The House passed version specified that the section ''does not preempt or supersede any State or Federal law to the extent that such law would further limit the application of the theory of joint liability to any kind of damages.'' The conferees have not included this language in the conference report itself because it is superfluous and self-evident. Reference is made to it in the statement of managers, however, to rebut any possible negative inference from its omission. The quoted language itself reflects the conference agreement's intent.

WORKERS' COMPENSATION SUBROGATION

Section 111(a)(1)(A) provides that, in any product liability action involving a workplace injury, an insurer shall have a right of subrogation. Section 111(a)(1)(B) provides that, to assert a right of subrogation, an insurer must provide the court with written notice that it is asserting a right of subrogation. Section 111(a)(1)(C) states that the insurer need not be a necessary party to the product liability action. Thus, an employee can pursue a product liability action against a manufacturer without regard to the insurer's participation in the action. This section focuses on eliminating unsafe workplaces and is, therefore, applicable in all actions where employer or coemployee fault for a claimant's harm is at issue. Conversely, section 111 does not apply in cases where the product liability defendant chooses not to raise employer or coemployer fault as a defense.

Section 111(a)(2)(A) preserves the right of an insurer to assert a right of subrogation against payment made by a product liability defendant, without regard to whether the payment is made as part of a settlement, in satisfaction of a judgment, as consideration for a covenant not to sue, or for any other reason. ''Claimant's benefits'' is defined in section 101(3) and is a broad term which includes the total workers' compensation award, including compensation representing lost wages, payments made by way of an annuity, health care expenses, and all other payments made by the insurer for the benefit of the employee to compensate for a workplace injury.

Section 111(a)(3) provides the mechanism for increased workplace safety. Under section 111(a)(3)(A), a product liability defendant may attempt to prove to the trier of fact that the claimant's injury was caused by the fault of the claimant's employer or a coemployee. The term ''employer fault'' means that the conduct of the employer or a coemployee was a substantial cause of the claimant's harm or contributed to the claimant's harm in a meaningful way; it is more than a *de minimus* level of fault. Section 111(a)(3)(C)(i) provides that, if the trier of fact finds by clear and convincing evidence that the claimant's injury was caused by the fault of the claimant's employer or a coemployee, the product liability damages award and, correspondingly, the insurer's subrogation lien shall be reduced by the amount of the claimant's benefits. In no case shall the employee's third-party damage award reduction exceed the amount of the subrogation lien. Thus, the amount the injured employee would receive remains totally unaffected. The Act merely provides that the insurer will not be able to recover workers' compensation benefits it paid to the employee if it is found by clear and convincing evidence that the claimant's harm was caused by the fault of the employer or a coemployee.

BIOMATERIALS

Title II of the conference agreement contains the ''Biomaterials Access Assurance Act of 1996.'' A similar title passed both as a part of the House bill and the Senate amendment. Title II is intended to provide a defense to suppliers of materials or parts which are used to manufacture implantable medical devices. The definition of ''medical device'' in existing law, which is incorporated by reference into Title II, would limit this defense to a device which does not ''achieve any of its principal intended purposes through chemical action within or on the body of man * * *'' , in short, devices which do not contain drugs.

Newly patented devices, and others now in development, are manufactured from ''parts'' intended to be covered by Title II, but also contain an active ingredient or drug. The purpose of such devices is long term (up to one year) release of such materials into the body. Such devices can introduce medications affecting numerous bodily functions, previously only available by regular injections or oral dosages.

The conferees adopted a new definition which brings the ''parts,'' but not the active ingredients, used in such ''combination products'' (as that term is used in section 503(g) of the Act) within the purview of this section. This will ensure that the development and availability of such devices will not be impaired because of the same liability concerns affecting the availability of materials for other types of implants.

COURT OF APPEAL DECISIONS

Section 301 describes the precedential effect of certain Federal appellate decisions. It is based on a provision of the Senate amendment.

FEDERAL CAUSE OF ACTION

Both H.R. 956 and the Senate amendment include provisions on preclusion. Section 302 incorporates the language of the House bill.

EFFECTIVE DATE

The effective date provision of H.R. 956 references actions commenced ''after'' the enactment date. Corresponding Senate provisions refer to actions ''on or after'' the date of enactment and clarify that the effective date is without regard to whether the relevant harm or conduct occurred before the enactment date. The conferees, in section 303, accept the ''on or after'' formulation and the clarifying clause from the Senate amendment.

From the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

HENRY HYDE,
JAMES SENSENBRENNER, Jr.,
GEORGE W. GEKAS,
BOB INGLIS,
ED BRYANT,

From the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

TOM BLILEY,
MICHAEL OXLEY,
CHRISTOPHER COX,
Managers on the Part of the House.

LARRY PRESSLER,
SLADE GORTON,
TRENT LOTT,
TED STEVENS,
OLYMPIA SNOWE,
JOHN ASHEROFT,
J.J. EXON,
JOHN D. ROCKEFELLER,
Managers on the Part of the Senate.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

The SPEAKER pro tempore (Mr. FOLEY). 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 further consideration of the bill, H.R. 2703.

□ 1224

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 CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 13, 1996, amendment No. 7 printed in House Report 104–480 offered by the gentleman from California [Mr. DOOLITTLE] had been disposed of.

The unfinished business is the demand for a recorded vote on amendment No. 10 offered by the gentleman from North Carolina [Mr. WATT] on which further proceedings were postponed and on which the ''noes'' prevailed by voice vote.

The Clerk will redesignate 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 order of the House of Wednesday, March 13, 1996, it is now in order for an additional period of debate on the amendment.

The gentleman from North Carolina [Mr. WATT] and a Member opposed each will be recognized for 5 minutes, and then the request for a recorded vote will be pending.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. HYDE. May I be recognized in opposition, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will be recognized for 5 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 want to thank my colleague, the gentlewoman from Idaho [Mrs. CHENOWETH], for joining me as a cosponsor of this amendment.

Mr. Chairman, there is no Constitution which protects liberals or conservatives. It protects every single citizen, it confirms the concept that democracy is about government of the people, by the people, and for the people. Habeas corpus confirms the proposition that our Constitution and democracy is about government of the people, by the people, and for the people; it is our buffer between ourselves and the government that we have constituted.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I yield the balance of my

time to the gentlewoman from Idaho [Mrs. CHENOWETH], and I ask unanimous consent that she be allowed to control the time.

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

There was no objection.

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

Mr. Chairman, I do not offer this amendment because I am perfectly satisfied with the way Federal habeas corpus works now. Far from it. I think we need reform legislation that moves the death penalty cases along so that we do not take years to complete them. And my heart goes out to the victims of these horrible crimes that we heard about during the debate of this amendment, but the effects of this title are not limited to death penalty cases. Most of them covered noncapital cases as well, including cases where citizens were wrongfully prosecuted for exercising their constitutional rights to keep and bear arms. This provision, the provision in this bill, goes well beyond anything that would merely speed up the death penalty process. In some cases it destroys our cherished rights to habeas corpus completely.

I would point out to my colleagues that this title is not the language passed in the House, H.R. 729. This is the Senate language and, among other things, it dramatically cuts time limits in half for habeas corpus filings.

□ 1230

This limited period could be entirely consumed in the State process, through no fault of the prisoner or his counsel, resulting in an absolute ban on filing a petition in Federal court to plead rights guaranteed under the Constitution overlooked or ignored in the State court decisions.

Title IX is an attack on article 1, section 9 of our Constitution, which guarantees, and I quote, ''The privilege of the writ of habeas corpus shall not be suspended, unless when in the cases of rebellion or invasion, the public safety may require it.''

Mr. Chairman, I do not think we are facing an invasion or rebellion. Title IX also threatens the judicial powers granted under article 3 of the Constitution. This bill forces the Federal courts to defer to erroneous State court rulings on Federal constitutional matters. It also prevents the Federal courts from hearing evidence necessary to decide Federal constitutional questions by prohibiting evidentiary hearings in Federal court, and forcing them to defer to previous judgments made by State courts. This title would violate the oldest constitutional mission laid out for Federal courts, to stand as a court of last resort on Federal constitutional issues.

Mr. Chairman, just yesterday I received a letter from a parent whose child was killed in the Oklahoma City bombing. He wrote:

We understand that while habeas corpus may not be a household word in Oklahoma or anywhere else in America, it is something for which our founders fought to enshrine in the Constitution, as the fail-safe, safety net provision that ensures all our rights and liberties.

This father went on to write:

We have actually learned what is contained in this massive bill, we know that the last thing our family wants * * * is for this legislation—so crippling of Americans' constitutional liberties—to be passed in our daughter's name and memory. Julie certainly would not want this. And we, and all Americans, have already been terrorized more than enough; we do not need this legislation to terrorize us still further by taking from us our constitutional freedoms.

Mr. Chairman, it was Benjamin Franklin who once said, ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'' Mr. Chairman, I believe the American people want and deserve freedom. Americans love their liberty. They did not elect us to take away their liberty.

Mr. Chairman, while I very much appreciate those who put this bill together, and I respect them very deeply, I do feel that this is a problem that we must correct, because it will not just affect the death row inmates. It will affect everyone who is brought before a State court, and whose Federal constitutional rights that have been guaranteed under the Constitution will be violated.

Hon. HELEN CHENOWETH,
Representative, Idaho,
Washington, DC.
Hon. MELVIN WATT,
Representative, North Carolina,
Washington, DC.

DEAR REPRESENTATIVES: I understand you have offered an amendment to strike the habeas corpus package from the bill you are being called to vote upon today. I am sorry I missed you when I was in Washington briefly last week.

As the father of someone murdered by the Oklahoma City bomb, I want to thank you for offering your wise amendment, and tell you about my and my family's horror that Congress is contemplating passing a bill such as the one you will be called upon to vote on this week, a so-called ''effective death penalty and antiterrorism'' bill.

We have actually learned what is contained in this massive bill, we know that the last thing our family wants (and Julie was my precious 23 year, only daughter and my best friend) is for this legislation so crippling of Americans' constitutional liberties to be passed in her name and memory. Julie certainly would not want this. And we, and all Americans, have already been terrorized more than enough; we do not need this legislation to terrorize us still further by taking from us our constitutional freedoms.

I find it telling that I, like the other family members in Oklahoma City, was approached very early in my grief by people asking: ''would you be in favor of anti-terrorism legislation.'' No explanation was given as to what such legislation would look like, or what it would do to our fundamental rights. In the throes of my loss, and with such an abstract concept presented about the bill, as you might imagine my response was like that of so many other family members who were brought here last week to be used as advocates for this bill I am sure they still do not understand: ''Of course, anything to combat such horrible acts as the one which took my Julie from me.''

Only a few weeks ago did I learn from my niece, who just happens to be a lawyer capable of understanding this massive and technical legislative proposal, what is actually in this bill.

Moreover, I know personally what legislators must certainly know, from the mouths of federal officials themselves: they have all the legislative tools they need to fight terrorism and bring terrorists to justice.

It utterly galls us as a family so devoted to my daughter that we and our loss is being used as a political football for politicians eager to posture themselves as ''tough'' on crime to reap some political advantage, and to do the bidding of already powerful agencies who have demonstrated their inability to responsibly exercise the enormous powers they already possess.

The ''good faith'' wiretap provisions and the habeas reform provisions in particular are not known or understood by the families who have been used to lobby on behalf of this bill.

We know that meaningful, independent habeas court review of unconstitutional convictions is an essential fail-safe device in our all too human system of justice. And we have learned that this package of ''reforms'' you are being asked to vote for would raise hurdles so high to such essential review to utterly ensure injustices of wrongful conviction will go unremedied. This is true in all cases, not just life and death ones. And we consider this a direct threat to us and our loved ones still living who may well find themselves the victim of abusive or mistaken law enforcement and prosecutor conduct and unconstitutional lower court decisions. Two wrongs have never made a right.

We understand that while habeas corpus may not be a household word, in Oklahoma or anywhere else in America, it is something for which our founders fought to enshrine in the Constitution as the fail-safe, safety net provision that ensures all of our rights and liberties—including the First, Second, Fourth, and all of the other precious Amendments and other parts of the Constitution.

Please forgive such a long letter. But I feel that Julie's memory and our rights are literally in the balance, and in your hands and the hands of your colleagues.

You have our wholehearted gratitude for standing firm against this bill, which I understand only has a much worse Senate companion awaiting it should it pass the House. I continue to educate other family members here about this terrible bill and why they really cannot want Congress to pass this bill, if only they know what is in it. (One family member even told me recently that she understood habeas corpus to be an anti-terrorism investigation tool!) I pray you will continue your efforts to educate your colleagues in the same way. And I hope you will share this letter with your many colleagues whom we simply could not visit in our limited time in Washington.

Sincerely,

BUD WELCH.

On behalf of Julie Welch and the surviving Welch/Burton family of Oklahoma City.

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, there is no one in this House for whom I have more respect and admiration than the gentlewoman from Idaho [Mrs. CHENOWETH]. I certainly have enormous

respect for the gentleman from North Carolina [Mr. WATT] as well. But I must strenuously resist the motion that is before the House.

Mr. Chairman, this is exactly the same bill that passed the Senate. I do not think it is ungenerous to remind the gentlewoman that she signed the contract for America. In fact, her signature is the 11th one from the top on page 172. Part of that undertaking, that solemn undertaking, was habeas corpus reform. That is what we have here today.

Mr. Chairman, first of all, please do not think that those of us advocating something that the Republican Party, and discerning Democrats, have advocated for 10 years, to my knowledge, habeas corpus reform, in any way demeans or derogates our respect for and love and dedication to the Constitution. It is the abuse of the writ of habeas corpus that we direct our legislation toward, not its uses, its proper uses.

Mr. Chairman, what do we ask? What is this terrible, tyrannical, oppressive reform that we are trying to saddle on all these innocent people who have been convicted of crimes that range up to the death penalty or less? First of all, we require that all claims be brought in a single petition. The time limit, not ad infinitum, indefinitely, into the next millennium, is 1 year after the Supreme Court of the United States has rejected a direct appeal, however long that takes. Subsequent petitions for habeas will be allowed if the convicted defendant can show cause for not including the particular new claim he is filing in his first petition.

Government suppression of evidence or newly discovered evidence proving innocence are grounds for a new appeal. That is not very tyrannical. Deference is given to State courts' legal decisions if they are not contrary to established Supreme Court precedent. That is to avoid relitigating endlessly the same issues. There is a system of State courts. We give them deference, provided their decisions are not contrary to Supreme Court precedent.

A prisoner, a convicted person, can rebut a presumption by clear and convincing evidence. Today the average time of habeas corpus closure is about 10 years. The families of the victims are the forgotten people in this situation. John Wayne Gacy, Members must be sick of hearing his name, I see his face, because I represented where he lived and where they found 27 bodies buried in his house: 14 years and 52 separate appeals. My God, what an outrage that is.

There are many cases like that. William Bonan, 16 years, guilt never in doubt; Kermit Smith, 14 years. From the time he was sentenced until he was executed, 46 different judges considered his case, and it went to the Supreme Court five different times.

Mr. Chairman, habeas corpus is one of the most important bulwarks we have in our Constitution protecting people from an overreaching government, but we cannot tolerate the abuse. We must think of justice which, if it is delayed, is justice denied. We have been moving toward reforming, not extirpating, not deforming, reforming habeas corpus, so justice, justice, justice, might be done, not only to the convicted accused, who has gone up the State system, up the Federal system, and back again, but to the families of the victims.

Therefore, Mr. Chairman, I respectfully urge Members to reject the amendment of the gentleman and the gentlewoman.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, briefly, I just wanted to accept as debatable the reasons that the gentleman has advanced, but to suggest that because the gentlewoman signed a Contract With America she was irrevocably bound in matters of this manner I think is taking the case too far.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina [Mr. WATT] on which further proceedings were postponed, and on which the noes prevailed by voice vote.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 283, not voting 13, as follows:

[Roll No. 64]

AYES—135

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Barton
Becerra
Beilenson
Berman
Bishop
Bonilla
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Calvert
Campbell
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Cooley
Coyne
Crapo
DeFazio
DeLauro
Dellums
Dicks
Dixon
Doggett
Dornan
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Miller (CA)
Minge
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schiff
Schroeder
Scott
Serrano
Skaggs
Slaughter
Smith (WA)
Stark
Stockman
Studds
Stupak
Thompson
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—283

Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)

Weldon (PA)	Wicker	Zeliff
Weller	Wolf	Zimmer
White	Young (AK)	
Whitfield	Young (FL)	

NOT VOTING—13

Archer	de la Garza	Stokes
Chapman	Durbin	Watts (OK)
Coburn	Franks (NJ)	Wilson
Collins (IL)	Menendez	
Cremeans	Moakley	

□ 1256

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Watts of Oklahoma against.

Messrs. HERGER, BARCIA, and SMITH of Texas changed their vote from ''aye'' to ''no.''

Messrs. GUTIERREZ, MINGE, and POMEROY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 64. I was detained unavoidably. Had I been present, I would have voted ''no.''

The CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 104–480.

AMEMDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CONYERS:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crimes Associated With Terrorism Act of 1996''.

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 against children.
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.

TITLE II—INCREASED PENALTIES

Sec. 201. Penalties 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 an explosive material knowing that it will be used to commit a crime of violence.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 302. Requirement to preserve record evidence.
Sec. 303. Detention hearing.
Sec. 304. Reward authority of the Attorney General.
Sec. 305. Protection of Federal Government buildings in the District of Columbia.
Sec. 306. 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—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.

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. Compilation of statistics relating to intimidation of government employees.
Sec. 805. Victim restitution Act.

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.—The 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 this section as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) TERRORIST ORGANIZATION DEFINED.—

''(1) DESIGNATION.—For purposes of this section and the Crimes Associated With Terrorism Act of 1996 and title V of the Immigration and Nationality 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.

''(2) 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 the basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record prior to such designation and may use classified information in making such a designation. Such classified information is not subject to disclosure so long as it remains classified, except as provided in paragraph (3) for the purposes of judicial review of such 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 paragraph.

''(3) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this subsection may, not later than 30 days after the date of the designation, seek judicial review thereof in any United States Court of Appeals of competent jurisdiction. 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, not supported by a preponderance of the evidence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law. Such review shall proceed in an expedited manner. Designated organizations shall have the opportunity to call witnesses and present evidence in rebuttal of such designation. During the pendency of the court's review of the designation, the prohibition against providing material support to the organization under this section shall not apply unless the court finds that the Government is likely to succeed on the merits of the designation. For the purposes of this section, any classified

information used in making the designation shall be considered by the court, and provided to the organization, under the procedures provided under title V of the Immigration and Nationality Act.

''(4) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization under this subsection.

''(5) SUNSET.—Subject to paragraph (4), the designation under this subsection 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 subsection for designation of the organization.

''(6) 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.

''(c) DEFINITIONS.—As used in this section, the term—

''(1) 'material support or resources' has the meaning given that term in section 2339A of this title; and

''(2) 'terrorist activity' means any act 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, 2331(1)(A), 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.''.

(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 2339a 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, 81, 175, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, 2332b, or 2340 of this title or section 46502 or 6012 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 AGAINST CHILDREN.

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

''§ 2332b. Acts of terrorism against children

''(a) PROHIBITED ACTS.—

''(a) Whoever intentionally commits a Federal crime of terrorism against a child, shall be fined under this title or imprisoned for any term of years or for life, or both. This section does not prevent the imposition of any more severe penalty which may be provided for the same conduct by another provision of Federal law.

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

''(1) 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; and

''(2) the term 'child' means an individual who has not attained the age of 18 years.''.

(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 against children.''.

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.''.

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 2332c (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.''.

TITLE II—INCREASED PENALTIES

SEC. 201. PENALTIES 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 more than 45 years; and

''(3) if death results to any person other than the offender, the offender shall be subject to imprisonment for any term of years, 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 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 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.''.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. 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 Secretary of the Treasury, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Secretary of the Treasury 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 Secretary shall submit to the Congress a report that contains the results of the study required by this section. The Secretary shall make the report available to the public.

(c) LIMITATION.—The study under this section shall not include black powder or smokeless powder among the explosive materials it concerns.

SEC. 302. 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. 303. 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. 304. 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. 305. 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. 306. 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—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.
''Sec. 503. Application for initiation of special removal proceeding.
''Sec. 504. Consideration of application.
''Sec. 505. Special removal hearings.
''Sec. 506. Appeals.'';

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 removal court' means the court established under section 502(a).

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

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

''ESTABLISHMENT OF SPECIAL REMOVAL COURT

''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.

''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.

''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.—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.

''(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.

''(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.

''(e) TREATMENT OF CLASSIFIED INFORMATION.—The judge shall examine in camera and ex parte any item of classified information for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States. With respect to such evidence, the Attorney General shall also submit to the court a summary prepared in accordance with subsection (f).

''(f) SUMMARY OF CLASSIFIED INFORMATION.—

''(1) The information submitted under subsection (e) shall contain a summary of the information that does not pose a risk to the national security.

''(2) The judge shall approve the summary if the judge finds that the summary will provide the alien with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(3) The Attorney General shall cause to be delivered to the alien a copy of the summary approved under paragraph (2).

''(g) DETERMINATION OF DEPORTATION.—If the judge determines that the summary described in subsection (f) will provide the alien with substantially the same ability to make his defense as would the disclosure of the specific classified evidence, a determination of deportation may be made on the basis of the summary and any other evidence entered in the public record and to which the alien has been given access. If the judge does not approve the summary, a determination of deportation may be made on the basis of any other evidence entered in the public record and to which the alien has been given access. In either case, such a determination will be made when the Attorney General proves, by clear, convincing, and unequivocal evidence that the alien is subject to deportation because such alien is an alien as described in section 241(a)(4)(B).

''APPEALS

''SEC. 506. (a) APPEALS BY ALIEN.—The alien may appeal a determination under section 505(f) or 505(g) to the United States Court of Appeals for the circuit where the alien resides by filing a notice of appeal with such court not later than 30 days after the determination is made.

''(b) APPEALS BY THE UNITED STATES.—The Attorney General may appeal a determination made under section 504, or section 505(f) or 505(g) to the Court of Appeals for the circuit where the alien resides, by filing a notice of appeal with such court not later than 20 days after the determination is made under any one of such subsections.

''(c) TRANSMITTAL OF CLASSIFIED INFORMATION.—When requested by the Attorney General, the classified information in section

506(e) shall be transmitted to the court of appeals under seal.''.

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 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

''(B) 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. 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. 805. VICTIM RESTITUTION ACT.

(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.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. CONYERS] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

□ 1300

Mr. CONYERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we now are down to one antiterrorist crime bill before this body, and that is the one that is now before us in the form of substitute brought forth by myself, the gentleman from New York [Mr. NADLER], and the gentleman from California [Mr. BERMAN], both members of the Committee on the Judiciary.

I say that we are down to one, because the Committee on the Judiciary reported out a bill that the majority supported, and many of us had an alternative view. As of yesterday afternoon we are now down to one antiterrorist bill, and that is the substitute offered by myself, the gentleman from New York, and the gentleman from California.

What else remains is a low-grade crime bill, cats and dogs from the Committee on the Judiciary that have been pasted together, commissions, blue-ribbon, at hat, and other things that have nothing to do with fighting terrorism.

Mr. Chairman, what we have now is the only antiterrorist bill before the House of Representatives in the form of a substitute. We have, in addition to many groups that have already been with us, the American Jewish Committee, the American Jewish Congress, we had the Union of American Hebrew Congregations.

Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. NADLER], who is a cosponsor of the substitute.

Mr. NADLER. Mr. Chairman, some of us were opposed to the Hyde bill, as originally written, the Hyde-Barr bill, because although we shared the goal of opposing terrorism, we shared the goal of stopping fundraising for terrorist organizations, such as Hamas or Hezbollah, in the United States, we shared the goal of expeditiously deporting aliens engaged in terrorism, we were very concerned about what we perceived and believed to be the overbroad nature of the bill that would

enhance the power of the Federal Government and decrease the civil liberties of law-abiding American citizens.

Many of the provisions of the Barr amendment that passed yesterday took out the provisions that concerned us. But, in my opinion, the Barr amendment went somewhat too far in that it took out the provisions that deal with terrorism. It took out the provisions that say you cannot raise funds in the United States for terrorist organizations abroad, and it took out the provision that enables the expeditious deportation of alien terrorists.

The substitute that we have here today agrees with the Barr amendment in removing from the bill all the provisions that the Barr amendment removes with respect to wiretapping, enhanced power for the FBI, and so forth. But it restores the two key antiterrorist provisions, albeit with greater protections for civil liberties than in the Hyde amendment.

Specifically, it restores the provision that says you cannot raise funds for terrorist organizations. It provides civil liberties protection in that it gives a meaningful judicial review to an organization that says we are not a terrorist organization even if the Secretary of State thinks we are. It enables that organization to have a hearing in court, an expedited hearing. It gives them the right to bring in their own evidence, their own witnesses to rebut what the Secretary of State says. It gives them proper due process.

It restores the provision, unlike the original bill, it restores the provision that says that we will have an expedited proceeding, too, for the alien terrorists. But it gives that alleged alien terrorist more due process than the original bill. It says if the Government wants to use secret evidence against that person, it can do so only if a court agrees that it is giving the accused a summary of that evidence of sufficient detail to enable him to prepare a defense as good as if he had the evidence itself revealed to him. And if the Government thinks it cannot do that, it is too dangerous to reveal even a summary, then it cannot use the evidence; the same provisions as in the existing Classified Information Procedure Act, which we use with respect to spies and espionage and organized crime.

The same balance is struck for civil liberties and for the right of the prosecution. With those two provisions restored and with proper civil liberties provisions, we have a decent bill. The choice, for Members, is now very clear: If you want an antiterrorist bill that actually targets the antiterrorist activity, you must support the Conyers-Berman-Nadler substitute. If you want to stop terrorist organizations from raising funds in the United States in order to carry out acts of cruel and cowardly terrorism throughout the world, you must support the Conyers-Berman-Nadler substitute.

If you want to give the Federal Government support the ability to get alien terrorists out of the country expeditiously, you must support the Conyers-Berman-Nadler substitute. If you voted for the Barr amendment yesterday because you were concerned about the rights of individual law-abiding individual Americans, concerned about the unchecked power of big government, you must vote for the Conyers-Nadler-Berman substitute. To protect those rights and finish the job of cleaning up the bill.

Our President, Mr. Chairman, is in the Middle East today pledging this Nation to take the lead in the worldwide fight against terrorism. He is pledging our resources, our experience, and most of all our commitment and our leadership. This House cannot, on the very same day, say, sorry, we cannot be bothered.

It is a disgrace. It is a betrayal at the very moment that the civilized world is facing a truly monumental challenge. Terrorism knows no borders, and our response must similarly be as broad and tough as the situation demands.

This bill, as amended yesterday, does not do the job. It is no longer an antiterrorism bill. It no longer even pretends to stop groups like Hamas or Hezbollah from raising funds in the United States. It no longer gives us the ability to get alien terrorists out of the country expeditiously. It no longer gives us the ability to get alien terrorists out of the country expeditiously.

The organizations that have worked so hard to move forward the fight against terrorism agree and are supporting this substitute.

Mr. Chairman, when a bomb goes off and kills children in Jerusalem, the return address should not be the United States. When a militant terrorist like Sheik Rakhman tries to blow up the World Trade Center and plot assassinations in our streets, our Government needs the tools to throw him out of the country.

We need to respect civil liberties and of individual rights. While the Hyde-Barr bill went too far in the other direction, trampling on the rights of individuals, the Barr amendment goes too far in the other direction, cutting or eliminating the key antiterrorist provisions.

For my colleagues on the other side of the aisle, I say we may have disagreed on this or that provision but if you supported the Barr amendment because you were concerned about civil liberties, look at this amendment carefully, because every concern, every concern addressed by the Barr amendment is addressed in our substitute.

If you voted against the Barr amendment, our substitute achieves the law enforcement goals in terms of antiterrorism that you wanted. We can achieve results without sacrificing the rights of law-abiding citizens. Let us not turn our backs on the opportunity to enact legislation that will fight terrorism at its core.

The American people want an antiterrorism bill. The Barr amendment is not an antiterrorism bill. If we pass up this opportunity to stand up to the terrorists, we will have failed today, and that would be nothing less than shameful.

I urge my colleagues to support the Conyers-Nadler-Berman substitute and not to give up the fight against terrorism.

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

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. CONYERS. I just want to tell you that that statement combines all of our work for months on the committee, and it effectively recaptures what went on on the floor yesterday and gives everyone a chance to come back together on this antiterrorist bill.

Mr. NADLER. Reclaiming my time, I certainly agree. I thank the gentleman.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I take it the gentleman believes the death penalty is a proper circumstance with which a jury should grapple in a terrorism case. Is that correct?

Mr. NADLER. Reclaiming my time, I do not believe——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS]. Perhaps they can carry on this fascinating colloquy.

Mr. GEKAS. Mr. Chairman, support of the Conyers-Nadler-Berman amendment is opposition to the imposition of the death penalty in cases of terrorism. The World Trade Center fiasco that took so many lives and cost so much money and created so much havoc would be beyond the reach of American citizens sitting as a jury to determine whether or not a death penalty should apply. In fact, there was no death penalty at the time of the World Trade Center tragedy, neither on the Federal level or on the State level.

At any rate, if we vote for this amendment, we eviscerate habeas corpus reforms that we on this side of the aisle are trying to impose so that the death penalty, which is approved by the American people by an 80-percent margin, will also be complemented by a swift execution, using that word wisely, a swift execution of the sentence.

We need deterrence. Deterrence can only be accomplished by a swift carrying out of the sentence. The people on death row should be given one chance and one chance alone, not 11 years' worth of chances to fight their death sentence, and after that, justice must prevail.

A jury, remember, has found that individual guilty of tragic, heinous, horrible crimes, killed people, and now he seeks mercy while we seek justice. We need to defeat the Conyers-Nadler-Berman measure and revert to the reforms that we have in the main bill, which

will allow a just finalization of a death sentence.

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

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

Mr. NADLER. Mr. Chairman, I am not going to debate the habeas corpus provisions. The fact of the matter is, as I recall, we already passed that bill on the floor of this House. I disapproved of it, but it is a separate debate, a separate question. What is involved in this amendment, what is involved in this amendment is doing what the terrorism bill, to have a provision, the most important thing, inviting terrorism, which is to stop the fundraising here of terrorist groups. The habeas corpus bill passed in a different bill.

Mr. HYDE. Mr. Chairman, I yield 5 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 thank the chairman for yielding time to me.

I think that the gentleman from New York has made a significant contribution by this amendment. I do not question he has worked very hard on it.

There are parts of this with which I agree and I agree very strongly, such as those parts that try to correct what I think were mistakes that were made, probably without knowledge or intent, yesterday by some of our colleagues in voting to change provisions that effectively nullify the ability to eliminate fundraising by terrorist organizations in the United States. I certainly commend the gentleman for the efforts to try to resurrect it.

However, I must oppose the amendment because I believe that we do need in this legislation to use the terrorism bill, the bill that we call now the death penalty bill, in order to finally get to the President's desk an effective death penalty provision; that is, a provision that will at long last finally provide that relief so that we do not have these seemingly endless appeals that death row inmates have.

That is as equally important to the question of terrorists and terrorism and fighting terrorism as it is to the general populace for other types of crimes, in fact, may be even more important in this area. We need to send a message that when you commit a terrorist act in this country, you are really going to get the death penalty for doing it and that, in fact, you are going to have that carried out in a reasonably short period of time so that there is an effective message being sent, one that says when you do it, it is going to happen, one that is with swiftness and certainty of punishment, which is the basic structure of deterrence in criminal justice.

That is why I think the habeas corpus provisions that the gentleman would not provide for, among other things that he omits from this proposed substitute, are critical to this legislation and why I cannot support this particular alternative amendment, even though I do find features about it that I concur with.

□ 1315

I find that we sometimes do not recognize the fact that terrorists committing those kind of acts commit the most grievous kind of crime. And if they are committing them against American citizens, if they are bringing acts over here such, as the World Trade Center, and we know of a number of others that have been tried but have not been publicized, because, thank goodness, they were stopped by our law enforcement community before they happened, when we have those kind of acts, there is noting that is more important to be deterred than that kind of activity.

Now, it may not deter, having the death penalty, an effective death penalty, everybody who wants to come in here and commit some major act, for a group who are a messianic totalitarian movement, such as I think the radical Muslim elements are in Iran and the Sudan. But it might deter some people who might be otherwise aid and abet and help them become part of that here, and it might be an important message to send to governments and other people in the world.

So I think having the habeas corpus reforms, the reforms that say finally at long last we are going to provide for limited opportunity to go into Federal court after you have exhausted all of your regular appeals from a death penalty case, and provide in one bite at the apple and only one bite at the apple the chance to raise all of your procedural concerns over the case that you were tried under in the death penalty situation, where at one bite of the apple you get the opportunity to raise the question of whether you had a good attorney or not, whether you had the jury property selected or whether there were other constitutional defects, I think where if we can just give that one bite at the apple, which this provision in the bill today does in our habeas corpus reforms, we can then have a fair procedure, one that gives due process to everybody who is convicted and sentenced to death, and, at the same time, provides a truly effective death penalty that puts swiftness and certainty of punishment back in and deterrence into the criminal justice system in this area.

I believe it must be part of this bill, because it is the only vehicle we have reasonably available now that we think can go through the other body, go to the President's desk, and get it signed into law.

The gentleman strikes the criminal alien provisions in this bill, and those are also important to the terrorist issue, because often times we find that terrorists or would-be terrorists are criminal aliens and we are not deporting them in a proper fashion. We do not have the right procedures for that. They are allowed to stick around here a long time. The sooner we get them out of the country, the better procedures we have for that, the less likely we are to have that element in this country either create the actual acts of terrorism or directing them in some manner. We need to kick these people out of the country and have the procedures to do that. The gentleman in his substitute does not provide for the criminal alien provisions for criminal alien deportation that are in the underlying bill.

Mr. Chairman, I thank the gentleman for yielding me the time. I again must oppose this substitute, saying that there are features in it I concur in, but two major provisions are eliminated. I must say vote no on this substitute.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member of the Committee on the Judiciary.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan for yielding me time. Mr. Chairman, I want to say I think every one of us as we drove home last night were absolutely shaken by what we heard happened in Scotland. I think if you look at the world's newspapers, you will find the entire world was shaken by that.

Now, at this moment it appears that was not a terrorist, just somebody who was crazy. But I have got to tell you that every terrorist on the planet had to look at that and think, aha, if you go after children, this is really something.

I would say to Members of this Chamber, if you do not do anything else, vote for this amendment on just the basis that we say in here acts of terrorism against children are going to have a much higher penalty. I think that is a very important provision in this. We ought to say after Scotland today, and say it loud and say it clear, that the whole globe ought to reach together to protect its children against any idiot terrorist that might be thinking this is a way to get a nation's attention, because we say yesterday how that brings everyone to their knees.

Now, this substitute I also think says some very important things. You know, we all get shaken and angered by terrorists, and the issue is we cannot stampede the Constitution at the same time. Very often I have disputes with the gentleman from Illinois who is the chairman of this committee. But he was eloquent on the floor yesterday, eloquent, talking about the fact that if we do not at least do this, we may as well forget this and call it the pro-terrorist or terrorist status quo act, because we have gutted the things that have to do with fighting terrorism in here.

You hear it all goes off to habeas corpus. That was another issue, in another bill. We dealt with it on this floor. This is about terrorism, and are we going to get serious or not.

When I hear people saying they do not trust the American Government, they do not trust the FBI, they do not trust the State Department, no. We are Americans, we should not totally trust anything. But this bill has the balance. If the State Department makes up a designation of terrorist associations, that has the right to judicial review. We have the balance in there. If we do not have this, we are denied the right to even know what they are.

It says in here that if you are contributing money to a terrorist group, an international terrorist group, you will not be held accountable unless we know you knew it was a terrorist group. But at least that stops some of it. That is the kind of common sense this bill makes. And for any American citizen to say you cannot have a balance between terrorism and the Constitution, that is wrong. If we cannot be tough on terrorism, and yet do we have to yank away everybody's constitutional rights? I do not think so.

But I must say, put all of that aside and at least, if nothing else, you ought to vote for this for section 104. Because it we cannot stand up and speak against terrorism against children and say that will not be tolerated, we have lost the whole message.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I just heard the gentlewoman from Colorado say that the death penalty is another issue; we do not need to deal with the death penalty in this year. The death penalty is the essence of this bill. In fact, the name of the bill is the Effective Death Penalty and Public Safety Act.

Why then should we amend the Effective Death Penalty and Public Safety Act to take out the death penalty, to gut the death penalty provisions? We might then just call this gutted bill the ''no more death penalty act.''

In California we have had only three executions of convicted first degree murderers since the 1960's. One of those three convictions was of a man named Robert Alton Harris. Earlier last year I came to the floor with what I called the Robert Alton Harris bill. It was approved by an enormous bipartisan majority of this House. The purpose of this substitute would be to gut the bill of those provisions that would give us an effective death penalty.

President Bill Clinton supports the provisions that this substitute would strike out. Let me read from what the President said recently on television.

Bill Clinton said:

> In death penalty cases, it normally takes eight years to exhaust the appeals. It is ridiculous. If you have multiple convictions, it could take even longer. So there is a strong sense in the Congress I think among Members of both parties that we need to get down to sort of one clear appeal. We need to cut the time delay on the appeals dramatically. And it ought to be done in the context of this terrorism legislation, so that it would apply to any prosecutions brought against anyone indicted in Oklahoma. I think it ought to be done.

So said President Clinton.

Those who say that the death penalty has no place in this bill, it is another issue, and want us to pass this substitute to gut the bill, are just wrong. There is a big bipartisan majority in this House in favor of the provisions. We voted before strongly in their support. Let us do it again. Let us defeat this amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me time. I am sorry to take a minute. I am sorry the gentleman would not yield. This provision on habeas corpus that I was talking about was not even in the bill when it left the Committee on the Judiciary. I find it interesting that people now come to the floor and say this was the gut of the bill. If this was the core of the bill, somebody forgot to tell the Committee on the Judiciary, because it was not in the bill when it left the Committee on the Judiciary.

The part that was in the bill when it left the Committee on the Judiciary is now gone, because the NRA said: No, no, no, that is too strong. We cannot have the Federal Government looking at the militia groups and do that. We do not trust the Federal Government. Take all those things out.

All of a sudden this has now become habeas corpus reform. The President is right. There should be habeas corpus reform. I agree with that. Many of us agree with that. We do not say totally gut it and we say do not put habeas corpus reform in and call that a terrorism bill.

Let us be really clear about this. I think that that is the issue, and that is what we are trying to say. Let us be perfectly clear and let us not try to clutter this up. What this is doing is leaving terrorism unchecked and not giving them authority that the President asked for.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, I rise in support of this amendment, unfortunately. I say unfortunately because this would not be, frankly, my ideal amendment in terms of fighting terrorism. I do not think it is strong enough. I much preferred the amendment of the gentleman from Illinois.

So why would I rise in support of this amendment? Very simply, because now we are faced with a choice of a rather diluted, mild amendment, and nothing at all.

This is such an unfortunate day in this body. I find it amazing that our President is over in the Middle East with all the world leaders negotiating to toughen up the world response to terrorism, and last night this body pulled the rug out from under him by supporting the Barr amendment.

I find it utterly amazing that the Hamas has found a new best friend in America, the NRA, and anyone who went along with this horrible amendment.

There is no question in my mind that the Hyde amendment was balanced, and it was fair, and it would do the job. The Conyers-Nadler amendment is, in my judgment, not as good. I find myself in the position of opposing it yesterday because we had a good, strong bill, and now supporting it today because there is nothing else.

Mr. Chairman, when we look at why people are frustrated with Congress, when we look at what is wrong with this body, here it is: 98 percent of America says do something real about terrorism. Do something real, because you do not need to be a genius. With great common sense they have seen what happened at the World Trade Center, they have seen what happened in Oklahoma City. They realize that both internationally and domestically the world has changed. And because of one interest group that has so many Members in this body quaking in their boots, there was a 180-degree reversal.

Mr. Chairman, I want to pay my respects, first, to the gentleman from Michigan [Mr. CONYERS], the gentleman from New York [Mr. NADLER], and the gentleman from California [Mr. BERMAN]. They did what they believed was right. They are moving forward in a way I disagree with, but in a way that had integrity.

I want to pay my respects to the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. MCCOLLUM], the gentleman from North Carolina [Mr. HEINEMAN], and the gentleman from Texas [Mr. COMBEST], and so many of the others who had the courage to vote ''no'' yesterday on the Barr amendment.

But for the general outcome in this body today, I can think of nothing short of the word disgraceful. I just wish that every Member who voted for the amendment, the Barr amendment, which truly eviscerated this bill, has to live with the consequences. I hope they do not. I hope there is nothing that will make them doubt what they did. But, unfortunately, knowing what I know about terrorism in America from my briefings and research, the terrorist danger in America, I am afraid they will all have to.

This is not a great day for this House of Representatives. This is not a great day for the future of this country. If we cannot all pull together, if we cannot avoid the forces of the far right and the far left pulling us apart, then we cannot be the greatest country in the world in the 21st century.

So I support the Conyers-Nadler amendment, albeit reluctantly and unfortunately, because it is the only thing we have left.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I rise in opposition to this bill and would adopt the comments of the gentleman from Florida [Mr. MCCOLLUM], also.

I think, on balance, what persuades me to vote against this amendment is the fact that the death penalty, the habeas corpus reform, is not included in that particular amendment. The operative word in this bill, in the title of this act, I believe, is the word ''effective.'' The complete name is the Effective Death Penalty and Public Safety Act.

Mr. Chairman, the operative word is ''effective.'' We have a death penalty right now in this country, but it is not used very effectively, and not sufficiently, as the gentleman from Pennsylvania [Mr. GEKAS] said, to act as a deterrent to people who might commit these types of crimes, even crimes that would be similar to what occurred in Scotland yesterday against these children.

□ 1300

These types of people, if convicted, need to face the death penalty, and it needs to be an effective death penalty, not one where they can drag out the process for 8 years, or 10 years, for 17 years or longer. They need to have swift justice to be an effective deterrent. And what the habeas corpus, the death penalty reforms that are included in this core bill, that are still in that bill, what they provide for, among other things, that would accomplish a effective death penalty in this case, include establishing a 1-year limitation in which they can file. The convicted, the person who has already been through the jury trial and been convicted, it gives them a year to file a habeas corpus petition, not years and years and years like the present law allows, and it prohibits Federal judges who consider these petitions for habeas corpus death penalty relief, it prohibits them from considering them unless they were filed by a person convicted in a State court and that person has exhausted their remedies.

I will bring my remarks to a conclusion by simply adding that we need this in this bill, and to vote for the amendment would take out the effective death penalty provisions we need so much in this reform, and I urge my colleagues to vote against this amendment.

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

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN], one of the gentlemen who helped develop the Conyers-Nadler substitute, and therefore this measure is entitled the Conyers-Nadler-Berman.

Mr. BERMAN. Mr. Chairman, I thank my ranking member for yielding me this time.

Mr. Chairman, I voted to report the original Hyde bill out of committee. I have trouble with some of the provisions in the bill, but I emphatically believe that a compelling case has been made that Federal law enforcement agencies need to be granted expanded means to attack the scourge of terrorism, both international and domestic.

I believe that our freedoms as well as those enjoyed by the citizens of other democratic nations cannot survive if we do not create new tools to apprehend and punish those who committed crimes with the intent of intimidating, coercing, or retaliating against government conduct. Our ultimate objective must be, of course, to prevent such crimes from being committed in the first place. The most recent appalling attacks in Jerusalem and Tel Aviv only reinforce my deeply held conviction that our democratic Government must be given new means to fight international and domestic terrorism.

But the bill before us today is not the bill I voted for in the Committee on the Judiciary. First of all, the Republican majority decided to jam into this bill, in the name of fighting terrorism, their long-sought objective of, for all intents and purposes, abolishing the ancient writ of habeas corpus. Former Attorneys General Levi, Katzenbach, Richardson, Civiletti, each of them has written to us saying that nothing is more deeply rooted in America's legal traditions and conscience. The writ of habeas corpus is the guarantor of our constitutional rights, the bedrock of our Federal system which has always provided an independent Federal court review of the constitutionality of State court prosecutions.

Shame on those who invoke the names of innocents slaughtered in Oklahoma City or Jerusalem in their quest to obliterate the writ of habeas corpus. I cannot support lawlessness in the police station or the courtroom anymore than I want to tolerate it in the hands of terrorists.

The substitute, the Conyers-Nadler-Berman substitute, deletes the habeas corpus provisions to which I profoundly object.

In addition, second, we now have the passage of the Barr amendment which has deleted the very antiterrorism provisions which do belong in this bill. The Barr amendment deletes the prohibition on fund-raising for terrorist organizations. And can my colleagues believe this? It deletes the expedited removal of alien terrorists from this country.

For those who have concerns about some of these provisions, the answer is not to gut them as the Barr amendment did, but rather to include and improve them, as Mr. CONYERS has done. I want to express my very deep gratitude to Mr. CONYERS for his willingness to include these provisions in this substitute and for his willingness, with his deep concern for civil liberties, to balance and apply that in the context of our need to do more on terrorism.

We provide in this substitute for judicial review of the designation of an organization as terrorist. We provided for the expedited removal of alien terrorists under existing procedures for dealing with classified information which preserve a defendant's right to counsel and to confront the evidence against him or her.

I also strongly support the provision in the Conyers substitute which deletes impediments in current law to the ability of Federal law enforcement organizations to initiate investigations of suspected material support to terrorists. I believe that the scourge of terrorism requires a careful recalibration from time to time of the balance between civil liberties concerns and law enforcement authority.

In this case, I believe that speech on behalf of terrorist organizations can be, not necessarily are, but they can be, an indication that the individual is engaged in material support for terrorist activities. Under certain circumstances I believe it is appropriate for investigations to be opened, not to be prosecuted for that speech, not be thrown in jail, but for merely an investigation to be opened.

I am concerned that the current law bars such investigations unless the evidence of terrorist activities virtually suffices to commence prosecution. That means people who should be prosecuted would not be

I have a proud record of support, I believe, for civil liberties. When the opponents of this legislation and all of its excessive forms have pointed out potential infringements of civil liberties, I have listened. As the American Jewish Committee has so eloquently stated, the war on terrorism must be and can be carried out without undermining our most fundamental protection. But when these same organizations that opposed the original bill of the gentleman from Illinois [Mr. HYDE] and supported the Barr amendment go so far as to minimize the very threat of terrorism itself, they lose all credibility.

Ours is a living constitution which has thrived for two centuries because in its strengthened vibrancy it has accommodated the realities of modern American life. One of those realities tragically is terrorism.

Mr. Chairman, I urge my colleagues to vote for the Conyers substitute. It wages war on terrorism while preserving precious American rights. Should the substitute fail, I will be voting against H.R. 2703, and I urge my colleagues to do so as well.

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

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

Mr. Chairman, it is kind of deja vu to hear the four Attorneys General routinely trotted out by the opposition. They have been referred to as the four horsemen of Swan Lake. But we also have our retinue of Attorneys General who disagree with them, led by Griffin

Bell, William Barr, Richard Thornburg, the late William French Smith. But I have a celebrity to trump all of those Attorneys General on the subject of habeas corpus, and his name is President Clinton.

Mr. Chairman, he said on June 5 of last year, 2 days before the Senate passed the identical bill overwhelmingly that we seek to pass in this legislation; here is what the President, Mr. Clinton, said on ''Larry King Live.'' He said in death penalty cases it normally takes 8 years to exhaust the appeals. It is ridiculous. And, if you have multiple convictions, it could take even longer. So there is a strong sense in the Congress, I think among members of both parties, we need to get down to sort of one clear appeal. We need to cut the time delay on the appeals dramatically, and that ought to be done in the context of this terrorism legislation so that it would apply to any prosecutions brought against anyone indicted in Oklahoma, and I think this ought to be done.

Now that is the head man. So I just serve warning. Anytime my colleague brings out Mr. Katzenbach, Mr. Richardson, Mr. Civiletti, and Mr. Levi, I am going to bring out the President, so just be fairly warned.

Now I want to make it very clear——

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

Mr. HYDE. Yes, of course.

Mr. CONYERS. Mr. Chairman, that means the gentleman will not be mentioning these other run-of-the-mill Attorneys General that——

Mr. HYDE. I may do that, although they are not run-of-the-mill, they are superb legal giants.

Mr. Chairman, I want to make it clear that this is still a good bill despite the Barr amendment yesterday, which disappointed me, but the bill still is a very good bill and worthy of support. We have habeas reform. If we can defeat the Nadler-Conyers-Berman amendment that is offered now, we have victim restitution, we have criminal alien deportation improvements, we require marking plastic explosives to allow for more effective detection. If we had that, Pan Am 103 might well never have occurred. We prohibit the possession, importation, and sale of nuclear materials, reform asylum laws to stop their manipulation by foreign terrorists. Not most importantly, but very importantly, we authorize lawsuits by Americans against foreign nations responsible for State-sponsored activity. That is amending the Foreign Sovereign Immunities Act. We provide for the expedited expulsion of illegal aliens from the United States, yes, and we protect Federal employees and Federal Government buildings because if someone is murdered, it becomes a death penalty.

Now the Conyers-Nadler-Berman substitute is another gutting amendment. There are——

Mr. NADLER. Mr. Chairman, will the gentleman yield for a moment?

Mr. HYDE. I would say to the gentleman from New York [Mr. NADLER], I am just getting wound up, but go ahead. I would rather the gentleman interrupt me now than later.

Mr. NADLER. Before the gentleman gets into the analysis of the amendment, I just wanted to ask with what the gentleman said about the bill, as amended a moment ago, the gentleman said on the floor yesterday, and I quote: ''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.'' Unquote.

Does the gentleman think that is no longer correct?

Mr. HYDE. Well, yes, that was an overstatement on my part out of the depths of my dismay that I was losing. But on sober reflection, I think it is an antiterrorism bill, not as robust as I would like it to be, but still worthwhile.

Now there are a number of things in the Conyers-Nadler-Berman substitute that I like and could support. Unfortunately our colleagues have lumped them together with eliminating habeas corpus reform, and that, of course, destroys any balance and makes it not worthwhile.

For example, under the Conyers amendment and the amendment of the gentleman from New York [Mr. NADLER], current law which would permit the imposition of the death penalty for somebody who bombed a Federal building where death resulted, that is rewritten. It cannot be done now under the Conyers amendment.

Just let me finish my statement. I will yield to the gentleman shortly.

Now, the Conyers amendment would not impose the death penalty. He has rewritten this law for someone who uses a biological toxin that results in another's death. Oh, the gentleman from Michigan [Mr. CONYERS] provides a life sentence, but not the death penalty. Now, somebody who kills somebody using biological toxin certainly qualifies for the death penalty in my book. Mr. CONYERS strikes the criminal alien deportation improvements, which we have in this bill, we passed those earlier, and we are repassing them here. They passed 380 to 20 last February. So as tempting as it is to support the designation of terrorist organizations, and we should be able to do that, I hope to goodness we get to do that, I hope we can do that in conference. But that morsel of good public policy is not worth throwing away habeas corpus reform or the ability to impose the death penalty on someone who bombs a Federal building, as they did in Oklahoma City.

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Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, the point I wanted to make is the House passed this habeas reform in another context. That bill has been passed by the House and can stand on its own. We have been under the impression that this was an antiterrorism bill. I am surprised that the gentleman is not anxious to get some of the antiterrorism provisions back into the bill.

Mr. HYDE. I am anxious, but I am not anxious to ever go on record as rejecting something we have been looking for, for 10 years and working toward, and that is habeas corpus reform.

Also, Mr. Chairman, I am still puzzled by the gentleman's unwillingness, and I do not say inability, but unwillingness to see that habeas corpus law applies to murderous terrorists. They depend on habeas corpus, an indefinite prolongation of habeas corpus proceedings, so they never get the sentence executed.

Mr. WATT of North Carolina. Mr. Chairman, if the gentleman will continue to yield, I want to be clear, I have never said habeas is completely irrelevant to terrorism.

Mr. HYDE. I misconstrued the gentleman. I misconstrued the gentleman. I humbly apologize.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman is the chairman of the Committee on the Judiciary, still, and will be until the end of the year.

Mr. HYDE. At least.

Mr. CONYERS. The idea of us now going back into habeas, the gentleman from North Carolina has just reminded us that we have already passed a habeas bill overwhelmingly.

Mr. HYDE. Taking my time back, I thought the gentleman had something new to add to this debate. The gentleman is repeating what the gentleman from North Carolina [Mr. WATT] said, and he said it better.

Mr. CONYERS. Mr. Chairman, why does the gentleman need to have habeas here if we have already done it?

Mr. HYDE. To make sure that it passes.

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

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA 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 gentleman from Michigan [Mr. CONYERS] for yielding time to me, and I thank the gentleman from New York [Mr. NADLER] and the gentleman from California [Mr. BERMAN] for a reasoned response to the reason that I am in the well of the House.

I would say to the gentleman from Illinois [Mr. HYDE], the chairman of the committee, there is no doubt of his deep and abiding commitment to this

process. I respect his comments yesterday, in fact, of his disappointment with the passage of the Barr amendment. I think, frankly, we might have been heading in the right direction.

I think the gentleman realizes that I supported this legislation in committee, because I have firsthand experience with the tragedy of terrorism, the loss of life of a member of my community in Pan American 103. I also have grappled over the last 48 hours with the tragedy of the loss in Scotland, I believe, of some 16 children. It is certainly not in our jurisdiction, but that is a terrorist act.

If I vote for anything, Mr. Chairman, this time it has to be focused on the victims. With the passage of the Barr amendment, I feel that we have severely undermined this so-called terrorist legislation. Mr. Chairman, we have a situation that cop-killing bullets are still out on the streets, and we have minimized the study that was to go forward in not studying the ammunition, which is terrorist in its own sense, to a certain extent, as it freely flows throughout this Nation. Now we just simply want to say ''We will look at it if we see a cop being killed.''

The Conyers-Nadler-Berman bill does something that is near and dear. It adds a provision that cites particularly acts of terrorism against children, and makes it a specific crime to target children when engaging in any of the activities that have been included in this legislation. That is a victim's bill that deals with terrorism.

Mr. Chairman, additionally, it allows an extension of Federal jurisdiction to cases involving overseas terrorism, to include cases where a U.S. national was on a plane, or the perpetrator is a U.S. national, or the offender is subsequently found in the United States, and cases involving foreign dignitaries.

Mr. Chairman, I know full well what it means to travel overseas, many of us do, but in particular I work with a youth group who goes overseas to dangerous areas every summer. I want them to be exposed to this world, but I also want them to be protected against terrorist acts. The Nadler-Conyers-Berman legislation that is before us is the right way to go. Their bill also extends the law regarding weapons of mass destruction to include threatened use of weapons of mass destruction, as well as cases involving a U.S. national outside of the United States.

Mr. Chairman, let me add one more point about victims' rights in this instance. There is a question when a tragedy happens, how do you address the grievance. The grievance is that if you survive it, you either have the opportunity to sue and/or pursue your grievance in a court of law. This legislation that I am supporting specifies jurisdiction of U.S. courts over lawsuits brought against terrorists.

Mr. Chairman, Federal courts would lose the power to correct unconstitutional incarceration. This bill brings with it the increased risk that innocent persons would be held in prison in violation of the Constitution and—even executed—because the bill imposes unreasonably short time limits for filing a claim of habeas corpus relief, limits almost all petitioners to only one round of Federal review and requires the petitioner meet an extremely high clear an convincing burden of proof in order to secure relief. We must punish to the fullest extent of the law those who commit terrorist acts against our Nation, against our Nation, against innocent children. However, I equally believe that we must consider the bill before us and firmly support the constitutional rights such as freedom of assembly, freedom from unreasonable search and seizure, due process of law, and the right of privacy. I have concerns about racial, ethnic, and religious bigotry that may increase with the misuse of the powers of this bill. These fundamental rights are essential to our liberty as Americans.

The Conyers-Nadler-Berman bill is the right anti-terrorist legislation.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the learned gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I do appreciate being noted as learned, being a Hoosier, I would say to my fellow Illinois chairman of the committee.

Mr. Chairman, I was intrigued by the comments of my colleague who was just in the well. Often we hear about these cop-killer bullets. It is interesting. I would like to know why. Any bullet out there, no matter what you call it, if you point it at the right time, can kill someone with the same lethal effect as a knife or a tire iron, if you want to whop somebody up side the head. The real assault weapon, Mr. Chairman, is the thug. That is what the real assault weapon is.

What we have now, Mr. Chairman, are international groups that commit acts of terror indiscriminately, cowardly acts of terror, who form these groups throughout the world. They have increased their lethality in how they operate, so it used to be in the 1970's and 1980's it was the highjackings and hostage takings. Now they have become more sophisticated. Now there are bombings, and that is how they operate, but they are more cowardly in what they do, because the lethality of their actions now is against the innocents.

So we see, whether it is the World Trade Center bombings and others that have operated throughout the world, we, the United States, want to take a responsible role not only here domestically, within our own borders, but internationally, with our neighbors throughout the world. Mr. Chairman, I think that is pretty important.

I am extraordinarily disappointed when we do not give the tools and the resources to law enforcement to meet those goals. Why we gut a bill, and for some reason say we should be more frightened of our own Government; wait a minute, Mr. Chairman. I believe in good government. Why do we form governments? We form governments to take care of people. If people are living in fear, there is not freedom. There is not liberty. That is what we cherish most in our own country.

We want to give the power and authority to the FBI to go after these thugs, when these illegal aliens come into the country, and then we do not want to give, whether it is roving wire taps and things to go after them; why? Then when we do come after them, they flee from the Philippines to Pakistan, and finally we catch up with them, as in the World Trade Center case.

Mr. Chairman, I understand the chairman. I do not want to ever say he is ambivalent, but I noticed the remarks from yesterday and the remarks from today, to support this bill. I am going to support this bill. When the Senate has theirs, we are going to go to conference and we are going to give them the tools necessary to make this an effective bill, and we will come back to the floor then at that time.

However, let me make a closing comment with regard to this thing about let us throw out habeas corpus reform and talk about victims' rights. To me, that just blows my mind. Those who coddle and hug the thugs do not want to be for an effective death penalty, yet we are going to talk about victims' rights? We need in this country a good balance in sentencing guidelines between education, prevention, restitution, retribution, and deterrence, and the rights to victims are extraordinarily important.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to our colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's passion on the issue. The whole question of terrorism is, of course, to prohibit terrorists, but it is to prohibit terrorist acts on victims. This legislation includes specific language targeted to children. Who can deny that? This is the better bill, the stronger bill, the Nadler-Conyers-Berman bill. It actually addresses victims, who are in fact the recipients of terrorist acts. We cannot deny that.

Mr. BUYER. My only question, Mr. Chairman, is does the gentlewoman support an effective death penalty?

Ms. JACKSON-LEE of Texas. I have never disagreed with it.

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 begin by throwing away my Chairman HYDE's remarks of yesterday. He did not mean it. It was a moment of passion. He was maybe even ticked off, as we say. He said, ''With the Barr amendment, this is not an antiterrorism bill.'' On reflection today and maybe talking with the Speaker, what the heck, we have to do the best with what we have. Were I in his position, maybe I would have to say the same thing.

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

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, it is my experience that in the depths of disappointment, things sometimes look darker than they really should, but I feel better today. I thank the gentleman.

Mr. CONYERS. We are delighted to find that the gentleman is moving right along.

Now, Mr. Chairman, for the law lesson. These have to come on the Committee on the Judiciary, between lawyers.

All right, class, turn to title 18, U.S.C. 111. What you will find is that the murder penalty exists for a whole list of crimes. Also, class, turn to 18 U.S.C. 119, the murder penalty. Also, class, turn to 18 U.S.C., and staffers for Members, turn to that, also, 18 U.S.C. 1117. The last lesson for the afternoon, turn finally to 18 U.S.C. 1114.

OK. What do these four laws provide? Murder, in the first instance, willful, deliberate, and premeditated killing will get you the death penalty, I say to the gentleman from Illinois [Mr. HYDE], and my Republican friends, in the United States of America. It will also, under the second title I cited, for foreign murder of U.S. nationals, that will get the death penalty.

You can also get the death penalty—not whether we like it or how we voted for it, what our philosophy is, this is the law. Conspiracy to murder will get you the death penalty. Also, the murder of an officer or employee of the United States, my fourth illustration, will get you the death penalty.

If Members do not believe the instructor in this class, go to the current Attorney General of the United States, who explains for everybody who will not do their homework that the Oklahoma bombers, if convicted, will get the death penalty.

Mr. Chairman, I would ask the gentleman to tell me, if habeas was so important, why was it left out of the Hyde-Barr bill when it came to the floor? The answer is they had antiterrorism on their minds. So we have, even though my dear friend, the gentleman from Illinois, is feeling much better today, we still have a baloney sandwich without any meat in it. We only have the Conyers-Nadler-Berman substitute to deal with.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was queried on the House floor about my beliefs with regard to the death penalty, and I said an effective death penalty, but the clarification was really meant to track what the gentleman has just said.

This bill deals with offenses that require the death penalty on certain offenses dealing with terrorism, which is in the Conyers-Nadler bill. Habeas is not the death penalty. It is justice. We want to make sure that for victims of all kinds, we need to have justice. Habeas does not deal with answering the question of terrorism.

Mr. Chairman, I would ask, is that what the gentleman is saying at this point?

Mr. CONYERS. The assistant law professor from Texas is precisely on point.

Ms. JACKSON-LEE of Texas. I am trying. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, let us look at the nature of the people that we have castigated for months and months that commit these heinous offenses. Suicide bombers, are they looking for which habeas we are using and whether it exists, since, as we have just learned now, habeas has nothing to do with whether the death penalty exists? Habeas is the protections—constitutional—that are given to you if you are under the death penalty.

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I do not think so. Members of the other side, I do not think that suicide bombers care what we do with habeas or what we do not do with it.

But why let them raise funds in the United States? That is in my bill. We prevent them from raising funds to get the bombs to blow up Americans.

Please, we have a very serious, important matter that requires us to bring our common sense and leave our political partisanship outside the door. This is an incredibly important matter. I hope that all of us will recognize that we only have one measure that deals with antiterrorism, and it is the substitute which we will shortly vote on. I urge your favorable consideration of this provision.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume. I am waiting for the Speaker, who would like to close debate, and he should be here imminently.

Meanwhile, I would like to respond to Professor CONYERS, who gave us an interesting lecture on criminal law, simply to say that his amendment, section 201, reads, ''whoever damages or destroys or attempts to damage or destroy, by means of fire or an explosive, any person or real property in whole or in part, owned, possessed, used by, leased to the United States or any department or agency thereof, or any institution or organization receiving Federal financial assistance.''

What is the penalty that the gentleman has inculcated in his amendment? Not ''shall be in prison for not more than 25 years, or both,'' but ''if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years.'' Then, skipping another paragraph and getting to the end game here, ''if death results to any person other than the offender, the offender shall be subject to imprisonment for any term of years or for life.''

I do not see the death penalty in here in section 201 of title II. I see life. If you kill somebody by bombing a Federal building, now the professor has indicated elsewhere in the code death penalties are provided for. May well be. I have not thumbed through that part of the code recently.

But I wonder why he introduced this amendment providing for life imprisonment if you kill somebody by blowing up a Federal building, which is what happened in Oklahoma City. The gentleman surely does not do things idly or without purpose. I suspect the gentleman wants to get into law his well-known dislike for the death penalty, and I understand that. That is a perfectly respectable, legitimate position to have, but it should be noted that his amendment does away with the death penalty for bombing a Federal building.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, will the gentleman promise to do his homework after I do this one more time? I mean, suicide bombers do not care about the Conyers provision or the Hyde provision. Suicide bombers are not afraid of habeas corpus, sir. They have no concern. The problem is that these are madmen who do not obey or care about laws.

The reason I cited the gentleman four specific death penalty amendments is to suggest to him that for all of those reasons, the Attorney General of the United States is right in telling us that upon conviction, the Oklahoma bombers will get the death penalty, regardless of your view or my view on habeas corpus.

Mr. HYDE. Your amendment notwithstanding. Well, I really appreciate that.

Mr. CONYERS. How will habeas corpus deter a single terrorist act? Tell me that.

Mr. HYDE. How does what, sir, habeas corpus deter a single terrorist?

Mr. CONYERS. How will habeas corpus of any kind deter a single terrorist act?

Mr. HYDE. I presume the professor is referring to habeas corpus reform, because habeas corpus would not deter anybody from anything. The reform might.

Mr. CONYERS. Well, will reform? Tell me how.

Mr. HYDE. I will leave that to the distinguished Speaker of the House.

Mr. CONYERS. Who has not heard our debate. Maybe.

Mr. HYDE. But the gentleman knows that sure punishment and swift punishment is a deterrence, and that is the answer to the gentleman's question.

Mr. CONYERS. Suicide bombers are afraid of sure and swift deterrence, right?

Mr. HYDE. I thank the gentleman for his illuminating comment.

Mr. Chairman, I am pleased to yield the balance of my time to the distinguished Speaker of the House.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding me the time, and I think that this is a very important pair of votes that are coming up.

Let us be very clear where we are. There was a very large conference in the Middle East yesterday in which leaders from all over the world said they are opposed to terrorism. Political leaders are going to get up all over the world and say ''We are opposed to terrorism.''

The question is, is there a reasonable and prudent way to both safeguard individual liberties and at the same time make certain that we are able to combat terrorism before it does incalculable damage to innocent people? In addition, are there legitimate and reasonable ways in a free society to suppress violent crime, and to deal with people who commit crimes so unspeakable that they have in fact earned the death penalty by the very barbarity of their behavior?

That is what these votes are really all about. They are about, first of all, the question is there a prudent and reasoned way for a free people to govern themselves so they both protect their liberties against a capricious state, a search which has been going on in the English-speaking world since the English civil war and the Star Chambers, and which we have worked on now for over 340 years, and at the same time, is there a way to make certain that those so barbaric, those so outside the bounds of civilization, whether acting as an individual killer or acting as a part of an organized group deliberately using terror for political purposes, that we as a people can combat them.

There are two provisions I particularly want to focus on because they seem to be of some controversy. The first is having an effective, enforceable death penalty. Let me just say that no citizen who has looked at some of the barbaric acts committed tragically by Americans against Americans, at serial murderers, at people who have engaged in acts of deliberate, vicious, wanton brutality, no citizen who believes in the death penalty would want to vote against this bill, because without this bill the death penalty remains ineffective.

In Georgia, our attorney general, Mike Bowers, pointed out that he was in law school when certain murderers were put on death row, and because of the current interminable frivolous appeals process, he had gone through law school, passed the bar exam, been in private practice, served as a district attorney, in what is now his third term as the attorney general of Georgia, and these same murderers were still sitting on death row filing a new appeal.

Clearly justice delayed is justice denied. Clearly the families of victims who have seen these horrible things done deserve to know that this society can move effectively.

As somebody who believes in Federalism and allowing the States to make decisions, when you learn that it is Federal law that blocks the States having an effective death penalty, it is Federal law which gives every defense attorney in the country infinite excuses for simply buying time. In the State of California, there are provisions here that cost the State over $1 million per person given the death penalty just having to fight the frivolous lawsuits.

First of all, I would say to my friends, if you want an effective death penalty, then you want to vote ''no'' on the Conyers substitute and you want to vote ''yes'' on final passage, and there should be no mistake about it, because that is the only way to make sure that we get an effective death penalty.

There is a second part I want to mention. I want to be really clear. We are wrestling with what, I think, is a very hard problem. How do we give the Government enough power to protect us without giving the Government power to coerce, power to invade our liberties? How do we protect our personal freedoms while at the same time protecting our personal freedoms? Because that is what we are trying to do. We want to protect our freedom against the State being capricious and we want to protect our freedom against terrorists who would destroy our lives.

I would urge a ''no'' vote on the Conyers substitute and a ''yes'' vote on final passage because I think that this bill has been improved, and I think when it goes to conference it will be improved even more. I know that my good friend, the gentleman from Georgia, has been working even today on making specific provisions to find a way to block Hamas from being able to raise money in the United States while killing people in Israel.

Let me draw this very clearly. We want to be capable, within our Constitution and protecting our liberties, to block terrorist groups. We want to be capable of tracking potential terrorists while protecting our liberties.

That requires very careful drawing of the lines, because on the one hand you want to give the FBI, you want to give the Central Intelligence Agency, you want to give the powers of the state enough strength to do that which is necessary to protect us. On the other hand, you do not want to give them the ability in an arbitrary and inappropriate way to exercise those powers to hurt people.

I want to first of all commend the gentleman from Georgia [Mr. BARR], a former U.S. attorney in his own right, a prosecutor, a man who has had cases where he has brought people to justice who have done evil things, because he has worked very diligently. I believe that with his help that the chairman, Mr. HYDE, in conference, is going to be able to develop exactly the right thing.

I would say to my friends who are worried and say they are going to vote ''no'' because as currently written this bill will not cut off Hamas, the only effective way to get a bill to cut off Hamas from funding, to block aid to the terrorists, is to vote ''yes'' for this bill to send it to conference. This bill should be passed in the House. We should go to conference.

Frankly, our goal should be to get this bill out of conference before the first anniversary of the Oklahoma City bombing. I believe it is going to take a difficult conference. I think it can be done. I, for one, am not at all ashamed of the fact that it is hard to write this bill correctly.

The challenge of a free society—I want to come back to this because it is at the core of what we are wrestling with—the challenge of a free society is to have a government strong enough to protect us from danger and carefully enough constrained to not itself be a danger. That is what we are wrestling with.

If you vote ''no'' on Conyers and ''yes'' on final passage, you are voting for an effective, enforceable death penalty. You are voting for effective steps to stop terrorism. You are voting for the prudent, correct steps in the right direction, preserving civil liberties and preserving our safety at the same time.

I commend the gentleman from Illinois, who has done an outstanding job of bringing this bill to the floor. I think this bill is a substantial step in the right direction. I urge all of my colleagues, vote ''no'' on Conyers and vote ''yes'' on final passage, for a safer and a freer world.

Mr. CARDIN. Mr. Chairman, again we are presented with a missed opportunity. H.R. 2703, as it was presented for a final passage vote, contains virtually no provisions necessary to aid law enforcement in stopping terrorist attacks which is the stated purpose of the legislation.

I would have supported H.R. 2703 as it was reported by the Committee on the Judiciary. Unfortunately, the Barr amendment, as adopted, stripped the bill of its most important provisions including sections that might have helped protect law enforcement from killer bullets, helped trace explosives, and allowed law enforcement to trace terrorists' phone calls.

In addition, the Barr amendment gutted the bill's sections requiring swift expulsion of foreign terrorists and the amendment weakened efforts to eliminate domestic fundraising support of terrorism overseas. For example, nothing in this bill would prevent Hamas, a terrorist group located in and around Israel, from fundraising in the United States.

Had the Barr amendment failed, I would not have supported the Conyers-Nadler amendment. The Conyers-Nadler amendment removed important habeas corpus language and necessary law enforcement measures. The bill, as reported by the Judiciary Committee, is stronger than the Conyers-Nadler substitute. However, once the Barr amendment passed, I voted for the Conyers-Nadler substitute because it put a number of key provisions back into the bill.

I opposed the Watt-Chenoweth amendment because it would have eliminated the bill's restrictions on habeas corpus appeals to Federal courts by death row prisoners. Habeas corpus reform is long overdue and, although not directly related to fighting terrorism, it is an important measure to pass.

Mr. Chairman, I am extremely disappointed in the present form of H.R. 2073. Terrorism threatens innocent people, both in America and abroad. I hope that many of the significant measures in H.R. 2703, as reported by the Judiciary Committee, will be restored by the conference committee so that I will be able to support the conference report.

Mr. CRANE. Mr. Chairman, it was with regret that I cast a ''no'' vote today on final passage of H.R. 2703, the Effective Death Penalty and Public Safety Act. In previous years as a member of the minority party in Congress, I regularly voted ''no'' on Democrat legislation which I believed to be inconsistent with my views of a limited Federal Government. I am proud to say that in the 104th Congress I have cast many more ''aye'' votes than ''no.'' However, today I must oppose H.R. 2703, as amended. While my vote puts me at odds with my party leadership, I remain obligated first to my constituents and my convictions.

I know that this antiterrorism legislation was drafted with the best intentions. The domestic terrorist attack in Oklahoma City, along with the bombing of the World Trade Center in New York City were reprehensible acts. I recognize too that American citizens abroad have been victims of terrorist attacks simply because of their nationality. Furthermore, the most fundamental responsibility of government is to provide for the common defense of its citizens. However, I cannot justify a needless expansion of Federal law enforcement authority for these worthy purposes.

Accordingly to a report prepared by the Congressional Research Service, the list of current Federal antiterrorist laws is 17 pages long. I could accept a measured modification of current law to deal with specific deficiencies, but object to this overbearing legislation because it will trample on constitutionally protected rights of Americans.

Before further expanding Federal laws, I believe that Congress ought to first review the Federal Government's role in law enforcement. In particular, a comprehensive oversight of all Federal law enforcement agencies, especially the Bureau of Alcohol, Tobacco and Firearms, to investigate abuses of authority is overdue. I, along with many Republican colleagues, fought against the omnibus crime bill passed and signed into law by President Clinton during the last Democrat-controlled Congress. Until we act to repeal some of these needless and dangerous laws, I cannot support further expansion of Federal authority in law enforcement.

While this stance may put me at odds with some, letters and phone calls from my constituents were overwhelming in their opposition to this legislation. On behalf of them, and my convictions, I had no alternative but to oppose H.R. 2703. I can only hope that my colleagues will keep these points in mind as the bill proceeds to conference with the other body.

Mrs. VUCANOVICH. Mr. Chairman, I would like to speak in favor of H.R. 2703, the Effective Death Penalty and Public Safety Act. In the wake of the tragic bombing in Oklahoma City last April 19, the Congress realized a need to reform the terrorism and death penalty laws currently on the books. We did not rush into action on this bill, and many changes have been made to ensure that the bill would establish tougher statutes to allow Federal law enforcement officials to more effectively prevent and punish acts of domestic terrorism while still respecting the rights of our citizens. The end result is a tough, comprehensive bill of which we should all be proud.

I support the inclusion of the language in the Barr amendment, which goes the extra mile to ensure the protection of Americans' personal rights. The Barr amendment removes the provision calling for a study of the ''cop-killer'' ammunition. Instead, the amendment provides for a more balanced and appropriate study on law enforcement safety issues. The amendment would also delete the onerous wiretap provisions. I have heard from many Nevadans who were concerned about the potential for government intrusion in their lives.

H.R. 2703 also includes much needed habeas corpus reforms. Delays in death penalty cases of more than a decade are common, making abuse of the habeas corpus system the most significant factor in States' inability to implement credible death penalties. The reforms included in the legislation sets very strict time limits, and includes very strong States' rights provision that lessen the amount of Federal intrusion caused by expansive reviews of State court convictions and sentences, particularly in capital cases.

I hope all of my colleagues can join with me today in supporting the new and improved version of H.R. 2703.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 294, not voting 8, as follows:

[Roll No. 65]

AYES—129

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dixon
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Miller (CA)
Mink
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stockman
Studds
Stupak
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—294

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer

Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Chapman
Collins (IL)
de la Garza
Durbin
Hall (OH)
Menendez
Moakley
Stokes

□ 1431

Ms. PRYCE, Mr. COBURN, and Mr. DELAY changed their vote from ''aye'' to ''no.''

Mr. WILLIAMS changed his vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOBSON) 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, pursuant to House Resolution 380, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 2703 to the Committee on the Judiciary.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 191, not voting 12, as follows:

[Roll No. 66]

AYES—229

Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gilman
Gingrich
Goodlatte
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Heineman
Hobson
Hoke
Holden
Horn
Houghton
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
Lantos
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McKeon
McNulty
Metcalf
Meyers
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pomeroy
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stenholm
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zimmer

NOES—191

Abercrombie
Ackerman
Allard
Baker (CA)
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Berman
Bonilla
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Campbell
Cardin
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Cooley
Costello
Coyne
Crane
Crapo
Cremeans
Cubin
DeFazio
DeLauro
Dellums
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Funderburk
Furse
Gejdenson
Gephardt
Gillmor
Gonzalez
Goodling
Gordon
Graham
Green
Gutierrez
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hostettler
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
LaHood
LaTourette
Levin
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Maloney
Manzullo
Markey
Martinez
Matsui
McCarthy
McDermott
McInnis
McIntosh
McKinney
Meehan
Mica
Miller (CA)
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pombo
Poshard
Rahall
Rangel
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Skaggs
Skeen
Slaughter
Smith (WA)
Souder
Stark
Stearns
Stockman
Studds
Stump
Tate
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—12

Callahan
Chapman
Collins (IL)
de la Garza
Durbin
Gibbons
Hall (OH)
Meek
Menendez
Moakley
Quillen
Stokes

1453

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Stokes against.

Mr. STUPAK changed his vote from ''no'' to ''aye,''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 66, I was detained in a meeting in the Rayburn Room and therefore was not present for the vote. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

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

There was no objection.