 55 percent of their paperwork and their bureaucratic redtape from Washington, DC, so they are not getting a return for their investment.

The money is sucked up to Washington, DC, out of the schools and the communities, and as it comes up here, what do we get for it? What do they send back out? All you have to do is look at last year's budget to find some pretty strong anecdotal evidence on what the Department of Education is doing with my money and your money. They have cut $100 million in upkeep to keep schools safe, to keep infrastructure safe, to keep ceilings from falling down on children, cut $100 million out of school upkeep budgets. Yet, last year they increased funding for their own bureaucracy's upkeep, for their own single building down the street, by $25 million. Basically, they take $100 million away from our children and their schools and their safety to make their building a little more plush, a little more inhabitable. Again, it is a classic example of how we are not even robbing Peter to pay Paul, we are robbing our children to pay off bureaucrat salaries. I think it has to stop.

Compare what has happened since 1980, when we started this colossal mistake with what is going on today. We have fallen behind on test scores with industrialized Western nations. Dropout rates have gone up, test scores continue to fall down, violence in schools continue to rise. We are spinning rapidly out of control with our educational system. All some people want to do is what we have been doing for the past 25 years on education, spend more money on a bureaucracy and less money on schools. To me, that is morally indefensible.

Mr. Speaker, I heard somebody talk also, talking about anecdotal evidence, talking about the fact that one of the programs that the Department of Education spends our money on is closed captioning. That sounds great, right, closed captioning for the hearing-impaired. But it is closed captioning for the hearing-impaired for the TV show Baywatch. I do not know what Federal education dollars are doing for closed captioning for Baywatch.

It seems to me we could spend our money better. We could spend our money in our local communities better than in Washington, DC. We could spend our money better on teachers' salaries and on improving students' living conditions than on spending it on bureaucracies in Washington, DC.

That is what this fight is about. We are trying to send power back to the communities, back to the States, back to local governments, so we can have what I called before, and what even Alice Rivlin has called, ''legislative laboratories,'' where we allow 50 States and hundreds of communities and thousands of school boards to experiment with education and to decide how they want to educate their children, instead of having this cookie cutter approach.

Mr. Speaker, if you tell people that you want to do this, they throw up their arms and they say what would we do without a Federal education bureaucracy? What would we do without the Federal Department of Education? We would do the same thing that we did for the first 204 years in this constitutional Republic. We would keep it out of Washington, and we would empower the communities and the teachers and the parents and the students. That makes good sense.

Our Founding Fathers knew that made good sense. James Madison said:

> We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of the individual to govern themselves, control themselves, and sustain themselves according to the Ten Commandments of God.

The 10th amendment to our Constitution that Madison helped draft said ''All powers not specifically given to the Federal Government are reserved to the States and to the citizens.''

There is nothing in our Federal Constitution, the United States Constitution, that Madison helped draft about an education bureaucracy in Washington, DC., but if we look at all 50 State Constitutions, we will see in all 50 State Constitutions mentioning of education, because that is the way our Founding Fathers and those that wrote our State Constitutions envisioned the American educational system being, an educational system that would be a bottom-up system, where teachers and parents and principals and school board members and community leaders would get together and decide how they were going to educate their children, instead of having an education bureaucracy in Washington, DC., or to go back to what our Founding Fathers looked at it as, instead of having King George III tell everybody how they were going to teach their children.

It just makes good sense. We have to empower our schools once again. We have to do that by getting it out of Washington, DC. That may be a radical concept, I suppose as radical as James Madison was considered to be radical or Thomas Jefferson was considered to be radical all those years ago when they started what continue to be the greatest living experiment in the history of government, and that is, the United States experiment.

Last year there were 72, 73 freshmen that were elected who said ''Enough is enough. We are going to stop draining all the power out of the communities, stop taking it all up to Washington, DC., stop consolidating money and power and authority and prestige in Washington, and start sending it back out to the States, back out to the communities, back out to the parents, back out to the teachers.''

One of those people who is here tonight is the gentleman from Pennsylvania, JON FOX. JON has been an instrumental player not only in these education issues, but in other issues on fighting to take our country back and reclaim our heritage, and return this constitutional Republic to what it was meant to be.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman has been a leader, and I would like to extend my gratitude to you on behalf of the others in the Congress for your leadership in speaking out on important issues.

Frankly, we are looking to the point that the status quo does not live here anymore; how can we make the Congress more responsive, how can we make sure that we in fact look forward to some substantive and important changes.

That is why, from my perspective, and I think as well, from yours, we need to look and make sure that the local school boards are making the decisions. Yes, we want the Federal funds for textbooks and school lunch and for transportation to go to our school districts, but we do not need national policy to tell our local school districts how to in fact make sure we are giving educational policy that our students need and our parents want. Frankly, I think the teachers want that, too. We want minimum standards, of course, but we can get maximum results by empowering local governments.

Mr. SCARBOROUGH. Mr. Speaker, I agree with the gentleman 100 percent. I have to tell him, though, if we do go through a process where we block grant some of these programs back to the States, I think the important thing is that we do empower them and allow them to make the decision, just like you said.

□ 2115

Because Pennsylvania's issues on education, on transportation, on school lunch programs are different, I can guarantee they are different from Pensacola, FL.

Mr. FOX of Pennsylvania. No question.

Mr. SCARBOROUGH. We come from different parties. I lived in upstate New York for a few years. I recognize that. Our society and our country is huge. So I do not think Bill Clinton or any President should say this is what our education agenda is going to be and we have got to stick to it.

Mr. FOX of Pennsylvania. Would the gentleman yield?

Mr. SCARBOROUGH. Sure.

Mr. FOX of Pennsylvania. On the school lunch program, what I think is exciting about the new Congress is that in the 104th Congress, in a bipartisan fashion, we have seen the school lunch and the WIC programs, how we have expanded the amount of money for those programs, and we said in a block grant, we are going to make sure it meets National Science Foundation standards for quality of the food.

Instead of spending 15 percent on administrative costs, as the Federal Government has for many, many years, we told the States and the governors who want the programs, ''You can only spend 5 percent on the administrative costs. With the extra 10 percent we are giving you, you have got to feed more kids more meals.''

That is a better way of doing it. Less bureaucracy, more direct services. That is what I think is the kind of reform that is positive.

Mr. SCARBOROUGH. That is right.

It is very interesting, you were talking about the school lunch program, and we saw and actually I talked about how we had been attacked as being extremist and Nazis and all these other things. Just absolutely ridiculous attacks on our character, and it showed just how desperate they were.

They even paraded little children around here in a shameless display. Everybody was wearing their ties with children on them, and all they talked, children, children, children, that is all they talked about. I have got two children. I do not need anybody to tell me that I am more or less compassionate than they are simply because they have more faith in the Federal bureaucracy than in local communities.

I think what we need to do is, while the school lunch programs went up, I think we need to reexamine if this is something that the Federal Government should in the end, in the perfect world, even be involved in. Because let us say, for instance, in my area, and we are talking about getting to the ideal situation on school lunch programs, to make sure that we feed the most disadvantaged and those students that need to be fed.

In my area, let us say that you take, and I, of course, because I am a working class type of guy, I probably do not even have a dollar so I cannot even hold it up. But let us say you take a dollar and you pay taxes coming up on April 15 in my area. Well, that dollar for school lunch programs, for instance, that dollar first goes to Atlanta, GA, to the regional IRS office, which is our regional southeastern IRS office.

That dollar that was for school lunch programs first gets channeled through the IRS office in Atlanta. Of course they have got copying machines. They have got to pay their people to work. They have got to pay rent. They have got to do all these other things, so a little bit of that dollar is gone, sort of a brokerage fee.

Then where does it go next? It comes up to Washington, DC, goes to the IRS office in Washington, DC, and the Treasury Department. They take off their little bit.

Then of course if gets funneled over to the next agency, I suppose the Department of HHS. They take off their part of the dollar, and then of course it goes to the subdivisions within the Department of HHS, and then over to the Department of Education.

Everybody got their brokerage fee on it, so that dollar that started out for school lunch programs continues to get cut up more and more. The does it come back to the students and get put on the table in Pensacola, FL? No. Then it goes to Tallahassee, FL, and they start figuring out how they are going to cut up the money. Then it comes on over to Escambia County and they have to cut it up.

Finally, by the time that dollar that got out of my pocket on April 15 and went through this maze of bureaucracy up to Washington, DC, and back down to Tallahassee and back to Pensacola, and finally to pay to put a lunch or a breakfast on the table for that disadvantaged child, we have blown most of our money, instead of keeping the money in the community and having the communities raise the revenue and pay for the school lunch program. That is where we need to be. Not only does it make sense, not only is it constitutionally correct, but it just makes good basic sense.

Mr. FOX of Pennsylvania. Will the gentleman yield?

Mr. SCARBOROUGH. I certainly will yield.

Mr. FOX of Pennsylvania. The point is well taken. The fact is that our local communities, local officials, schools, parents, teachers, they know best what they need in their community. If it goes through all the layers the gentleman from Florida described, what happens is, as he well knows, all the pieces that are taken out is less for the child.

After all, what it is about, we want to help more children, we want to help more of our constituents get the services they need that cannot be provided by the private sector. Where the private sector can handle it best, they should. Where State government and local government can handle it best, they should.

But if it cannot be handled in the local government, then the Federal Government has to get involved, obviously in national defense and in other areas like Medicare and Medicaid. Those things that cannot be handled in the local government, certainly of course the Federal Government needs to take care of it.

Under this new Congress, the new vision I like is we are trying to eliminate the fraud, abuse and waste in the system, and that is where the big differences are coming. For instance, if we want to save Medicare for our seniors and make sure they get all the services they need with the appropriate increases, so they are always covered for health care, there is $30 billion a year right now in fraud, abuse and waste just in Medicare, $14 billion in Medicaid.

Under the new legislation we passed, the new Health Care Fraud Act is going to make sure we go after that fraud,

abuse and waste and the savings go back to health care for our people. That is the difference in the new Congress, direct services, more for the people, less waste, fraud and abuse. By going after these kinds of problems in our Government, we are going to make sure we get some real reform.

Mr. SCARBOROUGH. I go through the panhandle, hold town hall meetings all the time. As I hold town hall meetings, I hold Medicare town hall meetings, and I ask people what they think the problem is with Medicare.

I cannot tell you how many people cite waste, fraud and abuse inside the system. They will tell me that a medical provider will overcharge them and that they will call up, they will say, ''You have overcharged me here. You need to correct my bill.'' And the provider will say, ''Don't worry about it, it's not your money.''

The sad fact is, it is their money. I will tell you what, if I added up all of the waste, fraud and abuse cases I heard in those town hall meetings, I think it would be enough to take care of the Federal debt.

We cannot close our eyes to the fact that there is waste, fraud and abuse in the system, and we also cannot close our eyes to the fact that this system continues to lose money. I was shocked, like I know the gentleman was, and quite frankly worried for my parents and for my 93-year-old grandmother, shocked to find out that the Clinton administration actually had knowledge that Medicare was losing money this past fall and that, unlike what the President had told us in the Medicare trustees' report back in April of 1995, that Medicare was going to go broke much faster than the 7 years they had originally told us. It was actually going to go broke a lot earlier.

That is what excites me about this problem, despite all the sound and all the fury and all the demagoguery, and I can say demagoguery. That is not coming from me. That is coming from the Washington Post. The Post accused Bill Clinton and the Democrats of shamelessly demagoguing on the issue.

Robert Samuelson, who wrote a Washington Post editorial, called the President a liar, said he lied on Medicare and said he did not like using that term, but that the President had so twisted the facts on Medicare that he really felt like there was no other term that fit him.

I guess my last example of how the media has caught on to the President, and they have already told us what they are going to do there this fall, they are going to continue this shameless parade of lies, trying to scare senior citizens, but my favorite was Nightline.

They had a program they called ''Medicare.'' The first clip, and I am sure you know about this, JON, but the first clip they showed in the introduction of Nightline, they go, ''this is Nightline.'' The first clip they show is Hillary Clinton testifying before Congress a few years ago, a few short years ago, to Democrats in Congress, talking about how to save Medicare. She said we must slow down the rate of growth in Medicare to twice that of inflation, twice the rate of inflation. I suggest 6.9 percent.

The next clip they showed was Speaker GINGRICH saying we must slow down the rate of growth in Medicare to twice that of inflation. I suggest 7.2 percent. So already in these first two clips in 10 seconds you see that we are actually suggesting a higher increase of growth in Medicare than the President and Hillary did in 1993, the First Lady.

Then the next clip was Bill Clinton saying, ''I will not allow the Republicans to destroy Medicare,'' when we were doing the exact thing or even a little bit better than they were suggesting just 2 short years ago.

I cannot tell you how many senior citizens have said, ''My gosh, am I going to have Medicare next year? Are you guys abolishing Medicare?'' I sit there and I go through the numbers. After I go through the numbers, and I explain to my 93-year-old grandmother and to others that they are going to go from getting $4,600 this year in benefits to an average of $7,200 in benefits 7 years from now, I apologize to them. I apologize to them because of the shameless demagoguery that we have heard from this side by people who have admitted they are using this for political leverage to try to scare senior citizens, to maintain power, to try to get reelected.

Now, if that is not a signal of the end of a party, and if that does not signal intellectual dishonesty and bankruptcy of the lowest order, I do not know what does.

We are doing what we have to do, what the Washington Post recognizes we have to do, what the New Republic has recognized in a cover story that we have to do, what a lot of liberal publications even have realized that we have had to do to save Medicare for senior citizens and for those that are in the baby boom generation.

I yield to the gentleman.

Mr. FOX of Pennsylvania. The fact is the gentleman is absolutely correct. It was we Republicans who led in this Congress for several issues before we even got to Medicare. We are the ones that said we want to roll back the 1993 unfair tax on Social Security when we passed that bill in the House.

We are the ones that said that seniors under 70 should earn more than $12,800 without having deductions from their Social Security. In fact, that legislation will allow them to make up to $30,000 a year without any deductions for Social Security.

Third, we are the ones who said we read the report from the President's trustees saying that Medicare was going to run out of funds in 7 years. So we came up with a proposal, which we hope the Congress will eventually adopt and the President sign, which does several things that you outlined:

No. 1, eliminate the $30 billion in fraud, abuse and waste by going through the Attorney General's office and working with the HHS Inspector General to make sure we root out that waste; give a 10-year penalty for those who violate the law. No longer can you be a provider. And put those savings back into health care for seniors.

No. 2, make sure that the minimum education for the indirect and direct costs for interns and residents which is now part of Medicare be a separate line item, fully funded but not part of taking dollars away from seniors.

No. 3, let us reduce the cost of the paper work, 12 percent cost now in Medicare, just on paper work. I want to see that down to 2 percent, like you do, and use electronic billing, and give an extra 10 percent back for seniors for health care.

We also have a provision in there for managed care for Medicare, as well as Medisave accounts, which lets a senior determine how much money they want to spend each year on their health care and they can pocket the savings or roll it over the following year.

The fact is we are trying to be innovative and we are trying to make sure that Medicare will be there for next year, the year after, and the year after. Whatever it takes to make sure seniors have health care, we are going to do it, because we are the ones who have been leading the way to help make sure that seniors live longer, live better, live independently and really can make sure that they have the quality of life that we want for your grandmother, for my grandmother, for our and for your parents.

Mr. SCARBOROUGH. The gentleman brought up a good point, reclaiming my time for a second here. I remember back to 1993, the largest tax increase in this country, in fact in the history of mankind. I think back to that night when the vote was taken that increased taxes on Social Security up to 85 percent, where you had the Federal Government reaching in and taking more money out of senior citizen's pockets.

I think back to that night. I think back to how they lowered the earnings limit that you talked about from $34,000 to $14,000 and basically told our senior citizens, ''Do not dare to be productive, my friends, because if you do, we are going to take your money away from you.''

□ 2130

You know, I think back to that night when they raised taxes, estate taxes. I think back to that night when they raised taxes that affected seniors' incomes a million different other ways. And, you know, the thing that is striking is that night it was this side of the aisle, the Republican side of the aisle, that unanimously voted for the rights of senior citizens. Not one single Republican cast a vote to raise taxes on senior citizens and their social security benefits. Not one single Republican

cast a vote under Bill Clinton's tax plan to lower the earnings limit, to punish seniors for being productive. Not one single Republican signed off on the largest tax increase in the history of this country.

It was an initiative that was rammed through the House, through the Committee on Ways and Means, by liberal Democrats, signed on by President Bill Clinton, the same man who had promised a middle-class tax cut only a few months earlier when he was campaigning for President.

Yet these people, a lot of these people, have the nerve to actually stand up now and act as though they are the protectors of senior citizens, when, in fact, when they were in power, they were the ones that were taxing senior citizens, making it harder for them to get by from Social Security check to Social Security check and who are now pretending to be friends of senior citizens. All they are doing is fiddling while Rome burns.

They know the system is going bankrupt. The Medicare trustees told them the system is going bankrupt. The headlines this past month have shown it is going bankrupt even faster than we were led to believe by the President and by the liberal Democrats. And yet it is like they are a doctor that opens up a patient, sees cancer in that patient, and instead of operating, closes the patient back up, pats them on the head and says, ''Go in peace. You are fine.''

We cannot turn a blind eye to the waste, fraud and abuse that is in the system. We cannot turn a blind eye to the fact that the system is going bankrupt. We have got to protect it and preserve it and make it stronger, and I ask you who cares for senior citizens more: those that actually dare to make a difference and save Medicare or those who want to be elected this coming November and that is all they care about? So they are willing to just sort of let it go on for another 6 months or a year or 2 years until we wake up one morning and Medicare is gone.

Mr. FOX of Pennsylvania. I will be glad to answer your question, if you will yield. The fact is the Republican majority has led the way to protect seniors, not only having in that legislation all the things we discussed previously, but also a clause to return in case there has to be a further increase if we have not been able to save as much as we hoped to through the fraud, abuse and waste.

We will not let seniors go without the proper Medicare and senior health care services they deserve and need, but we are not going to tolerate a system that will lose money and have the waste go out the door when the services those dollars could have brought the seniors should go to our people. We are going to be vigilant that way.

What is also important is to note, and the people, our colleagues should also know, Social Security is off the table. That is not part of our budget. We are not going to let that be touched by anybody, not anybody anyhow.

The fact is Social Security deserves to have funds brought back to it prior Congress borrowed from the Social Security. The Social Security trust fund is owed about $358 billion. Hopefully, through things like the line item veto, other savings we are going to have reducing agencies, the sunset review legislation I have, other ways to reduce the cost of programs that have outlived usefulness, we can restore those funds to the Social Security fund, the Social Security trust fund.

The Social Security trust fund is solvent, doing well. We want to make sure it is going to be solvent for many years to come. Many on the other side of the aisle try to take things from it to balance the budget for seniors and those who have given their whole life to train us, to give us the right to be here. We have to protect them.

Mr. SCARBOROUGH. I agree. Exactly.

I want to try to bring this together, in closing, and just say this, that we have been talking about Medicare, we have been talking about education, but you know, the Democrats, some of the leadership, some of the liberals have tried to say, tried to tie some things together for a campaign slogan. And I guess it sounds great as a campaign slogan. Unfortunately, it is just not true.

What have they said time and time again, the Republicans are cutting taxes for the rich to pay for Medicare and have said that we are actually cutting Medicare to pay for tax cuts for the rich. And we cannot talk about Medicare until—

Mr. FOX of Pennsylvania. First of all, nothing could be further from the truth.

Mr. SCARBOROUGH. Exactly. Exactly. We cannot end this discussion on Medicare without discussing these tax cuts, I think, just to totally blow it out of the water, because nothing could be further from the truth. Not only are we strengthening and preserving Medicare, not only are we allowing Medicare to grow at a rate that is sustainable, not only are we going to be giving senior citizens more options than they have ever had and going to be allowing the Medicare benefits to continue to increase, and that shows that we are telling the truth on Medicare.

On the tax cuts for the rich, you and I both know those are not tax cuts for the rich. You take the $500 per child tax credit, let me tell you something, that is a tax credit to help the struggling middle-class family that is having trouble getting by from paycheck to paycheck.

And here is an interesting fact for you on it: They call it tax cut for the rich; the fact is 89 percent of those tax cuts, 89 percent of that tax relief goes to working families earning less than $75,000. So what does that tell us? It tells us one or two things about the liberals calling them tax cuts for the rich. It tells us that, first of all, either they are not telling the truth on tax cuts either, on tax relief for working-class Americans, it tells us that. Or the second thing it tells us is that they truly believe that a working-class family of four earning $35,000, $40,000, is rich in their book.

Now, whether they are lying about it or whether they truly believe that working-class Americans making $40,000, a family of four is now rich in America, either way, I do not think they are fit to govern this country anymore.

I think it is a sad commentary when people would actually stand up and say those are tax cuts for the rich and try to scare senior citizens. This is about empowering senior citizens if we are talking about Medicare. it is about empowering working class Americans if we are talking about working-class family tax relief. And it is about empowering parents, teachers, principals, and school boards if we talk about educating our children in the classroom and not in a bureaucracy in Washington, DC. And that is what this whole, they have called it, a revolution, we have barely taken the first step.

That is what this whole movement is about, getting power out of Washington, DC, and once again relying on the goodness of the American people and the greatness of the American civilization, which I believe today truly is the last great hope.

Mr. FOX of Pennsylvania. I agree with you. You are absolutely right. The fact is that when it comes to the tax reform, it is going to help most Americans. And we have done it after we have already taken the spending cuts, $190 billion, deficit reduction of $90 billion. It is only when we start looking to the tax reform to help us create jobs, over 300,000 a year, to help encourage savings to help encourage investment, and that is what America is all about. If we can create more jobs, not Government jobs per se, but real private sector jobs, we will have more people paying taxes and more, a more stable tax structure for everybody. Everybody can pay less toward the Government and get more in their pocket so they can help this economy drive forward.

We have the elder care tax credit, the new IRA's are part of that program. We have the new adoption tax credit. All of those tax reform packages will help seniors, help working families, will help children.

So, frankly, when you talk about it here in this Congress, we have had bipartisan support for that program, but the President unfortunately vetoed the bill, and I am hopeful the next time when welfare reform comes before the President, tax reform comes before the President, and a balanced budget, we can make a difference, because with that balanced budget we are going to reduce the costs for working families, college education interest expense, car expense, and on the mortgage expense.

And that is basic to the country. And by doing that, we are going to have a stronger country. The last time we balanced the budget was 1969.

Mr. SCARBOROUGH. That is right. For the first time in a generation, this Congress actually dared to say enough is enough, we are going to balance the budget, we are going to only spend as much money as we take in.

A lot of people do not realize how much $5 trillion is. I heard somebody on this floor say one time, in explaining how much $5 trillion debt is, if you earned a million dollars every day from the day Jesus was born, Jesus Christ was born, to today, you would not make enough money, making a million dollars a day, you would not make enough money to pay off that debt. And yet we still have people telling us we do not have to do it in 7 years.

Mr. FOX of Pennsylvania. What is interesting is we can still balance the budget and still have the safety net for those who are in need. This is a compassionate country, and this Congress does care but it does not mean we need to spend money on every program. Frankly, we have a private sector doing a great job, whether Habitat for Humanity, community service block grant where we take existing Federal funds and raise three times as much in the private sector to serve the community, we can do it all. We do not have to bankrupt the country or the next generation in doing that.

Mr. SCARBOROUGH. I will tell you what we have done in Pensacola, FL. What we have started up, we started a community service network. I got together 3 or 4 months ago with community leaders. One is a doctor, Reed Bell, who has just been instrumental. He has cared. He is a pediatrician. He has done great work in the community for years, caring for disadvantaged children, caring for those in need. I talked to Dr. Bell, and he had come up with an idea, a private sector welfare reform, where when people come off of welfare, we create a community service network of all of these different community service organizations that would work together, that would draw in churches and synagogues, and get these people when they come off of welfare and help them get on their feet and do everything they can to empower those people without going back on the welfare rolls a month or two later.

You know, at the time I came up with the idea, Dr. Bell had already come up with the idea, had been doing it for some time before me. I thought, hey, I have got a great idea. He had already been thinking about it, and we got together, and, with Dr. Bell's leadership, we have launched this community service network. And it is going to make a big difference. But that is something that is spreading throughout this country.

I saw on the front page of the New York Times a few Sundays ago that there has been an explosive growth of these groups, that people are no longer waiting for the Federal Government to come in and help them out. Communities are now sort of digging in and doing their part and saying, ''Forget the Federal Government, we have got this American can-do spirit. We are going to do it ourselves.'' That is what we are doing in Pensacola. That is what Dr. Bell is doing. That is what the New York Times is talking about.

Again, this is not a political revolution that is sweeping the country. It is a revolution of thought, again, that Americans are once again reclaiming their country and saying we are not going to just depend on the Federal Government for everything.

Mr. FOX of Pennsylvania. I will say, in summation, the spirit of voluntarism also is alive and well in Montgomery County, PA, where we have hundreds of organizations working to help with shelters for the homeless, food cupboards, you name it, health care. They are involved. But with our welfare reform legislation, in the Congress, I think that is also very sensitive. We are going to have a safety net for those in need, when they are taking care of children at home, those who are able-bodied, in 5 years we are looking to help them get a job, job counseling, job placement, day care, if they need it. We want to make sure it is those who are able-bodied get in the world of work if that is what they are able to do and we can train them for it.

Mr. SCARBOROUGH. Of course, that debate will continue. I personally think our welfare bill that ended the Federal Government's oppressive mandates on States for the first time in 62 years is a great bill. Obviously, 88 Senators out of 100 Republican and Democrat alike thought it was a great idea.

The President unfortunately vetoed that bill. Obviously, the 50 Governors, when they came to town, all 50 endorsed our welfare reform bill, thought we had a pretty good idea. Again they thought we had a good idea, because it keeps going back to the ideals of Jefferson and Madison and our Founding Fathers that we are in the end a Nation of communities and not a Nation of bureaucracies.

We have got to rely on the goodness of Americans as we go into the 21st century, because we have seen the Federal Government only goes so far.

Mr. FOX of Pennsylvania. I want to thank you for taking this hour so we have a chance to discuss some of the basic achievements we have had in the 104th Congress, so we can continue the enthusiasm to make sure we continue our reform goals. I thank you for your leadership.

Mr. SCARBOROUGH. I thank you for your leadership.

□ 2144

PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. CHRYSLER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report five proposed rescissions of budgetary resources, totaling $50 million. These rescission proposals affect the Department of Defense.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 13, 1996.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MYERS of Indiana (at the request of Mr. ARMEY) for today from 5 p.m., on account of medical reasons.

Mr. SISISKY (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FATTAH, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

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

Mr. SHADEGG, for 5 minutes, today.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. HAMILTON.

Ms. LOFGREN.

Mrs. THURMAN.

Mr. MARTINEZ.

Ms. DELAURO in two instances.

Mr. HINCHEY.

Mr. VENTO.

Mr. SCHUMER.

Mr. BENTSEN.

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. QUINN.

Mr. GOODLING.

Mr. GILMAN.

Mr. RAMSTAD.

Mr. KOLBE.

Mr. BUNNING.
Mr. POMBO.
Mr. CASTLE.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. DAVIS.
Mr. CHRISTENSEN.
Mr. HINCHEY.
Mr. MARTINEZ.
Ms. DELAURO.
Mr. VENTO.
Mr. SCHUMER.
Mr. BENTSEN.
Mr. MANTON.
Mr. HORN in two instances.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, March 14, 1996, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the U.S. House of Representatives during the fourth quarter of 1995 in connection with official foreign travel, as well as an amendment to the fourth quarter report of foreign travel authorized by the Speaker, U.S. House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or Employee	Date		Country	Per Diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas Foglietta	11/24	11/26	Haiti		384.00						384.00
Commercial airfare							1,196.95				1,196.95
Hon. John Murtha	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,658.00				5,658.00
Hon. John Murtha	12/9	12/9	Haiti				[3] 998.00				998.00
John Blazey	11/8	11/13	Japan		2,000.00				722.82		2,722.82
Commercial airfare							4,464.38				4,464.38
Gregory Dahlberg	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,658.00				5,658.00
James W. Dyer	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,658.00				5,658.00
James W. Dyer	12/9	12/9	Haiti				[3] 998.00				998.00
Gregory Dahlberg	12/9	12/9	Haiti				[3] 998.00				998.00
Stephanie Gupta	11/8	11/13	Japan		2,000.00				722.82		2,722.82
Commercial airfare							4,464.38				4,464.38
Richard Efford	12/9	12/11	England		592.00						592.00
	12/12	12/14	Belgium		660.00						660.00
	12/14	12/15	Switzerland		304.00						304.00
Commercial air							4.412.45				4,412.45
John Plashal	10/8	10/9	Italy		100.00						100.00
	10/9	10/10	Bosnia		100.00						100.00
							[3] 5,568.00				5,568.00
John Plashal	12/9	12/9	Haiti				[3] 998.00				998.00
John Shank	12/20	12/22	Belgium		660.00						660.00
Commercial airfare/ground							3,203.15				3,203.15
Committee total					7,400.00		44,275.31		1,445.64		53,120.95
Survey and investigations staff:											
Alfred L. Espostio	11/25	11/29	Germany		758.00		4,408.49		396.08		5,562.57
	11/29	12/2	The Netherlands		627.00						627.00
	12/2	12/5	England		812.00						812.00
Joseph R. Fogarty	11/5	11/9	Italy		622.25		3,528.27		79.52		4,230.04
Michael O. Glynn	11/27	12/1	Japan		1,492.00		4,260.95		236.72		5,989.67
	12/1	12/7	Korea		1,481.00				234.33		1,715.33
Rahul Gupta	11/27	12/1	Japan		1,492.00		4,260.95		113.22		5,866.17
	12/1	12/7	Korea		1,481.00						1,481.00
Terrence E. Hobbs	11/5	11/9	Italy		622.25		3,528.27		103.77		4,254.29
Robert W. Lautrup	11/25	11/29	Germany		758.00		4,408.49		376.32		5,542.81
	11/29	12/2	The Netherlands		627.00						627.00
	12/2	12/5	England		812.00						812.00
L. Michael Welsh	11/27	12/1	Japan		1,492.00		4,260.95		114.96		5,867.91
	12/1	12/6	Korea		1,214.00						1,214.00
Committee total					14,290.50		28,656.37		1,654.92		44,601.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation; cost shown is comparable first-class commercial rate.

BOB LIVINGSTON,
Chairman, Jan. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Debi Bodlander	12/26	12/31	Jordan		1,175.00						1,175.00
Commercial airfare							4,613.55				4,613.55
Scott Feeney	12/16	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Victor O. Frazer	12/13	12/18	Russia		1,700.00						1,700.00
Commercial airfare							3,424.95				3,424.95
Richard Garon	10/13	10/17	Bosnia		[3] 580.00						580.00
Commercial airfare							3,416.55				3,416.55
John Herzberg	10/13	10/17	Bosnia		700.00						700.00
Commercial airfare							3,416.55				3,416.55
Mark Kirk	10/13	10/17	Bosnia		[3] 580.00						580.00
Commercial airfare							3,416.55				3,416.55
John Mackey	11/29	11/30	Ireland		145.00						145.00
Lester Munson	11/19	11/20	Morocco		331.00						331.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							3,676.95				3,676.95
Roger Noriega	12/16	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Daniel Restrepo	12/18	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Marty Sletzinger	10/13	10/17	Bosnia		700.00						700.00
Commercial airfare							3,416.55				3,416.55
Scott Wilson	12/16	12/18	Haiti		266.50						266.50
Commercial airfare							648.95				648.95
Committee total					6,977.00	6,977.00		27,977.45			34,954.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BENJAMIN A. GILMAN,
Chairman, Jan. 31, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Ed Bryant	12/28	12/29	Haiti		136.50		(3)				136.50
Committee total					136.50						136.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE,
Chairman, Feb. 29, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Bill Richardson	12/9	12/11	Africa		900.00						900.00
Commercial airfare							7,166.95				7,166.95
Calvin Humphrey	12/9	12/11	Africa		900.00						900.00
Commercial airfare							7,166.95				7,166.95
Louis Dupart	11/13	11/18	Middle East		701.75						701.75
Commercial airfare							5,407.35				5,407.35
Committee total					2,501.75		19,741.25				22,243.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST,
Chairman, Jan. 26, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky		9/30	United States				3,077.55				3,077.55
	10/1	10/7	Poland		1,368.00						1,368.00
		12/11	United States				3,424.95				3,424.95
	12/12	12/19	Russia		2,000.00						2,000.00
John Finerty		10/5	United States				2,881.95				2,881.95
	10/6	10/14	Poland		1,586.00						1,586.00
		12/11	United States				3,486.95				3,486.95
	12/12	12/18	Russia		1,728.00						1,728.00
	12/18	12/19	Denmark		209.00						209.00
Chadwick Gore		9/30	United States				3,082.15				3,082.15
	10/1	10/12	Poland		2,508.00						2,508.00
Robert Hand		10/24	United States				1,517.55				1,517.55
	10/25	10/31	Croatia		1,620.00		128.00		690.00		2,438.00
Janice Helwig	10/1	10/10	Austria		1,707.39		905.00				2,612.39
	10/10	10/18	Poland		1,824.00		41.95				1,865.95
	10/18	10/27	Austria		2,086.81		572.00				2,658.81
	10/27	10/30	Croatia		463.05		25.24				488.29
	10/30	12/6	Austria		7,019.27		458.15				7,477.42
	12/6	12/9	Hungary		486.00		22.77				508.77
	12/9	12/13	Austria		758.84		1,860.00				2,618.84
	12/13	12/19	Russia		1,728.00		110.00				1,838.00
	12/19	12/21	Austria		379.42						379.42
									[3] 533.76		533.76
Marlene Kaufmann		11/4	United States				4,098.75				4,098.75
	11/5	11/12	Romania		1,981.00						1,981.00
	11/12	11/14	Switzerland		508.00						508.00
	11/14	11/18	Bulgaria		788.00						788.00
Richard Livingston		10/5	United States				3,160.55				3,160.55
	10/6	10/18	Poland		2,498.00						2,498.00
	10/18	10/22	Austria		752.00						752.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995—Continued

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Ochs		9/9	United States				6,451.45				6,451.45
	9/10	9/14	Poland		912.00						912.00
	9/14	9/15	Turkey		212.00		50.00				262.00
	9/15	12/3	Azerbaijan		8,785.00		100.00				8,885.00
	12/3	12/6	Georgia		639.00		87.00				726.00
	12/6	12/7	Azerbaijan		107.00						107.00
	12/7	12/13	Turkmenistan		1,242.00		100.00				1,342.00
	12/13	12/19	Russia		1,728.00						1,728.00
Erika Schlager		10/1	United States				3,133.85				3,133.85
	10/2	10/6	Poland		912.00						912.00
	10/6	10/8	Czech Republic		438.00						438.00
	10/8	10/14	Poland		1,192.00		40.55		256.52		1,489.07
Samuel Wise		9/30	United States				2,288.15				2,288.15
	10/1	10/6	Poland		1,368.00						1,368.00
		10/10	United States				2,620.95				2,620.95
	10/11	10/19	Poland		1,824.00		17.00				1,841.00
	10/19	10/22	Switzerland		723.00		16.00				739.00
	10/22	10/25	Austria		564.00						564.00
	10/25	10/28	Czech Republic		657.00		10.00				667.00
		12/5	United States				3,176.95				3,176.95
	12/6	12/9	Hungary		636.00						636.00
Committee total					55,937.78		46,945.41		1,480.28		104,363.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Shared administrative conference costs.

CHRIS SMITH, Jan. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, UNITED STATES-RUSSIA JOINT COMMISSION ON POW/MIA AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 6 AND NOV. 11, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Pete Wilson	11/6	11/7	Germany		297.00						297.00
	11/7	11/8	Kyrgyzstan		171.00		(3)		4 21.00		192.00
	11/8	11/10	Turkmenistan		514.00		(3)				514.00
	11/10	11/11	Germany		297.00						297.00
Commercial airfare							3,270.65				3,270.65
Suzanne Farmer	11/6	11/7	Germany		297.00		546.65				843.65
	11/7	11/8	Kyrgyzstan		171.00		(3)		4 21.00		297.00
	11/8	11/10	Turkmenistan		514.00		(3)				514.00
	11/10	11/11	Germany		297.00						297.00
Committee total					2,558.00		3,817.30		42.00		6,417.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Meals on military air transporatation.

PETE PETERSON, Jan. 28, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–221, ''Prison Industrial Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2241. A letter from the Chairman, African Development Foundation, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

2242. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2243. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2244. A letter from the General Counsel, Office of National Drug Control Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2245. A letter from the Director, Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2246. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

2247. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a copy of the final rulemaking governing bidding for OCS natural gas and oil leases, pursuant to 43 U.S.C. 1337(a)(4); to the Committee on Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE (for himself, Mr. SHAW, and Mr. RANGEL):

H.R. 3074. A bill to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 3075. A bill authorizing participation by the United States in the North American Free-Trade Agreement Coordinating Secretariat; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. KASICH, Mr. MILLER of Florida, Mr. LARGENT, Mr. BASS, Mrs. MYRICK, Ms. MOLINARI, Mr. HOKE, Mr. HERGER, Mr. RADANOVICH, Mr. KOLBE, Mr. BROWNBACK, Mr. SHAYS, Mr. INGLIS of South Carolina, Mr. ALLARD, Mr. LAZIO of New York, Mr. SMITH of Michigan, and Mr. CONDIT):

H.R. 3076. A bill to amend the Congressional Budget Act of 1974 and chapter 11 of title 31, United States Code, to require that

reports accompanying concurrent resolutions on the budget include analyses, prepared after consultation with the Congressional Budget Office, of generational accounting information and that Presidents' annual budget submissions include generational accounting information; to the Committee on the Budget, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mrs. JOHNSON of Connecticut):

H.R. 3077. A bill to establish a Commission on Retirement Income Policy; to the Committee on Economic and Educational Opportunities.

By Mr. CLINGER (for himself, Mr. TAUZIN, Mr. GILMAN, Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. GOODLING, Mr. LIVINGSTON, Mr. STUMP, Mr. HANSEN, Mr. ROBERTS, Mr. WOLF, Mr. BURTON of Indiana, Mrs. VUCANOVICH, Mr. BARTON of Texas, Mr. MYERS of Indiana, Mr. BUNNING of Kentucky, Mr. HASTERT, Mr. HEFLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. PARKER, Mr. CUNNINGHAM, Mr. EWING, Mr. ZELIFF, Mr. BACHUS, Mr. CALVERT, Mr. HOEKSTRA, Mr. HORN, Mr. HUTCHINSON, Mr. LAZIO of New York, Mr. MICA, Mr. SMITH of Michigan, Mr. TALENT, Mr. BASS, Mr. COOLEY, Mr. DAVIS, Mr. EHRLICH, Mr. FOX, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HOSTETTLER, Mr. LATOURETTE, Mr. MCINTOSH, Mr. SCARBOROUGH, Mr. SHADEGG, Mrs. SEASTRAND, Mr. SOUDER, Mr. STOCKMAN, Mr. TIAHRT, Mr. HOBSON, Mr. BLILEY, and Mr. NETHERCUTT):

H.R. 3078. A bill to amend title 31, United States Code, to prohibit the use of appropriated funds by Federal agencies for lobbying activities; to the Committee on Government Reform and Oversight.

By Mr. COBURN (for himself and Mr. BROWN of Ohio):

H.R. 3079. A bill to amend title XVIII of the Social Security Act to assure access to services under the Medicare Health Maintenance Organization Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING:

H.R. 3080. A bill to amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 3081. A bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes; to the Committee on Commerce.

By Mr. LIVINGSTON:

H.J. Res. 163. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. MARKEY (for himself, Mr. SOLOMON, Mr. KASICH, Mr. FRANK of Massachusetts, and Mr. SCARBOROUGH):

H. Res. 381. Resolution expressing the sense of the House of Representatives regarding sanctions on nations that assist in the development of nuclear weapon programs of nonnuclear weapon states; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

206. By the SPEAKER: Memorial of the Senate of the State of Washington, relative to requesting that a public and a private sector representative of the Pacific Northwest Economic Region be appointed to the National Tourism Board and the National Tourism Organization respectively; to the Committee on Commerce.

207. Also, memorial of the Senate of the State of Washington, relative to the Senate of the State of Washington opposing any proposal that would levy a fee on any individuals crossing the borders of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CASTLE introduced a bill (H.R. 3082) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Magic Moments;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. HASTINGS of Washington and Mr. HUNTER.

H.R. 103: Mr. LUTHER and Mr. DOYLE.

H.R. 294: Mr. FRANK of Massachusetts, Mr. THOMPSON, Mr. FALEOMAVAEGA, and Mr. DURBIN.

H.R. 303: Mr. HASTINGS of Washington and Mr. HUNTER.

H.R. 491: Mr. MCINNIS.

H.R. 559: Mr. SANDERS.

H.R. 620: Mr. HASTINGS of Florida, Ms. MCKINNEY, Mr. YATES, and Mr. FRAZIER.

H.R. 852: Ms. RIVERS.

H.R. 1000: Mr. WARD.

H.R. 1023: Mr. RANGEL and Mr. STARK.

H.R. 1073: Mr. JOHNSON of South Dakota, Ms. WATERS, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. WISE, Mr. JEFFERSON, Mr. MOLLOHAN, Mr. KLECZKA, and Mr. SCARBOROUGH.

H.R. 1074: Mr. JOHNSON of South Dakota, Ms. WATERS, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. WISE, Mr. JEFFERSON, Mr. MOLLOHAN, Mr. KLECZKA, and Mr. SCARBOROUGH.

H.R. 1352: Mr. CREMEANS and Mr. WALSH.

H.R. 1386: Mr. MCKEON.

H.R. 1591: Mr. BORSKI.

H.R. 1610: Mr. ROBERTS.

H.R. 1627: Mr. GRAHAM and Mr. KOLBE.

H.R. 1684: Mr. SHUSTER, Mr. BURTON of Indiana, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. WAMP, Mr. MATSUI, Mr. FRAZER, and Mr. HUTCHINSON.

H.R. 1776: Mr. BEREUTER, Mr. GILMAN, Mr. HYDE, Mr. FRANKS of New Jersey, Mr. CANADY, Mr. TRAFICANT, Mr. LAHOOD, Mr. DORNAN, Mr. THOMAS, Mr. SAXTON, Mr. COX, Mr. SCHAEFER, Mr. POMBO, Mr. HANCOCK, Mr. SCHIFF, and Mr. GUNDERSON.

H.R. 1946: Mr. EWING and Mr. SKEEN.

H.R. 1998: Mr. GENE GREEN of Texas, Mr. HASTINGS of Washington, and Mr. COOLEY.

H.R. 2019: Mr. BURR.

H.R. 2182: Mr. HORN.

H.R. 2200: Mr. SHUSTER, Mr. SCHAEFER, and Mr. CLINGER.

H.R. 2270: Mr. NORWOOD.

H.R. 2320: Mr. GREENWOOD, Mr. EHLERS, Mr. ALLARD, Mrs. ROUKEMA, Mr. UPTON, Mr. WELLER, Mr. BAKER of Louisiana, Mrs. KELLY, Ms. PRYCE, Mr. ENSIGN, and Mr. MINGE.

H.R. 2333: Mr. CALVERT and Mr. BENTSEN.

H.R. 2416: Mrs. ROUKEMA.

H.R. 2458: Mr. COOLEY, Mr. DEFAZIO, Ms. PELOSI, and Mr. LINDER.

H.R. 2500: Mr. PAXON.

H.R. 2548: Mr. ENGLISH of Pennsylvania, Ms. NORTON, and Mr. BAKER of Louisiana.

H.R. 2723: Ms. PRYCE.

H.R. 2757: Ms. RIVERS.

H.R. 2881: Mr. CLINGER and Mr. MINGE.

H.R. 2909: Mr. ZELIFF.

H.R. 2919: Mr. FRELINGHUYSEN.

H.R. 2925: Mr. BALLENGER, Mr. CUNNINGHAM, Mr. UPTON, Mr. PARKER, Mr. ZELIFF, Mr. HOBSON, and Mr. WALSH.

H.R. 2932: Mr. GANSKE.

H.R. 3002: Mr. CRANE and Mrs. ROUKEMA.

H.R. 3003: Mr. PALLONE, Mr. TOWNS, Mr. KENNEDY of Massachusetts, Mrs. CLAYTON, Ms. WATERS, Mr. TORRES, and Mr. GUTIERREZ.

H.R. 3065: Mr. WELDON of Florida and Mr. NORWOOD.

H.J. Res. 127: Mr. MCKEON and Mr. ROYCE.

H. Con. Res. 10: Mr. BONO.

H. Con. Res. 51: Mr. YOUNG of Florida, Ms. SLAUGHTER, and Mr. BERMAN.

H. Con. Res. 103: Mr. HOKE and Mrs. KELLY.

H. Con. Res. 120: Mr. BAKER of Louisiana.

H. Con. Res. 127: Mr. JACOBS and Mr. HOKE.

H. Con. Res. 136: Ms. SLAUGHTER, Mr. PORTER, Mr. TORRICELLI, Mr. FRAZER, Mr. BERMAN, Mr. TORRES, Ms. ROYBAL-ALLARD, and Mr. WOLF.

H. Con. Res. 139: Mr. RAMSTAD.

H. Con. Res. 140: Mr. RUSH.

H. Con. Res. 145: Mr. HOKE.

H. Con. Res. 148: Mr. COBLE, Mr. WELDON of Pennsylvania, Mr. WICKER, and Mr. HUNTER.

H. Con. Res. 151: Mr. CLAY, Mr. WATT of North Carolina, and Ms. BROWN of Florida.

H. Res. 360: Mr. PASTOR, Mr. HINCHEY, and Mr. BRYANT of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. LONGLEY.

H.R. 1591: Mr. FROST.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2202

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: At the end of subtitle A of title I insert the following new section:

SEC. 108. REPORT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Defense, shall contract with the Comptroller General to track, monitor, and evaluate the Administration's border strategy to deter illegal entry, more commonly referred to as prevention through deterrence. To determine the efficacy of the Administration's strategy and related efforts, the Comptroller General shall submit to Congress a report of its findings within one year after the date of the enactment of this Act and, for every year thereafter, up to and including fiscal year 2000. Such a report shall include a collection and systematic analysis of data, including workload indicators, related to activities to deter illegal entry. Such a report shall also include recommendations to improve and increase border security at both the border and ports-of-entry.