

Unbelievable, but check this out. My investigation shows the FAA regularly sends pilot licenses in the mail to places like Afghanistan, Iraq, Iran, Libya and Pakistan. Now, if that is not enough to drench some fire hydrant, these licenses are being sent to post office boxes, no less. Beam me up. I am asking that the GAO investigate this madness.

I yield back the fact that the FAA may have supplied bin Laden with an air force legally certified to attack America.

CAPTURING THE QUEST FOR EXCELLENCE IN TEACHING, RESEARCH, AND SERVICE

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

Mr. RILEY. Mr. Speaker, capturing the quest for excellence in teaching, research and service is the motto of the famed Tuskegee University, home of the World War II Tuskegee Airmen. And under the direction of University President Benjamin Payton, his faculty and staff, they have stood by this motto in the academic arena for years.

Founded in 1881 by Booker T. Washington, the School's distinguished list of accomplishments include the number one producer of African-American aerospace engineers in the nation, provider of more African-American general officers to the military than any other institution, and alma mater to over 75 percent of the African-American veterinarians in the world.

This year, Tuskegee University Golden Tigers have captured the quest for excellence in the athletic world, as well, by being named the 2001 Football Champions of the Southern Intercollegiate Athletic Conference. With an athletic record that includes 533 victories, 19 SIAC championships, 7 black college national championships, and 15 postseason bowl appearances, Tuskegee University has rightly been named the Nation's winningest historically black college.

As their representative, I have a lot of pride in this institution. Please join me in congratulating them in their many successes and wishing them the best of luck as they travel to Atlanta to compete in the Pioneer Bowl on December 22.

Congratulations to Dr. Payton, head coach Rick Comegy, and the Golden Tigers for excellence both on and off the football field.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a re-

corded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3275

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

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2001".

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following new section:

"§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

“(A) with the intent to cause death or serious bodily injury, or

“(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

“(1) the offense takes place in the United States and—

“(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

“(C) at the time the offense is committed, it is committed—

“(i) on board a vessel flying the flag of another state;

“(ii) on board an aircraft which is registered under the laws of another state; or

“(iii) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) a perpetrator is a national of another state or a stateless person; or

“(F) a victim is a national of another state or a stateless person;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a victim is a national of the United States;

“(C) a perpetrator is found in the United States;

“(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

“(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

“(G) the offense is committed on board an aircraft which is operated by the United States.

“(c) PENALTIES.—Whoever violates this section shall be imprisoned for any term of years or for life, and if death results from the violation, shall be punished by death or imprisoned for any term of years or for life.

“(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

“(2) activities undertaken by military forces of a state in the exercise of their official duties; or

“(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘serious bodily injury’ has the meaning given that term in section 1365(g)(3) of this title;

“(2) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(3) ‘state or government facility’ includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(4) ‘intergovernmental organization’ includes international organization (as defined in section 1116(b)(5) of this title);

“(5) ‘infrastructure facility’ means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

“(6) ‘place of public use’ means those parts of any building, land, street, waterway, or other location that are accessible or open to

members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

“(7) ‘public transportation system’ means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

“(8) ‘explosive’ has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

“(9) ‘other lethal device’ means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents or toxins (as those terms are defined in section 178 of this title), or radiation or radioactive material;

“(10) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(11) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

“(12) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.”

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

“2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 of this title shall become effective on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the “Suppression of the Financing of Terrorism Convention Implementation Act of 2001”.

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

“§ 2339C. Prohibitions against the financing of terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

“(A) an act which constitutes an offense within the scope of a treaty specified in sub-

section (e)(7), as implemented by the United States, or

“(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

“(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

“(b) CONCEALMENT.—

“(1) IN GENERAL.—Whoever, in the United States, or outside the United States and a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions), knowingly conceals or disguises the nature, the location, the source, or the ownership or control of any material support or resources provided in violation of section 2339B of this chapter, or of any funds provided or collected in violation of subsection (a) or any proceeds of such funds, shall be punished as prescribed in subsection (d)(2).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(2).

“(c) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

“(1) the offense takes place in the United States and—

“(A) a perpetrator was a national of another state or a stateless person;

“(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

“(C) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) was directed toward or resulted in the carrying out of a predicate act against—

“(i) a national of another state; or

“(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

“(G) was directed toward or resulted in the carrying out of a predicate act—

“(i) outside the United States; or

“(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a perpetrator is found in the United States; or

“(C) was directed toward or resulted in the carrying out of a predicate act against—

“(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(ii) any person or property within the United States;

“(iii) any national of the United States or the property of such national; or

“(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

“(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

“(4) the offense is committed on board an aircraft which is operated by the United States; or

“(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

“(d) PENALTIES.—

“(1) Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) Whoever violates subsection (b) shall be fined under this title, imprisoned for not more than 10 years, or both.

“(e) DEFINITIONS.—As used in this section—

“(1) the term ‘funds’ means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

“(2) the term ‘government facility’ means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(3) the term ‘proceeds’ means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

“(4) the term ‘provides’ includes giving, donating, and transmitting;

“(5) the term ‘collects’ includes raising and receiving;

“(6) the term ‘predicate act’ means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

“(7) the term ‘treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

“(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

“(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

“(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

“(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

“(8) the term ‘intergovernmental organization’ includes international organizations;

“(9) the term ‘international organization’ has the same meaning as in section 1116(b)(5) of this title;

“(10) the term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(11) the term ‘serious bodily injury’ has the same meaning as in section 1365(g)(3) of this title;

“(12) the term ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(13) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.

“(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least \$10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).”

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

“2339C. Prohibitions against the financing of terrorism.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for sections 2339C(c)(1)(D) and (2)(B) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 of this title shall be effective upon enactment.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting “2332f,” after “2332d,”; and

(2) striking “or 2339B” and inserting “2339B, or 2339C”.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting “2332f (relating to bombing of public places and facilities),” after “2332b (relating to acts of terrorism transcending national boundaries),”; and

(2) inserting “2339C (relating to financing of terrorism),” before “or 2340A (relating to torture)”.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting “2332f,” before “or 2340A”.

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end thereof the following new subparagraph:

“(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin, (Mr. SENSENBRENNER), and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3275, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, as we have learned in recent months, the only effective way to fight terrorism is to fight it on a global scale. In order to accomplish this, it is important that we build an international framework for combating terrorism in all its forms. The first and most important piece of this framework is international cooperation. Passage of the bill before us today will allow the United States to reinforce the international community's intolerance for and condemnation of terrorist acts and their financing.

Mr. Speaker, on December 5, 2001, the Senate gave its advice and consent to ratify the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of Financing of Terrorism. H.R. 3275 makes appropriate changes to Title 18 of the United States Code in order to implement these treaties so that they can be ratified by the President.

The Terrorist Bombings Convention addresses the most utilized form of terrorism, the bombings of public places, State or government facilities, public transportation systems or infrastructure facilities, with the intent to cause death or serious bodily injury. H.R. 3275 enacts a new statute which would criminalize these acts if they have an

international nexus, such as the bombing of a foreign embassy located in the United States. Nations who are a party to this treaty agree to extradite or prosecute persons accused of such offenses, and also agree to provide assistance in connection with the investigation of such crimes.

I am sure everyone is aware that there are already State and Federal laws that criminalize terrorist bombings. This legislation will supplement those laws and close any loopholes that an accused terrorist may try to exploit in a court of law. Furthermore, the legislation covers biological, chemical, and radiological weapons, as well as conventional explosives.

The Terrorist Financing Convention addresses a common element of every terrorist act, financing and other support. This treaty recognizes that the financial backers of terrorism are just as responsible as those who commit the terrorist acts themselves. H.R. 3275 makes it a crime to unlawfully and willingly provide or collect funds with the intention or knowledge that such funds are to be used to carry out any act intended to cause death or serious bodily injury to a civilian. As with the Terrorist Bombing Convention, there must be some international nexus with the terrorist financing, such as someone operating outside of the United States. Likewise, nations who are a party to this treaty also agree to extradite or prosecute and assist in criminal investigations.

The Terrorist Bombing and Terrorist Financing Conventions follow the general model of prior terrorism conventions negotiated by the United States. These conventions will significantly strengthen the network of anti-terrorism treaties built over the last 30 years by requiring nations to criminalize terrorist conduct identified in the treaties and to cooperate in the investigation and prosecution of the offenses. Given the global way that terrorists operate, it is imperative that we make sure that as many countries as possible have comparable laws against terrorism for an effective framework of investigation, extradition, and prosecution.

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Mr. Speaker, I urge all Members to support this bill.

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

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

Mr. Speaker, I rise in opposition to H.R. 3275 which would implement the international convention for the suppression of terrorist bombings, and the international convention for the suppression of the financing of terrorism. I am not opposed to the bill because of the treaties, but because of the extraneous items that are in the treaties. These treaties have been pending for

some time, and I applaud the President for his present resolve in having the treaties ratified.

There are many extraneous provisions in the bills that are not necessary, however, to ratify either of the treaties. The treaties require that we have such laws on the books which would do such things like criminalize terrorist bombings and the financing of terrorist activities.

A few weeks ago, we passed legislation which was represented by the administration as a comprehensive anti-terrorism bill designed to cover the full gamut terrorist threats in this country, as well as the support of terrorist activities. Upon that representation, we provided unprecedented extensions of wiretap, RICO asset forfeitures, and additional punishments were enacted into law. Now we are told that additional laws have to be passed.

One of the provisions that requires us to have a law prohibiting bombing of foreign embassies in the United States cannot possibly be necessary. It is obviously against the law in the United States to bomb any building, much less a foreign embassy. A lot of these statutes are not needed.

The provisions before us do not constitute the treaties. The treaties are embodied in other documents. There are provisions, for example, that are actually counterproductive. This bill includes certain death penalties. The death penalty actually works against us because many of our allies will not extradite their criminals to the United States because we have the death penalty. There are other provisions that are not necessary. We were told by the administration that the death penalty provisions were, in fact, not needed to implement the treaties, and yet here they are in the bill.

Given this situation, Mr. Speaker, and other provisions in the bill that are not necessary to implement the treaties, I would hope that we would defeat the bill and reconsider the bill just providing the provisions that are necessary to implement the treaty.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and am prepared to close if the gentleman from Virginia has no further speakers.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his kindness in yielding me this time, and I would also like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER). I know that the chairman is working on a number of legislative initiatives that are coming to the floor of the House, and that the gentleman is being required to move

these legislative initiatives rather quickly. In fact, I also know that the gentleman has been working to help us move some legislation forward dealing with the access to legalization of immigrants, and I know that we have had some difficulties with that, but I thank him for his leadership and concern on those issues.

I say that because I do not think any Member has opposition to an international convention that deals with the suppression of terrorist bombings, and that we recognize the key importance of the international convention of the suppression of the financing of terrorism. There is not one iota of difference, I believe, with Members on both sides of the aisle on the importance of moving forward on finding terrorists, bringing terrorists to justice, and ensuring that our international colleagues, our friends around the world, the nations that are our allies and others around the world, should have a convention and treaty that puts us on the same page in fighting terrorism.

At the same time, I think it is important to note as we move forward on this legislation, and I raise a number of caution flags, for me to again offer my concerns about the existence of military tribunals without any set criteria and regulations upon which they are utilized. Members might ask the question where goes the relationship in connection with this legislation, but I think if we refuse to bring this up and continue in silence to accept the existence of military tribunals with what the other body has announced is not in place, meaning the other body asked the questions what kind of regulation, what kind of requirements, what kind of criteria do you use to try people at military tribunals? If we do not raise that issue even as we bring to the floor of the House this legislation, then we have a problem.

I acknowledge my concern with the quiet violation of the 6th Amendment, and that is individuals who are being listened to as their attorney is providing them counsel. If we do not raise these issues on the floor of the House, my concern about those policies is they have no criteria, they have no regulation, they have no governance.

Mr. Speaker, how can we claim to want to fairly deal with laws and pass an international convention on terrorism where we want everyone to join in around consistent rules and regulations, when we have these provisions in the United States with seemingly no basis and no need.

It is interesting that we are now going to try one of the terrorists found in the United States by a civil court, a judiciary system under the laws of the United States. I think that is commendable. It says that we are unsure of the reasons for the military tribunal, and whether or not we need to use

them. And we have found that our judicial system, the third branch of government, is more than adequate to be able to try one of the alleged horrific terrorists that was involved in the September 11 attacks.

As it relates to this legislation, I would add my concerns to the passage of this legislation, without any commentary pro or con on the death penalty. I think it is important that we make the point that many of those who would be adhering to this treaty have great concern that we have language dealing with the death penalty, and that we could have cleaned this particular legislation up by accepting the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Virginia (Mr. SCOTT) to delete the language, leaving in place the provision authorizing a maximum sentence of life imprisonment. That, I think, would have made this a more legitimate piece of legislation, in recognition of the fact that many of those who would join in on this treaty are absolutely opposed to the death penalty.

One of our known allies, France, in dealing with bringing people to justice who find themselves in France, is the refusal of that country to deport individuals for trial here in the United States because of the death penalty.

It is also worthy of noting that the administration acknowledged that capital punishment is not required to implement the conventions. For those Members listening to this debate and saying, here we go again on the debate of the death penalty, that is not the debate we are speaking about. We are talking about making an effective legislative initiative that deals with having a convention that will stand up.

Right now we have an Achilles heel. We have a failing in this legislation because we know that there are many who have argued that they will not participate or not join in or that there will be a problem because of the death penalty provision, and at the same time, we have an administration that says this is not necessary.

I am hoping as this legislation moves along, that we will take into consideration the point of view of some of our closest allies who have routinely refused to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution.

We have faced heinous acts against the people of the United States, and I offer my deepest sympathy to those who lost loved ones on September 11. Whether this legislation with the death penalty helps solve our problems, I think not, particularly if those who are harboring criminals would not extradite them because of the death penalty.

Mr. Speaker, in closing, tomorrow I will be holding a briefing dealing with the terrible atrocities or how the children of Afghanistan are being treated

because I believe all Americans are concerned about two sides of the coin, the humanitarian side and the fighting terrorism side. This is good legislation, but I think it could have been better legislation if we had taken into consideration the viewpoints of those who we seek to convene or seek to engage in the treaty, and that is that we would have a life imprisonment provision as opposed to a death penalty provision which undermines our relationship with our allies who have opposition to this point of view.

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

Mr. Speaker, I cannot believe what I just heard. We are told that we should not put a death penalty in this bill that relates to implementing a convention against terrorist bombings where a death or serious injury occur because the French do not like it. Well, the last time I read the United States Constitution, the elected representatives of the American people legislate for America, not the elected representatives of the French people. This is an issue of our national sovereignty and whether or not we believe that the death penalty is an appropriate option for those who are accused of crimes under the convention designed to combat terrorist bombings.

The overwhelming majority of the American people support the death penalty, particularly when it is with respect to a terrorist act. We should not let the parliament of any other country in the world make a determination on what the appropriate penalty is for those who are accused of these heinous crimes and are convicted by a unanimous verdict of 12 jurors who believe beyond a reasonable doubt that the defendant committed the crimes that are mentioned.

We already have provisions in the United States code providing for the death penalty for terrorist act that result in somebody's death. Without making this law parallel to the other penalties in the United States code, we are setting up a dual system of justice. If a defendant is indicted for violating one section, the defendant is subject to the death penalty. If a defendant is indicted for violating another section of the code as created by this bill, the defendant is not. That, I think, is the wrong message that we ought to send both domestically and internationally with respect to this issue.

I remind Members, Mr. Speaker, that since 1972, the death penalty is not automatic upon conviction of a crime. The same jury that has convicted someone of a capital defense is reimpaled and hears aggravating and mitigating evidence, and makes a determination whether or not the death penalty should be imposed. Who is better equipped to do that but the jurors that listened to the trial on the merits,

saw the demeanor of the defendant in court, whether or not the defendant testified in his or her own behalf, decided which witnesses were telling the truth and which witnesses were not, and were able to see the demeanor of every other participant in that trial.

I think that the message that we ought to send, purely and simply, is that the elected representatives of the American people will decide what these penalties are, not people in France or in Italy or in Sweden or Germany or anyplace else. I think that the American people want the death penalty for these types of crimes as an option when a defendant is indicted.

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

□ 1030

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

Mr. Speaker, this bill is designed to facilitate the fight against terrorism and working with our allies in that fight, and it is, frankly, not helpful in that process to have situations where our allies will not cooperate with us because of the death penalty.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I have to respectfully disagree with the chairman of the committee for the same reasons that were articulated by both the gentlewoman from Texas and the ranking member of the subcommittee. I think we have to put this in context and understand exactly what is required in terms of the Convention. The administration itself has acknowledged that this death penalty provision is not required to implement the Convention.

I have no disagreement with the gentleman's premise that it is the United States Congress that imposes or reflects, if you will, the will of the majority of the American people. At the same time, this provision is going to cause serious problems. In fact, not only is it not required under the Convention, but, as the gentleman from Virginia (Mr. SCOTT) indicated, it will actually impair the fight against international terrorism by making it harder for the Justice Department to secure extradition in these kinds of cases.

Our continued resort to the death penalty has brought condemnation from nations across the globe. Even some of our closest allies routinely refuse to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution. It has become a serious problem in terms of our legal relationships with our most steadfast allies, some of which were enumerated by the chairman of the committee.

Earlier this year, the Supreme Court of Canada ruled that the Canadian Charter of Rights and Freedoms precludes extradition to the United States unless U.S. authorities give assurances that the death penalty will not be imposed. Similar rulings have been made by governments and courts in France, South Africa and elsewhere.

I do not see how it serves American interests to enact additional provisions that do not exist currently in the law that will further complicate our ability to prosecute terrorists and further marginalize the U.S. within the family of nations.

Now, the administration justifies the new death penalty provision by claiming that it merely tracks current law with respect to comparable domestic crimes. That, I am sure, is accurate. But the fact that the current law presents an obstacle to our law enforcement objectives is hardly a persuasive argument for compounding the problem.

Reasonable people may continue to disagree with whether the death penalty serves as a deterrent to some categories of crimes, but I am at a loss to see how anyone can seriously believe that the prospect of the death penalty will deter suicide missions of the kind that this Nation witnessed on September 11. I dare say it will have no effect whatsoever, and I believe the administration implicitly concedes as much when it says that this new provision merely replicates existing death penalty provisions, provisions which did nothing to prevent those attacks from occurring.

Now, again, I support the Convention. I believe it should be ratified and implemented with all reasonable dispatch. But we have a responsibility to achieve that goal in a way that generally advances our national interests. I hope the Senate will fix this legislation so that that can happen.

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

Mr. Speaker, this bill is designed to implement a treaty. In order to be limited to that purpose, the bill goes well beyond what needs to be done, and, in fact, contains provisions that may be counterproductive. I therefore urge my colleagues to oppose the legislation.

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

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

Mr. Speaker, we have now heard the proposition that passing this bill as it is with the death penalty provisions contained in it is somehow going to render ineffective the foreign policy of the United States.

I would draw the attention of the gentleman from Massachusetts, in particular, to House document 107-139, which is a legislative proposal transmitted by the President of the United

States to Congress on October 25, 2001, containing the death penalty. Now, under the Constitution, it is the President that conducts the foreign policy of the United States, and if he believed that the death penalty features in this legislation which involved terrorist bombings would somehow hamper his ability to put together an international coalition to fight the al Qaeda or any other terrorist organization, I am sure he would have said so in this message that he sent to the Congress. But he did not.

Giving prosecutors the opportunity to ask for the death penalty when there is a particularly heinous crime I think is something that should be an arrow in the quiver of the Justice Department. I regret that the opponents of this legislation have made their philosophical opposition to the death penalty a reason to vote down the implementation of a treaty designed to combat international terrorism such as bombing of public facilities that we have seen occur at our embassies in Africa and which, unfortunately, occur on an almost daily basis in Israel, but I think that the President is right that we should have the option of having a death penalty as one of the penalties, should someone be indicted, tried and convicted.

I would urge the membership to support this bill overwhelmingly.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3275, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3427

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3427, the Afghanistan Freedom and Reconstruction Act.

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

There was no objection.

PROVIDING FOR PLACEMENT OF PLAQUE HONORING DR. JAMES HARVEY EARLY IN THE WILLIAMSBURG, KENTUCKY, POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1714) to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky, Post Office Building.

The Clerk read as follows:

S. 1714

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

SECTION 1. INSTALLATION OF PLAQUE TO HONOR DR. JAMES HARVEY EARLY.

(a) IN GENERAL.—The United States Postmaster General shall install a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building located at 1000 North Highway 23 West, Williamsburg, Kentucky 40769.

(b) CONTENTS OF PLAQUE.—The plaque installed under subsection (a) shall contain the following text:

“Dr. James Harvey Early was born on June 14, 1808 in Knox County, Kentucky. He was appointed postmaster of the first United States Post Office that was opened in the town of Whitley Courthouse, now Williamsburg, Kentucky in 1829. In 1844 he served in the Kentucky Legislature. Dr. Early married twice, first to Frances Ann Hammond, died 1860; and then to Rebecca Cummins Sammons, died 1914. Dr. Early died at home in Rockhold, Kentucky on May 24, 1885 at the age of 77.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1714.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 1714, sponsored by Senator MITCH MCCONNELL, would install a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky, Post Office.

Mr. Speaker, I urge adoption of this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Committee on Government Reform, I am pleased to join my colleague in the House consideration of S. 1714, which places a

plaque in the Post Office in Williamsburg, Kentucky, honoring Dr. James Harvey Early. This measure was introduced by Senator MITCH MCCONNELL on November 5, 2001.

Dr. James Harvey Early was born on June 4, 1808, in Knox County, Kentucky. He was appointed postmaster of the first United States Post Office that was opened in the town of Whitley Courthouse, now Williamsburg, Kentucky, in 1829. In 1844 he served in the Kentucky legislature.

Dr. Early died at home in Rockhold, Kentucky, on May 24, 1885, at the age of 77. He represents the significance of individuals who have made a tremendous impact on the development of our community for many, many years to come.

Mr. Speaker, I join with my colleague and urge swift passage of this resolution.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise in strong support of S. 1714, a bill to provide for the installation of a plaque in the Williamsburg Kentucky Post Office Building to honor Dr. James Harvey Early.

Kentucky was one of the first frontiers, marked with rugged terrain and harsh conditions. In this challenging frontier land, Dr. Early helped shape his community through his many years of service. Born in Knox County, Kentucky in 1808, the young James Early served as the first Postmaster for the community of Whitley Courthouse, now known as Williamsburg, Kentucky. He went on to serve the community in the Kentucky State Legislature as a member of the Whig party in 1844 at the same time that he maintained a farm near Rockhold, Kentucky.

However, his greatest contribution to the community might well be his service as a doctor for nearly 30 years. Dr. Early practiced as a civilian doctor for the Union Army during the Civil War and continued as a country doctor until his death at the age of 77.

Married twice, Dr. Early helped raise 15 children, four of whom went on to serve this country in their own right by joining the Union Army during the war. Some of his descendants still live in Kentucky and continue to serve our commonwealth and this great nation in numerous ways.

Dr. James Harvey Early was a man who provided great service to his community through the trying and difficult times of war in this country, and it is fitting that we honor him today with this plaque.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the Senate bill, S. 1714.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.