SENATE—*Tuesday, June 6, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we all have known grim days and great days. Some days are filled with strain and stress while on other days everything goes smoothly and successfully. Life can be simply awful or awfully simple. Today, we choose the awfully simple but sublime secret of a great day. Your work, done by Your power, achieves Your results, on Your time. We reject the idea that things work out and ask You, dear Lord, to work out things. Before us is a new day filled with more to do than we can accomplish on our own strength. You have given us the power of sanctified imagination to envision a day in which what is truly important gets done. Help us expeditiously to move through the amendments presented today, to listen to You through each other and make guided decisions. Pull our anchors out of the mud of combative competition. Lift our sails and remind us that it is Your set of our sails and not the gales that determine where we shall go.

Lord, we believe that the work we shall do this day is crucial for our Nation. Help us to complete the assignment of finishing the antiterrorism legislation for the welfare of our people. This is the day You have given. We intend to live it to the fullest with Your guidance, by Your power, and for Your glory. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Ms. SNOWE. Mr. President, for the information of my colleagues, this morning there will be a period of morning business until the hour of 9:45 a.m. Following morning business, the Senate will resume consideration of the antiterrorism bill, S. 735. By consent, Senator BOXER will be recognized at that time to offer an amendment. A cloture motion was filed on Monday with respect to the Hatch substitute to S. 735. Senators with first-degree amendments listed in the agreement on S. 735 are reminded that they have until 12:30 p.m. today to file amendments in order to comply with rule XXII of the Standing Rules of the Senate.

The Senate will stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate respective party luncheons. Senators should be aware that rollcall votes are expected throughout the day and a late-night session may be required in order to complete action on the antiterrorism bill by the close of business today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maine [Mrs. SNOWE] is recognized to speak for up to 30 minutes.

Ms. SNOWE. Mr. President, I yield myself such time as I may consume.

TRIBUTE TO SENATOR MARGARET CHASE SMITH

Ms. SNOWE. Mr. President, it gives me a great deal of honor and privilege to be here today to join some of my female Senators in paying tribute to Senator Margaret Chase Smith, who passed away on Memorial Day, after 97 years of courage, bravery, integrity, and pioneering spirit. I would like to join the people of Maine, the Nation, and my colleagues in saying goodbye to Margaret Chase Smith, forever the Senator from Maine. She lived through two world wars, 17 Presidents, and outlived over 70 years of communism. She was given 95 honorary degrees throughout her life, almost 1 degree for every year of her time on Earth.

She was awarded the Presidential Medal of Freedom by President George Bush at a White House ceremony in 1989.

She was a teacher, a telephone operator, a newspaperwoman, an office manager, a secretary, a wife, a Congresswoman and, for 24 years, a U.S. Senator. She rose from the humblest of beginnings to the highest corridors of power.

But she was also a leader, an inspiration, a nation's conscience, a visionary, and a woman of endless firsts.

She was the first woman to be elected to the U.S. Senate. She was the first woman to be elected to both the House of Representatives and the U.S. Senate. She was the first woman to face another woman in a U.S. Senate election campaign.

She was the first woman to become a ranking member of a congressional committee. She was the first woman to serve on the Armed Services Committee. She was the first woman to serve on the Appropriations Committee. She was the first woman to be elected chair of the Republican Conference.

She was the first woman to have her name placed in nomination for the Presidency by either major political party in 1964. She was the first civilian woman to sail on a U.S. destroyer in wartime. And, not surprisingly, if you knew her, she was the first woman to brush Heaven's horizon and challenge the skies by breaking the sound barrier in a U.S. Air Force F–100 Super Sabre fighter.

She was a woman of many firsts, a daughter of Maine, a trailblazer for women, a patriot of America.

Today we come to remember two things: We remember a legend, and we remember history, the history Margaret Chase Smith of Skowhegan made throughout her 32 years of outstanding public service to the people of Maine and the citizens of America.

From the very first day I met Margaret Chase Smith, I often wondered if she ever knowingly set out to make history in 1940 as she began her service in the House of Representatives. Today, I realize Margaret Chase Smith never charted a course to make history or pursue it. The fact is, history merely followed Margaret Chase Smith.

It was when her husband, Congressman Clyde Smith, died in 1940 that Margaret Chase Smith found herself thrust into political life.

Shortly after his death, she won a special election to fill the unexpired term of her late husband, and then went on to win the June Republican primary and win, of course, the November general election.

Mrs. Smith was going to Washington, and she would be there for 32 splendid years in both the House and the Senate.

She ran for the Senate when Senate majority leader Wallace White, of Maine, announced that he would retire in 1948. So she decided to run for that vacant seat. After beating both Maine's incumbent Republican Governor and a former Governor in the June primary, Smith went on to claim victory in the general election, beginning the now famous litany of firsts that would act as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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proud landmarks and milestones in her life.

It is safe to assume at this point in her life most of Maine knew about their newly-elected junior Senator, although she was not yet a household name anywhere else. But America was about to find out exactly who Margaret Chase Smith was. During one of the Nation's darkest hours of history, Margaret Chase Smith never shone more brightly as a beacon of reason, fairness, and courage.

The spring of 1950 was a dark and tragic time in American history. They were days of poisonous rhetoric, rage, fear, suspicion, and hate.

Senator Joseph McCarthy had made sensational and unsubstantiated charges that had turned him into a national celebrity and purveyor of blatant opportunism—charges about Communist spies and Soviet-sponsored traitors throughout our Nation's governing institutions. He held the American consciousness hostage to his hate-filled tactics, and no one dared to stand up to Senator Joe McCarthy. No one, that is, except Maine's own Senator Smith.

On June 1, 1950, in her first major speech on the floor of the Senate and as a freshman, Margaret Chase Smith spoke out loud the words that much of America had thought quietly to themselves.

A Republican with a strong allegiance to her party, Smith nevertheless retained her independent Yankee spirit and was known to be a maverick on some issues important to her as a matter of conscience, rather than as a matter of politics.

So it was that Senator Smith began one of the most famous speeches in American history, the "Declaration of Conscience," with the words, "I would like to speak briefly and simply about a serious national condition." I would like to quote from that. She began by saying:

> I speak as briefly as possible because too much harm has already been done with irresponsible words of bitterness and selfish political opportunism. I speak as simply as possible because the issue is too great to be obscured by eloquence. I speak simply and briefly in the hope that my words will be taken to heart.
>
> I speak as a Republican. I speak as a woman. I speak as a United States Senator. I speak as an American.

For the next 15 minutes, her words resonated across America and struck a chord with the hearts and minds of all Americans. Senator McCarthy sat directly behind her, a fitting position for him to be shadowed in light of her reason and integrity. She had done in 15 minutes what none of her 94 other colleagues had dared to do for months, and she never mentioned Senator McCarthy's name in the process.

I should mention that she sat in seat No. 1, where the President sits currently, when she made this most important speech.

In slaying a giant of demagoguery, Margaret Chase Smith stood and courageously defended what she termed "some of the basic principles of Americanism," and I would like again to quote from her speech. Those principles, she said, were:

> The right to criticize;
> The right to hold unpopular beliefs;
> The right to protest;
> The right of independent thought.

She went on to say that:

> The exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood nor should he be in danger of losing his reputation or the livelihood merely because he happens to know someone who holds unpopular beliefs.

Bernard Baruch once said had a man made that speech, he would have become the next President of the United States.

Almost exactly 45 years to the date—June 1 of last week—after she spoke those brave words, her voice of reason still reaches across the years and follows her spirit skyward.

In 1972, her public service career concluded. When she retired, she left another legacy of her dedication to public service: A near-perfect attendance record in Congress. She held, until 1981, the all-time consecutive rollcall voting record in the entire history of the U.S. Senate with 2,941 consecutive rollcall votes spanning 13 years. Only a much-needed hip operation in September 1968 kept her from casting her vote on the floor of the Senate.

Not known for displaying idleness as a personal quality, Margaret Chase Smith spent the next 23 years of her life after politics lecturing at dozens of colleges and universities across this country, and worked tirelessly to establish what is now known as the Margaret Chase Smith Library Center at her beloved home in Skowhegan, a small town where she was born almost a century ago.

I know that I and other women in public service have a very high standard to meet in her wake and some rather large shoes to fill as we walk in the footsteps of Margaret Chase Smith. Fortunately for us, those shoes had heels.

Indeed, Margaret Chase Smith showed how a woman's place can truly be in "the House * * * and the Senate." She was an inspiration to millions of young girls and women all across this country who never before thought they could aspire to any kind of public office. She showed us through her talents, abilities, and energies that opportunities for women did exist and that the door to elected office could be unlocked and opened to all women. But most importantly, what Margaret Chase Smith's life proved is it is not necessarily gender which makes a difference in public service, it is dedication, it is energy, perseverance, competence, and the will to get the job done.

At last, she has reached a final resting place amongst the angels. George Bernard Shaw once said, "In Heaven, an angel is no one in particular." I would have to say George Bernard Shaw never knew Margaret Chase Smith, because she was truly one of the "better angels among us," to use the words of the President of the United States. But I am sure in Heaven, as on Earth, Margaret Chase Smith will come to be known as someone quite "in particular."

It is only fitting she requested her epitaph to read: "She served people."

Well, she certainly served them and she served them well. So it is with a mixture of pride and humility that when I am referred to as "the Senator from Maine," I know well this is a phrase of honorable and distinguished past. Hearing those words will always evoke images of an individual who gave Maine some of its proudest moments. That phrase is a daily reminder of an individual who had the will and integrity to speak out vigorously when silence was a safer course.

Margaret Chase Smith once said,

> If I were to do it all over again, I would change nothing. I am very proud of my public service. I have no regrets * * *. No regrets, no changes—I would do it all over again.

I know I speak on behalf of Maine and my colleagues when I say I wish you could.

Mr. President, I now yield 5 minutes to the Senator from Maryland who is the dean of the Democratic women in the U.S. Senate, who is the first Democratic woman, like Margaret Chase Smith, to have served both in the House and in the U.S. Senate and also the first woman to be elected to the U.S. Senate from the State of Maryland.

So I am pleased Senator MIKULSKI could join us today in this tribute to Margaret Chase Smith.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Mr. President, I thank the Senator from Maine for recognizing me.

I rise today as the dean of the Democratic women to salute a great and grand lady, a daughter of Maine, Senator Margaret Chase Smith.

Growing up as a young girl, there were very few role models that I or women of my generation had for women participating in politics. Certainly, there had been Eleanor Roosevelt who served as the First Lady of the United States of America. But during the fifties, as a high school girl, I admired two great women—Clare Boothe Luce, who was a Congresswoman, and also Margaret Chase Smith from Maine. And going to a Catholic woman's high school and college, these two women were always held up as models and examples. In those days, we did not have words like

"role models," but they used terms like "examples," about how women could retain their femininity and dignity and yet participate in the dynamic world of politics.

When I came to the U.S. Senate, I was struck by the many parallels in the lives between Senator Smith and myself. I was deeply honored to follow in her footsteps. Until 1992, only 17 women had served in the U.S. Senate. Only five of those women had been elected in their own right and there was one who served only 1 day, but that was not Senator Margaret Chase Smith. For four distinguished terms, she served in the U.S. Senate and was a woman of many firsts and many accomplishments.

The similarities in our backgrounds were brought to my attention by the Senate Historian when I came here. Senator Smith was the first woman elected to the U.S. Senate in her own right. I was the first Democratic woman elected in my own right. She was the first woman to serve in both Houses. I, when I came, was the first Democratic woman to serve in both Houses, and now I am delighted to say I have been joined by Senator SNOWE of Maine and Senator BOXER of California. Senator Margaret Chase Smith, in one of her elections, defeated another woman for the job that raised eyebrows all over America in that spirited combat. I defeated another woman in my general election, and I must say we not only raised eyebrows but we raised a bit of a decibel level in the debate.

Senator Smith was a member of the Appropriations Committee, and I have the honor to be appointed to that committee as well. Senator Smith was on the Board of Visitors at the U.S. Naval Academy and I, too, share that great honor. Only when she was there during the dark days of the beginning of the cold war through her term, there were no women at the Naval Academy, and I think she would be delighted to see the accomplishments and advancements of those women.

She was also the first Republican woman who held, or perhaps the only woman to hold, a leadership position in her party for many years. Just recently, I had the opportunity of being chosen by my colleagues to be the Secretary of the Democratic caucus. I bring these issues to the Senate's attention not because I want to draw attention to myself, but to the fact that the parallels here were so inspirational to me. When one comes to the Senate, and my colleagues on the floor, the other women Senators, know how tough it is to be the first in many areas; often they know how tough it is to be the first and the only. When I turned to the history books and see Margaret Chase Smith, and when I came here and joined Senator KASSEBAUM, I was so fortified, so inspired, it really gave me guiding principles to follow here in the U.S. Senate.

However, there are things that differ Senator Smith from myself—not only of different parties, but Senator Smith, as a young girl, was an outstanding athlete. That was not my forte. And, also, she did something I believe no other woman has done in the Senate—she was a lieutenant colonel in the Air Force Reserve and served in the Reserve Forces. Senator SNOWE spoke at great length about the declaration of conscience. I hope that all the women of the Senate and all the men of the Senate feel that same sense of responsibility to speak out where necessary.

When I was elected, I invited her to my swearing in. She could not come but sent me the most gentle and encouraging note. I believe if she were here today, she would like this Senate. She would look at her own party and see another daughter of Maine joining the U.S. Senate and with great admiration, admire Senator SNOWE's moving quickly to responsibility in both fiscal matters and in foreign affairs. She would be delighted to see Senator KASSEBAUM chairing the Committee on Labor, Education, and Human Resources, showing that we can meet our fiscal responsibility, look out for America's day-to-day needs, and yet meet the long-range needs of our country. She would admire the fact that Senator HUTCHISON had joined the U.S. Senate and was taking up the role of women on the Armed Services Committee. I think she would like Senator BOXER's spunk; Senator FEINSTEIN's executive ability; Senator MURRAY being the voice of a mother to the U.S. Senate, a young mother; Senator CAROL MOSELEY-BRAUN's ability in housing, banking, and also judicial affairs and being willing to take on the tough issues in making her own declaration of conscience. I think she would like me here on the Appropriations Committee, saying, BARBARA, watch out for the money, watch out for the country and you will be OK.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I thank the Senator from Maryland for her wonderful tribute and testimony to Senator Margaret Chase Smith. I know she would enjoy the comments the Senator has made. They are fitting and most appropriate for a woman who served her country and her State and constituents well.

I now will yield to Senator KASSEBAUM of Kansas, who was the first woman elected from Kansas. In fact, this was the second woman ever to be elected in her own right to the U.S. Senate, and the first woman to be elected to the Senate without first having been preceded in Congress by a spouse.

Senator KASSEBAUM and I had the pleasure of joining Senator Smith at her home back in October 1992, and I know those were special moments we will always treasure and share. I am pleased that Senator KASSEBAUM could be here today to participate in this tribute. I yield the Senator 4 minutes.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Maine, Senator SNOWE, speaking this morning and introducing all of us and being able to pay a brief tribute to a remarkable woman and a great Senator.

I did not have the privilege of serving with Margaret Chase Smith in the U.S. Senate, but I did have the privilege of knowing her. I want to comment for a few moments. My colleague, Senator SNOWE has recounted many of the milestones in Senator Smith's career. I would like to speak about the spirit of her service and what it has meant to me and to so many others.

I thought Senator MIKULSKI spoke extraordinarily well about what each of the women who serves here today bring out, which is a culmination of many of the things that Senator Smith stood for in her long career of public service. She was a woman who refused to ever be bound by stereotypes or labels. She was not a woman Senator, she was simply a Senator. Her interests were wide-ranging because they were her own and not a narrow agenda imposed by gender, region, or parochial concerns. She was a true expert on defense matters, military preparedness, space exploration, and NATO.

She had deep and strongly held concerns about civil rights law, education policy, and the rules of the Senate. She had a high regard for the institutions of Government and a great respect for the institutions of Government. She denounced the red baiting of the 1950's and the left-wing orthodoxy of the 1960's. She spoke both gently and forthrightly, but always went from personal conviction and principles. She is rightly remembered as a Senator with great spunk, intelligence, and commitment. She sought not only to represent the people of Maine, but also to fulfill her responsibilities to the Nation as a whole.

In her 24 years in the U.S. Senate, she spoke always with honesty and clarity, seeking facts and judging each issue on its merits. Those are high standards, Mr. President, a worthy legacy to pass on to those who will follow her in this Chamber.

I am honored to be able to pay tribute today to a great lady, a fine U.S. Senator and an inspiring legacy.

I yield the floor.

Ms. SNOWE. I thank Senator KASSEBAUM for the wonderful statement she made about Margaret Chase Smith. I know I have those long memories and recollections of our visit with her. It was truly inspiring because of what she had accomplished in both the House and the Senate, but I think more significant is the fact of when she accomplished it. Her accomplishments are as remarkable today as they were then in terms of our standards and the ability

of women to participate in the public arena. There are still many obstacles, but there is no doubt there were many more in the 1940's. The fact she was able to have an extremely challenging race in 1948 with an incumbent Governor and former Governor and still came on top. After attacking Senator Joe McCarthy in terms of what he had done to this country, he got somebody to run against her.

She still came out with 82 percent of the vote as a resounding victory, not only for Senator Margaret Chase Smith but for this country, condemning the kind of tactics he employed.

Now it is my pleasure to recognize the Senator from Texas, Senator HUTCHISON. Many women are firsts here. Senator HUTCHISON is the first woman to be elected from the State of Texas to the U.S. Senate, but she is also the second woman in the history of the U.S. Senate to serve on the Armed Services Committee, the other woman being, of course, Senator Margaret Chase Smith.

It is my pleasure to yield 5 minutes to Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, I do want to thank my colleague from Maine who followed in Margaret Chase Smith's great footsteps. I appreciate the fact that she has set aside this time for Members to pay tribute to the first woman elected to the U.S. Senate in her own right.

I am really proud to follow women who actually knew Margaret Chase Smith, because when I was growing up, I certainly never thought of running for the Senate. However, I remember people talking about Margaret Chase Smith, not as anything unusual, but as a fine Senator, respected in her own right. "One tough hombre," as we would say in Texas.

I think the fact that she served so well as an early woman Senator made it much easier for those woman Members who would follow in her footsteps.

"Mr. President, I speak as a Republican. I speak as a woman. I speak as a U.S. Senator. I speak as an American." Mr. President, although any one of my speeches could have started in that way, those words came, in fact, from a speech more profound than any comments I have ever made on this floor. These are the words with which Margaret Chase Smith started her "Declaration of Conscience" in 1950.

I rise to pay homage to a woman who embodied clarity of conscience and strength of character during her 24 years in this Chamber.

As my colleague from Maine has said, Margaret Chase Smith led seven other Republican Senators in their condemnation of Joseph McCarthy's tactics in accusing numerous Americans of Communist actions.

Although opposed to Communists in America and abroad, she objected to the scope of Senator McCarthy's investigation when it began to harm the reputations of many innocent Americans.

A true leader, Mr. President, she did this at a time when she only had 1 year of experience in the U.S. Senate. She was quick to go to the forefront. She led her colleagues against Senator McCarthy's inaccuracies when they became clear. Senator Smith's commitment to truth and justice made her transcend partisan considerations, to stand up for what she believed was right.

In order to reflect her distinguished career properly, we should also remember Senator Smith's many other accomplishments. Throughout her four terms, one of her primary interests was military readiness of our Nation. She was the first woman to serve on the Armed Services Committee. Women in the Armed Forces will always remember her as the mother of WAVES—the women's branch of the Navy.

Like many of the senators on this side of the aisle, she worked to protect our technological advantage in the cold war by voting against the Test Ban Treaty of 1963.

In an age when men dominated politics, she was a leader at bringing women into the political process. Senator Smith became the first woman placed on the ballot for nomination for President by a major political party. At the Republican National Convention of 1964, she received 27 votes on the first ballot.

Margaret Chase Smith was a role model. She led the way for others to follow. She left her mark. She was, in fact, an architect of the Nation's cold war defense. She was a credit to the U.S. Senate.

Mr. President, as the only other woman to serve on the Armed Services Committee, I hear many stories about the great Margaret Chase Smith and her time on that committee. I hope to live up to the high standards that she set. I honor her service. I offer my condolences and those of all Texans to the family and friends of Margaret Chase Smith. May she rest in peace.

Ms. SNOWE. Mr. President, I ask unanimous consent to extend morning business for an additional 5 minutes.

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

Ms. SNOWE. Mr. President, first of all, I want to thank the Senator from Texas, Senator HUTCHISON, for her outstanding statement on behalf of Margaret Chase Smith. I know that Margaret Chase Smith would certainly have been delighted and thrilled to hear the remarks that were made here this morning and the work she has performed on the Armed Services Committee.

It also reminds me, as I have heard the statements here today, that it certainly is true that she blazed a trail for women, because we are all firsts here in our own right. If she had not blazed the trail, I am not sure we would be here today. We have all established our trademarks in the way she would be proud, and she would be proud and thrilled by the statements made on her behalf.

It now gives me a great deal of pleasure to recognize Senator BOXER from California. For the first time in the history of California, there are two women Senators. Senator BOXER has the honor of being only one of four in the U.S. Senate to have served in both the House of Representatives and the Senate.

Mr. President, I am glad to yield to the Senator from California 5 minutes.

Mrs. BOXER. Thank you very much, I say to my friend from Maine. She and I served as good friends over on the House side. It is a privilege to be part of this tribute today.

I think it is so extraordinary that a woman like Margaret Chase Smith could bring to this Senate floor Republicans and Democrats who speak of her with such fond memories. I think Senator HUTCHISON found things in Senator Margaret Chase Smith's record she can identify with. I certainly find those, as a Democrat. This says something very special about this woman, that she would be so revered on both sides of the aisle.

Obviously, it is in order to send condolences to the family—the many nieces and nephews, and her sister, Evelyn Williams. I hope that through the sadness of their loss, they certainly can reflect with pride, as we are, on the remarkable life of Margaret Chase Smith.

When you lose someone, whatever age they are, it still is a very painful experience. I am sure they are going through that pain. Just a couple years ago, I read an interview that Margaret Chase Smith gave to a major national newspaper. Believe me, she was sharper than many Members are, at the ripe old age of 95. She lived for nearly a century.

When we think about it, she lived through World War I, World War II, the beginning and the end of the cold war. She lived through women's suffrage and through civil rights. She saw her country and her world grow in many amazing ways.

But she never just sat back. She made history herself and, in doing so, touched many lives, including my own.

I was a child of the 1950's—the time of the "Happy Days," Doris Day movies, the Debbie Reynolds days—when pert women with personalities glowed and danced their way through the perfect life and right into the arms of Eddie Fisher guys, who would sing to them until their dying days.

Politics was not even in the realm of the possible for women, except for Margaret Chase Smith and just a few others.

My mother was an F.D.R. Democrat through and through. Yet, she used to point with pride to Margaret Chase Smith. "Imagine what she must be like," my mother would say. "One woman among all those men. She must be something!" And she was.

Margaret Chase Smith arrived in Washington in 1935, the wife and secretary of Representative Clyde Smith of Maine. Her career began suddenly in 1940 when her husband died and she won a special election to take his place. She went on to serve four terms in the Senate, making her the first woman in history, as my colleague from Maine has noted, to serve in both Houses of Congress. And I think, more significant than that, she was one of the most popular legislators of all times.

She earned her reputation as the conscience of the Senate in 1950, when she became the first in her party to attack Senator Joe McCarthy for his politics of hate and fear and, in doing so, she definitely, in my opinion, blazed trails. Because it does not matter what year it is, what century it is, the fact is there are people in politics who will play the politics of hate and fear and it takes courage to stand up to it, and she taught us how. You can imagine the shock in the Senate when she said, "I do not like the way the Senate has been made a rendezvous for vilification, for selfish political gain at the sacrifice of individual reputations and national unity."

When asked later about the courage she mustered to give that declaration she said, "Oh, my! I'll say it was difficult! But someone had to do it * * *. The more I thought of it, the more I thought, someone has to do this."

I think that is, again, a lesson to us, because sometimes it is very hard to stand up and say something that is unpopular. It is tough to vote for something unpopular, but it is even tougher to stand up and say something unpopular. She was willing to do it and I think, as such, is really a guiding star for both women and men in politics.

That was not the only time Senator Smith defied party unity. She voted for F.D.R.'s New Deal and for Federal support for education, just to name a few. So, therefore, I point out that both Republicans and Democrats can find things in her record that they can identify with.

Mr. President, I ask unanimous consent for just 1 more minute.

Ms. SNOWE. Mr. President, I yield an additional minute to the Senator from California.

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

Mrs. BOXER. Thank you so much.

In her own words, Senator Smith served in Congress in a time when "people felt, as the Constitution says, that people are the Government." I think this is a time when all of us in this Chamber yearn to see that again. We are the Government. Anyone who attacks the Government, such as the kind of thing we saw in Oklahoma City, is essentially attacking America.

In 1975, the long reign of the Lady of Maine—and now we have another Lady of Maine—ended when she was defeated in her fifth run for the Senate. She said, "I hate to leave the Senate when there is no indication another qualified woman is coming in. If I leave and there is a long lapse, the next woman will have to rebuild entirely." In fact, there was a long lapse, but how proud she must have been to see OLYMPIA SNOWE make it and become another Lady of Maine.

I am certainly proud to be one of the many women—and I say there are many of us now, perhaps not enough, but many—to be here today to honor the life of a true pioneer, one who came before and cleared the path for others to follow, one who served as a role model for all of us. Now young women can say: Yes, I can grow up and be a U.S. Senator. I can find the courage to stand up and do what is right.

I again thank my colleague from Maine for giving me this time. Margaret Chase Smith, although she lived 97 years on this Earth, will be missed. But I believe her presence will always be in this Chamber.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to extend, for 5 minutes, morning business.

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

Mrs. HUTCHISON. Mr. President, I just want to finish, before my colleague from Maine sums up this tribute, by thanking the Senator from Maine for doing something very thoughtful. As we go through our workdays and we do not stop to think of some of the important milestones that happened in the world, in the United States, in the Senate, the Senator from Maine has done something very special, and that is to point out that there are so many women, now, in the Senate that we could take 45 minutes from the business day to pay tribute to the first woman who led the way for us.

I think, as we heard the remarks that were made, that each person is following in some way a wonderful lead that was given to us by the great service that Margaret Chase Smith gave to our country; that is, to lead with dignity, with class, with continuity through four terms.

I think the tribute today is a wonderful thing to show the first woman, in fact, made it possible for eight women to follow her and to have in our own right a voice at the table on the Armed Services Committee or in our respective States. I think it was wonderful for the Senator from Maine to make this time possible.

Ms. SNOWE. Will the Senator yield?

Mrs. HUTCHISON. I will be happy to yield.

Ms. SNOWE. I appreciate the comments of the Senator because I think it is true that in no small part it is due to Margaret Chase Smith's presence here that today we have eight women in the U.S. Senate and a record number in the House of Representatives. She certainly served as an inspiration as we began our political careers. I know the first time I visited with her when I decided to run for the House of Representatives, and then more recently when I did have the opportunity to see her last year after I announced my candidacy for the U.S. Senate, she told me to give it all I had, to work very hard, to leave no stone unturned, which is what she always did. I think we needed to have role models like Margaret Chase Smith who would blaze that trail for us to make that possible.

After all, she was born 23 years before women had the right to vote in this country. The fact that she was willing to follow through on an extensive political career, 32 years, is remarkable in and of itself.

So I thank Senator KASSEBAUM, Senator HUTCHISON, Senator FEINSTEIN, and Senator BOXER.

Mr. DOLE. Mr. President, 45 years ago last Thursday, Senator Margaret Chase Smith of Maine rose from her seat in this Chamber and delivered a speech she called a "Declaration of Conscience."

Many historians believe this speech marked the beginning of the end of the era of McCarthyism. And it also marked the finest hour of the remarkable career of Senator Smith, who passed away last week at the age of 97.

I was privileged to serve alongside Senator Smith for 4 years in the Senate. She was as she has been described by many others. No nonsense. Fiercely independent. And sometimes as thorny as the red rose she wore every day.

During her 32 years of service in Washington, Senator Smith accomplished many firsts. She was the first woman to be elected to both Houses of Congress. She was the first woman elected to the Senate who did not succeed her husband. She was the first woman to have her name placed in nomination for President by a major political party.

As she made history, Senator Smith became a role model for many women. One of them was my wife, Elizabeth, who has told me of the time in 1960, when, as a young college graduate interning on Capitol Hill, she called upon Senator Smith.

Not many Senators would share an hour with a total stranger seeking advice, but that is just what Senator Smith did. And she advised Elizabeth to bolster her education with a law degree—advice she eventually followed.

When President Bush presented the Presidential Medal of Freedom to Senator Smith in 1989, he said that she "looked beyond the politics of the time to see the future of America, and she made us all better for it."

President Bush was right. Both this Chamber and America are for the better because of Margaret Chase Smith. I know the Senate joins with me in sending our condolences to the people of Maine.

Mrs. FEINSTEIN. Mr. President, I wish to join my colleagues today in commemorating Margaret Chase Smith, the Republican Senator who made history as the first woman to win election to both Houses of Congress, and the first woman ever to be elected to the Senate.

It is a privilege to be a U.S. Senator. And I am grateful to Margaret Chase Smith for paving the way for me, and the women before me, to serve in this great Chamber. And more importantly, I salute her for being an inspiration, setting an example by being tough yet compassionate.

Senator Smith's accomplishments were great. Among them, a long list of firsts, including being the first woman to sit on the Naval Affairs Committee and to have her name advanced for the Presidency at a national convention. But it is here legislative record and her long history of independence—always voting her conscience, that has left a last impression on me.

She was a political independent, voting with her party when she saw fit and standing alone when she felt strongly about an issue. Indeed, in her first major address to the Senate on June 1, 1950, the freshman Senator denounced Joseph McCarthy. She accused the Wisconsin Senator of reducing the Senate to a "forum of hate and character assassination." In 1954 she voted for his censure.

McCarthy exacted his political payback—expelling Senator Smith from a key committee and, in her next election, leading a vicious campaign against her. Still, it was that speech that was the beginning of the end or his career and which cemented her place in history.

In 1970, during the Vietnam war, she addressed the Senate again in a speech that was later expanded into a book called "A Declaration of Conscience." In that speech, the Maine Senator warned Americans that "excessiveness and overreactions on both sides is a clear and present danger to American democracy." Senator Smith knew that if we did not elevate the level of political discourse beyond mean-spiritedness, that we risked chipping away at the democratic process itself.

Her standing up for what she believed earned her the moniker "the conscience of the Senate." But she stood her ground without resorting to personal invective or shrill tactics. It is this sort of reasoned debate and moderation—the very principles that this Chamber has always stood for—that should continue to guide those of us who sit here today.

Margaret Chase Smith was born in Skowhegan, ME. Her father was the town barber and her mother was a part-time waitress. She herself earned only a high-school education. She taught grade school, was a telephone operator and the circulation manager for a weekly newspaper where she met her husband, Clyde Harold Smith. When, in 1940, her husband died of a heart attack, she successfully ran for his seat in the House of Representatives. She served four terms in the House. Later, in the Senate, she served on the Appropriations, Aeronautical and Space committees and was the ranking Republican on the Senate Armed Services Committee. She also was the chairwoman of the Conference of Republican Senators. Senator Smith served under six presidents—from Franklin Roosevelt to Richard Nixon.

Although she advanced considerably in what was considered a man's world, Senator Smith did not consider herself a champion of women's rights. Yet she wrote legislation that paved the way for women to serve in the military and later voted for the equal rights amendment. By her example, Senator Smith pioneered the way for many women, including myself, to enter the political arena.

Late in her career, Senator Smith said: "I have no family, no time-consuming hobbies. I have only myself and my job as United States Senator."

It is in her job as a U.S. Senator that Margaret Chase Smith distinguished herself, and that she will always be remembered and honored.

Ms. SNOWE. I thank my colleagues once again for their participation in this tribute to a remarkable woman who led a remarkable life, and all the causes she espoused in her political career would serve us well today. It certainly serves as an important reminder of the standards we should establish as public servants, and hopefully that will carry through the years to come.

With that, Mr. President, I conclude this tribute to Senator Margaret Chase Smith.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us do that little pop quiz once more. Remember—one question, one answer:

Question: How many million dollars are in $1 trillion? While you are arriving at an answer, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business Monday, June 5, the exact Federal debt—down to the penny—stood at $4,903,927,957,327.07. This means that every man, woman, and child in America now owes $18,615.39 computed on a per capita basis.

Mr. President, back to the pop quiz: How many million in a trillion? There are one million million in a trillion.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. Under the previous order, the hour of 9:45 having arrived and passed, the Senate will now resume consideration of S. 735, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatch/Dole amendment No. 1199, in the nature of a substitute.

Hatch (for Smith) amendment No. 1203 (to amendment No. 1199), to make technical changes.

Hatch (for Pressler) amendment No. 1205 (to amendment No. 1199), to establish Federal penalties for the production and distribution of false identification documents.

Hatch (for Specter) amendment No. 1206 (to amendment No. 1199), to authorize assistance to foreign nations to procure explosives detection equipment.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I want to make a brief statement so all my colleagues understand the situation. We were supposed to start this amendment at 9:45. I have been prepared since last night. I was here on the floor at 9:30 this morning and have been here straight through, but I do feel it crucial that the chairman of the committee be here because he and I are trying to work out this amendment.

I think it very important that he hears my arguments. It is a very straightforward amendment that deals with extending the statute of limitations to give our law enforcement people more of a chance to go after and arrest and convict those who would violate some very serious laws that are on our books.

I have brought this amendment to the Senate floor because of Oklahoma City, and I feel it is so important that I have sent a message through the Republican leadership that I will be ready to go the moment that Senator HATCH returns to the floor. He is in a hearing. One of the problems around here is that we have to be in so many places at once.

But I do think it is the right thing for this bill, for the American people that the chairman of the committee be here when I offer this amendment. I do not think it should be contentious, but it may be contentious, and I want to make sure we have a fair debate. That is the reason for the delay.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, just a few moments ago, I explained to the Senate that I was awaiting the arrival of the chairman of the committee, the Senator from Utah, who is at a hearing at this time. The reason I was waiting for him is because he expressed some concern with my amendment and at the same time he expressed an interest in working the amendment out. Therefore, I thought it would save some time if he were present when I went through these arguments. But he has sent a message through the leadership that he would prefer if I lay this amendment down. So with the indulgence of the Senate, I will send the amendment to the desk.

AMENDMENT NO. 1214 TO AMENDMENT NO. 1199

(Purpose: To increase the periods of limitation for violations of the National Firearms Act)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1214 to amendment No. 1199.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 17, between lines 2 and 3, insert the following new section:

SEC. 108. INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: "No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

"(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

"(2) 6 years—.".

Mrs. BOXER. Mr. President, what I plan to do is make the case for my amendment. I believe it is one that should receive the unanimous agreement of the Senate, both Democrats and Republicans alike. I hope that it will, and if there is still a problem when the chairman of the full committee arrives, I will indulge the Senate once again to repeat for him the reasons why I think this amendment is compelling.

Mr. President, this amendment comes as a direct result of the Oklahoma experience. That is why my amendment is supported by the chief of police of Oklahoma City and 44 other chiefs of police around the Nation.

The amendment I sent to the desk would extend the statute of limitations for violations of the National Firearms Act from 3 years to 5 years. In other words, it would add 2 years that law enforcement has to complete its case and put the villains away.

This change would equalize the period of limitations for the National Firearms Act with the vast majority of other Federal laws. I think that is the most important point I can make. This is really a conforming amendment. If you look at all the gun laws in the criminal law, they have a 5-year statute. This is an anomaly. We have a 3-year statute here.

So the amendment is fair. It would give prosecutors a badly needed tool. What is this tool? It is more time. It is more time to build their case against violent criminals and terrorists. I want to make a point here. We are not talking about a little game of cops and robbers. We are talking about terrorists and violent criminals who make bombs, who make sawed-off shotguns, who make silencers. That is what the National Firearms Act addresses, and that is why we need this 5-year statute of limitations.

I want to point out that this provision has been requested by the Justice Department. It was included in the administration's bill, and although the pending bill incorporates many of the administration's antiterrorism provisions, for whatever reason, this section was dropped out of the new bill. I think it is important to put it back in.

Again, I want to make it clear that this amendment is directly related to preventing terrorism generally and to the Oklahoma City case in particular.

It is likely that when the investigation into the Oklahoma City bombing is completed, the suspects will be charged with illegally manufacturing a bomb. That crime is a violation of the National Firearms Act, and only the National Firearms Act.

We need to give law enforcement more time. There may be one person involved in the Oklahoma City tragedy, or there may be two. There may be 10 or 100. It is complicated to put the case together. We need to give law enforcement time.

The National Firearms Act, the act I am amending, governs some of the most important firearms offenses on the books. The NFA makes it a crime to make a fully automatic machine gun. That is a crime. It makes it a crime to possess a sawed-off shotgun, or to make a homemade silencer.

Now, surely those offenses are serious and complex enough to merit a 5-year statute. In addition, it covers the making of a destructive device, or a bomb. So we have the fully automatic machine gun, a sawed-off shotgun, a homemade silencer, and an incendiary device, or a bomb.

Surely, law enforcement should have 5 years to complete their case, just as they do for all other gun laws.

The NFA, the National Firearms Act which I am amending, is the act which deals with homemade fertilizer bombs, Molotov cocktails. It is the only statute that deals with them. It has a 3-year statute of limitations instead of the 5-year. That means that any charges brought for violations of the NFA must be filed within 3 years of the crime.

To show how important this difference is, I urge my colleagues to consider this: If a terrorist builds a bomb in 1995, but Federal prosecutors are unable to gather enough evidence until 1999, they cannot file those charges. The statute of limitations begins running from the time the bomb is made. I think this is important. For the crime of illegal making a bomb, the statutes of limitations runs from the time the bomb is made—not the date the bomb was used.

Theoretically, we could have a terrorist group make a bomb, store it for 2 or 3 years, use it, but by then the statute would have expired. So we could not get the perpetrators. That is why this amendment is so important. It is not just a technical change. It is a very substantive change. It needs to be included in this bill.

These investigations are complicated. Yesterday, we were all moved to see the families from Oklahoma City asking Members to make this bill the law of the land in the name of the people who died. I want to see that happen. I want to see that happen. I also want to make sure that the people who perpetrated the crime are caught—each and every one of them.

This investigation may lead in 3,000 different directions. We have heard there are thousands of leads. We should get every last individual who participated in this vicious crime.

Mr. President, this is not an academic debate about periods of limitation. This change is badly needed. It has been requested by those who investigate and prosecute criminals.

I have put on Senators' desks the names of 45 police chiefs who urge support for the Boxer amendment. These

police chiefs are from all over the country, from Oklahoma City to the east coast, the West, the South, the North. They are unanimous in this. They need this time. They need this tool.

It could take years to unravel complex criminal conspiracies. Law enforcement should not be faced with an unwise artificial deadline to file charges. I want to say again, this is not an academic debate. I have been told by Federal investigators that the 3-year statute of limitations for the National Firearms Act has stopped actual criminal investigations. Indictments that would have been issued in actual explosive cases were not issued because of the NFA's short statute of limitations. Criminals could go free because the statute of limitations is only 3 instead of the usual 5.

The short statute of limitations is truly an anomaly in Federal law. For example, possessing or manufacturing an assault weapon in violation of the ban passed last year has a 5-year statute of limitations, not a 3-year statute of limitations. Manufacturing cop killer bullets has a 5-year statute of limitations, not a 3-year statute. Manufacturing an undetectable firearm has a 5-year statute of limitations. However, in the National Firearms Act, unless we pass the Boxer amendment, we have a 3-year statute of limitations for crimes like making bombs, silencers, sawed-off shotguns.

No one can explain to me why it makes sense to have a 5-year statute on carrying an assault weapon or manufacturing an assault weapon and only a 3-year statute for a sawed-off shotgun or a bomb. It makes no sense. There is no reason for it.

The Boxer amendment addresses the problem simply. I hope and hope that we can all reach agreement on this and not have to argue about it. It is common sense to match the statutes of limitations for the vast majority of Federal criminal laws. We need a level playing field so Federal law enforcement can prosecute violent criminals more effectively.

Again, I want to stress that this change was requested by the Justice Department and the Treasury Department, and the administration supports this. This is a bill where we see bipartisan support. We have Senator DOLE, Senator DASCHLE, and the President of the United States speaking in one voice that we must pass this bill.

Now, this is one bipartisan amendment we should be able to pass. We have Federal prosecutors supporting this change. Local police chiefs who want to keep guns and bombs out of the hands of violent criminal—45 of them in the time we could organize.

These law enforcement officers know that extending the statute of limitations for National Firearms Act offenses will make it easier to put violent criminals behind bars.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter signed by the 45 police chiefs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 1995.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: In the wake of the Oklahoma City bombing and the recent shootings of police officers around the country, we, as police chiefs who are sworn to protect the public and our officers, strongly urge your support for the following four amendments to the upcoming anti-terrorism bill:

Cop-killer bullets.—This amendment, to be offered by Senator Bradley, will prohibit "cop-killer" bullets based on a performance standard rather than the physical composition of the bullet, as current law requires.

Multiple handgun sale forms.—This amendment, to be offered by Senator Kennedy, will allow local law enforcement to keep a record of multiple handgun sales rather than destroy the forms, as current law requires.

Guns for felons.—This amendment, to be offered by Senators Lautenberg and Simon, will permanently close the current loophole that allows some violent felons to regain their right to possess firearms.

National firearms act.—This amendment, to be offered by Senator Boxer, will increase the statute of limitations for violations of the National Firearms Act from three to five years.

These amendments are designed to close current loopholes in federal law. They will provide law enforcement with additional tools to apprehend violent offenders, vigorously prosecute them and combat crime on our streets.

We strongly urge you to demonstrate your unwavering commitment to the protection of law enforcement and the safety of all Americans by supporting these public safety measures.

Sincerely,

Chief Jerry Sanders, San Diego, CA.
Colonel Clarence Harmon, St. Louis, MO.
Chief Louis Cobarruviaz, San Jose, CA.
Chief Anthony D. Ribera, San Francisco, CA.
Deputy Chief Roy L. Meisner, Berkeley, CA.
Chief Noel K. Cunningham, Los Angeles Port, CA.
Chief Dan Nelson, Salinas, CA.
Chief Robert H. Mabinnis, San Leandro, CA.
Chief James D. Toler, Indianapolis, IN.
Chief Sam Gonzales, Oklahoma City, OK.
Director Steven G. Hanes, Roanoke, VA.
Chief Robert M. Zidek, Bladensburg, MD.
Chief Charles R. McDonald, Edwardsville, IL.
Chief Lawerence Nowery, Rock Hill, SC.
Chief Edmund Mosca, Old Saybrook, CT.
Chief William Nolan, North Little Rock, AR.
Chief David C. Milchan.
Chief Lockheed Reader, Puyallup, WA.
Chief Peter L. Cranes, W. Yarmouth, MA.
Chief Daniel Colucci, Kinnelton, NJ.
Chief Gertrude Bogan, Bel Ridge, St. Louis, MO.
Chief Reuben M. Greenberg, Charleston, SC.
Chief Robert L. Johnson, Jackson, MS.
Chief Robert M. St. Pierre, Salem, MA.
Chief Douglas L. Bartosh, Scottsdale, AZ.
Chief Perry Anderson, Cambridge, MA.
Chief Leonard R. Barone, Haverhill, MA.
Chief Ronald J. Panyko, Millvale, Pittsburgh, PA.
Chief William Corvello, Newport News, VA.
Asst. Chief James T. Miller, Dekalb Co. Police, Decatur, GA.
Chief Larry J. Callier, Opelousas, LA.
Chief Leonard G. Cooke, Eugene, OR.
Chief Harold L. Johnson, Mobile, AL.
Chief Charles A. Moose, Portland, OR.
Chief Frank Alcala, East Chicago, IN.
Chief E. Douglas Hamilton, Louisville, KY.
Chief Charles E. Samarra, Alexandria, VA.
Chief Allan L. Wallis, Renton, WA.
Chief Scott Burleson, Waukegan, IL.
Chief C.L. Reynolds, Port St. Lucie, FL.
Chief Sylvester Daughtry, Greensboro, NC.
Chief Jimmie L. Brown, Miami, FL.
Commissioner Gil Kerlikowske, Buffalo, NY.
Chief Harold L. Hurtt, Oxnard, CA.
Chief Norm Stamper, Seattle, WA.

Mrs. BOXER. Mr. President, this amendment should be adopted. It is fair. It levels the playing field for firearms crimes. It is needed. It is not this Senator who says it is needed; it is the people who do the work, the difficult law enforcement work, tracking down these leads, these thousands of leads, have asked for this additional tool, these additional 2 years.

Mr. President, Congress talks a lot about getting tough on crime. There is not one of us I have not heard make a speech about, "Let's crack down." There is a difference between talking about getting tough on crime and being tough on crime by giving law enforcement the tools that they need. This does not cost us any money. They are not asking for more equipment. They are not asking for bigger office space or another computer system. They are asking for time to track down these leads.

We are in a new phase now, unfortunately, in our country. Who ever dreamed that we would have people within America who would build a device, a bomb, and kill innocent people and innocent children; turn on the Government of, by, and for the people, and somehow twist it around as if it was not America?

It is complicated and it is new and it is different and it is frightening, and law enforcement needs this additional time.

I have no other comments at this time. I have not organized a team of speakers because, frankly, I think this amendment is eloquent in its simplicity and very clear in its common sense. I hope we will have bipartisan support for the Boxer amendment, and at this time I yield the floor and reserve my right to regain the floor when the chairman of the Judiciary Committee makes it here to the floor. I understand he is tied up in a committee. We expect him here I think at the top of the hour, and I look forward to debating with him on this amendment if in fact he feels it is not appropriate.

But I hope against hope that he will in fact embrace this amendment and

we can once again show the Nation we are united across party lines in our desire to go after those terrorists and give law enforcement the tools they need to make sure justice reigns in this great Nation of ours.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

FIGHTING CRIME THROUGH TECHNOLOGY

Mr. DEWINE. Mr. President, as we proceed on this antiterrorism bill, I would like to discuss for a moment one provision of the bill which I believe is very noncontroversial but I think is very significant, and that is the provision of the bill that concerns the increased help, the increased assistance that we are going to give to local law enforcement in regard to giving them the tools they need to fight back, and that is the area of technology. This is one of the essential tools as we fight against terrorism.

The bill we are discussing today strengthens the ability of local law enforcement officers to use high technology to combat terrorism and, frankly, to combat all sorts of crime. It provides for the expenditure of $500 million over the next 3 years to develop and upgrade some very important information systems. These systems provide ready access to criminal histories, fingerprints, DNA, and ballistic information.

The terrorism bill will also help local law enforcement agencies connect into these data bases. A data base in Washington, DC, will not do much good if the local communities, the tens of thousands of local law enforcement agencies that are spread throughout this country, cannot access that information. Let us make no mistake about it, this is a very important component of this legislation, just as it has always been a very important component of our fight against crime.

Last Saturday's Washington Post provided a case in point. It contains a detailed description of how the Oklahoma City bombing suspects were tracked down. Every step of the way, the suspects left a physical trail of evidence that could be fed into the FBI's computer database. The FBI, according to this story, has set up a very sophisticated computer system to put all kinds of information in, some relevant and some not relevant—you never know until it is put in. You try to make the match and pull it back up and use it. But according to this story, there are now at least 38 million bytes of information just in this database on just this one crime alone, the Oklahoma City bombing.

There were 12,800 pieces of evidence collected in Oklahoma City, almost 13,000 pieces of evidence. The FBI computers are being used to analyze all this evidence. I have already told my colleagues the story of how the apprehension of the key Oklahoma suspect came about. It is truly a compelling story. An Oklahoma City detective found a piece of tattered metal at the crime scene. On this piece of metal, he found a vehicle identification number, or a VIN number—one little piece of evidence. He fed this VIN number into the National Insurance Crime Bureau. In a matter of seconds, the bombing truck was identified.

Meanwhile, an Oklahoma State trooper had pulled over the fleeing suspect for driving without a license plate. The trooper had no idea at that time the person he pulled over was a suspect in a major crime, but he called the National Crime Information Center to ask for some data on the suspicious motorist, and when he tapped into the system, that left a fingerprint into the system. In a moment, we will see the importance of that.

Later on, the FBI, based on the information they had obtained from that VIN number—we will jump forward now, a lot of work, a lot of tracking—they were able to get the name of Timothy McVeigh.

Later, when the FBI fed the name Timothy McVeigh into their computers, the computer informed them, because of this fingerprint that had been placed into the system, of his arrest on these unrelated charges. Thanks to this technological edge, the FBI was able to find out an obscure arrestee was in fact America's most wanted criminal suspect.

The McVeigh arrest demonstrates how our technological edge can work and how in fact it can help solve crime, how in fact it can and does save lives.

Another story which was in last Friday's paper shows again the importance of technology. On May 28, a North Carolina State trooper arrested a motorist for speeding. Using established procedure, the trooper ran the motorist's name in the North Carolina State computer databank. The trooper did not run the motorist's name in the national database. That was apparently the procedure in the State at that time—just to run it in the State database, but not the national base. The motorist's name did not show up in the State databank. If the trooper had run the motorist's name in the national databank, he would have discovered the driver was wanted for the shooting of two Washington, DC, police officers and the attempted murder of his girlfriend. Eleven hours after he was arrested for speeding in North Carolina and released, the suspect killed an FBI agent in a shootout in the Washington, DC, metropolitan area.

My purpose in telling the story is not to put blame on anyone, not to be judgmental, but again to point out how very, very important it is that these databases be used and how they can in fact not only solve crime but how they can save lives.

Mr. President, as a result of this incident, North Carolina has taken, to use the phrase, the "worthy step" of encouraging its troopers to run the names of all out-of-State suspects in the national computer. You never know. It certainly does not hurt to ask.

Last month I introduced a comprehensive crime bill, and one of the key elements of my proposed legislation was a renewed focus on crimefighting technology on making sure that the local crimefighters are in fact plugged into a truly all-inspiring national database. Technology is already a proven tool in the fight against terrorism. One of the suspects in the World Trade Center bombing was tracked down—listen to this—because he left a DNA sample in the saliva he left when he sealed an envelope containing a letter to the New York Times. In that letter he claimed responsibility on behalf of his terrorist group. But unknown to him, he left indelible proof of his own identity in the DNA. Mr. President, we have the tools to win this fight. Let us use them.

I want to thank Senator DOLE and Senator HATCH, two individuals who have worked on this bill, for the job that they have done, and for including my provision that I wrote and put in the crime bill—taking that section and putting it in this antiterrorism bill because it has a lot to do with solving the problem of terrorism in this country and has a lot to do with this technology in solving all crimes.

It would be a crime—if I could use the term—if we did not make sure that every law enforcement agency in this country was able to tap into this national database. It would be wrong if for a relatively small amount of money we did not make sure that not only did we tap into the information and pull it back out but that we could get information from every law enforcement agency in the country.

Mr. President, I ask unanimous consent that the two articles which I just referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 3, 1995]

HOW DETECTIVES CRACKED OKLAHOMA BOMB CASE

(By Pierre Thomas)

OKLAHOMA CITY.—Three weeks ago, a 40-foot-long tractor-trailer secretly left here loaded with cargo that holds clues to the deadliest terrorist bombing in U.S. history.

Riding shotgun on the truck were armed federal agents guarding more than 7,000 pounds of evidence. The truck carried parts of a rental truck used to store the massive bomb that blasted the federal building here April 19 and a yellow Mercury Marquis, the car of prime suspect Timothy James McVeigh. Final destination of the truck was a laboratory at 10th Street and Pennsylvania Avenue NW in Washington, the FBI's headquarters.

In coming days, forensics experts plan to reconstruct as much of the truck as possible and dust every part of McVeigh's car for fingerprints, using lasers and the latest in latent fingerprint technology. They also will swab and vacuum the car to capture tiny particles and chemically analyze every bit of soil, hair, fiber and residue in an effort to link McVeigh and others to the bombing of the Alfred P. Murrah Federal Building.

While the overall probe has been conducted in the glare of publicity, much of the crucial investigative work has involved behind-the-scenes forensics technology and use of computers to a degree never before seen in a criminal inquiry. In much the same way authorities are trying to use DNA analysis in the O.J. Simpson murder trial. FBI officials want to be able to provide a jury with reams of precise and detailed evidence tying suspects to the case. "This case is juxtaposition of 21st century technology and tried police work," a senior enforcement official said.

The chase for clues began two hours after the bombing. Oklahoma City detective Mike McPherson, surveying what looked like a war scene, noticed a piece of tattered metal that at first glance appeared to be just another mangled reminder of the explosion that left 168 dead. Looking closer, he could see the metal was an axle, charred and twisted at both ends, suggesting it might have been at the explosion's epicenter. Methodically cleaning it, he found a partial vehicle identification number (VIN). Law enforcement had its first big break in the case and immediately turned to computers for help.

McPherson called the identification number to the National Insurance Crime Bureau, which keeps a database that stores 300 million automobile VINs and other records. In seconds, the computer determined the axle came from a 1993 Ford truck eventually sold to Ryder Rentals of Miami. At the FBI's request, Ryder found the truck had been sent to Elliott's Body Shop in Junction City, Kan.

The night of the bombing, agents from the FBI's Salinas, Kan., office contacted Elliott's and, by morning, had descriptions of two suspects, John Doe No. 1 and John Doe No. 2. Composite drawings were developed, using computers to make them appear more lifelike. The FBI also took all the documents John Doe No. 1 signed to look for fingerprints that might match McVeigh's.

"It hit me later that the VIN number was a special number, that this was a very big deal," McPherson said, noting the computers had saved time, doing in seconds work that earlier might have taken hours.

"From that rental shop, we started to expand the investigation out in concentric circles," one senior law enforcement official said. "We planned to go to every restaurant, gas station, hotel between there and Oklahoma City."

More than 1,000 FBI and Bureau of Alcohol, Tobacco and Firearms agents were flown in from around the country, including heads of the FBI's Phoenix, Dallas, Houston and New Orleans field offices. At sites near the blast, agents requested store video surveillance tapes and used computers to enhance the images, hoping McVeigh or others with him could have stopped at a convenience store in days preceding the bombing.

On Thursday, April 20, FBI agents reached the Dreamland Hotel in Junction City. The manager recognized the composite of John Doe No. 1, a young cleanshaven man with a military crewcut. The man, hotel officials said, had stayed in Room 25 and had been driving a large Ryder truck. He also had registered as Timothy McVeigh.

Around that time, a former co-worker of McVeigh's saw the composite sketch on television and called the FBI, telling agents McVeigh expressed anger at the federal government and agitation over the federal-Branch Davidian standoff near Waco, Tex., court records said.

A day earlier, about 90 minutes after the bombing, Oklahoma state trooper Charles D. Hangar had seen a yellow Mercury Marquis without a license plate driving up Interstate 35 near Perry. The driver was McVeigh, who also was carrying a concealed semiautomatic pistol.

Curious, Hangar later queried the FBI's National Crime Information Center (NCIC), a national law enforcement database that includes details on outstanding warrants and fugitives. Hangar had no idea he had just arrested the bombing's prime suspect, but his data request left a fingerprint in the system.

At 7 a.m. Friday, April 21, NCIC officials plugged McVeigh's name into the database and saw information flash on their computer terminals. It showed he had been arrested and offered the name of the arresting law enforcement agency. What they did not know was where and if McVeigh was still being held.

Two agents—one FBI, the other ATF—were assigned to track down McVeigh and began calling jails near the location of his arrest. They learned McVeigh was being held at the Noble County Jail and soon would be released.

McVeigh then became the investigation's focal point. Even before bringing McVeigh into custody, agents began to dissect his life history and associates. The plan was simple: find out who McVeigh spent time with, and other suspects would pop up, hopefully even John Doe No. 2, who had not been found. The plan seemed simple but its execution was complex since McVeigh, after serving in the Army, had drifted from Michigan to Arizona.

Agents obtained a Michigan driver's license from McVeigh, and a computer check of the state's motor vehicle records listed a Decker, Mich., address. Authorities learned two brothers, James and Terry Lynn Nichols, at some time had resided there. McVeigh had been stationed in Fort Riley, Kan.; had recently lived in Kingman, Ariz.; and had family in Pendleton, N.Y. Terry Nichols, the second suspect arrested in the case, lived in Herington, Kan.

As the investigation broadened, command posts were set up in any area offering promising leads—Kingman, Chicago, Los Angeles and Kansas. A national hotline was established to take tips, and tens of thousands of calls came in. "We were chasing everything that made sense, credit records, telephone records," one senior law enforcement source said.

A Justice Department team flew in computer terminals to link into the department's Eagle system, which allows federal prosecutors around the nation to communicate electronically. At the same site, a Southwestern Bell Co. warehouse downtown here, the FBI installed 20 to 30 computer terminals and flew in a team to set up Rapid Start, a three-year-old automated case filing system used in investigating the World Trade Center bombing.

As leads came in, they were typed onto a standardized form and then encoded into Rapid Start. There are now at least 38 million bytes of information on the Oklahoma bombing stored in the database.

The FBI has subpoenaed records from telephone companies around the country, which establish more than 66,000 calls made by McVeigh, Nichols and other associates. Those calls were punched into the database, allowing investigators to sort for patterns.

The 12,800 pieces of evidence collected in Oklahoma City, including some of the rubble and shrapnel taken from the many victims, now are being analyzed. Much of the work is tedious as experts will try to match the chemical composition of explosive residue found at the scene to that allegedly found on McVeigh's clothes and in his vehicle. Similar work is being done on items recovered from Terry Nichols's home.

But the technology has not eliminated the need for a critical component in most investigations—simple luck. If detective McPherson had not stumbled upon the axle quickly, it could have taken months to track down McVeigh, one law enforcement official noted. Computers or nothing else would have mattered, he said.

[From the Washington Post, June 2, 1995]

N.C. OFFICER ARRESTED AGENT'S KILLER HOURS EARLIER

(By Brian Mooar and Bill Miller)

A North Carolina state trooper arrested Ralph McLean for speeding 11 hours before the Landover man fatally shot an FBI agent in Greenbelt, but the trooper failed to check his name against a national database of wanted criminals, officials said yesterday.

A check of the FBI's National Crime Information Center computer would have turned up an outstanding warrant for McLean, who was wanted in the shootings of two D.C. police officers and in the attempted murder of his girlfriend, authorities said.

Washington area law enforcement officials privately expressed frustration over the missed opportunity to catch McLean before he killed FBI agent William H. Christian Jr. and then shot himself to death in a wild gun battle early Monday. North Carolina state police said the trooper followed the department's policy discouraging federal checks on stopped motorists who do not behave in a suspicious manner.

But after considering what happened with McLean, North Carolina on Wednesday adopted a new policy to run checks on out-of-state motorists pulled over by troopers.

Trooper J. Harold Lee stopped McLean about 2 p.m. Sunday after clocking the man's blue 1992 Oldsmobile at 82 mph in a 65-mph zone on northbound Interstate 95 in Johnston County near the hamlet of Smithfield. McLean, who has been described as having a pathological hatred toward law enforcement officers, sat next to Lee in his cruiser and made small talk while the 21-year veteran trooper wrote his speeding citation.

"He was polite [and] cooperative," Lee said. "No indication of anything being out of the ordinary. He was in a little bit of a hurry. That's all that was indicated * * * . He just wanted to know how long it would take."

But as McLean followed Lee to the local magistrate's office, where McLean posted a $200 bond for the speeding violation, the

trooper saw him make a call on a cellular telephone and became suspicious.

Although the North Carolina Highway Patrol's procedures did not require a name check on McLean, Lee ran McLean's driver's license number through a state computer system and found nothing. If he had entered McLean's name in the FBI computer, officials said yesterday, he would have learned of a warrant charging McLean with assault with intent to kill a D.C. police officer in January.

"There's nothing I could have done any different," Lee said. "It was a routine stop that we make daily on the interstate, and there's no other way to do it."

Capt. Raymond W. Isley, commander of the North Carolina Highway Patrol's interstate division, said the department has ordered national checks on all out-of-state motorists pulled over by its troopers.

"We reviewed this case because . . . it's a tragedy," Isley said. Isley said his department has not routinely conducted federal checks because they tie up dispatchers, and "we don't want to get implicated with unduly delaying people. We generally don't do it unless there is a need to do it. Ninety-nine and nine-tenths of the people are not criminals. . . .

"If we get suspicious of you, we do [checks],' 'Isley said. "But in this case, the man was very polite, very cordial. This was a seasoned officer, and he was looking for something out of the ordinary. But [McLean] controlled himself very well in his presence."

Hours later, about 1 a.m. Monday, McLean crept up to an unmarked cruiser in the parking lot of Greenbelt Middle School and fatally shot Christian, one of 27 investigators waiting to surprise him. McLean was hit by seven bullets and then took his own life, the Maryland state medical examiner's office said.

McLean was carrying the semiautomatic assault pistol used to kill Prince George's County police Cpl. John J. Novabilski in an April 26 shooting, and he died of a bullet from Novabilski's stolen Beretta 9mm service pistol.

The National Crime Information Center is an FBI office that maintains a database for state and local law enforcement agencies that receives 1.3 million inquiries a day, the FBI said. The computer tracks nearly 400,000 people wanted for crimes, as well as data concerning crime-related categories. Authorities can learn whether a person has significant outstanding warrants or a criminal history.

McLean's name was listed on the computer Saturday when D.C. police obtained a warrant for his arrest in the shooting of city police Sgt. Eric L. Hayes.

Law enforcement specialists said the service was designed to protect not only the public but also the nation's police officers by alerting them to dangerous suspects.

Policies on routine federal checks vary among Washington area departments. Virginia State Police do not require checks on traffic violators. Maryland state troopers are urged to check the driver and the car through the federal system.

"We check for any warrants or wanted [alerts] for the people or the vehicle," said Mike McKelvin, a Maryland State Police spokesman.

Lee, who retires in 11 days, said the traffic stop was indistinguishable from tens of thousands he had made until Monday afternoon, when a Maryland homicide detective called him after finding the speeding citation among McLean's belongings.

Lee said he is convinced that he did everything right during his 45-minute encounter with McLean—and that he was lucky things didn't turn out differently after McLean opened the trunk of his car and rooted through luggage to find his driver's license.

"I was just very fortunate the stop ended like it did for myself," Lee said. "Maybe the Lord was looking after me."

Mr. DEWINE. Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me say to my friend from Ohio that I applaud his efforts. As he knows, in the crime bill that we passed we provided $100 million for just these purposes. As a matter of fact, it has been over a decade ago that I initiated an effort in the first crime bill introduced to get the NCIC up to speed to actually make it work. We received some considerable resistance then interestingly enough from the very left and the very right, the right because, as the Presiding Officer notes, the right is always concerned about anyone when anything has to do with Government having power, and the left because they are concerned about the Government having power. So it was stalled for a while in the so-called Biden crime bill which passed out of here.

I wanted that number to be higher out of the trust fund. The most we could get any agreement on was $100 million. I do not quibble with the notion that we could effectively spend more money.

The Senator may recall, because he was in the House at the time, that the local authorities thought they could get by with the $100 million as long as the FBI was essentially going to be the purchasing agent for them. What we do not want to have happen is a little police department in central Ohio or southern Delaware—they may be the very people who pick up the McVeigh's of the world—and we do not want them to be in the position where in order for them to purchase this equipment and some of the more automated fingerprinting capability, the NCIC, the blood and saliva DNA capability, we do not want them to be out there since they are purchasing a very small quantity of whatever it is that is being purchased having to pay considerably more than the police department in Columbus, or New York, or Wilmington, DE, or Philadelphia has to pay. But as it turns out they have concluded that they need more help.

Again, I look forward to working with my friend from Ohio on this issue as the continuation of an effort that he supported when he was in the House as well. He is not new to this. He knows this area as well as anyone does.

One of the things at some point—I will not take the time now because the distinguished Senator from California who has been waiting since 9:30 to go with her amendment is ready to go now that the chairman of the committee is here. We will have a long day today. Maybe the Senator and I, as we say, can repair to the cloakroom. I would like to talk about his formula which he has built in here which is the distribution based strictly on population which seems at odds with the notion that we acknowledge that these little police departments, and smaller areas in population, also in a strange way need the help more than even the large police departments.

So I acknowledge at the front end the parochial interest in that Delaware is a small State and under the formula would be in a disadvantageous position for this additional funding. I do not expect the Senator to change his formula. I would like to make my case to him since this is esoteric.

Mr. DEWINE. If the Senator will yield for a moment, let me congratulate the Senator from Delaware because he really has been a leader in this area. I had the opportunity about 2 months ago to go to the FBI and look to see exactly where all of these systems were. It is amazing the progress that they have made. In the last several crime bills there has been systems in there, and I know particularly that the Senator from Delaware has been a prime leader in this area. Frankly, what the FBI tells me is that they are moving along very, very well. The background for my writing this section was frankly what the FBI told me, and also what local law enforcement told me. That was, look, I say we are moving along very, very well, quite frankly thanks to what the Congress has done. A significant amount of money Congress has put in.

But they said, "Senator, let us tell you the one concern we have; that is, our database is only as good as the information we get. Our concern is that some of these small departments—which the Senator from Delaware is referring to—will not have the resources. They will not have the ability to tap in."

So I look forward to working with the Senator from Delaware in regard to the formula. Our idea, frankly, is to make sure that every police officer in the country—some way, either through his or her own department or through a consortium or through the departments going together—has the ability to put that information into the computer and to get it back out. Frankly, my only interest is making it work. So, if we can come up with a formula that works better to do that, I am more than happy to work with the Senator to do that.

Mr. BIDEN. Mr. President, that is why I rose to speak to this to divert slightly from the amendment process. I am not being so solicitous. I know of the Senator's interest, knowledge, and genuine concern about this. One thing

that he did not mention that he has in the past, but I think it is worth noting here, is this information also has the ancillary benefit of saving police officers' lives. The Presiding Officer knows that in his State of Pennsylvania he has had a rough year already with loss of police officers' lives. It has not been a good year. The start has not been a good one.

It is very, very, very practical information when that trooper pulls up behind an automobile. If he has the system and equipment in his automobile and the database is real, he literally can, before he gets out of the car, punch in and find out if that automobile is not only stolen but where and when and how.

He also has the capability, if we give him the capability and if the States step up to the ball, of using this portable, automatic fingerprinting operation where they can literally have a driver come up into their automobile—what the average citizen would think is a portable fingerprinting machine—to actually have that person get out of the car, walk up, stick their thumb or forefinger in this machine in the automobile, and instantly get a readout as to whether or not the license that they are carrying comports with their identity.

This not only makes a lot of sense in terms of tracking and using it as a device to solve crimes, but it also has the immediate benefit of literally saving lives of police officers. As a former prosecutor, the Senator from Ohio knows this. In my discussion with police—and, as you know, the head of the FOP and a number of leading members of the FOP are from the home State of the Senator from Ohio—they know of his work and his interest in this area.

So I compliment him on his initiative and thank him for his willingness to speak with me about the formula. With that, unless the Senator from Ohio wishes to say anything else, I see the distinguished Senator from California is on her feet and is ready to go with her amendment, I think, or is she?

Mrs. BOXER. I am absolutely ready to go with the amendment. My friend, the good Senator from Ohio, has been with me here since 9:30 this morning. I was ready to go at that time. I did lay down my amendment. As my friend from Delaware knows, there is some concern on the other side, although I think it is not all that widely based, that we should narrow the scope of my amendment. It is not my intention to do that.

I am ready to vote on my amendment right now. I say to my friend from Delaware, I would greatly appreciate his views on my amendment because I have expressed mine. If I can have some time at this point, I can summarize in 5 minutes and then I would love to have my friend from Delaware react to the amendment and perhaps express his view as to whether it is a commonsense amendment.

Mr. BIDEN. Mr. President, if the Senator will yield for a moment, I am anxious to do that. I sincerely hope she does not amend her amendment. I will, in time, at an appropriate time, explain why I hope that is not the case. I am of the view that if Senators listen to this debate or this discussion, I think it is very, very difficult to make a case why the exception being sought should be granted. I will yield the floor back to the Senator, have her make her case, and I am prepared and anxious to speak to her amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1214

Mrs. BOXER. Thank you very much, Mr. President. About one-half hour ago, I laid down my amendment which would really, I think, add a lot of common sense to our gun laws, because we seem to have two sets of statutes of limitations.

Generally, gun laws and criminal laws have a 5-year statute of limitations, except for the National Firearms Act, which has a 3-year statute, which means that the police have to complete their work on sometimes very complicated cases, in 3 years.

Now, what are these cases? And this is where I think Senators ought to listen. There are only three cases: The making of a bomb, such as the bomb that was made in Oklahoma City, is only covered in the National Firearms Act. So we have to go after these terrorists. This is the place. Law enforcement is asking us for 5 years, not the 3 that they have. That is one case.

The other case is the making of a sawed-off shotgun. The only place where that crime is covered is in this law, and we think there ought to be a 5-year statute.

And the third, the making of a silencer, is covered in this particular statute, which I would like to amend to 5 years.

So what we are suggesting is that those three areas—silencers, sawed-off shotguns, and bombs—ought to be covered by the same statute of limitations as exists in, for example, the assault weapon ban, cop-killer bullets, and all criminal laws, which basically have a 5-year statute.

I see that the distinguished majority leader is on the floor. I was hopeful that maybe that indicated we could move this along by simply accepting it because it is, in fact, an amendment that really comes to this floor via law enforcement.

On Senators' desks I have the names of 45 police chiefs who urge support for the Boxer amendment. These police chiefs are from California; Oregon; Washington State; Florida; New Jersey; Arizona; Pennsylvania; Roanoke, VA; Connecticut; Indiana; Illinois; New York; Massachusetts; Maryland; Arkansas; Kentucky; South Carolina; Georgia; Missouri; Alabama, and I do not know whether I mentioned Oklahoma City. The Oklahoma City chief of police wants us to adopt the Boxer amendment.

Just now, I was handed a letter from the Fraternal Order of Police. The Fraternal Order of Police, Dewey Stokes, has sent us a letter that says:

> Senator Boxer will offer an amendment that will assist prosecutions under the National Firearms Act. The NFA prohibits the manufacture, sale and possession of machine guns, sawed-off shotguns and bombs. The statute of limitations for NFA violations, however, is only 3 years, in contrast to a 5-year statute of limitation for all other gun control laws and most criminal laws. The Boxer amendment will increase the statute of limitations for NFA violations to 5 years.

The Fraternal Order of Police firmly supports . . . this amendment. And it goes on to write:

> You have supported law enforcement in the past and we hope you will stand with us again by voting to approve these vital propolice amendments.

So, Mr. President, the Boxer amendment is a propolice amendment described that way by the Fraternal Order of Police and 45 police chiefs in this country who are saying to the U.S. Senate: "Please pass this antiterrorism bill, but give us the tools we need."

And here is one tool that does not cost any money, Mr. President. What we are giving the law enforcement authorities is time, time to follow the thousands of leads, time to put together the pieces of the puzzle. I really hope we can have bipartisan support for this amendment in its entirety. The police chiefs are not just supporting part of the Boxer amendment, they are supporting the entire Boxer amendment, and I hope we can come together and move on, because as I watched the families of the victims of Oklahoma yesterday begging us to move forward a bill that would help bring these evildoers to justice, it certainly occurred to me that it would be tragic if the statute of limitations ran out.

One thing we have to remember, the statute starts running when the bomb is completed. So if a terrorist builds a bomb and stores that bomb for a year or 2 before using it, we may be down to a year for the police to put together all the leads.

So at this time, Mr. President, I ask unanimous consent to print in the RECORD the names of the 45 police chiefs who have endorsed the Boxer amendment and the letter from the Fraternal Order of Police that we just received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, June 5, 1995.

DEAR SENATOR: As the Senate prepares to debate the anti-terrorism bill, on behalf of

the 270,000 police officers who are members of the Fraternal Order of Police, I want to strongly urge that you support three pro-law enforcement amendments that will be offered to the bill. The three amendments concern cop-killer bullets, re-arming felons, and the National Firearms Act. Specifically, the Fraternal Order of Police urges your support for the following:

Senator Bradley will offer an amendment to strengthen the current cop-killer bullet law. In 1986, Congress passed and President Reagan signed legislation prohibiting the manufacture, importation and sale of handgun ammunition capable of piercing the body armor worn by most police officers. Earlier this year, the "Black Rhino" bullet received a lot of publicity for its supposed armor-piercing qualities. While the claims turned out to be exaggerated, manufacture of such a bullet would have been allowed under current law. Because the 1986 law prohibits bullets based on their physical composition, manufacturers currently working to develop ammunition like the "Black Rhino" would be able to manufacture and market them to the public. The Bradley Amendment will close this loophole by prohibiting the manufacture and sale of armor-piercing ammunition based on reasonable performance standards rather than composition.

Senators Lautenberg and Simon will offer an amendment that will prevent all persons convicted of a violent felony or serious drug offense from ever possessing firearms. Even though federal law generally prohibits a convicted felon from possessing a firearm, ATF can grant a waiver to this prohibition, following an extensive background investigation. Although recent appropriations acts have temporarily halted the use of ATF funds to restore firearm rights to convicted felons, the Lautenberg/Simon Amendment will permanently close this loophole by eliminating the waiver procedure. This amendment will also permanently prohibit any individual convicted of a violent felony or serious drug offense from possessing a firearm, even if the state might have restored other civil rights to the individual. The effect of this amendment, in addition to keeping guns out of the hands of felons, will be to permanently free ATF personnel to take guns out of the hands of criminals, rather than to put them there.

Senator Boxer will offer an amendment that will assist prosecutions under the National Firearms Act (NFA). The NFA prohibits the manufacture, sale and possession of machine guns, sawed-off shotguns and bombs. The statute of limitations for NFA violations, however, is only three years, in contrast to a five year statute of limitation for all other gun control laws and most other criminal laws. The Boxer Amendment will increase the statute of limitations for NFA violations to five years.

The Fraternal Order of Police firmly supports these three amendments. You have supported law enforcement in the past and we hope you will stand with us again by voting to approve these vital pro-police amendments.

Sincerely,

DEWEY R. STOKES
National President.

FORTY-FIVE POLICE CHIEFS URGE YOUR SUPPORT OF THE BOXER AMENDMENT

EXTEND THE STATUTE OF LIMITATIONS FOR NFA OFFENSES

Chief Anthony D. Ribera, San Francisco, CA; Chief Charles A. Moose, Portland, OR; Chief Allan L. Wallis, Renton, WA; Chief Jimmie L. Brown, Miami, FA; Chief Daniel Colucci, Kinnelton, NJ; Chief Douglas L. Bartosh, Scottsdale, AZ; Chief Ronald J. Panyko, Millvale, PA; Deputy Chief Roy L. Meisner, Berkeley, CA; Chief Dan Nelson, Salinas, CA; Director Steven G. Hanes, Roanoke, VA; Chief Edmund Mosca, Old Saybrook, CT; Chief Louis Cobarruviaz, San Jose, CA; Chief Frank Alcala, East Chicago, IN; Chief Scott Burleson, Waukegan, IL; Commission Gil Kerlikowske, Buffalo, NY; Chief Robert M. St. Pierre, Salem, MA; Chief Perry Anderson, Cambridge, MA; Chief William Corvello, Newport News, VA; Chief Noel K. Cunningham, Los Angeles Port, CA; Chief Robert H. Mabinnis, San Leandro, CA; Chief Robert M. Zidek, Bladensburg, MD; Chief William Nolan, North Little Rock, AR; Chief Leonard G. Cooke, Eugene, OR; Chief E. Douglas Hamilton, Louisville, KY; Chief C.L. Reynolds, Port St. Lucie, FA; Chief Harold L. Hurtt, Oxnard, CA; Chief Reuben M. Greenberg, Charleston, SC; Chief Leonard R. Barone, Haverhill, MA; Asst. Chief James T. Miller, DeKalb Co. Police, Decatur, GA; Colonel Clarance Harmon, St. Louis, MO; Chief James D. Toler, Indianapolis, IN; Chief Charles R. McDonald, Edwardsville, IL; Chief Lockheed Reader, Puyallup, WA; Chief Harold L. Johnson, Mobile, AL; Chief Charles E. Samarra, Alexandria, VA; Chief Sylvester Daughtry, Greensboro, NC; Chief Peter L. Cranes, W. Yarmouth, MA; Chief Robert L. Johnson, Jackson, MS; Chief Gertrude Bogan, Bel Ridge, MO; Chief Larry J. Callier, Opelousas, LA; Chief Norm Stamper, Seattle, WA; Chief Lawerence Nowery, Rock Hill, SC; Chief Sam Gonzales, Oklahoma City, OK; Chief Jerry Sanders, San Diego, CA; Chief David C. Milchan, Pinellas Park, FL.

Mrs. BOXER. Mr. President, I ask my friend from Delaware at this time if he would be willing to speak to this amendment? I thank the President and yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I make an inquiry, are we making progress this morning?

Mr. BIDEN. Mr. President, oh, we are doing great, I say to the leader. Things are moving along swimmingly. At this rate, we will be done.

Mr. DOLE. I understand the Senator from California was available earlier. Others were not available. She was here. I do not think the amendment has been offered.

Mrs. BOXER. Yes.

Mr. DOLE. It has been offered.

Mrs. BOXER. I am ready to vote on it.

Mr. DOLE. Hopefully, we can dispose of that and move on quickly to the other amendments. It is our intention to finish this bill today. We will be discussing in our conference trying to further limit the number of amendments on this side.

Mr. BIDEN. If the Senator will yield, Mr. President, we will make the same effort in our conference.

Mr. DOLE. I think what we are doing is awaiting the return of Senator HATCH right now, as I understand it.

HABEAS CORPUS

Mr. DOLE. Mr. President, as part of the ongoing debate, not on the amendment, I wanted to make a brief statement on habeas corpus because on May 25, President Clinton wrote me urging habeas corpus reform be excluded, that means excluded from the antiterrorism bill pending before the Senate.

The President wrote, and I quote:

> While I do not believe that habeas corpus reform should be addressed in the context of the counterterrorism bill, I look forward to working with the Senate in the future on a bill that would accomplish this objective.

The President apparently had a change of heart. Last night on the Larry King Show, the President reversed his position, endorsing the inclusion of habeas reform in the antiterrorism bill. The President said:

> We need to cut the time delay on 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. And I think it ought to be done.

I welcome the President's remarks. And I am delighted that he has finally come around to our position that, of all the antiterrorism initiatives now before the Senate, the one that bears most directly on the Oklahoma City tragedy is habeas corpus reform.

Yesterday, the families of some of the victims of the Oklahoma City bombing traveled all the way to Washington to tell their elected representatives that habeas reform is an essential ingredient of any serious antiterrorism plan. The families understand, as we do, that if we really want justice that is "swift, certain and severe," then we must put an end to the endless appeals and delays that have done so much to weaken public confidence in our criminal justice system. We must have habeas corpus reform now.

It is great news that President has switched his position and now supports the inclusion of habeas reform in the antiterrorism bill. Hopefully, the President's support will help speed up the process here in the Senate and enable us to pass this legislation later tonight.

I ask unanimous consent that the President's quote on the Larry King Show and his letter of a couple of weeks ago—and they state different positions—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE LARRY KING SHOW

President CLINTON. In death penalty cases, it normally takes eight years to exhaust the appeals. It's ridiculous. And if you have multiple convictions, it cold 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 that 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. And I think it ought to be done.

You know, we have some differences about exactly what the details are and what the

best and fairest way to do to apply to all criminal cases, but I think it definitely ought to be done.

For 15 years I have been trying to get Congress to clarify this, and I have strongly believed it for a very long time, since I was an attorney general and a governor and I'd been on the receiving end of these interminable appeals.

Mr. KING. Are there those in Congress who think you're against this?

Vice President GORE. There are some in both parties who, in good conscience, think it would cause problems for criminal procedure.

Mr. KING. Constitutional.

Vice President GORE. Well, they're worried about it. But the president's for it. And if they want to put the right version of it on this bill, fine.

Mr. KING. Are we——

President CLINTON. You know, there are some good and bad. We don't have time to get into all the details of it. There are things that I like better in some versions than others.

Mr. KING. But you're in essence for it.

President CLINTON. But we—I'm not only for it; we need to do it. You can't justify this lengthy appeal process.

THE WHITE HOUSE,
Washington, May 25, 1995.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I write to renew my call for a tough, effective, and comprehensive antiterrorism bill, and I urge the Congress to pass it as quickly as possible. The Executive and Legislative Branches share the responsibility of ensuring that adequate legal tools and resources are available to protect our Nation and its people against threats to their safety and well-being. The tragic bombing of the Murrah Federal Building in Oklahoma City on April 19th, the latest in a disturbing trend of terrorist attacks, makes clear the need to enhance the Federal government's ability to investigate, prosecute, and punish terrorist activity.

To that end, I have transmitted to the Congress two comprehensive legislative proposals: The "Omnibus Counterterrorism Act of 1995" and the "Antiterrorism Amendments Act of 1995." In addition, the Senate has under consideration your bill, S. 735, the "Comprehensive Terrorism Prevention Act of 1995." I understand that a substitute to S. 735, incorporating many of the features of the two Administration proposals, will be offered in the near future. I also understand that the substitute contains some provisions that raise significant concerns. We must make every effort to ensure that this measure responds forcefully to the challenge of domestic and international terrorism. I look forward to working with the Senate on the substitute and to supporting its enactment, provided that the final product addresses major concerns of the Administration in an effective, fair, and constitutional manner. The bill should include the following provisions:

Provide clear Federal criminal jurisdiction for any international terrorist attack that might occur in the United States, as well as provide Federal criminal jurisdiction over terrorists who use the United States as the place from which to plan terrorist attacks overseas.

Provide a workable mechanism to deport alien terrorists expeditiously, without risking the disclosure of national security information or techniques and with adequate assurance of fairness.

Provide an assured source of funding for the Administration's digital telephony initiative.

Provide a means of preventing fundraising in the United States that supports international terrorist activity overseas.

Provide access to financial and credit reports in antiterrorism cases, in the same manner as banking records can be obtained under current law through appropriate legal procedures.

Make available the national security letter process, which is currently used for obtaining certain categories of information in terrorism investigations, to obtain records critical to such investigations from hotels, motels, common carriers, and storage and vehicle rental facilities.

Approve the implementing legislation for the Plastic Explosives Convention, which requires a chemical in plastic explosives for identification purposes, and require the inclusion of taggants—microscopic particles—in standard explosive device raw materials which will permit tracing of the materials post-explosion.

Expand the authority of law enforcement to fight terrorism through electronic surveillance, by expanding the list of felonies that could be used as the basis for a surveillance order; applying the same legal standard in national security cases that is currently used in routine criminal cases for obtaining permission to track telephone traffic with "pen registers" and "trap and trace" devices; and authorizing "roving" wiretaps where it is impractical to specify the number of the phone to be tapped (such as when a suspect uses a series of cellular phones).

Criminalize the unauthorized use of chemical weapons in solid and liquid form (as they are currently criminalized for use in gaseous form), and permit the military to provide technical assistance when chemical or biological weapons are concerned, similar to previously authorized efforts involving nuclear weapons.

Make it illegal to possess explosives knowing that they are stolen; increase the penalty for anyone who transfers a firearm or explosive materials, knowing that they will be used to commit a crime of violence; and provide enhanced penalties for terrorist attacks against all current and former Federal employees, and their families, when the crime is committed because of the official duties of the federal employee.

In addition, the substitute bill contains a section on habeas corpus reform. This Administration is committed to any reform that would assure dramatically swifter and more efficient resolution of criminal cases while at the same time preserving the historic right to meaningful Federal review. While I do not believe that habeas corpus should be addressed in the context of the counterterrorism bill, I look forward to working with the Senate in the near future on a bill that would accomplish this important objective.

I want to reiterate this Administration's commitment to fashioning a strong and effective response to terrorist activity that preserves our civil liberties. In combatting terrorism, we must not sacrifice the guarantees of the Bill of Rights, and we will not do so. I look forward to working with the Congress toward the enactment of this critical legislation as soon as possible.

Sincerely,

BILL CLINTON.

Mr. DOLE. I suggest that we hope to finish this bill tonight. I urge my colleagues on the Republican side of the aisle that there are a number of Republican amendments pending, and they are not rushing to the floor to discuss those amendments with the manager and the chairman of the committee, Senator HATCH.

Now, if we are going to suggest that the Democrats ought to cooperate, then we will suggest that Republicans ought to cooperate, too. So I ask my colleagues on this side of the aisle, or anybody who may be listening in their offices, if you have amendments, please let us know before noon. We would like to find out by noon on this side of the aisle how many amendments we have, serious amendments, and how many are going to be called up. Then we can go to the distinguished Senator from Delaware and say we have x number of amendments that will take x amount of hours. We hope to get time agreements so we can complete action on the bill later today.

I yield the floor.

AMENDMENT NO. 1214

Mr. BIDEN. Mr. President, let me respond to the question posed to me by the Senator from California, Senator BOXER. There are a couple of things I have observed in the years of working with Senator BOXER, and that is when she thinks she is right, there is nothing that slows her up. I mean nothing. Almost without exception, in my dealings with her and the matters we have worked on, she has a commonsense approach to these things that is, quite frankly, sometimes around this place is not factored in. If she had stood up today on the floor of the Senate and said, you know, my colleagues in the Senate, the statute of limitations for rape is 3 years. Yet, the statute of limitations for robbery is 5 years, and what I want to do is I want to increase the statute of limitations for rape from 3 to 5 years, I imagine there would be a chorus of Members in the Senate on both side standing up and saying, bravo, right.

My goodness, why would we have a serious crime like rape be a statute that was only 3 years and yet a less serious crime like assault be a 5-year statute of limitations. Because I want to make it clear—and I know all my colleagues and everybody on the floor here who has dealt in this area or are accomplished lawyers in their own right know that—let us keep in mind what the rationale for the statute of limitations is. The rationale is, the more serious the crime, the more we are committed to finding the perpetrator, and ofttimes that means we need more time.

A second factor that goes into this is that some crimes are more difficult to solve than others because the evidence that is needed to solve the crime sometimes takes a long time to track down.

Third, we have generally tried—in terms of title 18, the criminal code in

effect for the Federal Government—to standardize the amount of time we give prosecutors and the Government to find perpetrators of crime.

Now, the fact of the matter is that I do not think this has anything to do with gun control. It happens to be that we are talking about a Firearms Act that affects guns, but it really does not matter. It has everything to do with equity, and it has everything to do with giving the victim and the Government a chance to find the person who did the thing that we think is a very bad thing.

For example, if someone is out there violating the Firearms Act with a machine gun, then we have as a policy, as a nation, for the past several decades said that is a very bad thing. Yet, there is a 3-year statute of limitations for that. Or if we go out and say we do not want people using chemical weapons or making explosives that can do great damage, we said in the first instance that is a bad thing to do. It is unhealthy for Americans, for people to be making these devices or putting silencers on their guns. Why do people put a silencer on a gun? Is it because they are target practicing in their basement and they do not want to disturb the folks on the second floor? Or is it because they do not want the deer to hear the bullet coming? Why do you use silencers? You use a silencer to avoid detection. And so if someone is out there violating the Firearms Act with a silencer or machinegun or building a bomb, it seems to me, just on the face of it, that we should give the Government and the victims enough time out there as we give somebody if they are assaulted. My Lord, if someone is assaulted, the case stays open for 5 years. Yet, if someone violates what we all say is a serious problem, we are saying 3 years.

Now, look, I know that some of my friends on both sides of the aisle are a little concerned about this because I know that it says "guns and firearms," and when you say that around here, that sets off bells and whistles and so on. But I respectfully suggest that this is totally consistent—although I have not spoken to the national NRA, I have spoken with the NRA in my State and the leadership in my State. I keep in contact with them. As I said yesterday, in my State, the NRA are upstanding citizens. The leader in my State is a member of the ACLU and the NRA and is a practicing lawyer in town. The No. 2 guy in my State in the NRA is a former captain in a police department in Dover, DE. These guys are not wackos or nuts; they are serious citizens.

Now, I have not spoken to them about this, but I have spoken to them and the national NRA about how we should be dealing with guns and gun offenses. What do they always say to us? They say, look, do not outlaw the gun, increase the penalty. So Senator GRAMM comes to the floor all the time and makes a logical, coherent argument. He says, hey, do not do away with assault weapons, but if you have anybody using one, violating the law in its use, nail them. Minimum mandatory sentences, minimum mandatory imprisonment.

And so the philosophy that the NRA has adopted—and to their credit it is consistent—is that people kill people, guns do not kill people. And only when they take that inert instrument, that thing called a gun, and do something bad with it, do you engage the Government.

We have decided as a matter of law under the Firearms Act that it is a bad thing to go around putting silencers on the end of revolvers, or rifles for that matter. We decided that it is a bad thing to tote around a machinegun. We decided that. I do not hear any gun organization saying, by the way, legalize the sale of machineguns again. I do not hear anybody saying silencers are something we should be using. So I am a little surprised that there is any opposition to the initiative of my friend from California. The one thing she is probably—I will speak only of the Democratic side, so I do not implicate any of my Republican friends. She is among the four or five most successful legislators. She knows how to get things done. I assume that it comes from her 10 years of experience in the House. I think she is as surprised as I am that this may be resisted, because I cannot figure out why it would be. It is consistent with what—I do not want to put a negative spin on it—the gun proponents say is the way we should handle the issue of firearms in America. It is consistent. It relates to penalties, not outlawing them. And it is totally consistent with the way in which we decide under title 18 to deal with the vast majority of crimes.

Now, look, this increases from 3 to 5 years the statute of limitations for the most serious weapons offenses, specifically those under the National Firearms Act. In doing so, this amendment brings the statute of limitations into line with the vast majority of Federal offenses which have to do with guns and do not have to do with guns. Generally, the statute of limitations is a period which the Government has following the crime to bring an indictment under Federal law. All noncapital crimes are subject to a limitation. The National Firearms Act covers the most dangerous weapons: machineguns, sawed-off shotguns, silencers, and destructive devices which include any explosive or incendiary or poison gas, A, bomb, B, grenade, C, rocket having a propellant of more than four ounces, D, missiles having explosive or incendiary charges of more than one-quarter of an ounce, and E, a mine.

You know, these are not playthings we are talking about. These are serious offenses. Again, I do not know anybody, whether they are the NRA—and I stand to be corrected by anybody else—who says, by the way, you should not outlaw sawed-off shotguns, machineguns, and rockets having a propellant and the charges, grenades, bombs, incendiary charges of more than one-quarter ounce, and missiles.

So all the Senator is asking for is what the police are asking for. It defies logic to give offenders a break by limiting the statute of limitations to only 3 years. The statute of limitations in other Federal crimes is that, as has been pointed out by the Senator from California, a vast majority of those crimes already are 5 years. Let me give you a few examples. Crimes with a 5-year statute of limitations include assault, 18 United States Code section 111; kidnapping, 18 United States Code section 1201; bank robbery, 18 United States Code section 2113; car robbery, 18 United States Code section 2119; embezzlement, 18 United States Code section 641.

I also point out that the statute of limitations is also 5 years for illegally importing lottery tickets, impersonating a Federal employee, unlawfully shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband cigarettes, counterfeiting, forging, or using any counterfeited or forged postal or revenue stamp of any foreign government, unauthorized use of the character Smokey the Bear. It is a misdemeanor, but it is a 5-year statute of limitations. Unauthorized use of the character Woodsy Owl. That is a 5-year statute of limitations.

Now, look, if we are going to give the Government 5 years to track down the guy who impersonates or uses Woodsy the Owl, why in the devil would we not give 5 years to the Federal Bureau of Investigation to track down somebody who has violated the most serious weapons offenses that nobody I know of is suggesting we do away with?

Mrs. BOXER. If the Senator will yield, I think this is such a crucial point because if people were unhappy with the 5-year statute of limitations, I would assume there could be an amendment to roll it back to 3. All we are saying is that it is an anomaly here that three or four firearms laws do not match up with the vast majority. I think my friend has gotten it exactly right, as usual.

If I might just say to my friend, I do not know whether he was aware of this, but there was an article in the New York Times on another matter that relates to my friend's work here. And that is that under the Violence Against Women Act, the first arrest was made, and this is a man who crossed State lines to beat his wife. It is a matter of the work of my friend, Senator BIDEN, who, for—I do not know how long—6 years, fought to get the Violence

Against Women Act into law. Proudly, I was the House author when I was there in the House and lived to see the day when it became law here in the Senate.

The reason I bring that up is my friend is a pragmatist. He sees a problem and he solves it. He sticks with it. But my friend from Delaware, the ranking member on the Judiciary Committee, is also somebody who works beautifully with the other side. Senator HATCH worked with him on the Violence Against Women Act, and, in the end, we had everybody together. When my friend, Senator BIDEN, stands on this floor and says he does not understand why there is a problem with this on the other side, I think that carries a lot of weight.

Frankly, I say to my friend, I wish we could just have a vote up or down on this amendment. I think it is common sense. We have 45 police chiefs from 24 States who have endorsed this. We have the Fraternal Order of Police.

It may be that the chairman of the Judiciary Committee, my friend from Utah, may wish to lay this aside. We will take a look at it. I certainly hope that the remarks of the Senator from Delaware will be heard by both sides of the aisle, because this is a commonsense amendment. We should not be wasting a lot of time. We should do this in a bipartisan way.

Frankly, it directly relates to Oklahoma City. It directly relates. If we find out that those terrorists made that bomb a year earlier, it would bring the statute down to 2 years, I say to my friend. It is a very serious amendment. It is directly related to Oklahoma City. I want to thank my friend so much. I yield back.

Mr. BIDEN. Let me conclude, Mr. President, because again, it is a little bit like when we first raised the issue of taggants. There was initially—because a lot of people did not understand it—a lot of resistance.

Yesterday, we overwhelmingly passed it because we talked about it. I am sincerely hopeful that as the staff of Senators who were otherwise occupied now in committee hearings and may not be able to hear this themselves will understand that this does not have to do with guns. It has to do with equity.

A person convicted, as I indicated earlier, of impersonating a Federal employee can get up to a 3-year sentence, while a person convicted under the National Firearms Act can receive up to 10 years in prison.

One has to wonder why a statute of limitations is shorter for the great offense and longer for the shorter offense. It does not seem to make sense.

Again, although I cannot and do not speak for the NRA, it seems to me on its face this is totally consistent with the philosophy that the NRA has adopted relative to gun offenses.

That is, when the law is violated relating to guns and/or explosives, that person should be punished severely. One of the things that we all know, in tracking these cases, is the police need time.

It is totally consistent with the way we have dealt with other crimes and totally consistent with the philosophy on the left and the right, it seems to me, to just merely standardize the statute of limitations for these very serious offenses.

I hope, if we are prepared to vote on this, or whatever decision the Senator from California makes, I hope the Senator sticks to her guns here. I am convinced if people understand what the Senator is attempting to do and depoliticize it here and just look at the facts, the facts are it makes no sense not to give the police what they want, the additional 2 years to be able to track and apprehend people who violate only the most serious of the laws relating to firearms and explosives.

I yield the floor.

Mr. HATCH. Mr. President, the distinguished Senator from Tennessee has been waiting to speak. I need to take just 1 minute. I think I have worked this out with the distinguished Senator from California.

I ask unanimous consent that the Boxer amendment numbered 1214 be laid aside until 2:15 in order for the Senate to consider other amendments, and that no amendments dealing with the same issue as the Boxer amendment be in order prior to 2:15 today.

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

Mr. HATCH. Mr. President, let me just say, with regard to the Senator's amendment, that there is a lot of concern because 40 percent of the people in this country are afraid of their Government.

If we extend a statute of limitations from 3 to 5 years, there is an awful lot of worry that official prosecutors will dangle and dangle the accused for the full 5 years until they indict them, the day before the 5 years expires. We have seen it happen before.

Extending the statute of limitations is not a simple little gesture. It is important. I understand the sincerity of the distinguished Senator from California, and there are a number of other issues, too.

For instance, I think it is important to answer questions. How many cases in the past decade have failed to be prosecuted because of the statute of limitations for violation of the firearms provisions? What were the reasons for the failure to prosecute the alleged NFA firearms violations within the 3-year statute of limitations? How many NFA firearms violators have been prosecuted in the last decade? How many NFA firearms charges were dropped or reduced by plea bargaining? Has the BATF stated in congressional testimony, or anywhere, that the 3-year statute of limitations for firearms violations has been a significant problem? Out of all the cases prosecuted for NFA firearms violations in the last 5 years, what is the percentage of the convictions obtained?

Now, I ask unanimous consent that the rest of these questions be printed in the RECORD at this point. It may be important for the distinguished Senator from California to answer some of these questions, and I will give her a copy of this so she and her staff can look it over.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FIREARMS ACT VIOLATIONS—STATUTE OF LIMITATIONS—PROPOSED INCREASE

1. How many cases in the last decade have failed to be prosecuted because of the three year statute of limitations of violations of the firearms provisions NFA?

2. What were the reasons for the failure to prosecute the alleged NFA firearm violations within the three year statute of limitations?

3. How many NFA firearms violators have been prosecuted in the last decade?

4. How many NFA firearms charges were dropped or were reduced by a plea bargain?

5. Has the BATF stated in Congressional testimony, or anywhere, that the three year statute of limitations for firearms violations has been a significant problem for them?

6. Out of all the cases prosecuted for NFA firearms violations in the last five years, what is the percentage of convictions obtained?

7. In the last five years, what percentage of convicted felon for NFA firearm violations are currently serving their sentences in a federal penal institution?

8. Isn't it a fact that under Title I of the Gun Control Act, which is often the subject of indictments also alleging NFA offenses, there is a five year statute of limitations? And isn't also a fact that the three year statute of limitations is overlooked at times by counsel and others? Isn't it true that is the real reason for any cases lost under the NFA statute of limitations is because of human error?

9. If a potential case is brought to the BATF or other relevant federal officials attention's, why would a three year statute of limitations not be sufficient time to bring an indictment against the alleged violator? Shouldn't the punishment for such a crime be swift and effective?

10. After the passage of over three years, evidence becomes stale and witnesses are lost; a defendant is at a great disadvantage to defend himself against charges, what, in terms of fairness, would mandate an extension of that time for prosecutions of NFA firearms violations for another two years?

AMENDMENT NO. 1228

(Purpose: To clarify the procedures for deporting aliens)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. ABRAHAM, proposes an amendment numbered 1228.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On p. 36, line 16, strike from "to prepare a defense" through the word "imminent" on p. 37, line 12, and insert in its place the following: "substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court, the Department of Justice shall be afforded reasonable opportunity to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court, the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte issues findings that—

"(i) the alien's continued presence in the U.S. poses as reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set out in (B) poses a reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Department of Justice is adequate to allow the alien to prepare a defense.

"(F) If the Court makes these findings, the special removal hearing shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in paragraph (E) rather than the one set forth in paragraph (C).

"(G) If the Court concludes that the unclassified summary does not meet the standard set forth in paragraph (E), the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte finds, by clear and convincing evidence, that—

"(i) the alien's continued presence in the United States—

"(I) would cause serious and irreparable harm to the national security; or

"(II) would likely cause ".

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment be set aside. I understand Senator LEAHY is coming to the floor with an amendment to take up immediately following, hopefully, Senator THOMPSON's remarks.

Mr. BIDEN. Mr. President, I know the Senator from Tennessee is waiting, if he allows me 60 seconds.

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

AMENDMENT NO. 1214

Mr. BIDEN. Mr. President, I listened to my friend raise questions about the amendment. My response is that all the questions he raised are totally irrelevant.

Whether or not 40 percent of the American people are afraid of their Government, the idea is that who they should be afraid of is anybody walking around with a bomb, grenade, rocket launcher, or a silencer on their gun, or a machine gun. That is who they should be afraid of. Whether there have been prosecutions or not is totally unrelated to whether or not the statute of limitations should be 3 or 5 years. And the notion of dangling over their head the prospect of prosecution—I have zero sympathy for anyone, whether they are a Mafia don, whether they are a rapist, or whether they are someone walking around with a rocket-propelled device, I could give a darn about their concern, if they violate the law. The question is did they violate it or did they not? They will have a chance to prove it in court. The police should have a chance to bring them to court.

With all due respect, I think his questions raised are irrelevant. I hope my friend from California will not bother to answer them, but that is the right of the Senator from California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks here the distinguished Senator from Tennessee be permitted to deliver his remarks.

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

Mr. HATCH. Mr. President, I do not disagree with Senator BIDEN. When you have terrorists and bomb throwers and rocket launchers and things like that—I do not have any sympathy for them either. But both he and I have been in court before as practicing attorneys where the Federal Government has brought unjust actions against people and dangled them for the full extent of the statute of limitations. We won those cases, but it was not easy and it ruined lives in the process. I have seen that happen. That is what I am concerned about and that is what I think many people are concerned about.

I am not against extending statutes of limitations when they are justified. Maybe in this case they are. I may very well consider voting for this amendment or accepting it. But I want to make sure everybody understands it is not quite as simple as we sometimes paint it on the floor, when 40 percent of the people in this country are afraid of their Government. One reason is because they have seen some unjust prosecutions, criminal prosecutions, that is. That is a matter of concern to me and I think it is to everybody who is worried about what people think in this country.

AMENDMENT NO. 1229

(Purpose: To express the sense of the Congress concerning officials of organizations that refuse to renounce the use of violence)

Mr. HATCH. Mr. President, I send an amendment to the desk for and on behalf of Mr. BROWN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. BROWN proposes an amendment numbered 1229.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . TERRORISM AND THE PEACE PROCESS IN NORTHERN IRELAND.

(a) SENSE OF CONGRESS.—It is the Sense of the Congress that—

(1) All parties involved in the peace process should renounce the use of violence and refrain from employing terrorist tactics, including punishment beatings;

(2) The United States should take no action that supports those who use international terrorism as a means of furthering their ends in the peace process in northern Ireland;

(3) United States policy should not discourage any agreement reached in northern Ireland that is ratified by a democratic referendum.

(b) REPORT.—Section 620 of the Foreign Assistance Act of 1961 is amended by adding the following—

"SEC. 620G. REPORT ON NORTHERN IRELAND.

The President shall provide a biannual report beginning 60 days after the date of enactment of this Act to the appropriate committees of Congress on—

(1) The renunciation of violence and steps taken toward disarmament by all parties in the northern Ireland peace process;

(2) Any terrorist incidents in northern Ireland in the intervening six months, their perpetrators, actions taken by the United States to denounce the acts of violence, United States efforts to assist in the detention and arrest of these terrorists and U.S. efforts to arrest or detain any elements that have provided them direct or indirect support;

(3) Fundraising in the United States by the Irish Republican Army, Sinn Fein or any associated organization and whether any of these funds have been used to support international terrorist activities."

Mr. HATCH. I also unanimous consent this amendment be set aside so we can have another amendment called up, presumably by Senator LEAHY, who I understand is coming to the floor.

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

Under the previous order the Senator from Tennessee is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that he yield me 30 seconds.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The logic of the argument of my friend from Utah would be to reduce the statute of limitations for embezzlement from 5 to 3 years, reduce the statute of limitations for assault from 5 to 3 years, to reduce the statute

of limitations for most crimes from 5 to 3 years. I would stand ready to debate him if he wishes to do that.

I yield the floor and thank my friend from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we all appreciate the FBI's fine job in investigating the Oklahoma City bombing and tracking down the perpetrators. But all the resources that we vote for the FBI, and all the work that the Marshals Services performs to protect people in Federal buildings, are meaningless if the courts will not put terrorists and other criminals in jail for a long time. And those resources also will be wasted if the Justice Department fails to punish those who are guilty.

The bill before us will strengthen Federal efforts against terrorism. However, the American people should know that we are acting thoughtfully, and are not overreacting. For instance, the bill before us reflects a conscious decision not to pass the administration's proposals to permit roving telephone wiretaps and to significantly increase the role of the military in domestic law enforcement. Before this administration asks for increased authority that could infringe the civil liberties of innocent citizens, it should exercise its already significant authority to punish terrorists.

President Clinton has stated that those who bomb Federal buildings are evil cowards. And he has said that it is wrong for terrorists to try to kill those who lawfully arrest them. Yet, the record of the use of the current authority of the President's Justice Department to fight terrorism fails to match the President's rhetoric.

Rodney Hamrick is a terrorist. He has been convicted of threatening the life of the President, manufacturing an incendiary device while in prison, and making bomb threats against Federal courthouses in Washington and in Elkins, WV. While facing prosecution for threatening to kill the judge who sentenced him, Hamrick built a bomb from materials available at the jail: A 9-volt battery, steel wires, and cigarette lighters. He wrapped the bomb in aluminum and put it in an envelope between a pad and a piece of cardboard. The bomb was designed to detonate when the pad was removed from the envelope. If fully effective, the bomb would have produced a 1000-degree fireball up to 3 feet in diameter.

Hamrick mailed the bomb to the Federal building where the U.S. attorney responsible for prosecuting him worked. When the U.S. attorney opened the envelope, the bomb fortunately did not explode. The U.S. attorney, recognizing the homemade bomb, fled his office. The Marshals Service, FBI, and ATF were called and an Army bomb disposal expert was flow to the scene. He ordered the evacuation of the entire wing of the Federal building. While wearing a full-body kevlar bomb suit, he dismantled the bomb at a distance of 30 feet and a flight of stairs away. Hamrick was convicted of a number of charges related to using a deadly or dangerous weapon and destructive device in perpetrating his attempted murder of a Federal official.

On appeal, a three-judge panel of the fourth circuit held that a dysfunctional bomb was neither a "dangerous or deadly weapon" nor a "destructive device." The court made this ruling despite a unanimous 1986 Supreme Court decision in a bank robbery case that an unloaded gun is a "dangerous or deadly weapon." While the Supreme Court had held that a gun is an article that is typically and characteristically dangerous and instills fear in the average citizen, the panel rules that a dysfunctional bomb is not characteristically dangerous and a combination of wires and a lighter cannot instill fear. It overturned Hamrick's convictions on these counts.

When the Government loses a court case, the Solicitor General determines whether to appeal the decision. Here was a case where an evil coward had tried to bomb a Federal building and kill an important Federal official who had sought to prosecute a terrorist. The facts are extremely similar to the way the President described the Oklahoma City bombing. Additionally, a controlling Supreme Court decision suggested that the fourth circuit panel had decided the case incorrectly.

What did the Clinton Justice Department do? Nothing. As the fourth circuit later wrote:

> The United States, at the direction of the Solicitor General, did not petition either for rehearing or rehearing en banc of the panel's reversal of Hamrick's convictions and sentences on these courts.

Nor did the Justice Department file a petition with the Supreme Court to hear the case. Instead, in an unusual move, the full fourth circuit decided on its own to rehear the case. The full court found that the bomb was a "dangerous or deadly weapon" and affirmed Hamrick's convictions.

Mr. President, a letter bomb mailed to a Federal building is a dangerous or deadly weapon and a destructive device. That is just common sense. But where was the administration when the decision was made to accept the overturning of the criminal charges against this terrorist? Where was the Justice Department, and the Attorney General? They need to be held accountable for a decision that shows insufficient regard for public safety.

And what message does the Justice Department's acquiescence send to Federal law enforcement officials on the line every day, or to Federal prosecutors? Before this administration starts talking tough on terrorism, and about how tough it will act in imposing burdens such as infiltration, roving wiretaps, and searches on law-abiding citizens, it should explain why it has failed to take steps to raise the heat on terrorists.

Consider how the ruling the Justice Department accepted would affect law enforcement. If the original panel decision were the law, bombs that could not operate would not be dangerous or deadly weapons or destructive devices. Now consider how this approach would have applied to the shockingly similar bombing of the Federal building in Oklahoma City. Suppose that the bomber had been arrested for speeding while driving the Ryder truck on the way into Oklahoma City instead of driving the car on the way out. The police would have seen tons of fertilizer and fuel oil in the truck. But the bomber could not have been prosecuted for transporting a destructive device or possessing a deadly or dangerous weapon because the bomb was not yet rigged to explode.

That the Justice Department was willing to accept a ruling that would yield such an astounding result is absolutely unacceptable.

Mr. President, even the defendant in the Hamrick case did not argue that the bomb was not a deadly or dangerous weapon in light of the Supreme Court decision. The Clinton administration was willing to accept a judicial decision that was softer on terrorism than the terrorist himself. The American people are owed an explanation, an apology, and proof that steps have been taken to ensure that the serious mistakes the Justice Department made in Mr. Hamrick's case will not be permitted to happen again. Otherwise, the Clinton administration will have a difficult time credibly fighting terrorism.

I support this legislation, which will strike a proper balance in habeas corpus and will restore the FBI to its pre-Clinton administration hiring levels. But another reason to support the bill is language in section 626, which, in light of the argument that the administration accepted in Hamrick, will clarify that a "deadly or dangerous weapon" includes "a weapon intended to cause death or danger but that fails to do so by reason of a defective or missing component." This language is truly a clarification. Section 111(b) of the Federal Criminal Code always covered assaults on Federal officers with deadly or dangerous weapons, even if by happenstance those weapons misfired, notwithstanding the Clinton administration's position in the Hamrick case. No defendant who has committed an assault on a Federal officer with a defective weapon may use this language to argue that such conduct was legal prior to the date of the passage of this bill. We merely want to prevent other courts from following the fourth circuit's original decision, and we want

to prevent the administration from continuing to argue in future cases that a defective bomb is not a deadly or dangerous weapon. I commend Senators DOLE and HATCH for including this language in their substitute amendment. And I hope that the bill sends a message to the administration to apply common sense to prosecute terrorists like Rodney Hamrick to the fullest extent of existing law.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has a right to offer an amendment.

AMENDMENT NO. 1238 TO AMENDMENT NO. 1199

(Purpose: To provide assistance and compensation for U.S. victims of terrorist acts, and for other purposes)

Mr. LEAHY. I thank the Chair, and, in a moment, I will offer my amendment.

Let me just mention, Mr. President, we need to look at what happens when we go after terrorists. As a former prosecutor, I feel that if somebody commits a crime, especially serious crimes like this, we ought to be able to have every possible way of going after that person. They ought to be prosecuted. They ought to be brought to justice. They ought to pay for their crime.

But also as a former prosecutor, I have seen so often the person who is neglected is the victim. We can spend sometimes millions of dollars going after somebody who has perpetrated a crime, especially a heinous crime, but nothing is done to help the victim.

We saw in the continuing tragedy of the downing of Pan Am Flight 103 over Lockerbie, Scotland, the United States Government had no authority to provide assistance or compensation to the victims of that heinous crime. It was the same thing with the victims of the *Achille Lauro* incident. There has been no authority in the law for the Department of Justice to respond to these victims through our crime victims programs. I think it is wrong, and it can be remedied. The amendment I am about to offer would do that.

We had a report to the Congress last summer from the Office for Victims of Crime at the U.S. Department of Justice that identified a related problem. Both the ABA and the State Department have commented on their concern. They said that crime victims' compensation benefits should be provided to U.S. citizens who have been victimized in another country.

If you are a U.S. citizen and you get hit during a terrorist attack in another country, because you are a U.S. citizen, you ought to at least have the benefit of programs that are already in place in this country. Our citizens are deserving of the same protection whether they are hit by terrorists in Washington, DC, or hit by terrorists in Beirut, Lebanon.

The Victims of Terrorism Act, which I am about to offer as an amendment, provides authority to respond to the consequences of violent extremism abroad and also here at home.

We have been shielded from much of the terrorism perpetrated abroad. We see buildings blown up, cars bombed, people shot, leaders assassinated in other parts of the world. Now we are witnessing similar incidents here at home. We see what happened at the World Trade Center in New York, we see assaults on the White House, the Oklahoma City situation.

The Victims of Terrorism Act would add to the Victims of Crime Act provisions for supplemental grants to States to provide emergency relief in the wake of a violent incident that might otherwise overwhelm a State. I look at the tremendous job the people of Oklahoma and the local and State authorities did, but they were overwhelmed. This is the time when they need help from all of us as citizens. Certainly, if something this terrible happened in my own State of Vermont, the sympathy would be there, and I know Vermonters well enough to know all Vermonters would rally, but there would be no way we could handle all the problems.

I want to commend the National Organization for Victims Assistance and all the volunteers and others who have been so critical in providing timely assistance to the Oklahoma City bombing victims. We should acknowledge their heroic activities. My amendment would allow them to do more.

Mr. President, I send to the desk the Victims of Terrorism Act, an amendment I propose to the amendment proposed by Mr. DOLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1238 to amendment No. 1199.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 160, after line 19, insert the following:

TITLE X—VICTIMS OF TERRORISM ACT

SEC. 1001. TITLE.

This title may be cited as the "Victims of Terrorism Act of 1995".

SEC. 1002. AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorneys' Offices for use in coordination with State victims compensation and assistance efforts in providing emergency relief.".

SEC. 1003. FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.

Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

"(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.

"(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with section 1403 and 1404 in years in which supplemental grants are needed.".

SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.

"(a) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (c), by striking "subsection" and inserting "chapter"; and

(2) by amending subsection (e) to read as follows:

"(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.".

(b) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:

"(5) As used in this subsection, the term 'base amount' means—

"(A) except as provided in subparagraph (B), $500,000; and

"(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.".

Mr. LEAHY. Mr. President, when the bomb exploded outside the Murrah Federal Building in Oklahoma City last

month, my thoughts and prayers and I suspect that those of all Americans turned immediately to the victims of this horrendous act. The terrorism legislation that has been introduced for our consideration, however, is silent with respect to victims of terrorism.

This amendment is intended to fill that void left in this bill and include attention to those who suffer immediately and directly from violent extremism. It is my desire that this amendment, to include attention to victims of terrorism in the bill, will provide a series of changes in our growing body of law recognizing the rights and needs of victims of crime on which we can quickly reach agreement.

No one will deny that a comprehensive approach to terrorism demands attention to the victims of terrorism. That is what this amendment will provide.

The amendment helps correct a gap in the law for residents of the United States who are victims of terrorism that occurs outside the borders of the United States and who are not in the military, civil service or civilians in the service of the United States and, therefore, not eligible for benefits in accordance with the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

Thus, this amendment, the Victims of Terrorism Act, adds to the Victims of Crime Act provisions that authorize supplemental grants to the States to provide compensation and assistance for residents of such States who are victims of terrorism or mass violence while overseas.

One of the continuing tragedies of the downing of Pan Am flight 103 over Lockerbie, Scotland, is that the United States Government had no authority to provide assistance or compensation to the victims of that heinous crime. Likewise, the U.S. victims of the *Achille Lauro* incident could not be given aid. There has simply been no authority in our law for the Department of Justice to respond to these victims through our crime victims' programs. This is wrong and will be remedied by this amendment.

In its report to Congress last summer, the Office for Victims of Crime at the U.S. Department of Justice identified a related problem. both the ABA and the State Department have commented on their concern and their desire that crime victims compensation benefits be provided to U.S. citizens victimized in other countries. This is an important step in that direction.

Certainly U.S. victims of terrorism overseas are deserving of our support and assistance.

In addition, this Victims of Terrorism Act provides authority to respond to the consequences of violent extremism here at home. We in this country have been shielded from much of the terrorism perpetrated abroad. That sense of security has been shaken by the bombing in Oklahoma City, the destruction at the World Trade Center in New York, and the assaults upon the White House.

The Victims of Terrorism Act adds to the Victims of Crime Act provisions for supplemental grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victims compensation program and crime victims assistance services.

We all applaud the efforts of our Office for Victims of Crime in the wake of the Oklahoma City bombing. It helped to organize a crisis response team of specially trained professionals who were dispatched within hours to the disaster. I know that the National Organization for Victims Assistance was critical in providing timely assistance to Oklahoma City victims and thank and acknowledge their heroic efforts.

This amendment will allow them to do more. I want to thank the dedicated officials at the Department of Justice Office for Victims of Crime, John Stein of the National Organization for Victims Assistance, Dan Eddy of the National Association of Crime Victims Compensation Boards, and David Beatty of the National Victim Center for their help, counsel, and suggestions in connection with this amendment.

The amendment builds on the crime victims assistance programs of the States and Federal victims assistance provided through our U.S. attorney's offices to furnish emergency assistance in times that demand it. I propose that we allow the Attorney General and the Office for Victims of Crime, additional flexibility in its targeting of resources to victims of terrorism, mass violence, and the trauma and devastation that they cause.

The Victims of Terrorism Act's supplemental grants to provide compensation and assistance to victims of terrorism and mass violence are funded through an emergency reserve established as part of the crime victims fund. I do not intend for this emergency reserve to be established at the expense of our States' ongoing compensation and assistance programs. Indeed, funds are not available for the reserve until the full annual compensation grants are funded and the crime victims fund has received in excess of 110 percent of the amount deposited in the previous year so that assistance programs will be adequately funded, as well.

The emergency reserve will also serve as a rainy day fund to supplement compensation and assistance grants to the States for years in which deposits to the crime victims fund are inadequate. There have been deep swings in the amount of funding deposited annually and, therefore, available for distribution. This emergency reserve will provide the Director with the means to even out what would otherwise be wide variations in annual grants and allow those providing these critical services some additional confidence that funding will be available even following a year of poor deposits.

The emergency reserve's ceiling of $50 million is intended to allow confidence and the vital resources needed to take action to supplement grants in down years. In order to serve its intended purposes, the emergency reserve and, for that matter, the entire crime victims fund must be accorded respect and security. This is a trust fund that is dedicated to critical needs.

I hope through the provisions of this act to provide some greater certainty to our State and local victim's assistance programs so that they can know that our commitment to victims programming will not wax and wane with events. Accordingly, the amendment would allow grants to be made for a 3-year cycle of programming, rather than the year of award plus one, which is the limit contained in current law. This change reflects the recommendation of the Office for Victims of Crime contained in its June 1994 report to Congress.

Our State and local communities and community-based nonprofits cannot be kept on a string like a yoyo if they are to plan and implement victims' assistance and compensation programs. They need to be able to program and hire and have a sense of stability if these measures are to achieve their fullest potential.

I know, for instance, that, in Vermont, Lori Hayes and Pat Hayes at the Vermont Center for Crime Victims Services; Judy Rex and the Vermont Network Against Domestic Violence and Sexual Abuse; Karen Bradley from the Vermont Center for Prevention and Treatment of Sexual Abuse; and others, provide tremendous service under difficult conditions. Such dedicated individuals and organizations will be greatly aided by increasing their programming cycle by even 1 year. Three years has been a standard that has worked well in other settings.

Unfortunately, even with the recently announced decreases in violent crime, it is certain that we will have too many crime victims who need assistance in the years ahead. While we have made progress over the last 15 years in recognizing crime victims' rights and providing much-needed assistance, we still have more to do. It is in recognition of these needs and the additional authorities and scope being added to the Victims of Crime Act by this Victims of Terrorism Act that I include a provision to raise the base amount for small States from $200,000 to $500,000 for their assistance programs. This is funding that will be put to good use.

I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Victims' Rights and Restitution Act of 1990 and the victims provisions included in such measures as the Federal Courts Administration Act of 1992 and the Violent Crime Control and Law Enforcement Act of 1994.

My greatest hope would be that the Victims of Terrorism Act, while improving our responsiveness to national tragedies, need never be invoked. My concern is that we have not seen the end to terrorism or mass violence and that its provisions will be important in our future.

A number of our colleagues have great interest in crime victims legislation, including Senators HATCH, BIDEN, FORD, DEWINE, KYL, and MCCAIN and I look forward to working with them on these important matters. In connection with this amendment I want to thank, in particular, Senators HATCH, BIDEN, and MCCAIN for working with me on it.

We can do more to see that victims of crime, including terrorism, are treated with dignity and assisted and compensated with Government help.

I ask unanimous consent to have printed in the RECORD a letter of support for this amendment from the National Organization for Victims Assistance, which outlines many of the its benefits.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATION
FOR VICTIM ASSISTANCE,
Washington, DC, June 5, 1995.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I write to express the enthusiastic support of the National Organization for Victim Assistance for your proposed amendment to the anti-terrorism bill now before the Senate—an amendment that would establish vitally needed services for the victims of terrorism through the structure of the Victims of Crime Act (VOCA) and its Crime Victims Fund.

Let me give you a sense of the need for such an emergency service from our perspective:

When we tried to assist the relatives of Americans held hostage in Beruit, one service we tried to give them was the wherewithal to make telephone calls to friends and family—a healthy coping device which virtually every hostage family uses extensively, often causing them financial hardship. We found a charitable businessman who volunteered to organize contributions to a free phone service for a designated member of each family. Sadly, the contributions dried up before the hostage crisis ended.

We also tried to help the niece and nephew of Peter Kilbourne return his body from the East Coast for burial in his home state of California (the State Department being authorized to transport the remains of the slain hostage only to the nearest U.S. port of entry). Happily, we connected the relatives to an imaginative victim advocate in Santa Clara County, who persuaded the state victim compensation program to underwrite the transportation and burial costs. Unfortunately, few American victims of terrorism overseas have such a connection to a victim advocate, and very few compensation programs have the authority to assist its citizens who are victimized beyond the borders of the United States.

And as the coordinator of NOVA's Crisis Response Team that arrived in Oklahoma City the same day that its Federal Building was bombed, I sensed immediately that which is now being slowly documented—that those who had experienced significant, immediate emotional crisis numbered in the scores of thousands, that those at risk of experiencing persistent crisis reactions are surely in the thousands, and that those at risk of debilitating post-trauma stresses number at least in the hundreds. NOVA's ongoing planning work with just one institution—the city school system—shows us that, whatever good has been done by our volunteer crisis counselors and their counterparts in Oklahoma City, the need for caregiving services over the next year or two far exceeds available resources, and that full-time crisis counselors and post-trauma therapists must be hired for the task if society is to perform the same healing services for these victims as for victims of other violent crimes.

Your proposal to meet this need is not merely timely and compassionate but inspired:

It would rename the existing financial reserves in the Crime Victims Fund by calling them an "emergency reserve," which precisely describes both its original purpose—to cover any shortfall in the Fund's revenues in a given year—and to circumscribe the purposes for which the new authorization is being created—a class of emergencies for which there are no victim assistance resources at present;

It would raise additional revenues for the Fund to help cover the new expenses;

It would cover domestic acts of "mass violence" so that one need not immediately ascertain the motives of a terror-inducing criminal before acting to assist the affected community; and

It would place on the Director of the Office for Victims of Crime the task of devising appropriate regulations, presumably in consultation with the State Department and administrators of state victim assistance and compensation programs, among others, so that the emergency authority can be invoked quickly, frugally, and imaginatively.

Let me add a final thought: in our ongoing work with "Operation Heartland" in Oklahoma City—the cooperative enterprise of city, county, state, and federal agencies to ease the pains of thousands of victims of the Murrah Federal Office Building bombing—we have seen just how the resources of your amendment would be put to use—quickly and effectively. The same is true of the monumental task that will someday face city, county, and federal criminal justice agencies, that is, how to meet their burdens of preserving the victims' rights when prosecuting a crime which, by design, produced thousands of anguished and grieving victims of violence.

For these reasons, we very much hope that your amendment will enjoy bipartisan support and speedy enactment.

Sincerely,

JOHN H. STEIN,
Deputy Director.

Mr. LEAHY. Mr. President, I see the distinguished chairman of the Senate Judiciary Committee on the floor, who is seeking recognition. I will yield to him for whatever purpose he may need.

Mr. HATCH. I thank my colleague. I wonder if we can defer further debate on his amendment, so that I can file a bill and make a speech on the bill.

Mr. LEAHY. Of course.

Mr. HATCH. Senator BENNETT is coming over as well. Maybe we can do it right after lunch.

Mr. LEAHY. I also have an amendment somewhat related that I was going to offer on behalf of Senator MCCAIN and myself. I will withhold doing that so that the Senators from Utah can offer their bill.

Mr. HATCH. Why do you not call it up and then we will set it aside.

AMENDMENT NO. 1240 TO AMENDMENT NO. 1199

(Purpose: To increase the special assessment for felonies and extend the period of obligation)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. MCCAIN, for himself and Mr. LEAHY, proposes an amendment numbered 1240 to amendment No. 1199.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

(a) INCREASED ASSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "$50" and inserting "not less than $100"; and

(B) in subparagraph (B), by striking "$200" and inserting "not less than $400".

Mr. LEAHY. I am pleased to cosponsor this amendment, which mirrors provisions contained in legislation previously introduced by the Senator from Arizona [Mr. MCCAIN], and provisions contained in the amendment I had filed to this bill.

In 1984 when we established the crime victims fund to provide Federal assistance to State and local victims compensation and assistance efforts, we funded it with fines, penalties, and assessments from those convicted of Federal crime. The level of required contribution was set low; 10 years have passed and it is high time to adjust the assessments.

The amendment serves to double the assessments under the Victims of Crime Act against those convicted of Federal felonies. This should provide critical additional resources to assist all victims of crime, including those who are victims of terrorism or mass violence.

I do not think that $100 is too much for those individuals convicted of a Federal felony to contribute to help crime victims.

I do not think that $500 is too much to insist that corporations convicted of a Federal felony contribute to crime victims. The amendment would raise these to be the minimum level of assessment against those convicted of such crimes and provides judges with the discretion to assess higher levels when appropriate.

In connection with these provisions, I acknowledge the work of our colleague, the senior Senator from Arizona [Mr. MCCAIN]. I know that he has been actively seeking to raise these special assessments for some time and I am glad that we are able to join together in this effort. He deserves much credit for his ongoing efforts on behalf of crime victims.

I look forward to our continuing to cooperate in additional efforts on behalf of victims of crime, terrorism, and mass destruction. We have much to do if we are to improve collections for the crime victims fund and if we are to augment the critical resources needed by our victims compensation and assistance programs. This is an amendment that will help provide additional resources for meeting critical needs.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. HATCH and Mr. BENNETT pertaining to the introduction of S. 884 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COMPREHENSIVE TERRORISM PREVENTION ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, I will just take a moment. I want to get an update on where we are on the pending legislation.

We hope to finish this today. I appreciate the President's efforts, along with the Democrat leader and the manager on the other side, to reduce the number of amendments on that side of the aisle. We have been making the same effort here.

I wonder if the distinguished chairman of the Judiciary Committee, Senator HATCH, might be in a position to indicate how many amendments are remaining on this side or on both sides, if he knows.

Mr. HATCH. We have only disposed of three amendments. We have disposed of a few others by unanimous consent. But of the 32 GOP amendments, only 1 as been accepted; 5 are pending. I expect at the most, only 3 more. We are basically down to a very few on the Republican side. On the Democrat side, they have only offered five amendments. We voted on one of them. That was the taggants amendment. That would leave over 60 unknown or unoffered Democrat amendments.

We have to, it seems to me, if we are going to finish tomorrow, we have to break those down and come up with a limited list, as the Republicans are doing.

Mr. DOLE. It is my understanding that maybe after the policy lunches that we have every Tuesday that maybe there will be an announcement on the other side that a number of the amendments have been dropped.

It seems to me, and I have not seen the list that may be remaining, a number of these amendments are not directly related to antiterrorism or what happened in Oklahoma City or anywhere else.

If there will be a pattern of amendments offered just for the purpose of making points which we believe can be made at another time—I do not suggest people should not have a right to make whatever point they want to make—this is legislation that the President has asked for. It is nonpartisan. It is bipartisan. We have worked together on it. It is part of Senator HATCH's efforts, part of my efforts, part of the President's efforts, part of the efforts of my colleague on the other side. We want to pass it.

The President complains about delay in the Senate. Much of the delay is because of a number of amendments on the other side. It may be the only way we can finish this bill is A, to start tabling amendments that are not directly related to this bill, and I will let the chairman of the committee, Senator HATCH make that decision. That would be one way to expedite passage, to table those amendments which can be offered at a later time, or, B, to invoke cloture. A cloture petition has been filed, and the cloture vote will occur if for some reason we do not finish the bill late this evening, early in the morning. By 8:30 or 9 o'clock, we will have a cloture vote.

Hopefully, that would eliminate a lot of the nongermane amendments. I urge my colleagues on both sides, not just one side, both sides of the aisle, if there are amendments that are somewhat related or Members would like some political point or some other point, let Members pass this legislation.

The other bill is up this year and those amendments can be offered. This legislation is important. We would like to dispose of it today. I hope we can have the cooperation of Members on both sides of the aisle.

I ask that the Senate stand in recess according to the previous order.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAMS].

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE TERRORISM PREVENTION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1214

Mr. HATCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Boxer amendment, No. 1214.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, after a lot of negotiations I am prepared to accept the amendment. I understand the distinguished Senator from Delaware will accept the amendment.

So, at this point, if it is urged I will accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend. I know there were some who had some problems with the amendment, at least parts of the amendment. I just want to say to my friend, to me this is a very important amendment because it really does relate to the Oklahoma City incident and that is my major purpose here. If we have a 5-year statute of limitations so the police can catch someone who impersonates Smokey the Bear, we should have a 5-year statute to be able to close a case against people who would make a bomb and break other portions of this law.

So I want to say to my friend that I am most appreciative. I know it was contentious on his side. I look forward to following this bill through and seeing this when the bill comes back from conference.

Would it be in order to now ask for the amendment to be voted on?

The PRESIDING OFFICER. Is there further debate on the amendment? If

not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1214) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is now amendment No. 1240 offered by the Senator from Vermont, [Mr. LEAHY].

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. I understand that the distinguished Senator from Nebraska is about to call up an amendment. So I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1208 TO AMENDMENT NO. 1199

(Purpose: To authorize funding for the Bureau of Alcohol, Tobacco and Firearms and the U.S. Secret Service)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. D'AMATO, Ms. MIKULSKI, and Mr. SHELBY, proposes an amendment numbered 1208 to amendment No. 1199.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the pending substitute amendment No. 1199, insert the following:

SEC. . AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, to augment counter-terrorism efforts—

(1) $20,000,000 for fiscal year 1996;
(2) $20,000,000 for fiscal year 1997;
(3) $20,000,000 for fiscal year 1998;
(4) $20,000,000 for fiscal year 1999; and
(5) $20,000,000 for fiscal year 2000.

(b) IN GENERAL.—There are authorized to be appropriated for the activities of the United States Secret Service, to augment White House security and expand Presidential protection activities—

(1) $62,000,000 for fiscal year 1996;
(2) $25,000,000 for fiscal year 1997;
(3) $25,000,000 for fiscal year 1998;
(4) $25,000,000 for fiscal year 1999; and
(5) $25,000,000 for fiscal year 2000.

Mr. KERREY. Mr. President, I offer this amendment on behalf of myself and Senator SHELBY of Alabama, Senator D'AMATO of New York and Senator MIKULSKI of Maryland.

The amendment that I am offering authorizes funding of $262 million over 5 years for the U.S. Secret Service and the Bureau of Alcohol, Tobacco and Firearms. Of this, $100 million goes to BATF and $162 million goes to the U.S. Secret Service.

The substitute we are considering contains an authorization of $1.779 billion from the violent crime reduction trust fund for the various law enforcement agencies. Over 5 years, it authorizes $1.226 billion for the FBI, $400 million for the Drug Enforcement Administration, and $100 million for the U.S. attorneys, $25 million for INS, and $28 million for the U.S. Customs Service.

I trust the evaluation of how allocations occur across various law enforcement agencies was done in a very thoughtful and deliberative fashion. However, I believe the exclusion of ATF and the Secret Service from the allocation of resources inside of this antiterrorism bill will impair Treasury's capacity to engage in antiterrorism efforts. Thus, I offer this amendment to authorize resources for both the Bureau of Alcohol, Tobacco and Firearms and the Secret Service.

Since 1970, the Bureau of Alcohol, Tobacco and Firearms has been mandated to enforce the criminal and regulatory provisions of the Federal explosives law.

ATF has regulatory oversight of the legal explosives industry in excess of 10,000 licensees and permittees. ATF personnel have unequaled experience in identifying the postblast explosive devices, components, and logistics involved in investigating postblast crime scenes of any size.

The fiscal year 1995 supplemental and rescissions conference report, just approved by this body, provides quarter-year funding for the hiring of 175 new agents, inspectors, and intelligence analysts for ATF, as requested by the administration.

These positions will be used to form four new national response teams for the purpose of responding within 24 hours to assist State and local law enforcement and fire service personnel in on-site investigations in the event of an explosion or fire. Each team is composed of veteran special agents having postblast, fire cause and origin expertise, forensic chemist and explosive technology expertise. The 59 inspection and intelligence analyst positions will be devoted to the inspection and investigation of groups and/or individuals in violation of Federal explosives laws.

The Bureau of Alcohol, Tobacco and Firearms has been much maligned over the years. Much of this criticism, in my view, has been unjustified. I am quick to point out, some of the criticism is justified. This is an agency, like virtually any other in Government, that has not been operated in a perfect fashion. Alcohol, Tobacco and Firearms does not enact the laws related to guns, but is instead sworn to execute the laws which originate from this body, that is the U.S. Congress. In my opinion, if we do not like the laws, we ought to change them rather than taking, in this case, action that might make it difficult for ATF to carry out the intent of the law.

On those occasions when mistakes may have been made in the execution of laws, Alcohol, Tobacco and Firearms has undergone extensive independent review by a diverse group of respected professionals. It has taken its fair share of justified criticism and its fair share of justified praise as well.

Despite ATF's contributions to cases of great notoriety, ATF rarely receives their due credit. The World Trade Center bombing serves as the most recent example. While that investigation was a massive joint law enforcement effort, it was an ATF agent's determination and ingenuity that resulted in the discovery of one of the most significant pieces of evidence in that tedious investigation, the vehicle ID number.

ATF's contributions to the investigations of over 1,600 arson cases last year were not realized by the majority of the American people. Again, ATF just did its job.

Turning to the Secret Service, Mr. President, the White House complex symbolizes the executive branch of Government. More than 1 million American citizens a year tour the White House, and tens of thousands of White House complex appointments are processed during that same period of time. With the recent closing of Pennsylvania Avenue to vehicular traffic, pedestrian traffic will increase above and beyond the thousands of people who view the White House and surrounding areas.

The White House carries with it both national security and symbolic value which must be protected. Publicized threats of the White House complex in the past several years have caused us to be not just concerned about the safety of the President and the President's family, but also concerned about the executive branch personnel that very often operate inside the White House, as well as other individuals operating and doing business at the White House.

The April 19 Oklahoma City tragedy served to heighten the collective awareness and is, in part, the catalyst to which the closing of Pennsylvania Avenue is generally attributed. I know from personal experience that what many people saw with the Oklahoma

City bombing is the idea that it would be relatively easy now to take a different approach if they had a desire to attack the White House, attack the President, or attack other personnel. Thus, the closing of Pennsylvania Avenue, though it is, in my judgment, an appropriate action, it is just one step in trying to make sure we do all we can to protect this symbol of the United States of America and protect the people who work and do business in it.

Consistent with the recommendations from a recently completed review of White House security, the amendment I am offering will authorize security enhancements at the White House to help the Secret Service ensure that the White House and the First Family are not at risk.

Press reports I have seen since the Oklahoma City bombing indicate threats to the President have increased by 100 percent.

The amendment I am offering as well, Mr. President, authorizes funding for the hiring of 250 additional positions for the Presidential protection division, uniformed division officers, countersniper teams, foot and vehicular patrols, canine officers, and intelligence and physical security specialists.

In addition, it authorizes the purchase of technical security equipment and devices and will permit physical security structural enhancements around the White House complex.

The Secret Service is responsible as well for the protection of foreign heads of state and Presidential candidates. This October, the U.N. General Assembly is projected to have its largest gathering of heads of states, including a Papal visit. All these will require increased Secret Service personnel.

In approximately 7 months, the Secret Service will begin the year-long task of protecting Presidential candidates. How can these challenges and responsibilities not be addressed in any discussion of terrorism?

The Secret Service has for over 125 years been responsible for the integrity of our currency. Counterfeiting of U.S. currency has in recent years shifted dramatically from domestic to foreign production and trends point toward the distribution of high-quality counterfeit U.S. currency by terrorist organizations, as well as arms traffickers and drug dealers.

Pursuing these investigations related to foreign production of counterfeit U.S. currency by such groups should also be a focus in counterterrorism legislation.

The Secret Service possesses unique forensic capabilities relating to handwriting, fingerprinting, ink and paper, just to name a few. They have in the past and will continue in the future to provide these capabilities to assist the investigative efforts of other Federal, State, and local agencies. While I do not argue that the FBI holds much of the responsibility in combating terrorism, it seems to me the challenges and responsibility of Treasury law enforcement agencies have been overlooked.

The bill we are considering is entitled the "Comprehensive Terrorism Prevention Act of 1995," but I do not believe it can be comprehensive unless we include funding for both the Bureau of Alcohol, Tobacco and Firearms and the Secret Service.

Mr. President, I appreciate the manager of the bill allowing me to offer the amendment at this particular time. I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there any further debate?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. KERREY. Mr. President, I ask unanimous consent that John Libonati, a legislative fellow with the Appropriations Committee, be permitted the privilege of the floor during the remainder of the debate on S. 735.

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

Mr. D'AMATO. Mr. President, I support the amendment offered by my colleague, Senator KERREY. This amendment will correct what I believe to be an oversight in the authorization for Federal law enforcement. The current antiterrorism bill, S. 735, while providing substantial funding for some Federal law enforcement entities, overlooked the responsibilities and jurisdictions of the U.S. Secret Service.

The U.S. Secret Service is responsible for the protection of the President of the United States, the Vice President of the United States, and their families. The U.S. Secret Service is also responsible for protecting Presidential and Vice Presidential candidates as well as any head of state visiting the United States. This vast cross section of political entities, that fall within the protective realm of the U.S. Secret Service, continues to attract the interest of numerous terrorist and antigovernment organizations. Due to the recent bombings of the World Trade Center and Oklahoma City, the air intrusion of the White House, and the several shootings directed at the White House, additional security measures have been instituted by the Secret Service, while the funding levels have remained the same. One of the most publicized and controversial security measures that was instituted was the closing of Pennsylvania Avenue to vehicular traffic. This, while being the most visible security enhancement was merely one of dozens that have been effected by the Secret Service without any increase in their funding.

The Secret Service is in need of increased resources to cover expenses in several areas: First, an increased presence of U.S. Secret Service Uniform Division officers. These officers will reinforce the current patrol capabilities and insure greater safety not only for the President, employees of the White House complex, and visiting dignitaries, but for the thousands of citizens who visit the White House and our monuments on a daily basis. The Secret Service also needs to increase their personnel levels within their intelligence branch as well as their protective details. And finally, several of the physical and technological security features of the White House need to be upgraded to deal with the increased and organized threats emanating from these terrorist entities.

The U.S. Secret Service has been recognized as the preeminent law enforcement agency in the world for its protective expertise. This funding will help insure that these capabilities are not diminished, and their vital mission is not impeded due to a lack of funding.

Mr. KERREY. I suggest the absence of a quorum.

Mr. BIDEN. Will the Senator withhold that request?

Mr. KERREY. Yes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while the distinguished chairman of the committee is, I guess, deciding how, when, and under what circumstances to respond to the amendment of the Senator from Nebraska, I just want to bring the Senate, and particularly the Democrats, up to date.

I would like every Democrat who has an amendment to come to the floor as soon as they can or communicate to the Cloakroom whether or not they intend to go forward with their amendment and if we can enter into a time agreement on their amendment, if they insist on going forward.

I will say, and I have been discussing this with the Republican manager of the bill, that we have narrowed the list of amendments even further and we have gotten time agreements on 80 percent of the amendments on the Democratic side that are left. The longest request for any time on an amendment is 2 hours. Most are in the range of 20 to 30 minutes. So we are making significant progress.

There are three Senators who are ready to move on amendments that have short time agreements. Senator KENNEDY has agreed to a 30-minute time agreement on his first amendment; Senator BRADLEY, who is to go next if we can work that out, has agreed to, I believe it is a 20-minute time agreement. This is being typed up

now. But this is to give some people notice for planning purposes.

Senator BRADLEY has agreed to 30 minutes on his amendment characterized as relating to cop-killer bullets. Senator KENNEDY has agreed to 20 minutes on his amendment that is characterized as relating to multiple gun purchases; and Senator LAUTENBERG has agreed to 1 hour equally divided on his civilian marksmanship amendment.

It is my hope that when we dispose of the Kerrey amendment, which I hope will occur very shortly; that we can agree to take up those amendments under such time agreement—I am not asking unanimous consent for that now; that is being checked in the Republican Cloakroom—and then I can assure my colleagues on the Democratic side, we have additional amendments we are prepared to go to with very short time limits. It is still my hope and expectation that we can finish this bill or come perilously close to finishing this bill tonight.

In the meantime, while the Republican Cloakroom is determining whether or not such a unanimous-consent request would be in order for the next three amendments, I will suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, I would be glad to speak to my amendment rather than have a quorum call if it is agreeable.

Mr. BIDEN. Fine. Mr. President, I think that is fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Michael Myers and Lauren Cohen, fellows in my office, be granted the privilege of the floor during the pendency of the bill.

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

ASSISTING LOCAL LAW ENFORCEMENT

Mr. KENNEDY. Mr. President, my amendment is designed to assist law enforcement officials in tracking the incidence of multiple handgun purchases. The stockpiling of weapons is at the heart of the terrorist threat to the country, and this amendment is a needed step to help address the problem.

Under current law, when an individual purchases more than one handgun in a 5-day period, the gun dealer from whom the weapons are purchased must submit a multiple handgun purchase form to Federal, State and local law enforcement agencies. The requirement for this notification to State and local police was included in the law as part of the Brady bill substitute proposed by the majority leader, Senator DOLE.

Under this provision in current law, however, State and local police are required to destroy the records after 20 days. As a result, the notification system is largely useless to State and local authorities. In 20 days, it is impossible to detect the purchasing patterns which might indicate that particular individuals or groups are stockpiling weapons, amassing arsenals, or engaging in illegal guntrafficking.

My amendment eliminates the requirement that these important records be destroyed. There is no reason to handicap the police by requiring them to destroy information that can help prevent or solve crimes, especially terrorist crimes. As under existing law, the information provided to the police will remain confidential and will be used only for legitimate law enforcement purposes.

There are obvious law enforcement needs for this information, especially in the wake of the Oklahoma City bombing and the disclosures that some militant groups have been acquiring weapons at an alarming rate. According to Daniel Welch, director of the Southern Poverty Law Center's Klanwatch, "[t]here has been an arms race within the white supremacy movement as to who can stockpile the most weapons." In addition, some anti-Government militia groups are also racing to acquire weapons for the avowed purpose of engaging in combat with the Government of the United States.

According to the Anti-Defamation League, "[t]hese militia members are not talking about change from the ballot box alone, many are enamored of the prospect of change through bullets, explosives, and heavy armaments."

Recent law enforcement investigations demonstrate the extent to which militias are arming themselves:

A decade ago, in 1985, FBI agents discovered a compound owned by the Covenant, the Sword, and the Arm of the Lord, a paramilitary survivalist group operating along the Missouri/Arkansas border. The group's literature demonstrated it to be strongly anti-Semitic, and its leaders believed they were preparing troops for the coming war through paramilitary training. In the raid, agents seized hundreds of weapons, bombs, an antitank rocket, and quantities of cyanide apparently intended to poison the water supply of a city.

In 1993, law enforcement officials discovered at least 6 separate weapons arsenals and 13 separate explosives arsenals linked to militant extremist groups across the country.

In July 1994, Federal authorities found 13 guns, homemade silencers, explosives, blasting caps, fuses, and hand grenades belonging to James Roy Mullins, the founder of an anti-Government militia group in Virginia.

In September 1994, three members of the Michigan Militia were stopped by police for a routine traffic violation. Inside the car, police discovered three military assault rifles, three semiautomatic handguns, a revolver, 700 rounds of armor-piercing ammunition, and several knives and bayonets. All of the firearms were loaded. And handwritten notes found in the car indicated that the militia members were conducting surveillance of local police departments.

Militia members have been shown on television marching with rifles, but they have not limited their arsenals to such weapons. According to the Treasury Department, anti-Government militias have acquired a wide array of weapons including .22 caliber, .45 caliber, and 9mm pistols, .357 revolvers, and a variety of military-style assault weapons.

There are some who say that militias are harmless. Some ask why the Government should care if some citizens want to spend their weekends marching in the woods wearing camouflage fatigues as a hobby.

The answer is that not all militias are harmless. The events in Oklahoma City and elsewhere has focused public attention on a small group of Americans who are convinced that the Federal Government is the enemy and who may be preparing to wage war against the Government. These groups pose a terrifying threat to Federal agents, Federal workers, and other law-abiding citizens. We cannot afford to ignore that threat.

As a result of lax Federal gun laws, it is relatively easy for anti-Government extremist groups to stockpile arsenals of massive destructive power. Many of the semiautomatic handguns and revolvers recovered from these extremists are legally available at gunshops and gun shows. We do not have Federal licensing or registration requirements in this country. It is perfectly legal for anyone except felons and the mentally ill to possess hundreds or thousands of guns.

I believe we should have tougher, more sensible gun laws, but I do not seek to accomplish that goal on this bill. This amendment does not prohibit the manufacture or prohibit the manufacture or possession of any guns. It does not ration guns, as the NRA has falsely charged. Legitimate sportsmen and gun collectors have absolutely no reason to fear this amendment.

It builds on the recordkeeping requirement so that local law enforcement agencies will not be required to destroy potentially useful records after 20 days. In light of recent events, this amendment is a reasonable step to permit the police to keep track of individuals or groups in a community who may be stockpiling weapons or engaging in illicit gun-trafficking.

This amendment is a necessary measure in the battle against terrorism and I urge the Senate to approve it.

Mr. President, this amendment is supported by 47 police chiefs, including the police chief of Oklahoma City, Sam Gonzales. And I have other letters of support.

I ask unanimous consent that the names of the police chiefs be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SENATE OFFICE BUILDING,
Washington, DC, June 6, 1995.

DEAR SENATOR: In the wake of the Oklahoma City bombing and the recent shootings of police officers around the country, we, as police chiefs who are sworn to protect the public and our officers, strongly urge your support for the following four amendments to the upcoming anti-terrorism bill:

Cop-killer bullets.—This amendment, to be offered by Senator Bradley, will prohibit "cop-killer" bullets based on a performance standard rather than the physical composition of the bullet, as current law requires.

Multiple handgun sale forms.—This amendment, to be offered by Senator Kennedy, will allow local law enforcement to keep a record of multiple handgun sales rather than destroy the forms, as current law requires.

Guns for felons.—This amendment, to be offered by Senators Lautenberg and Simon, will permanently close the current loophole that allows some violent felons to regain their right to possess firearms.

National Firearms Act.—This amendment, to be offered by Senator Boxer, will increase the statute of limitations for violations of the National Firearms Act from three to five years.

These amendments are designed to close current loopholes in federal law. They will provide enforcement with additional tools to apprehend violent offenders, vigorously prosecute them and combat crime on our streets.

We strongly urge you to demonstrate your unwavering commitment to the protection of law enforcement and the safety of all Americans by supporting these public safety measures.

Sincerely,

Chief Jerry Sanders, San Diego, CA.
Colonel Clarence Harmon, St. Louis, MO.
Chief Louis Cobarruviaz, San Jose, CA.
Chief Anthony D. Ribera, San Francisco, CA.
Deputy Chief Roy L. Meisner, Berkeley, CA.
Chief Noel K. Cunningham, Los Angeles Port, CA.
Chief Dan Nelson, Salinas, CA.
Chief Robert H. Mabinnis, San Leandro, CA.
Chief James D. Toler, Indianaplis, IN.
Chief Sam Gonzales, Oklahoma City, OK.
Director Steven G. Hanes, Roanoke, VA.
Chief Robert M. Zidek, Bladensburg, MD.
Chief Charles R. McDonald, Edwardsville, IL.
Chief Lawrence Nowery, Rock Hill, SC.
Chief Edmund Mosca, Old Saybrook, CT.
Chief William Nolan, North Little Rock, AR.
Chief David C. Milchan, Pinellas Park, FL.
Chief Lockheed Reader, Puyallup, WA.
Chief Peter L. Cranes, W. Yarmouth, MA.
Chief Daniel Colucci, Kennelton, NJ.
Chief Gertrude Gogan, Bel Ridge, St. Louis, MO.
Chief Reuben M. Greenberg, Charleston, SC.
Chief Robert L. Johnson, Charleston, SC.
Chief Robert M. St. Pierre, Salem, MA.
Chief Douglas L. Bartosh, Scottsdale, AZ.
Chief Perry Anderson, Cambridge, MA.
Chief Leonard R. Barone, Haverhill, MA.
Chief Ronald J. Panyko, Millvale, Pittsburgh, PA.
Chief William Corvello, Newport News, VA.
Asst. Chief James T. Miller, Dekalb Co. Police, Decatur, GA.
Chief Larry J. Callier, Opelousas, LA.
Chief Howard H. Tagomori, Wailuku, Maui, HI.
Chief Leonard G. Cooke, Eugene, OR.
Chief Harold L. Johnson, Mobile, AL.
Chief Charles A. Moose, Portland, OR.
Chief Frank Alcala, East Chicago, IN.
Chief E. Douglas Hamilton, Louisville, KY.
Chief Charles E. Samarra, Alexandria, VA.
Chief Allan L. Wallis, Renton, WA.
Chief Scott Burleson, Waukegan, IL.
Chief C.L. Reynolds, Port St. Lucie, FL.
Chief Sylvester Daughtry, Greensboro, NC.
Chief Jimmie L. Brown, Miami, FL.
Commissioner Gil Kerlikowske, Buffalo, NY.
Chief Harold L. Hurtt, Oxnard, CA.
Chief Norm Stamper, Seattle, WA.

Mr. KENNEDY. Mr. President, it is interesting that there is the requirement in the legislation that, after 20 days, the records must be destroyed. All this amendment does is to vitiate that particular provision. It is not a requirement that they maintain them. All this does is eliminate the requirement that they must be destroyed. We have seen in many instances where our law enforcement people have been outgunned by various gangs and other groups in many of the cities of this country, which in many instances are free-fire zones. We have seen the whole pattern of multiweapon purchases. This is a very modest but important law enforcement tool needed to determine the stockpiling and the caching of various weapons.

I will mention here an excellent letter of support from Paul Evans, our police commissioner in Boston.

It says:

I am writing to express support for your proposal to help local police departments track multiple gun purchases. Like many other cities in the Northeast, Boston is concerned about interstate gun trafficking. For years now, an iron pipe has existed on the east coast, with professional gun traffickers buying large numbers of handguns, transporting them elsewhere for illegal sale in States and communities with much tougher gun laws.

In 1993, a study of the Bureau of Alcohol, Tobacco, and Firearms found that 60 percent of the guns used in crimes in Boston were purchased outside of Massachusetts.

The multiple handgun sale notification form can be one of the most potent weapons in the fight against the illegal gun trade. Two years ago, as part of the Brady bill, Congress required Federally licensed gun dealers to send a copy of the multiple sale form to local law enforcement officials in the hope that local law enforcement officials would be armed with the knowledge that could assist them in identifying illegal gun traders.

We can remember from the debate on the Brady bill that there were those who said what we want to do is find out whether those particular individuals have committed a felony or violated the law. So let us shorten the time period that an individual or group has to wait, but let us give the information to the local law enforcement. And within that proposal is the requirement to destroy that information after 20 days.

What we are finding out is, in local law enforcement, as well as State law enforcement, as well as others who have a responsibility in this area, that this requirement for the destruction of this information hinders their opportunity to make judgments about the growth of the illegal gun trade.

I will continue with the Paul Evans letter.

Congress, unfortunately, requires local police to destroy those forms within 20 days. Many gun traffickers, in an effort to avoid suspicion, made several multiple purchases over the course of several days and weeks, rather than one large purchase of firearms. Can the amendment eliminate this? In this case, it would allow the Boston police to develop proactive policies around this information.

This is a viewpoint which is shared by the other police officials who support this amendment.

Mr. President, it is a simple concept. It is a needed provision, and I hope that we might have acceptance of this amendment.

I yield the floor.

Mr. HATCH. Mr. President, we brought this bill to the floor, and it has taken a large effort to get it here. We have worked very hard with the administration. We have worked with Senator BIDEN and the Justice Department, and the vast majority of this bill is agreed to. There seems to be one major contentious issue—and I think we can resolve that by amendments one way or the other—and that happens to be the habeas corpus provision, which the President called for last night. The President has called for us to pass this bill. He has called for us to pass habeas corpus reform on this bill.

A while back, he did not feel he wanted it on this bill, but last night he did call for it. It is the appropriate time to get it done.

I am disappointed to say that we are in the middle of making this a gun control bill. I hate to say it, but we are going to have another opportunity on the crime bill when it comes to the floor of debating these gun issues. Why should we gum up the antiterrorism bill with a bunch of gun provisions?

When it comes to addressing our Nation's crime problems, the liberals in Congress and the media have proposed gun control. When the Nation calls on us to get tough on criminals, the liberals drag out the carcass of gun control. The fact is that when the going got tough, the liberals would embrace gun control over tough reform. That is nothing new to us. What I find shocking here is that they would attempt to turn this bipartisan, antiterrorism bill into an antigun bill, or into a political document.

We have worked hard to try to accommodate everybody on this bill. Frankly, I am amazed that some of my colleagues would use the tragic events

of Oklahoma City to push totally unrelated politically motivated gun control legislation.

I have worked long and hard to bring this bill to the floor, as I said. After the President's call for prompt action on meaningful terrorist legislation, we bypassed the normal committee process in order to ensure swift action. We still worked with Senator BIDEN, who has worked well on this bill, the Department of Justice, other members of the Judiciary Committee, and other Members of the Congress.

We have incorporated almost all of President Clinton's legislative proposals. We have been in the front of efforts to provide assistance to the people of Oklahoma. I sought the counsel of the Oklahoma State attorney general, Drew Edmondson, who is a Democrat, who supports much of what we are doing here.

In fact, I have praised President Clinton for his leadership and the effectiveness of his Department of Justice in handling these issues involved in this matter.

In short, we endeavor to do what is right and the right thing in the wake of this atrocity at Oklahoma City. That is why I am so disappointed that all of a sudden we are tearing down the spirit of bipartisanship, and even though some of the amendments sound reasonable, they are not in the eyes of a number of people on both sides of the aisle. I think it is becoming too partisan. We have worked hard on this. We have worked hard to try to cast a tough antiterrorist bill that delivers most of what the President has called for.

It appears that some here have spent the last several weeks again trying to fiddle with the explicit rights of the Constitution. While I was working to deliver the President his bill, some of the more liberal persuasion have been honing gun control designs they wished to wield in their ongoing onslaught against the second amendment rights of freedom, rights of honest, law-abiding citizens. There are two points of view on the second amendment. The distinguished Senator from Delaware shares one; I share the other.

My colleagues may think they have a good political issue on these gun control issues, but I do not think they do. In the court of public opinion, gun control is a big loser. A new U.S. News & World Report poll shows 75 percent of all American voters believe that the Constitution guarantees them the right to own a gun. The poll found voters are less willing today, even after Oklahoma City, to accept restrictions on their constitutional rights in order to feel more secure.

Rather than create schemes that are constitutionally questionable, this body should concentrate on the real measures that will limit terrorist atrocities. These measures are outlined in this bill in great detail.

I have to say they should not be part of an attempt to impose restrictions on second amendment rights. We can agree and disagree on what those second amendment rights are. I tried to avoid this becoming a gun fight as much as I possibly could, in the whole process, from committee to the floor and on the floor.

But now we have a series of amendments that are nothing more than amendments to try to bring up the whole gun issue again on something that needs to be passed now, that the President has asked we pass now, that the majority leader has asked that we pass now, that the majority of Americans in this country would like to have passed.

I am concerned about it. I think both sides know that we have problems on these issues. I hope that we can work on the things that we agree on and reserve the gunfights for the crime bill when it comes up and face them at that time.

It will come up. There will certainly be a crime bill, either before the end of this year or next year. We are going to do everything we can to try to get that done.

In that regard, I want to personally express appreciation to Senator BIDEN for his efforts in trying to work with me on this issue, trying to get time agreements on these amendments. He is representing his side in a very responsible way. I personally appreciate it. I want him to know that. Also, he has a great deal of knowledge in this area, and I just hope we can somehow or another break down the gun fights and get them out of here and start working about antiterrorism and the real issues in antiterrorism and reserve the gun fights until the crime bill. Then we will all face them at that time.

I am prepared to do that at that time. I would like to get this bill passed by this evening, and even if we pass it in the Senate, we still have to go to the House of Representatives. We may have to have a conference. We will have to bring it back. So we still have a fairly detailed process to go through, regardless of what we do.

I would like to get away from these gun control fights and do what we can on the antiterrorism bill, the way the President would like to have it done, and the way I think a vast majority of Senators believe it should be done and has been done.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Delaware.

Mr. BIDEN. Mr. President, it was clear to everyone when habeas corpus was added to this bill—which was never intended originally to be part of this bill—that a lot of issues that were contentious ought to be raised.

We would be better off if we had no amendments on this. It was clear it was not going to happen. Everybody knew these amendments were coming. We got a unanimous-consent agreement limiting the number of amendments before we left to go home for our home period a couple of weeks ago.

I, quite frankly, sought the forbearance of my Democratic colleagues. There are only four amendments out of all the amendments that relate in any way to guns. Of those four amendments, the four sponsors of those amendments have agreed to use a total of 190 minutes, an hour and a half.

I have proposed a time agreement. I certainly hope the Republicans will not filibuster this bill. I hope they will not enter into the mode that I have been arguing with Democrats not to enter into.

There are several Democrats who feel very strongly about habeas corpus. I have gotten an agreement that we will limit the amount of time on the five habeas corpus amendments that are out there. We have agreed on this side, even though several Members find the habeas corpus provision in this terrorism bill so repugnant that they may not be able to even vote for the bill, they have agreed to a time agreement, and they have agreed, in turn, therefore, not to filibuster or delay this bill.

I hope that my Republican friends will not filibuster the bill, either. The way to deal with this is Senator KENNEDY agreed to 20 minutes equally divided on his amendment. He has made his statement. All we have to do is agree to 10 minutes in response to the statement and vote.

We can do the same thing with regard to the Lautenberg amendment, the same thing with regard to the Kohl amendment, and the same thing with regard to the Bradley amendment. That is a totality of the amendments arguably related to firearms. One relates to cop killer bullets, one relates to multiple gun purchases and recordkeeping, one to the civilian marksmanship program, and one relates to the gun-free school zone which passed here almost unanimously. The Supreme Court concluded that it was not constitutional. It has been altered and reintroduced. That was overwhelmingly passed.

Mr. HATCH. Would the Senator yield?

Mr. BIDEN. I yield.

Mr. HATCH. I think the problem is we have a lot of nongermane amendments that do not belong in this bill, and there are people on this side who do not want them.

Frankly, we have a cloture vote tomorrow morning, and nobody will filibuster it on this side. There is a feeling over here by some that we have a bunch of nongermane amendments that gum up this bill, and we may have to wait until cloture tomorrow on some of those amendments.

Maybe we can move ahead on some that are germane, like the habeas

amendments. They are germane. Habeas is a big part of this bill. We have kept all the gun fight amendments away on our side because we want to pass the President's terrorism bill. The President of the United States has called for habeas corpus in this bill. We are going to give it to him if we can. I believe we can.

Now we are getting into extraneous matters that are not even germane to antiterrorism, are not germane to this bill, that should not be in this bill, that could be brought up on any number of following pieces of legislation and be germane, especially the crime bill, and the only purpose is to make this bill a more political exercise than it should be.

I would like to worry a little bit more about these victims of the Oklahoma bombing and others who are potentially victims if we do not do something about this antiterrorism legislation as quickly as we can.

Now, nobody wants to filibuster this bill, but by gosh, if we have to go to cloture to establish that we are not going to gum this bill up with a bunch of extraneous, nonbipartisan, nongermane, inappropriate amendments for this, then I do not know if I can stop that.

I am willing to proceed on germane amendments. I suggest we spend the rest of the day working on all the germane amendments that we can, and go forward.

Mr. BIDEN. Mr. President, the way that translates to me is that the Republicans have concluded they are not going to allow Senators KENNEDY, LAUTENBERG, KOHL, or BRADLEY to have a vote on their amendments.

I understand that. I am a big boy. I understand how that works, if that is what they have decided to do. To suggest that we wait until cloture, by definition, cloture means these would not be in order.

Now, every single bill that I know of that we ever pass through this place has nongermane amendments on it. I cannot think of one off the top of my head that does not have nongermane amendments on it. That is the practice. That is the practice. That is the rule. That is the way we proceed. And the theoretical reason for cloture is that people are taking too much time on this bill.

I have time agreements on all these amendments. Before the next half-hour is up, every Democratic amendment on any subject that is in this bill, we can get a time agreement on. We can settle this thing tonight. We can get this done.

I thought the reason for cloture was worry on the part of the majority leader that we would never get to a final vote on this bill. I am telling you I can get a time agreement on all of the Democratic amendments. We can get to a vote on this bill tonight.

But what I am being told here is, we can only get to a vote on this bill tonight if we only vote on the things the Republicans want to vote on. That is what this translates to.

I understand that. I accept that. But let us understand what we are talking about here. This is not about delay. Democrats are willing to vote. We are willing to give time agreements. On this amendment, the Senator spoke for 10 minutes. Ask for 10 minutes and then vote. If they do not even want to respond—vote.

We are ready to vote. This is not about delay. This is about the Republicans wishing to dictate what they will and will not allow to be offered as an amendment on a bill. I understand that. That is their right. I do not quarrel with that right. But let us make this thing real clear. That is what it is about.

Mr. KENNEDY. Will the Senator yield?

Mr. BIDEN. I will be happy to.

Mr. KENNEDY. Was the Senator familiar with the Hatch resolution for Senator BROWN, dealing with terrorism and the peace process in Northern Ireland? It is a sense-of-the-Senate about the parties involved in the peace process in Northern Ireland and a report on Northern Ireland.

Is the Senator familiar with the other provisions, even in the Hatch substitute, that talk about the conditions of eligibility for States being able to receive any funding under this? There is the requirement that, in terms of certain DNA analysis, testing be done by the Director of the Federal Bureau of Investigation. It may be very worthwhile. But that is another measure that has been included. I could go on.

I want to just ask the Senator if he would not agree with me that the issue of availability and the proliferation of military-style weapons that are available to the citizens is an active threat to the security of the American citizens? I will be glad to either spend some time in reviewing that, or I will be glad to follow the urgings of our ranking minority member and put those in the RECORD in order that we can move the process forward. But does not the Senator believe that the issue of the vast proliferation of weapons and their accumulation by various militia groups certainly has as much to do with the issue of potential danger to the American citizen's security as some of these other items I mentioned?

Mr. BIDEN. If I can respond to the Senator's basic question, there are a number of items in this bill, amendments we have already accepted, amendments we have debated and voted on—some defeated, some not—that are nongermane in a technical sense, like the gun amendments are nongermane.

What this is all about is they only want their nongermane amendments. They want to be able to dictate to all of us what we can and cannot offer on this amendment. Who is to say whether or not it is any more relevant to terrorism that you have a habeas corpus provision in this bill or whether it is more relevant to have a provision like the one the Senator from Massachusetts is suggesting? That is a judgment call. That is a judgment call.

I think we should not delay in this. Again, I made a commitment to the leader, the Republican leader, that I would implore the Democrats to reduce their number of amendments and to enter into time agreements. We have done that. We have done that. So we can get to what his objective is, the telecommunications bill, tomorrow. We are able to do that.

We have spent, now, an hour talking about whether or not we can proceed. We could have already disposed of my colleague's amendment and the Bradley amendment by now. They would be over, finished, either in the bill or out. And I have a feeling, unless I count incorrectly—although I agree with the Senator from Massachusetts—I have a feeling he would be out if they let us vote on this just because of the way the votes have stacked up.

But this is not about moving the bill along. This is about several Republican Senators wishing to filibuster indirectly this bill by not allowing my colleague to introduce his amendment, or the other three amendments, for which we have time agreements if they would agree.

Mr. KENNEDY. If the Senator will yield, is the Senator aware that there are 47 police chiefs across the country who have urged the Senate, from their point of view, to accept this amendment that they believe is important, and also that the language, which is included, was basically the majority leader's language to have preservation of these records up to 20 days and then have them eliminated? The Senator is probably aware that it has been the judgment of law enforcement officials, now, that the 20 days is too short and the longer period of time would serve the security of American citizens. I wonder why we are not prepared to move forward. We could accept this amendment, I would welcome the opportunity to do so, and to move on to the other items.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, Senator BIDEN and I have been through this before. We might feel differently about things. We want to pass a bill. We know how important it is. But some on the other side desperately want to make this a gun fight and frankly we have done everything on our side to keep it out of there. Habeas is one reason why our side is willing to keep it out of it, because they recognize that

for the first time in years in this country we can correct the habeas corpus problem in this country, of incessant liberal appeals—incessant frivolous appeals. To make a long story short, that should not be allowed.

I have a letter here from President Clinton. President Clinton knows I have been trying to accommodate him. He knows I have done everything I possibly can to try to accommodate him on this bill, even though he has had to be dragged along on habeas corpus, he now admits he wants that in this bill.

I hope the people on the other side, who are of the same persuasion and party, would support the President. But there is nothing in this letter, three-page letter, single-spaced, from the President, where he suggests what he wants in this bill—that we are trying to solve and we can meet every one of those problems, it seems to me, one way or the other—there is nothing in here about making this into a gun fight or making it into a fight over gun control.

I have to say I am very concerned about it because I want this bill to pass. The vast majority of it I believe is acceptable to virtually everybody in this body. The few things that are controversial I think a vast majority will support. I believe the President will support this bill and he will sign it into law.

Here we are, spinning our wheels, talking about gun control. That could be brought up on the crime bill where it should be brought up. It should not be used to delay this bill because these folks on the other side know that there are folks on this side who cannot allow the right to keep and bear arms to be diminished by some of these gun control amendments, as seemingly simple as some of them seem, as complex as they really are.

I have to say personally I would be willing to meet anything on this bill. But I have to live within constraints, too. I am calling on my colleagues to get rid of the gun control amendments or else let us go to cloture and let us get rid of them that way. Because they are not germane.

We have been on this bill 3 days. We have had five amendments that we have disposed of in 3 days. Now we are in the middle of a gun control fight instead of passing what needs to be done, and that is the day after the people from Oklahoma, who pinned this ribbon on me that I am wearing in honor and memoriam because of what happened there—the day after they came and said pass this bill the way it is.

As you can see, I am worked up but I have to say I understand the sincerity on the part of some on the other side. I respect that. I understand the sincerity on the part of my friend from Massachusetts. I respect it, especially in his case. He and I both know what suffering is all about.

I expect him to bring these amendments to the floor, but not on this bill. His amendment is probably less offensive to some on our side than some of the others that are going to be brought here, mainly because we do not want to see this bill turned into a gun control fight when we have people out there in this country who are just waiting to commit more terrorist acts and when we all know that we should act. We all know we ought to do what we can to try to bring some peace and solace to those who suffered in Oklahoma City as well as others in this country.

Mr. President, I ask unanimous consent the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 25, 1995.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I write to renew my call for a tough, effective, and comprehensive antiterrorism bill, and I urge the Congress to pass it as quickly as possible. The Executive and Legislative Branches share the responsibility of ensuring that adequate legal tools and resources are available to protect our Nation and its people against threats to their safety and well-being. The tragic bombing of the Murrah Federal Building in Oklahoma City on April 19th, the latest in a disturbing trend of terrorist attacks, makes clear the need to enhance the Federal government's ability to investigate, prosecute, and punish terrorist activity.

To that end, I have transmitted to the Congress two comprehensive legislative proposals: The "Omnibus Counterterrorism Act of 1995" and the "Antiterrorism Amendments Act of 1995." In addition, the Senate has under consideration your bill, S. 735, the "Comprehensive Terrorism Prevention Act of 1995." I understand that a substitute to S. 735, incorporating many of the features of the two Administration proposals, will be offered in the near future. I also understand that the substitute contains some provisions that raise significant concerns. We must make every effort to ensure that this measure responds forcefully to the challenge of domestic and international terrorism. I look forward to working with the Senate on the substitute and to supporting its enactment, provided that the final product addresses major concerns of the Administration in an effective, fair, and constitutional manner. The bill should include the following provisions.

Provide clear Federal criminal jurisdiction for any international terrorist attack that might occur in the United States, as well as provide Federal criminal jurisdiction over terrorists who use the United States as the place from which to plan terrorist attacks overseas.

Provide a workable mechanism to deport alien terrorists expeditiously, without risking the disclosure of national security information or techniques and with adequate assurance of fairness.

Provide an assured source of funding for the Administration's digital telephony initiative.

Provide a means of preventing fundraising in the United States that supports international terrorist activity overseas.

Provide access to financial and credit reports in antiterrorism cases, in the same manner as banking records can be obtained under current law through appropriate legal procedures.

Make available the national security letter process, which is currently used for obtaining certain categories of information in terrorism investigations, to obtain records critical to such investigations from hotels, motels, common carriers, and storage and vehicle rental facilities.

Approve the implementing legislation for the Plastic Explosives Convention, which requires a chemical in plastic explosives for identification purposes, and require the inclusion of taggants—microscopic particles — in standard explosive device raw materials which will permit tracing of the materials post-explosion.

Expand the authority of law enforcement to fight terrorism through electronic surveillance, by expanding the list of felonies that could be used as the basis for a surveillance order; applying the same legal standard in national security cases that is currently used in routine criminal cases for obtaining permission to track telephone traffic with "pen registers" and "trap and trace" devices; and authorizing multiple-point wiretaps where it is impractical to specify the number of the phone to be tapped (such as when a suspect uses a series of cellular phones).

Criminalize the unauthorized use of chemical weapons in solid and liquid form (as they are currently criminalized for use in gaseous form), and permit the military to provide technical assistance when chemical or biological weapons are concerned, similar to previously authorized efforts involving nuclear weapons.

Make it illegal to possess explosives knowing that they are stolen; increase the penalty for anyone who transfers a firearm or explosive materials, knowing that they will be used to commit a crime of violence; and provide enhanced penalties for terrorist attacks against all current and former Federal employees, and their families, when the crime is committed because of the official duties of the federal employee.

In addition, the substitute bill contains a section on habeas corpus reform. This Administration is committed to any reform that would assure dramatically swifter and more efficient resolution of criminal cases while at the same time preserving the historic right to meaningful Federal review. While I do not believe that habeas corpus should be addressed in the context of the counterterrorism bill, I look forward to working with the Senate in the near future on a bill that would accomplish this important objective.

I want to reiterate this Administration's commitment to fashioning a strong and reffective response to terrorist activity that preserves our civil liberties. In combatting terrorism, we must not sacrifice the guarantees of the Bill of Rights, and we will not do so. I look forward to working with the Congress toward the enactment of this critical legislation as soon as possible.

Sincerely,

BILL CLINTON.

Mr. HATCH. Mr. President, I do not want to lecture to my colleagues on the other side. They all are sincere. They all have their own ideas. But I think it is time for them to start supporting their President. They ought to get behind President Clinton on this

issue and, as tough as it is, they ought to pass this bill because we have tried to accommodate the President in every way. I am sure there may be some things where we still are in disagreement but by and large we have put things in here that I would just as soon—that I would just as soon not have in here. There are some other amendments we are probably willing to accept that are germane, that will make a difference here. We are willing to work on it on this side and get it done. But nobody is trying to delay this bill except those who are trying to make it a gun control fight.

I would not mind that if this was the only vehicle that they could make a gun control fight over. I have to say, I would still mind it because it is important that we pass this bill. It is important that we pass it now. It is important that we do what we can against terrorism in this country. But they have all kinds of future legislation from the Judiciary Committee if they want to use that or any other legislation that they can make into a gun control fight if they want to. But they should not do it on this bill. They should not do it on this bill.

Mr. CRAIG. Will the chairman yield?

Mr. HATCH. I yield.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my chairman for yielding. Let me say this in all due respect to the chairman, who has obviously worked almost since the day of the tragic bombing in Oklahoma City to address the wishes of our President and our majority leader and a great many of America's citizens to change around some of our laws and strengthen them so that innocent people, hopefully, could be protected prior to a criminal element in our society doing what they did and a tragedy resulting.

I and others have watched very closely as the staff of the Judiciary Committee has assembled this legislation from the principles the President laid down and from the principles the majority leader laid down so that no civil liberties in this country would be trampled. I can say that Senator HATCH in due caution has approached this in a way to assure that would not happen. He has now just put into the RECORD a 10-point letter of May 25 from the President establishing the principles that the President thought were necessary in antiterrorist legislation.

None of those principles embody the four or five amendments that at the last moment are trying to be crammed into this bill. They are primarily gun control amendments. They are primarily amendments that would trample all over the feet of second-amendment-right citizens who are law abiding in every respect.

I thought we were after the criminal element until I saw that nasty word of "politics" slivering into the back door of this critical piece of legislation. And that is wrong, Mr. President. That should not be allowed to happen. In fact, I and others cannot allow it to happen. We support this legislation because we believe America needs it and wants it. And we think that many elements of it will work toward trying to deter, before a tragic event like Oklahoma City or the Tower bombings were to happen, the kind of surveillance and intelligence that is necessary to try to block something like that from happening. But we now know the rest of the story, and it is going to be, unless we stop the politics as usual.

So I am saying at this moment to my leader, let us honor our President in this instance and, if we cannot bring the bill down, if we cannot arrive at a bill that is workable, bring it down, or appeal to the Democrats in this Chamber who support their President and the chairman of the Judiciary Committee, and in all fairness the minority leader of that committee, who I do not believe has authored any of these amendments, to get this resolved and get on with the business of the Senate, and say to the American people, "We have addressed your concerns and needs as addressed by this President and the majority leader of the U.S. Senate in a clean, clear criminal bill, not a bill that begins to trample on the ragged edge of the civil liberties of an awful lot of citizens in this country."

I will object to any effort to propose a unanimous consent, whether it is in the guise of limiting time, all in the name of comity. That is not comity at all. That is called politics in the rawest form. We decided after Oklahoma City that this ought not be politics as usual. It would be unfair to the citizens of our country, and it would be unlike the nature of the Congress of the United States in light of a dramatic human tragedy of the kind that occurred in Oklahoma City to play politics. And we walked away from that opportunity, and the Judiciary Committee, under ORRIN HATCH's leadership, stayed away from it and produced a bill that was critical to our country.

The President did not originally agree with habeas corpus. But last night he said on the Larry King Show, and I quote:

> And that ought to be done in the context of this terrorist legislation.

This President recognizes the importance of this legislation, and he is willing to bend a bit. Tragically enough, his own Senators are not.

So I appeal to his Democrat Senators at this time to support their President, to support a quality piece of work coming from the Judiciary Committee that has avoided the very concern that many of us have had about trampling on the edge, if not boldly in the center of some of the civil liberties of the citizens of this country. We ought to be able to do that, and we can do that, and we have done it before in times of national crises, to adhere to our constitutional responsibility while at the same time strengthening the fiber of our society and in a way that it could disallow, cause to be avoided, or stopped from happening the kinds of tragedies that occurred in Oklahoma City.

That is what we ought to be about today. That is what this chairman is trying to do, and that is what the majority leader is asking the U.S. Senate to do. Anything less than that, I hope the majority leader would say enough is enough, because he has this President and the American people on his side at this moment, on this issue. And obstructionism, in nature, as is now being laid down and as proposed is not good legislating.

So I hope we can move in that direction. I hope we can resolve this issue. There are a lot of issues before the Senate that deserve to be resolved, and this one should be handled in a timely and appropriate fashion.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened to the great eloquence of my friends and colleagues on the other side. I do not know whether they understand what this is really all about. All it is saying is that the requirement that exists now on local law enforcement to destroy their records of multiple sales of handguns after 20 days will not be in effect.

Why is that going to be such an impediment to the consideration of antiterrorism legislation? That is basically the amendment. I mean, what we have found is in the original Brady bill, the requirement that was introduced by the majority leader said that in order to work out the compromise at that particular time, there was going to be the requirement of keeping those records for multiple purchases of handguns for a period of 20 days. Now we find out from law enforcement officials that they cannot police efficiently the wide purchasing practices of many of those that are collecting these arsenals of handguns within that 20-day period. All they are saying is just lift the requirement that they have to destroy it—no requirement that they have to keep it, just lift the requirement that they have to destroy it. We hear, "Well, you are playing politics on this." This is politics.

Let me just review a little bit for the Members of the Senate some of what has been happening because of the accumulation. Also, I point out to our friends and colleagues who were talking about Oklahoma City that this provision is supported by the police chief in Oklahoma City, and 47 other police chiefs. The Oklahoma City police chief supports this. We are being told that it

is irrelevant, when you have the chief of police in Oklahoma City and 47 others that said they want it on there. It will do something about violence in our society, and the accumulation of weapons by various groups that are irresponsible in our society. We are told no, no. We are not going to even let you get a vote on it.

We said we would agree to a short time limit. It is not a very complicated issue. It is either can you vitiate that requirement that exists in law in 20 days or not? We can understand that. People can understand that very quickly. We do not need a long time to debate that. We do not need a long time to debate cop-killer bullets. We debated that issue at the time. But the majority said no, no; we are not going to be able to do it.

Mr. President, I see the majority leader on the floor. I will just take a few moments before yielding the floor to give some idea about what Members of this body know. But certainly, our American citizens ought to be reminded of it. I refer to an excellent article from the Anti-Defamation League about the growth of weapons stockpiles in the various militias that are taking place across the country. I will include selected parts of it in the RECORD.

"Civil war could be coming, and with it the need to shoot Idaho legislators," so said Sam Sherwood, leader of the backwoods Idaho-based U.S. Militia Association of March 2, 1995, after meeting with the Idaho Lieutenant Governor.

Sherwood amplified his views in a conversation with the Associated Press on Friday, March 10, 1995. According to the AP:

Sherwood believes that some Idaho lawmakers may . . . come to Washington, DC, and, hence . . . "the need to shoot them," he said. "Go up and look legislators in the face because someday you may have to blow it off," Sherwood said.

Then they continue along.

"Judges have been threatened with death, as have State workers and even a State legislator's 7-year-old son. County workers have been instructed to dive under their desks with a telephone in hand if anyone storms their offices," reports the Missoulaian.

According to one researcher, militia members on the Internet "at one point said they were going to march on Washington and arrest Congress at gunpoint," and in fact an alert was issued by a militia group which called not only for the arrest of Members of Congress but also their "trial for treason by citizen courts."

"Blood will be spilled in the streets of America", said a militia leader. It is inevitable.

According to the Arizona Republic, "Militia groups obtained the names and home addresses of all Federal officers in Mississippi, prompting U.S. agencies to post a nationwide alert."

According to the same article:

A Tennessee man who anticipated an armed battle with one-world government amassed an arsenal. When local police pulled up, he pulled a pistol on two officers, and one shot him in the head.

On July 27, this in the same article:

James Roy Mullins, founder and member of a militia group called the Blue Ridge Hunt Club, was arrested and charged with the possession of a short-barreled rifle with unregistered silencers, and facilitating the unlawful purchase of a firearm. Ultimately, three other members were also charged with firearm offenses. Federal officials said Mullins had formed the club to arm its members in preparation for war with the Government.

What are they arming themselves with? Guns. Guns.

On these issues, the group formed earlier in 1994 had as many as 15 members. They are said to have met three times before Mullins' arrest. While members of the group say that their purpose is to lobby against gun control laws, Federal law enforcement officials tell a much different story. An ATF official who investigated the case said Mullins' organization has a group of confederates to be armed and trained in paramilitary fashion in preparation for armed conflict with Government authorities should firearms legislation become that restrictive. Evidence of such preparation is substantial. In searches of members' homes and storage facilities, Federal agencies found a stockpile of weapons—a stockpile of weapons. This is just to be able to have information about who is stockpiling weapons and what groups are actually threatening Federal officials and have demonstrated, at least in the tragic incident of Oklahoma, their willingness and ability to use deadly force.

In Mullins' home, agents found 13 guns, several of which had homemade silencers. They found explosives, hand grenades, fuses, and blasting caps.

Even pretrial incarceration has not stopped Mullins from threatening violence. While in jail, he wrote a letter to a friend saying that he wanted to borrow a machine gun in order to "take care of unfinished business" with prosecution witnesses.

The strongest indication of the group's goal was the draft of a portion of a newsletter found on a computer disk obtained by Federal agents. "Hit-and-run tactics will be our method of fighting. We will destroy targets, such as telephone relay centers, bridges, storage tanks, radio towers, airports. Human targets will be engaged when it is beneficial to the cause to eliminate particular individuals who oppose us—troops, police, political figures, snitches," et cetera.

In one particular rally that they had in Lakeland, FL, in October 1994, there was distributed in large numbers at the rally a flier urging that "All gunowners should fire a warning shot as a signal to the Congress" on November 11 at 11 p.m. "Congress has failed to safeguard the Bill of Rights * * * especially the second amendment."

A warship will fire a warning shot across a bow, a rattlesnake will sound off; these warnings are never ignored. It is time to warn politicians that if they do not respect the Bill of Rights, they should at least fear the wrath of the people. Congress is forcing the country into a civil war.

Mr. President, all this amendment does is ensures that the reporting conditions do not have to be destroyed after 20 days. This does not say the Federal Government goes out and takes away the arms. It does not restrict people's right to own them. It does not restrict those people's right to purchase. It does not restrict those individual's rights at all to multi-gun purchases. It does not restrict it at all.

All it says is the requirement that after 20 days, those who are going to sell those kinds of weapons do not have to destroy the record of who they sell them to. That is all. They no longer are mandated to destroy the bill of sale, who they sold it to.

The question is why? And the answer is from those 47 police chiefs. They believe that the maintenance of those can be an important and significant weapon in dealing with violence, existing violence and potential violence of the type at which this legislation is directed.

I daresay that this particular provision is as relevant as any other provision that is before the Senate to deal with violence in our society. As I mentioned before, as Senator BIDEN has pointed out, we are prepared to enter into a time agreement. I am not going to take the time of the Senate to review other provisions that have been included, accepted and supported by other Members that have virtually nothing to do with the fundamental issues of violence and terrorism, but the Members understand that and know it and the RECORD reflects it.

This is dealing with an instrument which law enforcement officials believe can be extremely important and significant in helping to protect American citizens. It is a simple concept to continue those kinds of records so that law enforcement, both local and State officials, that are investigating crimes and violence will have an additional tool to make these kinds of arrests and prosecutions and to keep this country a safer place.

Mr. President, I hope that we would at least be given the opportunity to have a vote on this measure. I just point out this issue is not going to go away. I also take umbrage with the fact that we have been on this for 2½ days. We spent this morning debating another gun issue where the majority could not decide whether they wanted to vote for it, against it, or accept it. And then after they had their caucus, they decided that they would go ahead and accept it.

I take umbrage with the fact that this is a desire to delay by any of us. The measures which have been debated have been extremely important. We are

prepared to cooperate with the managers in any way to get an early resolution. But this matter is of importance to law enforcement officials and to the safety and security of the American people. That is what this measure is about—terrorism. This amendment, a modest amendment, ought to be accepted.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, it had been my hope following the policy luncheon that we would have a major shortening of the list of amendments on the other side of the aisle. As I understand, there has been really no effort to limit the amendments, except they picked out five or six amendments which are not germane and suggested time agreements on the nongermane amendments. I do not know the merits of this amendment. It may be a very good amendment. I do not debate the Senator from Massachusetts. I do not believe it was suggested in the President's bill—in any of the President's bills. Again, the President sent me a letter on May 25 outlining his objectives for an antiterrorism bill. There is nothing with reference to this amendment in it.

The President did change. We had a vote on the taggants amendment yesterday. We accepted another gun amendment. I think what this has become is the Democrats are bringing up all the gun amendments they have been keeping in their closet.

Mr. President, we are not going to play that game. I made the best effort I could to work with the White House in an effort to pass antiterrorism legislation, but the Democrats just insist they do not want to do that. They do not want to pass antiterrorism legislation. They have already forgotten what happened in Oklahoma City. They want to have a big debate out here, a big political debate to try to score a few political points, and that is not going to happen.

If we want an antiterrorism bill, we will vote for cloture tomorrow morning. If we do not, that is it, we will go on to telecommunications. The majority is not going to play this game for the benefit of a few Democrats who want to continue to try to make political points. It is almost impossible to work with this White House when you have Democrats in the Senate not willing to work with the White House. How do they expect Republicans in the Senate to work with the White House?

We are not going to play these games. We were told we were going to get a big list of amendments that were going to be eliminated. None has been eliminated. So I am going to suggest that we have a period for the transaction of morning business for the next 45 minutes, and we are going to try to determine what is going to happen. If nothing is going to happen, then we will just recess for the day, have a cloture vote tomorrow, and if the Democrats vote against cloture, that is fine. I want all of them to explain to the President why they did not support an antiterrorism bill, a bipartisan antiterrorism bill.

We began this bill on Thursday. We were delayed 1 day because the Democrats had 60-some votes on the budget bill. We have had filibuster by amendment around here all year long, bill after bill after bill. "Oh, do not file cloture, we will just propose 50 or 60 amendments." We had a record 32 votes in 1 day on amendments on everything they could think of.

So we began on Thursday, and we were on it on Friday and Monday, and now it is Tuesday. Now I understand they do not want to do anything tomorrow. They want to wait and get all these time agreements on habeas corpus. Tomorrow is Wednesday. We are just eating into the August recess day by day, and if nobody cares, it does not make any difference to this Senator, because I assume we will probably be here in any event.

Either we are going to get cooperation on the other side of the aisle or we are going to pull the bill down. I think the best thing to do is wait and have a cloture vote. Stop playing the game. Let us have a cloture vote tomorrow morning, and if Members on that side want to support their President with an antiterrorism bill, they will vote for cloture. If they do not want to support their President, they will vote against cloture. It is all right with this Senator, but we will have kept our word with the President of the United States to deliver him an antiterrorism bill, not a bill with a lot of amendments on it to make a political point for somebody on the other side.

So I have just reached the limit of my patience on this particular measure.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until the hour of 4:30, with Members permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNITED STATES POLICY TOWARD BOSNIA

Mr. DOLE. Mr. President, at this moment, several thousand United States troops and their equipment are headed for Europe to positions near Bosnia and Herzegovina. Tomorrow the Armed Services Committee will hold hearings on this deployment and U.S. policy. On Thursday the Senate Foreign Relations Committee will also conduct hearings to learn about current United States policy toward Bosnia.

These hearings are of critical importance—not only because of the seriousness of sending American ground forces into harm's way, but because of the continued confusion over U.S. policy.

Last Wednesday, at the Air Force Academy, the President stated, and I quote:

> I believe we should be prepared to assist NATO if it decides to meet a request from the United Nations troops for help in a withdrawal or a reconfiguration and a strengthening of its forces.

But, a few days later, in his weekly radio address, the President stated that in addition to assisting in the withdrawal of UNPROFOR, the United States may send ground troops in the "highly unlikely event" that part of the U.N. force became "stranded and could not get out of a particular place in Bosnia" and need "emergency extraction." The President added that such an emergency operation would be "limited and temporary."

The first question each of the committees must ask is what is U.S. policy today. Is it to help strengthen and reconfigure U.N. forces, or is it to assist in "emergency extraction"? Furthermore, what is the difference between reconfiguring forces and emergency extraction? What is the relationship between emergency extraction and total U.N. withdrawal? Would such an extraction be a prelude to full withdrawal? In other words, what is the mission of U.S. ground forces if they are deployed for contingencies other than participating in a complete withdrawal of U.N. forces.

Then the committees will need to turn to basic operational questions:

What is the NATO-U.N. relationship? When does NATO command begin? How far does it extend—to all air and ground forces in Bosnia?

What is the command structure and its relationship with U.N. commanders?

What are the rules of engagement? Are they robust?

What are the threats to our forces? How will they be addressed?

What is the estimated duration of the operation? Last August during DOD authorization conference former U.S. Envoy Chuck Redman told conferees that Pentagon estimates were that a withdrawal operation would take 3 months—to include equipment. If the current plan anticipates a longer duration, why is that the case? If the duration is lengthy, is this because of demands by UNPROFOR contributors to take all of their equipment—not just lethal equipment? And will U.S. lives be risked to save equipment?

With respect to emergency extraction operations, how are the terms "limited" and "temporary" defined?

What will the United States role be in U.N. decisions which could lead to

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such emergencies, for example if Bosnian Serbs retaliate for an UNPROFOR action by overrunning Gorazde?

In addition, the committees will need to pursue the administration's decision to provide close air support to the quick reaction force. Reportedly, Secretary Perry has agreed to make helicopter gunships part of potential close air support operations for the quick reaction force. AC-130's, unlike our F-16's, fly slow and close to the ground—therefore they are more vulnerable.

What actions will NATO take to suppress the threats posed by surface to air missiles [SAM's]?

When will such action be taken?

An American pilot was shot down by a SAM and is missing. Last December, Adm. Leighton Smith, our NATO Commander in Naples wanted to take out Bosnian Serb SAM sites because of the threat they posed to pilots patrolling the no-fly zone. But, NATO did not take out those SAMS because the U.N. commanders said "no." Had NATO acted 6 months ago, our pilot may not have been shot down. So the question now is, are we going to send more Americans into harm's way without taking measures to reduce the risk?

On the diplomatic front, there are also many questions.

What is the diplomatic strategy with respect to Serbian President Milosevic? Are we sure there is a split between Milosevic and Radovan Karadzic, or is Milosevic playing good cop and Karadzic bad cop? If there is a split how do we explain Milosevic's role in releasing some of the U.N. hostages? Has Milosevic been promised anything in return for his assistance in securing the release of hostages? I understand this afternoon there way be another 50 or so released.

Are we going to agree to lift most sanctions on Serbia in return for recognition of Bosnia and what does recognition mean—really closing the borders and cutting off supplies and military contact with the Bosnian Serbs?

If we lift sanctions on Serbia now, how do we maintain any leverage over Serbian actions against the Alabanians in Kosova and Serbian support for militant separatists in Croatia?

Mr. President, I have not listed all of the questions that need to be asked at the hearings this week. Furthermore, these matters need to be placed in a larger context—namely, what is the objective of these actions: Is it to remove U.N. forces or to keep them there? Are we serious about withdrawal or not? If not, why not?

This bigger picture should be the focus of administration consultations with the Congress. We should not only be informed about NATO planning and operations. We should be engaging in a dialog about where we are going. Are we at last going to lift the unjust and illegal arms embargo on Bosnia?

I believe that the United States has interests in Bosnia and Herzegovina. As George Will said this week in Newsweek in response to the charge made by some that the United States has no "dogs in this fight," that, and I quote,

> But those in the fight are not dogs and by the embargo we have helped make the fight grotesquely unfair. What would be the consequences on our national self-respect—our Nation's soul—of a preventable Serbian victory followed by "cleansing" massacres? Bosnian Serbs have seized 70 percent of Bosnia but they are not a mighty military force and will become even less so if the Serbian Government in Belgrade can be pressured into leaving Bosnia's separatist Serbs isolated in combat with a Bosnian army equipped at last with tanks and artillery. The Serbs fighting in Bosnia are bullies led by war criminals collaborating with a dictator. If we don't have an interest in this fight, what are we?

Mr. President, I believe that we need to assist our NATO allies in the event of U.N. withdrawal. However, I also believe that we need to recognize that U.N. efforts in Bosnia have failed—failed to stop aggression, failed to bring peace, and failed to protect the Bosnians.

The New Republic in its June 19 editorial states that, and I quote,

> There is another Bosnian crisis this week. Not in Bosnia, of course. In Bosnia things are the same, only more so. A greater Serbia is slowly and steadily emerging by means of a genocidal war. No, the crisis is taking place in the capitals of the Western powers, which are finding it harder and harder to escape the consequences of their policy of appeasement.

The European decision to create a quick reaction force [QRF] is in itself an admission of failure. The QRF is intended to protect UNPROFOR, not the Bosnians. And the very tasks the QRF envisions being engaged in, such as securing the Sarajevo Airport, are tasks that were originally given to UNPROFOR by the U.N. Security Council. Therefore, there is a real question of whether or not sending more forces—even with more equipment—will do anything more than supply the Bosnian Serbs with more potential hostages.

The bottom line is that keeping UNPROFOR on the ground indefinitely will not bring us to a solution in Bosnia. Indeed it will prevent a solution by reinforcing the failed status quo. As the New Republic points out, and I quote,

> It cannot have escaped the notice of our policymakers that the U.N. is providing cover for the Serbs, except that the U.N. is providing cover for our policymakers, too. It saves them from the prospect of action.

Mr. President, withdrawing the U.N. force is the first step away from failure and toward a solution. I support United States participation, to include ground troops, in a NATO operation to withdraw U.N. forces from Bosnia provided certain conditions are met.

Therefore, sometime over the next few days I intend to introduce a resolution to authorize the President to use United States ground forces to assist in the complete withdrawal of U.N. forces from Bosnia under the following conditions:

First, NATO command, from start to finish, no U.N.-NATO dual-key arrangement;

Second, robust rules of engagement which provide for massive response to any provocation or attack on U.S. forces;

Third, no risking U.S. lives to rescue equipment; and

Fourth, prior agreement on next steps, to include lifting the arms embargo on Bosnia and Herzegovina.

Mr. President, we need to support our allies. But we must make sure that in so doing, we are neither prolonging a failed policy or leaping into a quagmire. I believe that this resolution will provide the President with essential support of the Congress and will help put us on the right policy track.

Mr. President, I ask unanimous consent that the complete article by George Will and the article in the New Republic be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"A DOG IN THAT FIGHT"? THE SECRETARY OF STATE, A SWEET MAN SADLY MISCAST, IS PUZZLED

(By George F. Will)

When Hitler sent Ribbentrop to Moscow in August 1939 to sign the nonaggression pact with the Soviet Union, he sent along his personal photographer with instructions to obtain close-ups of Stalin's ear lobes. Hitler wondered whether Stalin had Jewish blood and wanted to see if his ear lobes were "ingrown and Jewish, or separate and Aryan." This historical nugget (from Alan Bullock's "Hitler and Stalin: Parallel Lives") is offered at this juncture in America's debate about Bosnia, as a reminder of a quality European politics has sometimes had in this century. Some American policymakers need to be reminded.

When Serbians took hostages from U.N. personnel in Bosnia and chained them to military targets as human shields, Warren Christopher was puzzled: "It's really not part of any reasonable struggle that might be going on there." While the Secretary of State, a sweet man sadly miscast, searches for reasonableness amid the Balkan rubble, there are "peacekeepers" where there is no peace to be kept and "safe zones" where slaughter is random. UNProFor (the U.N. Protection Force) is akin to the Holy Roman Empire, which was neither holy nor Roman nor an empire. The U.N. force isn't forceful, so it needs more protection than it offers.

This war has been misdescribed as Europe's first civil war since that in Greece in the 1940s and the most portentous civil war since republicans fought fascists in Spain in the 1930s. Actually, this war now churning into its fourth summer is a war of Serbian aggression. It has been a war of aggression since 1992, when the European Community recognized Bosnia as a sovereign state, and since Bosnia became a member of the United Nations. Perhaps Bosnia's inconvenient existence is unfortunate, and perhaps Bosnia will yet be sundered by partition. But it is a state and that is why Pat Moynihan, carrying

Woodrow Wilson's torch for international law and collective security, says of Bosnia. "Everything is at stake here, if principle is everything." Says Moynihan, if neither NATO nor the United Nations can summon the will to cope with Serbia, "what have we gone through the 20th century for?" We went through it because we had no choice, but you know what he means: A century that began, in effect, at the Somme and went downhill from there to Auschwitz is ending with a wired world watching rape camps used in the service of "ethnic cleansing." All this 80 minutes by air from Rome.

Europe's first war between nations since 1945 illustrates an astounding fact: In this century of European fighting faiths—communism, fascism, socialism, pan-Germanism, pan-Slavism and more—the one hardest to extinguish turns out to be the variant of fascism fueling the drive for Greater Serbia. Like pure fascism it asserts the primacy of the primordial and the goal of perfect national unity achieved by the expulsion or murder of "unassimilables." This explains the violent Serbian loathing of Sarajevo, where Christians and Muslims have peacefully coexisted. Hitler and Mussolini thought they were defending old Europe against the modern menace of Bolshevism. The Serbs think this is the year 732 and they are with Charles Martel saving Christian Europe by stopping the Moslem advance at Tours. Or it is 1529 and they are stopping Suleiman at the gates of Vienna. The Ottoman Empire is long gone, but the gunners in the hills surrounding Sarajevo refer to their targets—civilians dashing from doorway to doorway—as Turks.

Serbia is a raw reassertion of pre-modernity, the idea that uniform ethnicity and shared myths are essential to a political community. This war, which mocks the notion that Europe has become a supranational society, began in 1992, the year the Maastricht Treaty was signed, supposedly to make "Europe" a truly political as well as geographical expression. The United Nations, embodiment of the modern aspiration of a morality of nations, has been no match for Serbia. And the U.N.'s arms embargo against both sides—high-minded, scrupulous neutrality between Serbian slaughterers and their victims—has been a policy of gross immorality.

The embargo was imposed in 1991 against the whole of disintegrating Yugoslavia. When Yugoslavia disappeared the embargo was continued. That favored Serbia, which had ample weapons from the former Yugoslav army and had a large armaments industry. Now the embargo violates the U.N. Charter, which acknowledges every nation's "inherent" right of self-defense. President Bush defended the embargo with a flippancy about the problem in the Bakans not being an insufficiency of weapons. Today defenders of the embargo say it economizes violence because lifting it would prolong the fighting. This argument is especially unpleasant when used by the British, who today might be obeying German traffic laws if Lend-Lease had not prolonged the fighting.

So far the NATO nations have insufficient political will to impose a solution or use force to help restore the integrity of Bosnia. The Serbs are what the NATO nations are not: serious. The NATO nations want to end the game, the Serbs want to win it. Other people with ancient animosities and modern weapons are watching. It probably is not just coincidental that Russian revanchism became bold regarding Chechnya as the NATO nations became, through the embargo, collaborators with Serbian irredentism. If the irredentism goes unopposed when the UNProFor charade ends, the irredentism will become, even more than it already is, genocidal.

Secretary of State James Baker famously said of the Balkan conflict, "We don't have a dog in that fight." But those in the fight are not dogs and by the embargo we have helped make the fight grotesquely unfair. What would be the consequences on our national self-respect—our nation's soul—of a preventable Serbian victory followed by "cleansing" massacres? Bosnian Serbs have seized 70 percent of Bosnia but they are not a mighty military force and will become even less so if the Serbian government in Belgrade can be pressured into leaving Bosnia's separatist Serbs isolated in combat with a Bosnian army equipped at last with tanks and artillery. The Serbs fighting in Bosnia are bullies led by war criminals collaborating with a dictator. If we don't have an interest in this fight, what are we?

THE ABDICATION, AGAIN

This year is the fiftieth anniversary of the United Nations. The celebrations will go on and on, as politicians make banal speeches to command-performance audiences. It is unlikely that Bosnia will appear among their banalities. For it is in Bosnia that the debility of the United Nations has finally been revealed.

There is another Bosnian crisis this week. Not in Bosnia, of course. In Bosnia things are the same, only more so. A Greater Serbia is slowly and steadily emerging by means of a genocidal war. No, the crisis is taking place in the capitals of the Western powers, which are finding it harder and harder to escape the consequences of their policy of appeasement. The doves, you might say, are coming home to roost. And they still don't get it. When the Serbs made hostages of hundreds of United Nations troops last week, a spokesman for the U.N. thundered that "the Bosnian Serb army is behaving like a terrorist organization." But the Bosnian Serb army is a terrorist organization, unless you wish to include systematic rape among the terms of military engagement. And the general in command of the U.N. forces in Bosnia demanded of General Ratko Mladic "that he treat the United Nations soldiers in a manner becoming a professional soldier." But General Mladic is not a professional soldier. He is a man wanted for war crimes.

Here is what happened last week. The Serbs moved heavy weapons closer to Sarajevo and fired upon it. They have done so before. NATO issued warnings. It has done so before. The Serbs ignored the warnings. They have done so before. NATO launched a trivial attack against a Serb position. It has done so before. The Serbs responded by taking U.N. troops hostage. They have done so before. The only thing that changed last week, in short, was that the latent became manifest. De facto hostages became de jure hostages.

Also the iconography of the conflict was enriched. There have been many indelible images of the slaughter in Bosnia; last week's pictures of the scattered limbs in the Tuzla café were only the most recent ones. What was lacking, until last week, were images of the West's weakness. Now we have those photographs of those U.N. soldiers chained to those poles. Not exactly a picture of a helicopter lifting off the roof of an American embassy, to be sure; but surely a picture of our humiliation, of the forces of order flouted, of the triumph of tribalism over pluralism, of the lupine post-cold war world in full swing. No amount of "pragmatic neo-Wilsonianism" (the empty locution of Anthony Lake, who prefers the devising of bold foreign policy rationales to the devising of bold foreign policy) will erase these images of Western impotence from the memories of warlords and xenophobes around the world. They have been instructed that this is their time.

Two conclusions are being drawn from the success of the Serbs. The first is that the use of force has failed. "The Bosnian Serbs have now trumped our ace," as former Secretary of State Lawrence Eagleburger told The Washington Post. Eagleburger's pronouncement is utterly self-serving; the man was one of the architects of American appeasement in the Bush administration. Still, the Clinton administration will not exactly recoil from an analysis that refuses to entertain the serious use of real force. For this reason, it is important to understand that we did not play our ace in Pale last week.

Though the West has occasionally acted militarily against the Serbs in Bosnia, the West's response has been fundamentally unmilitary. No sustained air campaign against the war-making ability of the Serbs in Bosnia was ever really considered. (The precision of the wee assault on Pale, by the way, shows what can be accomplished by air power.) Like NATO's previous strikes, NATO's strike last week was more a demonstration of inhibition than a demonstration of the lack of it. This was not what the Serbs were fearing. It was what they were counting on. This trifling retort to the Serbs' violation of the Sarajevo arrangement played right into the Serbs' hands: it was a military response so predictably puny that it could serve only as a pretext for a Serb provocation. It also reassured the Serbs that they will never experience punishments proportionate to their crimes, and they assassinated the Bosnian foreign minister.

The second conclusion is that we must act forcefully against the Serbs to help . . . the United Nations. The ministers of the Contact Group (including the foreign minister of Russia, who must have been chuckling) announced at The Hague that they intended to expand the size of the U.N. mission and to fortify it with heavier weapons. They said nothing about the nature of the mission itself. For all with eyes to see, of course, the essential absurdity of the U.N. mission was made brutally plain last week. The blue helmets are "peacekeepers" where there is no peace in "safe areas" that are not safe. They have not impeded the war or the genocide. They have impeded only a powerful and decent response.

Recall that the "safe areas" of Bosnia were supposed to be made safe by the U.N. There are six such enclaves: Sarajevo, Bihac, Srebenica, Zepa, Gorazde, Tuzla. The list of their names is a litany of lament. The U.N. has brought them little respite. When the Serbs attack, the blue helmets retreat. On May 21, The New York Times described a videotape that captured a Serb atrocity on a Sarajevo street: "The crack of a shot echoes in Sarajevo's valley. He [a young Bosnian man] falls. He lies on his side. He is curled in an almost fetal position. A United Nations soldier looks on." In Bosnia, a U.N. soldier always looks on. Bystanders or hostages: that is what the "peacekeepers really are.

It cannot have escaped the notice of our policymakers that the U.N. is providing cover for the Serbs, except that the U.N. is providing cover for our policymakers, too. It saves them from the prospect of action. That is why the plight of the U.N. stirs them more

than the plight of Bosnia. And nobody is less stirred by the plight of Bosnia than the aloof Boutros Boutros-Ghali, who put an early damper on international outrage when he called this a "rich man's war." The Bosnians, he said, were less deserving than those under siege, by hunger and by arms, in Africa. And the United States followed the secretary general's recommendation. We sent troops to Somalia and we sent no troops to Bosnia.

It is hard to think of a major crisis since the Second World War in which the president of the United States has wielded less moral and political authority. There are 22,470 U.N. troops in Bosnia, from eighteen countries. Britain has 3,565 men under arms; France has 3,835; Pakistan has 2,978. The United States has none, and the Clinton administration, the same administration that denounces the Republicans as isolationists, regularly boasts about it. In such circumstances, it is impossible for the president of the United States to lead. But he is not chafing. He does not wish to lead. He isn't terribly interested. When his national security advisers met last week in the West Wing, he stayed in the East Wing. He did tell a reporter, though, that "the taking of hostages, as well as the killing of civilians, is totally wrong and inappropriate and it should stop." And also that "I would ask him [Boris Yeltsin] to call the Serbs and tell them to quit it, and tell them to behave themselves."

To behave themselves. And if that fails, to go to their room. Does Clinton grasp that there is evil in the world? And does he understand that he is not the governor of the United States? It is a requirement of his job that he care about matters beyond our borders, matters such as war and genocide and the general collapse of America's role in the world, matters that will not gain him a point in the polls. The joke on Clinton is that he is almost certainly about to be hoist by his own isolationism. The result of the Bosnia policy that was designed to spare the United States all costs in lives and dollars may be a U.N. "extraction operation" that will require the deployment of many thousands of American troops and the expense of many millions of American dollars. And Bosnia will have been destroyed. Nice work.

It is time to conclude this sinister farce. The U.N. should get out of the way. It's forces must be withdrawn, so that the Serbs may no longer hide behind them, and then the Bosnians must be armed, so that they can fight their own fight, which is all that they are asking to do. Withdraw and strike, lift and strike. Obviously this is not as simple as it sounds. The withdrawal of the U.N. will mean war; and unless NATO provides protection from the air, for the departing U.N. troops and for the training of Bosnian troops, the U.N. withdrawal will expose the Bosnians to the Serbs as brusquely as it will expose the Serbs to the Bosnians, and Bosnia will fall. But there already is war and Bosnia already is falling. Anyway, Bill Clinton and Boutros Boutros-Ghali and John Major and the rest are not keeping the U.N. in Bosnia to spare it horror. They can live with its horror. They are keeping the U.N. in Bosnia to spare themselves a reckoning with their own failure. For it is they who ordained that Bosnia become a place where it is always too late for justice.

THE ANTITERRORISM BILL

Mr. DASCHLE. Mr. President, I did not get the opportunity to respond to the majority leader prior to the time he made his statement on Bosnia.

Let me say I am disappointed that the majority leader would come to the floor and make the statement that Democrats do not care about what happened in Oklahoma. I hope he does not mean that. I hope he did not really mean to say that, because that is wrong and in my view it is uncalled for.

We care just as deeply as anybody on the other side about what happened in Oklahoma. I hope we do not have to hear a statement like that again on the Senate floor. We care just as deeply about responding to this issue, and we will respond to it. But we also care very deeply about our right to offer some fundamental amendments to this bill.

Let me remind everyone this bill did not go through committee. This bill was not the subject of hearings. We went straight to the floor, brought this bill up on Friday, offered some amendments and took a week's break. If we care so much about this legislation, why in the world did we have to take a week off before we came back? Now we are on it, and this is the third day.

Mr. President, I have worked on our side to bring the list of amendments down, as I said I would. We have gone from over 60 amendments to, as I understand it, 15 or 16. We have come to a point where we can finish this entire bill—and we can stay in as long as necessary to do it—in less than 12 hours. We will get all of the amendments up. We will have votes on them and very short time agreements. We will finish this bill tomorrow at whatever time we want to. We can do it.

Everybody can respond. We can make our political points on both sides, if we have to, but we are going to complete action on this bill.

But let me tell you, if we do not have a right to offer amendments on this bill, of if in some way we are prevented from doing so tomorrow and the next day, and this bill is pulled from the floor, I want to put everybody on notice that we will offer it to the telecommunications bill and every other single piece of legislation that comes on this floor until we resolve it. So this is not going to go away. Our rights are going to be protected. I want everybody to understand that.

So, Mr. President, I hope we can work through this and I believe we can. I hope that in the course of the next hour or two, we can work through this, come up with an agreement, resolve our differences on procedure here, and finally come to a point where we can vote on final passage. We can do it. We need to work together.

I know patience is strained on both sides. But I believe we have to accommodate Senators' rights here, and a Senator has a right to offer an amendment on this bill, as we have attempted to do. We are down to a short list, and I believe we ought to work through the amendments on it.

Mr. DOLE. Mr. President, well, we had hearings on wiretap authority, and we had general hearings before the FBI Director Freeh. We have had numerous hearings on habeas corpus reform. We have had hearings on alien terrorist removal and posse comitatus. We have had a lot of hearings. But, again, I remind the Democratic leader that the President of the United States, who happens to be a Democrat, wants to get this bill passed. Does he want 16 amendments or 26 amendments or 36 amendments? He wants the bill passed.

You cannot have it both ways. You cannot criticize Members on weekends for not passing a bill, saying there are too many amendments, and saying he wants to cooperate and have 16 amendments. Members do not need 16. They probably do not need six. They probably do not need five amendments.

This happens to be your administration, your President, who is taking credit for the antiterrorism bill, and the Democrats will not let it pass because they have to have all of their amendments. They have to have 16 amendments. Why do they need 16 amendments?

This is an antiterrorism bill, not a gun bill and not any other kind of bill. We ought to pass it. We ought to pass it in the next couple of hours. We probably will not. We probably will not pass it at all. We will have a cloture vote tomorrow. If the Democrats vote against cloture, that is fine. Then they will have spoken. They will have made a statement on how they feel about antiterrorism legislation.

If the President were on their side saying, "Gentleman, we have to have all these amendments," I can understand. But he is on our side. He is on our side. He said he was last night on Larry King. He wants habeas corpus reform. He wants what is in this bill. He wants the terrorism bill. "The majority leader is right saying there are too many amendments." We have gone back to our people and said they cannot offer these amendments. Offer them some other time.

We will be in session for a long, long time. I was told we should have stayed here during the week. Do not give me that stuff. Sixty-seven amendments offered by the Democrats, and I was told by the manager on the other side they would work all these things out over the recess. In fact, I asked the question. Let Members not come back on Monday and say we just got back from recess, we have not made any headway.

It is very frustrating. I know the Senate is a different place. I know one Senator can delay as long as they can, and two or three Senators can delay for days and days.

This is something that the President of the United States wants very badly. It is something I assume that the Democrats want badly. If they want it

badly, they will stop offering amendments. These amendments have nothing to do with terrorism. They were not in the President's bill.

Why not get on with it and pass the bill? We have a terrorism bill. We can take care of habeas corpus and go to final passage or agree on two or three amendments on a side and get it done.

We have taken the taggants, that amendment that the President was concerned about. We worked it out. Worked it out on both sides. We accepted that amendment and another amendment that we thought had merit, extending the statute of limitations from 3 to 5 years. We have done that. We will not continue this game. I do not care whether they offer it on telecommunications or not. That is a right they have.

The time is running out. The time is running out for this bill to be on the floor. Make no mistake about it. If they want to do business, we will do business. If not, it is fine with this Senator.

Mr. DASCHLE. Mr. President, let me just briefly respond to a couple of points.

First of all, the majority leader filed cloture before the first amendment was offered. I do not know what kind of good faith effort there had been to try to work on both sides to accommodate the interests that Senators have with regard to amending this bill. It did not appear to be much.

Second, as I said, there is a very limited timeframe within which all of these amendments could be disposed of. Let no one confuse the issue. We are not trying to prolong debate on this bill. We are not trying to keep it from coming to final passage. We can do that tonight. We can do that before 8 o'clock tomorrow morning.

All we have to do is work through the amendments. We have already agreed to a time limit. Indeed, we can have it both ways. We can accommodate all of those Senators who specifically said, "I have a very important amendment relevant to this legislation, and I will do it in a very short timeframe, and I want to vote for final passage."

So, it is very clear. No one should be confused about it. No one is trying to delay it. If it is pulled, we will have plenty more opportunities to vote on this legislation on whatever other bills come up before the Senate in the coming weeks.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Delaware.

Mr. BIDEN. Mr. President, I realize the majority leader is very busy, and he has a lot of pieces of legislation he has to deal with and a lot of other matters relating to national responsibilities and the Republican Party.

However, I want to point out to him, he keeps talking about 60-some amendments. It is down to 16 amendments, No. 1. No. 2, of the 16 amendments, there are only 4 amendments that there is a problem with here. The four amendments relate to guns.

That is what this is about. The President wanted wiretapping authority in this. We have an amendment for that. The other side does not want to get tough on those terrorists and allow the Government to wiretap them. I understand that. It is a civil liberties issue from their perspective. I understand it. But the President wanted it.

The President wanted posse comitatus, but apparently some of the posses out West do not want posse comitatus change, so we will have a vote on it.

The President also wants it in this bill. He wanted some authority relating to immigration that the other side does not want. It was in his bill. They took it out. I understand. That is one of the amendments in here.

There are four amendments, five amendments, with regard to time agreements—the longest 90 minutes, the shortest 20—relating to habeas corpus. The President says he wants habeas corpus. He did not say he wants the Republican habeas corpus; he says he wants habeas corpus. We want to give the Senate the one the President wants, not the one the Republicans want. We want to debate it.

So, look, the amendments we are talking about here, all of which have time agreements on them, all of which, on our side, have time agreements on them, are amendments—but for four of them—that the President does want or wants a version of them different than the one in the Republican bill.

So I would like to ask this question: Why do we not have a cloture vote on those four gun amendments? Because that is what this is about. Why not have a cloture vote on those? And why do we not move on with the rest of these? And if we get cloture on those four amendments, fine. No problem. They are gone. I am sure they will come back. But they are gone. I do not want them on this bill. I did not want any of these on this bill.

But we should get something straight here. This is an interesting way to proceed. There was a bill that was brought up, not out of committee—which I understand and I am not being critical of—and it gets brought up on the floor, everybody not having not had a chance to read it, because it is a Republican bill that was not finalized on the day we started to debate it, and I understand that, too.

Everybody put all these place holder amendments out there. There were 60, 70, 80, 100, I do not know what the number was, a humongous number. So we stayed here late 1 day, Senator HATCH and I, to get a finite list so no one could add more amendments. So we get a finite list and we list them. And then the leader comes back before we voted on any of them and he files a cloture petition.

Now, I realize this will be lost on the public, and I understand this is inside baseball. I understand this is the Senate. I hope the press understands it, though. Then the leader looks down and says, "OK, you now have shown me your list. You have agreed this is a limited list. Now I want to go down the list. I don't like that one, that one, that one, that one, so I'm filing cloture. Gotcha."

Look, whether there is a time agreement, we walked out of here and came out of a caucus. I did what I committed to do. And the leader did what he committed to do. I came out here and I said, "OK, here is a time agreement with these four. Can we move them right away?"

I thought the Republican side was for it because they printed up a unanimous-consent agreement. All of a sudden, boom. We cannot debate them. Or we cannot vote on them. We have a Kerrey amendment. The President wanted the ATF involved. Apparently, the ATF is like holding up a cross to Dracula to some folks around here. He stood up and gave a time agreement of 30 minutes. He made his pitch on ATF, why they should be included the way the President wants them included. All of a sudden, there is silence on the other side, not a response, no question, just so we cannot vote on it.

What is this, legislation by fiat? Now, look, if this is about getting the bill done, which I thought that is what the cloture thing was about, getting it done, in the 2 hours we have wasted, we could have disposed of at least four of these amendments already. We can get this done.

But that is not what this is about. This is about making sure that the Republican bill stays the way they wrote it. And they are using legitimate procedural approaches under Senate rules to effectively make sure we cannot offer other amendments.

As a matter of fact, one of the four amendments that are about to be offered relative to guns, I am voting against. I do not think we should take away the civilian marksmanship money. Why can we not even allow the guy to raise it?

I tell Members, this is not about time, folks. Understand, this is not about time. This is not about anything other than making sure that the majority can dictate to the minority what they can bring up and under what circumstances they can bring it up. I suspect they would be very satisfied—I hope they would be satisfied—if they brought up all the amendments that would not fall when cloture was invoked, vote on them, and then try to make the rest of them fall.

I cannot think of any major bill—I am sure there is an exception to this—off the top of my head, any major bill,

that did not have nongermane amendments in a technical sense attached to it. I cannot think of any. It is possible. I am sure there are some, but I cannot think of any. And we are acting like this is some kind of unusual procedure.

Look, we can give a time agreement on all the 16 amendments. It can all be done—could have been done by tonight. It still can, if we are willing to stay in very late. We could be finished. We do not even have to get to cloture to get to final passage on this bill. But if there is another reason not to do that, I understand it. I respect the right of the Republican majority to deal with this under the rules. If they want to do that, fine. But, please, do not make anybody make any misunderstanding. There are not 60 amendments, there are not 50, there are not 40, there are not 20, there are 16 and dwindling. Four—five of which so far we have been told bluntly they will not allow us to vote on them.

The one—let me be precise. Four we are told we are not allowed to vote on. And, by the way, the longest one has a 60-minute time agreement on it. The others have 20-minute time agreements. And one of which I do not know what they are saying, on the Kerrey amendment about ATF.

I ask my friend from Utah, are we ready to vote on the Kerrey amendment?

Mr. HATCH. Let me answer my colleague. I am prepared to try to resolve that amendment as I am all of them. When we appeared——

Mr. BIDEN. We are ready to vote, Senator.

Mr. HATCH. I understand. When we appeared down at the Cabinet room we promised the President, on our side, at least, we would not make this—we would try to get it passed. I made it very clear at that time that habeas corpus reform would be in the bill and we were trying to satisfy him on it.

I have not heard that he is against the provisions in this bill. If he is for what the Senator from Delaware wants instead of the provisions in this bill, I certainly will be interested in that. Because I do not think he wants to limit it just to the Federal courts, the appeals.

Let me just say this. When we were there we said we would not make this a gun fight. We will do that, if we have to. We will face those issues on the crime bill. And we have succeeded on our side. We have a lot of people over here who are very dissatisfied with some of the current laws with regard to the right to keep and bear arms that we have personally gone to and said, "Do not bring them up on this bill. The President wants an expedited bill. He wants to solve this problem, and, by gosh, we intend to solve it." And our people have not. We turn around and here we have the gun fight started on the other side, that is irrelevant to this bill.

Mr. BIDEN. Will the Senator yield for a question, just a brief question, a serious question?

Mr. HATCH. Of course.

Mr. BIDEN. Will the Senator be prepared to move forward if we drop the four gun amendments?

Mr. HATCH. I certainly believe we could.

Mr. BIDEN. And enter time agreements on all the remaining amendments?

Mr. HATCH. It is up to the leader but I certainly believe we could if we drop the gun issue.

Mr. BIDEN. I ask the leader, will he be willing to continue on the bill if we drop the four gun amendments and vote on the other amendments?

Mr. DOLE. I do not know if those are gun amendments or not. I have not looked at the amendments. I want to stick to terrorism. I want to see what the end result is, when we would finish the bill. But I underscore what the Senator from Utah said. I attended the White House meeting. Everybody was saying "They are going to make this a big gun fight." We said "No, we are not going to do that. We are not going to offer any of the so-called gun amendments." And then we have them all offered on the other side, or many offered on the other side.

We say no. We accommodate the President. He wants to get the bill passed. The President was at the Air Force Academy and blasted Congress for not passing a bill. Mr. President, 67 amendments were filed by Democrats. We only saw seven of those amendments before Monday. We did not know where they were. We did not know what the other 60 were.

I just suggest we are going to either complete this bill or we are going to have a cloture vote in the morning. If we do not get cloture it is out of here. It is gone.

Mr. HATCH. Could I add one other thing in response to my good friend from Delaware——

Mr. BIDEN. Surely.

Mr. HATCH. My partner in the Judiciary Committee. We do not even know what some of the other amendments are because nobody has given us any language. But I think there might be a way of resolving this if we got rid of the gun fight and reserve that for the crime bill.

Mr. BIDEN. Mr. President, if the Senator will yield?

Mr. HATCH. We would like to see what the other amendments are before we move ahead.

Mr. BIDEN. If the Senator will yield, they were all filed by noon today.

Mr. HATCH. We do not know what Senator KERRY's amendment is. I am talking about Senator JOHN KERRY from Massachusetts.

Mr. BIDEN. No, my question was about Senator KERREY from Nebraska. Are we ready to vote on that amendment?

Mr. HATCH. I am trying to get that cleared on our side. The amendment I am concerned about is Senator JOHN KERRY from Massachusetts. We do not have any language on that.

Mr. BIDEN. If it is not filed——

Mr. HATCH. You said you would get back to us on that.

Mr. BIDEN. I am told the amendment was filed at noon.

Mr. HATCH. The Democrats have 20 amendments. Before Monday we had language on only seven of those amendments. We certainly do not know what the John Kerry amendment is.

Mr. BIDEN. Let me reiterate. It was filed, I am told. And, No. 2, of the 35 or so amendments Republicans filed, we did not have copies of any of those amendments either. I mean what are we talking about here?

Mr. HATCH. I would like to know what they are and let us see if we can resolve it. If we can get rid of the gun fight around here and go ahead on habeas and some of these other problems that really pertain to this bill, sure we are going to want to go ahead. I want to go ahead.

Mr. BIDEN. Parliamentary inquiry, Mr. President, if I may. I do not know whether I am making unreasonable work for the Parliamentarian here with this request. If I am I would be happy to be told so and I will withhold.

Have all the amendments that are able to be attached to this bill prior to cloture—have they all been filed by 12:30 today?

The PRESIDING OFFICER. All first-degree amendments had to have been filed by 12:30 today.

Mr. BIDEN. I would ask, is there an amendment—or if they need time—is there a John Kerry of Massachusetts first-degree amendment?

The PRESIDING OFFICER. Senator KERRY of Massachusetts filed an amendment, No. 1212.

Mr. BIDEN. I understand that that is an amendment relating to firearms. And that would, relating to the list of the 16 amendments, make it five of them relating to firearms, including the one Senator JOHN KERRY filed. The point being, it was filed almost 4 hours ago at the desk in accordance with the rule requiring first degrees to have been filed.

The only point I want to make is there is not any subterfuge here that no one knows what is going on. We may not know what is going on because we did not go look, but it has been filed. It is there. We have, of the total of 16 amendments we are talking about, five of them relating to firearms.

We are ready to vote. We can dispose of all these amendments including those five amendments I have just referenced. It can all be done and all finished before the cloture vote tomorrow if there is good faith to try to move. We are willing to enter into time agreements.

What I would like to suggest, since we cannot enter into a time agreement on those five amendments, maybe while the Republican side is responding to Senator JOHN KERRY's amendment—and a further parliamentary inquiry—I mean ROBERT KERREY's amendment—what is the pending business?

Mr. DOLE. There is not any pending business. We are in morning business.

The PRESIDING OFFICER. Actually we are in morning business right now.

Mr. BIDEN. What was the pending business prior to us going into morning business?

The PRESIDING OFFICER. The Kerrey of Nebraska amendment, No. 1208.

Mr. BIDEN. The Kerrey of Nebraska amendment 1208?

Mr. KERREY exhausted his argumentation on it and is ready to vote on it.

Mr. DOLE. We are ready to take it.

Mr. HATCH. We are very close to taking that amendment. I just have to clear one or two more people, and we are working on it. Let me suggest the absence of a quorum.

Before I do, let me suggest let us work on this, let us see if we can get together. There is good will on both sides here. We want to get this resolved. But we just do not want the gun fight on this bill. It is a reasonable request. I understand the sincerity of people on the other side who do want it. There are people on our side who did, and we kept them off. We fought them and said you cannot do it. We told the President we would not do it. Now all of a sudden we are in the middle of a gun fight and we just do not want to do it on this bill. This bill is too important.

Frankly, I think we can battle out these other things. The questions on habeas we will fight it out here on the floor and let the chips fall where they may. We have been willing to do that from the beginning.

I see the majority leader wishes to speak.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I wonder if the two managers might go off somewhere and try to see if they cannot put together something. Better than do it out here in the open.

Mr. BIDEN. You do want us to come back, do you not?

Mr. DOLE. It is like making sausage out here.

It may be we can work it out. I do not see much problem with the Kerrey amendment. We might be able to accept that with some modification. But we want to finish the bill. I promised the President we would finish it before Memorial Day. I like to keep my word. That was not possible. But the President did not know it was not possible and he said some things I did not like.

So I am going to finish this bill. If I do not finish the bill it will not be my fault. Because we could not get cloture or we could not get cooperation on the other side. That is his side, not my side. We are ready. We are ready to do habeas corpus and have final passage before 6 o'clock. That would be an antiterrorism bill. All these other things are going to be around here a long time, this year and next year. We can offer all the amendments we wish. This came to us as an emergency. This was an emergency. We were all called to the White House. We do not do this on every bill.

This is very important to the President of the United States. He has been to Oklahoma City. He saw the need. He met with the Attorney General. He met with leaders of Congress and said, "Let's do it." We did not say let us see how many amendments we can offer, who can outpoint each other, make some political points on some issue, whatever it might be. That is what we are about to get into here, and I do not think I want to be any part of that. I want to try to keep my word to the President. If we cannot, we cannot. We will do the best we can. I think he will understand. If he does not understand, I will write him a letter. But that is the way it goes.

Mr. BIDEN. Mr. President, in response to the leader's suggestion that Senator HATCH and I go off, I am always happy to go off with Senator HATCH. What I would like to suggest is that in the meantime we move on an amendment that the President wants in this bill, the wiretap amendment, while he and I are off. We can continue to make progress. I just think we should debate it in case we do not even get close.

Mr. DOLE. We are close on that amendment, too. If the Senator and Senator HATCH could go off somewhere for 10 minutes they could probably get back pretty much with an agreement.

Mr. HATCH. We have been trying to get an answer to that one for the last 36 hours.

I intend to accept that amendment.

Mr. BIDEN. Good. I urge the amendment.

Mr. HATCH. I have to check one or two more people. I am personally doing the best I can. It is an amendment that really would allow wiretaps following the criminal. In other words, instead of having to follow the phone they follow the criminal who might use multiple phones. I personally have no objection to that and think it is a wise amendment. The President wants it. I support the President.

Mr. BIDEN. Mr. President, I think——

Mr. HATCH. But I have to deal with my side, too.

Mr. BIDEN. Mr. President, my experience is not as extensive as the leader's and slightly more extensive than the Senator from Utah's here, but it seems to me we waste a whole lot of time working out whether we can work things out rather than just bringing them up and voting on them. By the time we get to vote on it, we are slowing things up.

I have another amendment we can move to, then.

Mr. HATCH. Will the Senator yield before he does? We have a bunch of pending amendments that we have asked you to accept. The Smith amendment, which would set a floor.

Mr. BIDEN. We cannot, but let us vote on Smith. We are ready to vote.

Mr. HATCH. We have McCain-Leahy. We have the Pressler amendment.

Mr. BIDEN. McCain-Leahy is cleared.

Mr. HATCH. Then I urge McCain-Leahy—oh, we are still in morning business. I am ready to move here. We have Senator SPECTER's amendment.

Mr. BIDEN. We are ready to vote on the Specter amendment. We would agree to a 10-minute time agreement.

Mr. DOLE. You cannot take it? You do not want to take it or you cannot take it?

Mr. BIDEN. We cannot take it now so let us just vote on it. Look, in 10 minutes—the whole thing is over in 25 minutes rather than spending 45 minutes deciding whether we can take it.

Mr. DOLE. We would like to take a number of back-to-back votes if we are going to do that.

Mr. HATCH. We have the Brown amendment?

Mr. DOLE. Why can you not take any of our amendments and we are taking your amendments? Because we are Republicans?

Mr. BIDEN. We can take Hatch. We can take the Hatch amendment, and we are happy to do that. We are ready to accept the Hatch amendment. We have already taken the McCain amendment. That is two out of six. That is about what your average is.

Mr. DOLE. You are getting better.

Mr. BIDEN. The Pressler amendment; three out of seven. That is better than your average.

Mr. HATCH. How about Abraham? Can you take Abraham?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

RECESS

Mr. DOLE. Madam President, I will just announce, the Senator from Delaware and the Senator from Utah have been meeting. We now have a list of

amendments, but I think we need time to determine whether or not we are going to proceed, because there are 24 amendments now. There were not that many when they went into the meeting, but they came out with 24 amendments. The time agreements just on the Democratic side would take 9 hours.

I think I need to meet with Senator HATCH to see whether there is any other option, other than waiting and having the cloture vote tomorrow morning.

So, Madam President, I move that the Senate stand in recess until the hour of 6:10 p.m.

The motion was agreed to, and at 5:36 p.m., the Senate recessed until 6:08 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BURNS].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, as I understand it, the Senator from Illinois wanted to speak in morning business.

Mr. SIMON. That is correct.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business not to extend beyond the hour of 6:30 p.m., with each Senator to be allowed to speak for 5 minutes—or whatever.

Mr. SIMON. I would like to take about 20 minutes?

Mr. DOLE. OK, you can give him the whole 20 then.

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

The Senator from Illinois.

THE DOLLAR, THE YEN, AND THE DEFICIT

Mr. SIMON. Mr. President, this is the third in a series of commentaries I am making on our Nation's condition, a series suggested to me by President Clinton after I announced my future retirement from the Senate.

One of the major economic events of this year is the recent decline of the dollar against the Japanese yen and the German mark. Though this slippage was arrested temporarily a few days ago, the long-term trend is clear. We know that the drop in the value of the dollar will affect our future, but we are not sure how. We know that we should do something about it, but we are not sure what.

At a White House press conference on Tuesday evening, April 18, a reporter asked President Clinton about the sinking dollar, and the President responded: "In the present climate, the ability of governments to affect the strength of their currency . . . in the short run may be limited." If that is an excuse for inaction, it is wrong. But the President was right in saying:

> So what you have to do is work over the long run. The United States does want a strong dollar. We believe in the importance of fundamentals in our economy. We believe in getting the deficit down, getting jobs up and pursuing a responsible course.

The Washington Post had an editorial that observed:

> Anger and frustration in their voices, Japanese and German officials have been calling on the United States publicly to do something about the [falling] dollar * * * The United States is likely to offer sympathy but little more. There's nothing useful that the United States can do.

The Post is wrong.

A few blamed our $20 billion loan guarantee to Mexico, and while it could have altered behavior slightly in an uneasy market, a $20 billion multiyear loan guarantee is not something major for a nation that has a $6 trillion national income, if it has its economic house in order.

There are two basic questions: What does the fall of the dollar mean? What can we or should we do about it? I shall address both.

What does the fall of the dollar mean?

It is significant, both for our Nation and the world. Since two-thirds of the world's trade is carried on in dollars, the erosion of the dollar can destabilize economies far from us. But the British publication, the Economist, is correct:

> In the long run, the biggest loser from the neglect of the dollar will be America itself.—April 15, 1995.

A Journal of Commerce columnist accurately noted on April 17: "The weak dollar will decrease U.S. political influence abroad." Peter Passell wrote in the New York Times, on May 7: "No indicator of the American economic decline stands out like the fallen dollar." Paul Volcker, former chairman of the Federal Reserve Board, is quoted in the New York Times on May 2: "If you think American leadership is important, then erosion [of the dollar] is a negative." Time magazine, in its March 20 issue, quoted financial analyst Felix Rohatyn: "We are gradually losing control of our own destiny. The dollar's decline undercuts American economic leadership and prestige. It is perhaps the single most dangerous economic threat we will face in the long term because it puts us at the mercy of other countries." Van Ooms, economist for the Committee for Economic Development and former chief of staff of the House Budget Committee, said on the pages of the Chicago Tribune on April 13 that Europeans will take this country less seriously on foreign policy "when it can't run a credible economic policy." As if to underscore all of this, the April 12th Wall Street Journal had a heading about the fastest growing economic part of the world: "Asia's Central Banks Unloading Dollars in Shift Toward Yen as Trade Currency."

Short-term, Americans will see little change. Yes, if we are traveling in other nations, we will be hurt a little by the foreign exchange rates. Our balance of trade with other nations may be helped a little, because U.S. products can be secured for less money, though foreign businesses—like their American counterparts—rarely immediately drop their prices, both because they want to make some additional profit and because there is a reluctance to adjust prices until the currency market stabilizes. Our balance of trade is helped because U.S. businesses that buy component parts from overseas producers will suddenly find them more expensive and will shift to a U.S. manufacturer of the same product, if one is available. But that is not always the case. The VCR, for example—invented, developed and, at one time, entirely manufactured here—now has no U.S. manufacturing source.

Little-noticed economic consequences will gradually affect us. For example, securing a patent in Japan will now be more expensive for a United States firm or individual. Factors like that have a limited, short-term impact but a much greater long-range impact.

Long-term, the dollar decline has more serious consequences.

First, the increased cost of foreign goods will have a gradual inflationary impact on our economy. That will not only cause the consumer dollar to shrink and discourage savings, it eventually will put pressure on the Federal Reserve Board to raise interest rates to discourage inflationary pressures—and that will hurt our economy.

The financial markets will also push interest rates up. We know that approximately 16 percent of our deficit—or about $700 billion—is publicly known to be held outside the United States. But many nations outlaw holding bonds from another nation—the United States once did—and there is additional ownership that is not publicly disclosed, hidden usually through a third party holding the bonds. If the dollar continues its decline, U.S. bonds denominated in dollars will become less and less attractive. We will have to raise interest rates to sell this huge chunk of our deficit.

Less widely known is that 14 percent of our corporate bonds are held by people who live beyond our borders. That money has financed a huge chunk of our industrial expansion and modernization. If the dollar continues to decline, we will either lose this source of capital, or interest rate payments will have to be raised to make these bonds attractive enough to sell.

In addition, there are sizable foreign deposits in savings and checking accounts in our banks, and foreign-held certificates of deposit. Indirectly, these help to finance both our government sector—because the banks buy Treasury bonds—and the private sector, because the banks are able to make loans

to U.S. businesses with these resources. If all of this shrinks because of a fall in the dollar, the only way to salvage the situation is with higher interest rates.

In the long term, higher interest rates discourage industrial investment and reduce productivity. Our economy is hurt, and the phenomenon of a lower dollar is not healthy for our Nation. From time to time, minor adjustments will occur and frequently are healthy. But the fairly consistent pattern of the drop in our dollar against the yen and the mark has major long-term consequences for our citizens that are not good.

I read an exchange that took place between two economists some years ago when the dollar brought 262 yen. In 1968, incidentally, 1 dollar equaled 360 yen. Here we can see in this graph what has happened to the dollar versus the yen. The one discussant predicted that if our policies were not altered, the dollar would eventually slide to 180 yen. The other economist predicted, confidently, that this would never happen. A few days ago, the dollar fell to 82 yen and today the dollar is worth 84 yen. Recently the Washington Post published a column noting the opinion of an economist and an economic observer who suggest we may have to think about issuing U.S. Treasury notes in yen rather than dollars to attract buyers and save on interest. The reasoning is simple: The financial markets want a stable currency for their investments, particularly long-term investments. The yen has shown itself much more stable than the dollar. To continue to sell in dollars will require higher interest rates. Therefore, they argue, we should issue our bonds in yen and pay less for interest. It would be politically unsettling to many Americans to see our bonds being sold in yen, but that is where we are headed.

There are better alternatives.

What can we do about the fall of the dollar?

It is not difficult to diagnose much of the problem. But once the illness is diagnosed, the patient has to take the medicine, and that is much more difficult with a patient that is not accustomed to taking distasteful medicine.

The basic problem is that the confidence in the dollar has diminished. Neither cheerleading by United States officials nor salvaging efforts by the central banks of Japan, Germany, and other countries will do more than temporarily heal the wound. Confidence-building measures have to be substantial. Those who now hold U.S. dollar-denominated financial certificates, who are uneasy, are not going to be assured by cosmetic actions.

Four steps can strengthen our economy and solidify the dollar.

First, get rid of our Government deficit. This is, by far, the most important of the four actions, and it will help the next three. It is no accident that the most recent slide of the dollar began the day after the Senate rejected the balanced budget amendment by one vote.

The Federal Government has been in a deficit situation for 26 years, and for 25 years, the dollar has been in a slide against the yen and mark. It does not take an Einstein to understand there is a relationship. But it is not a straight line, and other factors are also present. Sometimes when the deficit was high, interest rates were high, increasing the value of the dollar. It is an over-simplification to attribute all of the dollar decline to the deficit. But it is a major cause.

"The Germans and the Japanese say the basic problem is America's budget deficit," the New York Times reported on April 25. A month earlier, the Los Angeles Times reported Federal Reserve Board Chairman Alan Greenspan telling the House Budget Committee that "last week's Senate defeat of the balanced budget amendment [can be blamed] for the sudden plunge in the value of the dollar and pointedly warned Congress that the currency will remain under long-term pressure until Washington tackles the deficit." The newspaper called his comments "extraordinary because he so rarely gets involved in political disputes over tax and budget policies."—March 9, 1995.

Business Week, in its March 2 issue, commented on the dollar slide: "What the [international] market wants is simple: less debt or higher interest rates." The same article noted "that sense of unease [caused by] the narrow defeat in the Senate of the balanced budget amendment. Now, investors are worrying that talk of tax cuts will continue despite the amendment's failure. 'The optimism that something would be done on the long-standing U.S. budget deficit problem has disappeared,' argues Jonathan H. Francis, head of global strategy at Boston's Putnam Investments." The story concludes: "Unless the U.S. * * * catches on, even more trouble lies ahead." Paul McCracken, economist at the University of Michigan and former chairman of the Council of Economic Advisors under President Nixon, had a guest column in the Wall Street Journal of April 13, titled: "Falling Dollar? Blame the Deficit." In the article, he says that the deficits have caused a decline in productive capital investment and that this "is not trivial. If gains in real income had continued at a pace more in line with our long history, average family income today in real terms would be almost 25 percent higher than our economy is now delivering." The bipartisan Concord Coalition recently issued a study suggesting that family income would be $15,000 higher today if we had not had years of deficit. On April 17, Trudy Rubin wrote prophetically in the Journal of Commerce: "If there were signs that Washington were cutting the deficit, the dollar would probably stabilize." Lawrence Thimerene, chief economist for the Economic Strategy Institute, wrote in the New York Times on March 23 that, to stabilize the dollar, Congress and the President must "demonstrate real seriousness on deficit reduction." To the credit of President Clinton, he did that with his budget of 1993. It cost him politically, but it benefited the Nation. To the credit of our colleague, Senator PETE DOMENICI, chair of the Budget Committee, he has proposed that we balance the budget by the year 2002. While I differ strongly with his way of getting there, I applaud his courage in proposing this. The Senate and the House now have passed different budget blueprints. During the Senate debate, several of us on the Democratic side of the aisle proposed a different budget plan which would balance the budget but with significantly different priorities. We need bipartisan efforts in the that direction.

But our task is made more difficult by the one vote we failed to get in the Senate for a balanced budget amendment. I hope that 1 of the 34 Senators who voted against it—DALE BUMPERS, DAVID PRYOR, BARBARA BOXER, DIANE FEINSTEIN, CHRIS DODD, JOE LIEBERMAN, DAN AKAKA, DANIEL INOUYE, WENDELL FORD, BENNETT JOHNSTON, BARBARA MIKULSKI, PAUL SARBANES, EDWARD KENNEDY, JOHN KERRY, CARL LEVIN, PAUL WELLSTONE, BOB KERREY, HARRY REID, BILL BRADLEY, FRANK LAUTENBERG, JEFF BINGAMAN, PAT MOYNIHAN, KENT CONRAD, BYRON DORGAN, JOHN GLENN, MARK HATFIELD, CLAIBORNE PELL, FRITZ HOLLINGS, TOM DASCHLE, PAT LEAHY, PATTY MURRAY, ROBERT BYRD, JAY ROCKEFELLER, and RUSS FEINGOLD—will reexamine the issue in light of what has happened to the dollar and in light of the action taken by Senator DOMENICI and the Budget Committee.

Even Budget Committee action alone toward fiscal balance has had an impact. The heading on the New York Times story of Friday, May 12, was: "The Dollar Surges On New Plan To Cut Deficit." The story, written by Peter Truell, begins:

> The dollar staged its biggest one-day rally in nearly four years, rebounding against the German mark and the Japanese yen on speculation that Washington might do more than in the past to cut the federal budget deficit.

The difficulty with the Budget Committee acting alone, much as its goal is to be applauded, is that the financial markets will remain somewhat skeptical, as I am, about whether Congress will follow through in the remaining 6 years. Financial savings from interest that could be applied to things like social programs and Medicare, and should be applied there rather than for a tax cut, will not be fully achieved. On the basis of estimates made by Data Resources and other forecasters, my guess

is that with the same goal of balancing the budget and the firm wall of a constitutional amendment, there would be an additional interest savings of at least 1 percent. That would mean an extra $170 billion over 7 years for needed programs like education and a stimulated U.S. economy in areas that are interest-sensitive, such as home construction, car purchases, and industrial investment.

Washington Post columnist James K. Glassman recently had a column under the heading, "Year of the Balanced Budget." While whoever wrote the headline for the column may not have intended it, there is fear on the part of many that the use of the singular, "year," is what will happen. We need "Years—plural—of the Balanced Budget." Our experience with legislative solutions, such as Gramm-Rudman-Hollings, an earlier balanced budget try, is that they have an impact for a year or two, but when the public squeeze is felt, it is much easier politically to create additional deficits than to make the tough decisions.

That's where the constitutional amendment would help.

But unless we confront our fiscal problems, the day will come when we will look back with longing to the day when the yen was 84 to a dollar.

Second, our trade imbalances must be addressed. A report from the Congressional Research Service says that studies show 37 to 55 percent of our trade deficits are caused by the budget deficit.

But there are other causes, varying from our neglect to aggressively market, to our weakness over the decades in trade negotiations. The latter deficiency is caused in part by not having a cadre of professionals handling our negotiations, particularly when compared to Japan. Too often it has been long-term professionals against changing teams of U.S. negotiators, and I don't mean that disrespectfully to fine, competent people of both political parties who have been thrust into these positions of responsibility.

The firm stance of President Clinton and Trade Ambassador Mickey Kantor in negotiating with Japan on automobiles and car parts is sound. I am optimistic that the problems can be satisfactorily resolved, but we should not be too eager. It is also worth noting that our firmer stance with Japan on trade matters has come since Japan has been a declining factor in purchase of our treasury notes. It is difficult to get tough with your banker.

The United States also must build products that can accommodate the cultures of other nations; we must learn to sell in their languages, not ours; and tens of thousands of U.S. corporations that do not consider marketing in other nations must change course.

We are gradually getting better, but it we can hasten the process, we will reduce the trade deficit that troubles the international currency markets.

But any serious look at trade policy must return to fiscal policy. Last month, Judith H. Bello, former general counsel to the U.S. Trade Representative, wrote in the Washington Post:

> The United States will continue to run trade deficits, no matter what happens in trade negotiations, so long as we run federal budget deficits. If Japan and every other trading partner opened their markets completely, we would still run a trade deficit if our savings rate remained inadequate.
>
> There is little that trade negotiators can do about a trade deficit. The power to reduce the U.S. deficit lies with Congress and those within the administration responsible for the federal budget. No matter how many markets any trade representative opens, the effect on the U.S. trade deficit in isolation is peripheral.
>
> U.S. trade negotiators have relatively little power to affect the weakness or strength of the U.S. dollar through their market-opening negotiations. As long as the United States remains heavily dependent on foreign capital to fuel our economic growth, and fails to save more and spend less, the dollar is likely to be relatively weak despite our fundamental competitiveness.

Third, our savings rate must be increased. Again, the biggest impediment to our savings rate is the deficit. But it is more than that.

The United States culture is not dramatically different from that of Canada and other Western industrialized nations, but our savings rate is significantly lower. We save only 4.8 percent of our gross national product, Canada saves 9.1 percent, Germany 10.7 percent, and 19.7 percent in Japan. Because of the low savings rate, the United States is much more dependent on others buying our debt paper.

By making some changes in our Tax Code, we can reward savings rather than debt. Our Tax Code, for example, rewards businesses that create debt to finance growth, rather than financing growth through savings or equity financing. A corporation that buys another corporation by borrowing money can write off the interest payments even through the debt may create hazards for the purchasing company. But if that same corporation more prudently issues stock, the dividends are not deductible. If we changed the tax laws to permit 80 percent of interest to be deductible and 50 percent of dividends to be deductible, the net result would be a wash in Federal revenue, but many corporations would have a more solid base, and our corporate debt base would decline. Similarly, we should create tax incentives for individual Americans to save that would not add to our Nation's debt but would add to our productivity by making investment capital more available. Our people do not have the incentives to save that citizens of many nations have.

Shifts in our culture will not be brought about quickly, but we must work to bring about change.

Fourth, we must do more long-term thinking and face our deficiencies frankly. The fiscal deficiency is an example I have already discussed. We have ducked telling people the truth because it is politically more convenient to duck.

But there are many more examples.

Can we expect to build the kind of a nation we should have if we continue to have 23 percent of our children living in poverty? Can we expect to build a nation that can lead and compete in the future if we continue to neglect the need for quality education in all of the nation?

Financial markets look at our deficits and worry about long-term inflationary pressures. When our fiscal policy does not address the deficits, the Federal Reserve Board is forced to look at the long-term implications of inflation. That is why the quality of appointments to the Federal Reserve Board are so significant. If we in Congress and the Clinton administration addressed our long-term fiscal problems more directly, the pressure would be removed for Federal Reserve Board action.

Germany and Japan are far ahead of the United States on nondefense research—and probably even further ahead of us in applying their research to productive purposes.

Governmental America tends to live from election to election and, even worse, from poll to poll. Corporate America too often lives from quarterly report to quarterly report. Unless we do more long-term planning and acting in both the public and private sectors, our future performance as a nation will be less than outstanding.

Others understand this about us. We must understand this about ourselves.

If we were to address these four areas with courage, not only would the dollar continue to rebound, our hopes and spirit would rebound also. The cynicism and negative attitudes that concern many of us are not caused only by the haters and those who see only the worst in our Government and public officials. The depth of public concern that results in hostility rather than activity is also caused by good, decent public officials of both political parties who do not have the courage to face our fundamental problems or who see an opportunity for partisan advantage rather than an opportunity to lift the Nation.

Yes, we can save the dollar.

We can also save the Nation.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I understand morning business has ended?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has closed.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, can I just indicate to my colleagues on both sides, I thank the managers of the bill. They have been spending the last hour or so trying to work on some amendments. They are ready to accept a number of amendments. There will probably be a vote on the amendment about to be offered by the Senator from Connecticut. We hope to get a short time agreement on that amendment and finish all the amendments, except the habeas corpus amendments, tonight. So there will be votes tonight. I advise and urge my colleagues, if they have to leave the Capitol, to take their beepers so we can notify them when the votes will occur.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as I understand it, I believe there is a Senator Robert Kerrey amendment pending; is that the pending business?

The PRESIDING OFFICER. That is the pending amendment.

Mr. HATCH. Mr. President, we are prepared to accept that amendment.

Mr. BIDEN. Mr. President, if the Senator will yield, we are prepared at the same time to accept Hatch amendment No. 1233 relative to airline carriers. I urge that both of these amendments be accepted. They are both at the desk.

The PRESIDING OFFICER. The Chair advises the Senator from Delaware that one amendment has not been called up.

AMENDMENT NO. 1233 TO AMENDMENT NO. 1199

(Purpose: To ensure air carrier security)

Mr. HATCH. Mr. President, I call up amendment No. 1233, the airline carriers amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1233 to amendment No. 1199.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

"§ 44906. Foreign air carrier security programs

"The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.".

Mr. FORD. Mr. President, first, let me state my support for the amendment being offered concerning aviation security requirements to the substitute to S. 735, the terrorism prevention bill, offered by Senator HATCH. I know that Senator HATCH has worked hard to include an aviation safety issue in the bill, and I appreciate the chance to express my support for those efforts.

On December 21, 1988, Pan Am flight 103 was blown up over Lockerbie, Scotland, killing 270 people. This terrorist act triggered a time-consuming, all-out effort to find the people responsible. It also triggered legislation enacted in 1990 to improve security for international and domestic air travelers.

Unfortunately, during negotiations over one particular provision, we were unable to agree with the Department of Transportation on ensuring that all international passengers traveling to and from the United States would have the same types of protection. As a result, section 105 of the Aviation Security Improvement Act of 1990, Public Law 101-604, required the Administrator to develop a system of protection for U.S. carriers and a similar system for foreign carriers. In using the word "similar," Congress did not intend that there would be enormous disparities in security programs between U.S. and foreign airlines serving the United States. The security protection sought was intended to be as close to the same for all passengers, regardless of who actually provided the service. However, the administration, at the time, insisted that section 105 use the word "similar" to give the FAA some discretion to address possible differences between foreign carrier requirements and U.S. carrier requirements. Unfortunately, the regulations issued by the Department and FAA to implement section 105 were not stringent enough. As a result, what we have seen is a wide disparity in how foreign carriers screen passengers and how U.S. carriers screen passengers.

Let me give my colleagues an example to show the differences. Let us say that Mr. and Mrs. Jones from Lexington, KY want to go to Germany for a vacation. They decide to take two different carriers. Mr. Jones takes a United States carrier, and Mrs. Jones takes a German carrier. Both leave from Cincinnati. Mr. Jones has to get to the airport at least 2 hours in advance to go through all of the U.S. air carrier security requirements, including security interviews, searches of baggage, x-rays of baggage, and additional security questions at the gate. On average, these types of procedures can take anywhere from 90 to 120 minutes. Mrs. Jones, however, does not have to go through most if not all of those procedures. Her process time takes on average 20 to 30 minutes. Certainly both Mr. and Mrs. Jones want the highest level of protection reasonably necessary, but why should the procedures be different? They should not, and Senator HATCH is attempting to correct this imbalance.

Over the last several years, we have seen numerous terrorist incidents against foreign airlines, while the number against U.S. airlines has dropped. It seems the procedures may be working for our airlines. We now should extend those same types of protection to other airlines that transport U.S. citizens to and from our country. The goal of the legislation was to protect all of our citizens and all of those people traveling to and from our country. The amendment restates and restores that goal.

Senator HATCH has addressed the imbalance by requiring the same types of security screens for U.S. airlines and for foreign airlines serving the United States. I support the change and appreciate his willingness to address the issue in a nonaviation bill.

VOTE ON AMENDMENTS NOS. 1208 AND 1233, EN BLOC

Mr. HATCH. Mr. President, I urge adoption of the Kerrey amendment No. 1208 and the Hatch amendment No. 1233.

The PRESIDING OFFICER. Is there objection to adopting the amendments en bloc? Without objection, it is so ordered.

The question is on agreeing to the amendments.

The amendments (Nos. 1208 and 1233) were agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I understand the distinguished Senator from Connecticut is prepared to proceed.

SUBMITTED AMENDMENT NO. 1244

Mr. BIDEN. Mr. President, if the Senator will yield for a moment, I say to

my friend from Utah, we are prepared to accept several additional amendments that are on the Republican list and the Republican manager, as I understand, is close to being prepared to accept several amendments on the list of the Democrats.

Senator LEVIN has indicated on his amendment No. 1244 that he is willing to withdraw that amendment under an assertion by the chairman of the Judiciary Committee that he would hold hearings on the Levin-Nunn-Inouye amendment.

Mr. HATCH. Mr. President, I think that is a very important issue. It is the issue concerning lying to Congress, whether it should be only those who lie under oath or those not under oath. I think it would be an interesting hearing. We will commit to holding a hearing for Senator LEVIN and the rest of the Senate on that issue.

Mr. BIDEN. Mr. President, I do not think I have to ask unanimous consent, but on behalf of Senator LEVIN then, I ask that his amendment No. 1244 be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

So the amendment (No. 1244) was withdrawn.

Mr. LEVIN. Mr. President, I was unaware of the fact that the managers of the bill had already introduced a statement relative to amendment No. 1244, which I had submitted with Senator NUNN and Senator INOUYE.

That amendment would provide some additional tools to Congress investigating terrorism and other activities that are of importance.

Under Hubbard versus United States, decades of case law was overturned wherein lying to Congress was illegal. This amendment would have restored the law to what it was prior to Hubbard, wherein lying to Congress was illegal. I think we will have to restore that law so that we have the investigative tools we need against terrorism.

However, what I have agreed to do is to introduce this in the form of a bill. The Senator from Utah has agreed that the committee would hold hearings into this bill and I thank him for that. I thank the Senator from Delaware.

Mr. President, to reiterate I introduced today a bill on behalf of myself, Senator NUNN, and Senator INOUYE to strengthen Congress' ability to investigate terrorism. The purpose of this legislation is to ensure that Congress has the tools needed to investigate terroist acts and other matters of important public policy and obtain truthful testimony.

The bill would accomplish four specific goals.

Let me discuss briefly each of the four provisions.

First, the bill would make it clear that false statements to Congress are a criminal offense under 18 U.S.C. 1001. This clarification is needed because a recent Supreme Court decision, Hubbard versus United States, overturned decades of case law including its own precedent, United States versus Bramblett, and held that the plain wording of section 1001 limits it to false statements made to the executive branch. The bill would make it clear that the statute prohibits false statements to the "executive, legislative or judicial branch of the United States," including "any department, agency, committee, subcommittee or office thereof." This language is intended to restore the courts' interpretation of section 1001 prior to the Hubbard decision. In applying section 1001 to the judicial branch, the bill would also incorporate the existing case law in a majority of circuits which, prior to Hubbard, had established a judicial function exception to the statute.

In the wake of the Oklahoma City bombing and other incidents in recent years, Congress needs to take a close look at the causes and solutions to terrorist acts. In examining witnesses, Congress needs to have the most familiar of prosecutorial weapons to combat false testimony, section 1001. At the same time, restoring the statute's application to Congress as it existed prior to the Hubbard decision is not to say that section 1001 can't be improved. I understand the Senate Judiciary Committee is planning hearings on this statute and may wish to legislate some changes. I support that process. The question is what happens in the meantime—do we leave section 1001 off the books for some time or do we get it back on the books now with respect to Congress?

False statements to Congress ought to be illegal, and we ought to act now to get that law back on the books.

Getting the law back on the books is also important, by the way, for another reason. Last month, every Senator filed a financial disclosure statement. Until we amend section 1001, none of those financial disclosure statements are subject to criminal enforcement under section 1001. In this time of low public confidence in Congress, we shouldn't be letting ourselves off the hook by failing to take this opportunity to apply section 1001's prohibition on false statements to ourselves, in the same way we apply it to the executive branch.

Second, the bill would make it clear that obstruction of a congressional inquiry by an individual acting alone is a criminal offense under 18 U.S.C. 1505. This clarification is needed because a 1991 D.C. Circuit Court of Appeals decision, United States versus Poindexter, held that section 1505 "is too vague to provide constitutionally adequate notice that it prohibits lying to the Congress." The decision reasoned that, by using the term "corruptly," section 1505 may prohibit only those actions which induce another person to obstruct congressional inquiry, and not those which, in themselves, obstruct Congress. In other words, the court held that a person who induces another to lie to obstruct Congress violates section 1505, but a person who alone obstructs Congress is outside the reach of the statute.

No other Federal circuit has taken a similar approach. In fact, other circuits have interpreted "corruptly" to prohibit false or misleading statements not only in section 1505, but in other Federal obstruction statutes as well, including section 1503 prohibiting obstruction of a Federal grand jury. These circuits have also interpreted the Federal obstruction statutes to prohibit the withholding, concealing, altering, or destroying documents.

Our bill would affirm the interpretations of these other circuits. Specifically, the amendment would include a definition of "corruptly" in section 1515 of title 18 which provides definitions for the entire chapter of Federal statutes prohibiting obstruction of Federal inquiries. This definition would make it clear that section 1505 is intended to prohibit the obstruction of a congressional investigation by a person acting alone as well as when inducing another to obstruct Congress, and that this prohibition includes making false or misleading statements to Congress as well as withholding, concealing, altering, or destroying documents requested by Congress.

This bill is not intended to expand section 1505, but to clarify the conduct it was always meant to prohibit. Moreover, by limiting the definition of "corruptly" to how it is used in section 1505, we are not intending to limit how this term is interpreted in other chapter 73 obstruction provisions. The definition applies only to section 1505 because the Poindexter decision interprets only that section, and we are unaware of any similar limitation on any other Federal obstruction statute.

Third, the bill would make it clear that any Federal employee or officer, acting in an official capacity, who resists a Senate subpoena under 28 U.S.C. 1365 by claiming some type of privilege must have the written approval of the Attorney General and relevant agency head in order to avoid enforcement. This issue arose in one past congressional investigation, for example, when a Federal employee attempted to assert executive privilege without having any authorization to do so. That's why, in 1988, the Senate adopted by unanimous consent a bill authored by Senator Rudman and Senator INOUYE, S. 2350, containing this clarification. That bill was never taken up by the House—now is a good time to resurrect it.

The Senate currently has explicit statutory authority, under 28 U.S.C. 1365, to obtain court enforcement of subpoenas issued to private individuals

and State officials. This statute does not, however, provide for enforcement of subpoenas to Federal employees or officers acting in an official capacity, in order to keep what may be political disputes between the legislative and executive branches out of the courtroom. The problem has been to determine when an employee is acting within his or her official capacity. Requiring written support for the employee's actions from the Attorney General and agency head ensures that the individual is acting in compliance with and not contrary to the decisions of his or her superiors.

By establishing this procedural requirement, the bill does not address the underlying issue of which executive branch officials have the authority to assert particular types of privilege—it simply says that without having at least the written authorization of the Attorney General and agency head, no subpoenaed Federal employee, acting in his official capacity, has a legal basis for resisting enforcement of that subpoena. In the case of executive privilege, for example, I and other colleagues believe that only the President may assert that privilege. On the other hand, it is possible that other statutory privileges may provide grounds for resisting a subpoena, such as the Privacy Act, and may be properly asserted without the President's personal involvement. The bill to section 1365(a) does not attempt to resolve these types of issues. Rather it says that a Federal employee can avoid enforcement of a Senate subpoena only by having the written authorization of the Attorney General and agency head to assert any privilege in opposition to that subpoena.

The fourth and final provision of the bill is also taken from the Rudman-Inouye bill that passed the Senate. This provision would make it clear that Congress may compel an immunized individual to provide truthful testimony in depositions as well as hearings. In the past, some individuals granted immunity from criminal prosecution by Congress have refused to provide testimony in any setting other than a hearing on the ground that the relevant statute, 28 U.S.C. 6005, was limited to appearances "before" a committee, while the comparable judicial immunity statute applied to proceedings "before or ancillary to" court or grand jury appearances. The bill would reword the congressional immunity statute to parallel the language in the judicial immunity statute, and make it clear that Congress can grant immunity and compel testimony not only in proceedings before a committee but also in depositions conducted by committee members of staff. Again, this provision was approved by unanimous consent as part of the Rudman-Inouye bill that passed the Senate in 1988, but was never considered by the House.

If Congress is to investigate terrorism or any other issue important to the public, congressional committees must have clear authority to punish false statements and obstruction, enforce subpoenas and compel truthful testimony. Our bill would help provide that clear authority.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 1205

Mr. HATCH. Mr. President, I believe there is a Pressler amendment No. 1205 that has been called up but set aside; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I have been authorized by the distinguished Senator from South Dakota, Senator PRESSLER, to withdraw that amendment.

The PRESIDING OFFICER. The amendment No. 1205 is withdrawn.

So the amendment (No. 1205) was withdrawn.

Mr. BIDEN. Mr. President, for the benefit of my Democratic colleagues, I believe that we will be able to accept—and we are clearing this now—the Brown amendment No. 1229, as amended, and the McCain-Leahy amendment No. 1240 that relates to special assessments, and the Shelby amendment No. 1230.

It is my hope and expectation that the Republican manager of the bill may be able to accept, with some possible modification, Senator NUNN's amendment No. 1213 on posse comitatus, and Senator LEAHY's amendment No. 1247 on foreign policy.

But while we are trying to work that out, I suggest that maybe it is appropriate for the Senator from Connecticut to proceed. Mr. President, if I have not already, I ask unanimous consent to be added as a primary cosponsor to the Senator's amendment.

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

Mr. BIDEN. Mr. President, I spoke to this amendment at length earlier today and yesterday. I yield the floor.

AMENDMENT NO. 1247, AS MODIFIED, TO AMENDMENT NO. 1199

(Purpose: To give the President authority to waive the prohibition on assistance to countries that aid terrorists)

Mr. HATCH. Mr. President, I send to the desk on behalf of Senator Leahy a modification to the LEAHY amendment No. 1247.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. LEAHY, proposes an amendment numbered 1247, as modified.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 18, strike lines 18 through 24 and insert the following:

"SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

"(a) PROHIBITION.—No assistance under this Act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A".

"(b) WAIVER.—Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

"(1) a statement of the determination;

"(2) a detailed explanation of the assistance to be provided;

"(3) the estimated dollar amounts of the assistance; and

"(4) an explanation of how the assistance furthers United States national interests.".

Mr. HATCH. Mr. President, I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 1247), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are just awaiting the modification language on Senator BROWN's amendment 1229. As soon as we have that and have a chance to look at it, it will be sent to the desk. We will ask that it be considered and we will accept that as well.

We will also accept in a moment, I believe, Senator SHELBY's amendment relating to fertilizer research, amendment No. 1230.

Now that we have interrupted the Senator from Connecticut 12 times—but we are making progress here; we are accepting important amendments—I will at the end of the comments by my friend from Connecticut urge we accept additional amendments.

Mr. HATCH. Mr. President, I ask unanimous consent that we proceed to the Lieberman amendment No. 1215, pursuant to a 20-minute time agreement to be divided equally between both sides.

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

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair. Let me express my thanks and gratitude to the Senate majority leader, to the Democratic leader, the chairman of the Judiciary Committee, and to the ranking Democratic member for breaking what

looked to be the coming of gridlock on an issue and a problem on which none of us want gridlock, and we should not allow it to exist. I think we have now limited the number of amendments, and we have clearly accepted some across party lines. And we are quite appropriately moving toward doing something to put us squarely against those who would terrorize America.

Mr. President, when I came to the Senate, I got interested in this threat of terrorism because it seemed to me, particularly after the cold war ended, that we in America might surprisingly find our security threatened more directly, our lives threatened more directly by terrorists than we had during the long years of the cold war by a heavily armed enemy. The reason is that there are extremist movements throughout the world. There are, sadly, extremist movements within our own country who practice acts of terrorism either to carry out a political purpose or to create panic and insecurity and chaos in our society.

I thought we ought to begin to act and do something about that. We conducted hearings and we visited with experts. Mr. President, these inquiries into the problem of terrorism led me to this sad conclusion, which is that it is very difficult to defend against terrorists in a way that gives absolute security in the sense that they, by their nature, as we have seen in our time, will strike at undefended targets. In the aftermath of the events in Oklahoma City, we might increase security at Federal and public buildings, and one could imagine that we can surround every public building in America with security guards, and yet the terrorist bent on destruction and chaos will tragically go down the street and strike at a public building or an office building or a place where people gather.

So it seems to me that the best defense against terrorism, international and domestic, is an offense. And the offense is to be prepared, to keep an eye and an ear out for those who would commit terrorist acts.

None of us wants to stop people from saying what they believe in this great democracy and writing and demonstrating what they believe. But when some group has indicated or given reason to law enforcement authorities to believe that they are capable of, or are planning or considering a criminal act, I want our Government to be there. I want our Government to be listening. I want our Government to have undercover agents there so that we can strike to stop those terrorist acts, those violent acts, such as the awful assault in Oklahoma City, before they occur.

Mr. President, that is the purpose of this amendment.

AMENDMENT NO. 1215 TO AMENDMENT NO. 1199

(Purpose: To amend the bill with respect to revisions of existing authority for multipoint wiretaps)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. BIDEN, proposes an amendment numbered 1215 to amendment No. 1199.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the appropriate place in the amendment the following new section:

SEC. . REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting "of a purpose, on the part of that person, to thwart interception by changing facilities." and inserting "that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility."

(b) Section 2518(11)(b)(iii) is amended to read:

"(iii) the judge finds that such showing has been adequately made."

Mr. LIEBERMAN. Mr. President, this amendment deals with what in law enforcement circles is called a multipoint wiretap. It is a very rare kind of electronic surveillance that is tied to the movements of the suspected criminal rather than to the particular telephone line he or she is using.

For all other wiretaps except these rare multipoint taps, law enforcement officers have to convince a court that there is probable cause to believe that a specific phone is being used to facilitate an ongoing crime, where a judge is persuaded that a criminal is moving around and using different phones or locations for the purpose, on the part of that person, to thwart interception, which is the wording in the law today. However, the judge may authorize a multipoint wiretap. With such a court order, the criminal's conversations can be listened to through wiretaps on those telephones that the criminal actually ends up using.

Let me point out again that what has to be shown here is that the person is moving around and using different phones or locations for the purpose of thwarting electronic interception. Now, no interceptions may take place until a specifically named individual is using the phone. So law enforcement officers must first establish, through physical surveillance, through observation during the 30-day life of these orders—they are limited to 30 days—that the targeted individual is actually using the phone. If someone else begins to use the phone and the targeted individual is not part of that conversation, the wiretap must stop—even, surprisingly, if other criminal activity is being discussed.

Now, because of these standards, these obstacles, these requirements, multipoint wiretaps are actually quite rarely used. They have, however, proved, according to testimony submitted by Deputy Attorney General Jamie Gorelick to the Judiciary Committee, highly effective tools in prosecuting today's highly mobile criminals who may switch phones frequently for many reasons. Some may move from one cellular phone to another in order to defraud the phone company. Others may switch from phone to phone because it is consistent with the kind of ruthless lives they lead. Others may be changing phones to avoid being tapped, and those are the people—particularly if they are considering carrying out a terrorist act of violence—that I am concerned about in introducing this amendment. Changes in technology make the likelihood that anyone, including criminals, of course, is going to use many different phone lines in the course of a day.

Under current law, unless law enforcement can establish that criminals are switching phones with the specific intent to thwart detection, surveillance, a wiretap, a multipoint wiretap cannot be obtained from a court. That is the law. Proving specific intent in such a situation is very difficult—even where someone may be moving so frequently that a standard wiretap on a particular phone is effectively useless.

So my amendment would allow courts to authorize multipoint wiretaps, either where law enforcement could persuade a judge that a criminal was changing phones frequently for the purpose of avoiding interception, or where the very fact that the criminal was moving around and changing phones had the effect of thwarting surveillance, regardless of why he or she is doing it. And that would ease the difficult task of proving the intention of the criminal to thwart detection. It captures situations also where the target is frequently moving and changes phones for any reason.

Mr. President, my amendment does not change, in any respect, protections in existing law against abuse of these multipoint wiretaps. For instance, no application for a multipoint wiretap may be filed by any Federal law enforcement officer without the approval of top Justice Department officials. They have to go right to the top for approval. And, of course, a judge cannot authorize a multipoint tap without finding probable cause that a specific person is committing a crime or criminal act.

So this is not going to invite any wanton abuse of wiretap authority. The wiretap cannot begin until law enforcement has verified that the target—even after the court orders it—is

using the particular phone and only the communications of that person can be intercepted. If other conversations are heard and a conversation involving a target person, for instance, turns out to be personal, the tap has to be turned off. Given the highly secretive nature of most terrorists, given the fact that they are operating in a sophisticated way, and just as all the rest of us, moving around using phones, cellular phones, electronic surveillance is one of our best weapons once we have reason to believe that a criminal act, terrorist act, is being carried out, to find out what the intention of the perpetrator or terrorist is, and to stop that act before any innocent victims are hurt or, God forbid, killed.

The amendment that I am offering was in the President's original bill. I think it is modest and narrowly circumscribed, but enhances the ability of law enforcement officers to help.

Mr. President, how much of the 10 minutes remains?

The PRESIDING OFFICER (Mr. DeWINE). The Senator has 3 minutes and 50 seconds.

Mr. LIEBERMAN. Mr. President, finally, under current law, let me say that these tools are used very sparingly but effectively. I certainly do not anticipate their being used very often in our battle against terrorism, whether the terrorists be domestically or internationally inspired.

However, I do want to be sure that when our law enforcement officials—fighting and working to protect our safety—need these tools, that they will be ready and waiting so that swift and certain preventive action can be taken.

We owe that to our law enforcement officials. But truly more to the point, we owe it to the millions and millions of Americans, innocent people going about their daily lives, who deserve as best we are able to be protected from the hard and thoughtless hand of death that terrorism would wreak upon them.

Mr. President, that concludes my statement.

I yield so much of the remainder of my time as desired by the distinguished ranking Democrat of the Judiciary Committee, the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. I thank my friend from Connecticut.

The way I look at this, this is real simple. Real simple and basic. There is nothing real complicated about this. Right now, this can be done. Right now, all that has to be proven is there is an intent to evade. All we are saying is if the effect is evasion, and the effect is avoiding the tap on the phone that they think may be tapped, that they be able to do it based on the effect, not having to prove an intent to thwart eavesdropping. I want to make that clear to everyone here.

This still requires an initial finding that this guy is probably a bad guy. It still requires a judge to say that there is probable cause to look at this guy. This is no great leap in anything. Civil libertarians should not worry, law enforcement should be encouraged, and the American people should feel some mild additional sense of security in being able to do what the Senator from Connecticut is suggesting that the President very badly wants, and that was deleted from the bill.

It is my hope that our friends on the Republican side may be able to accept this amendment. If there is any time left, I ask that it be reserved.

Mr. President, I rise in support of Senator LIEBERMAN's amendment, which I believe will improve the current authority for what are known as roving, or multipoint, wiretap orders. This provision was proposed by the President, but is not included in the Republican substitute.

Multipoint wiretaps allow law enforcement officers to obtain a judicial order to intercept the communications of a particular person—not just for one specified phone, as with most wiretap orders, but on any phone that person may use.

A recent prosecution will help illustrate how multipoint wiretaps work. In that case, involving one of the world's biggest international drug traffickers, agents determined that a courier was contacting his bosses by using a number of randomly chosen public phones around his home.

A multipoint wiretap was obtained and up to 25 phones were identified to prepare for the chance that the target would use one of them. Anytime he used one of those phones, the agents were able to initiate a wiretap. Interceptions obtained in this way led to 53 Federal indictments and a 19-ton cocaine seizure.

Under current law, the Government can get a multipoint wiretap order only if it can show that the defendant is intending to thwart surveillance—usually by switching from phone to phone.

The Senator's amendment would allow multipoint wiretaps where the defendant's conduct has the effect of thwarting surveillance—regardless of the defendant's intent.

This small change is desperately needed by law enforcement—because while officers will often be able to show that the individual is changing telephones frequently enough to make a standard wiretap impossible, it may be difficult to prove that he is doing so with intent to thwart a wiretap.

Changes in technology have made this proof even more difficult. A target may use more than one phone for reasons other than avoiding surveillance.

The current intent requirement virtually requires an officer to wait to apply for a multipoint wiretap until the officer somehow hears the target say "I am changing phones because I don't want the cops to tap this conversation."

Let me give you an example of one ongoing case in which a multipoint wiretap order could not be obtained because of the requirement to prove intent to thwart surveillance.

In this case, the targets are using electronic scanning equipment to capture cellular phone and identification numbers from unsuspecting and innocent phone users.

The particular targets in this case are cloning a new phone number—allowing them to use it without authority—every 2 weeks or so and thereby effectively avoiding surveillance.

The officers are hard-pressed to prove that every time the target clones a new number, he did so for the purpose of thwarting interception—rather than simply to avoid paying for the calls.

Because wiretaps are extraordinarily powerful and intrusive, the law contains numerous protections against abuse.

The Government must, of course, prove probable cause that a specific person is committing a crime—as with any wiretap application.

The application must be approved by a top Justice Department official—the Attorney General, the Deputy Attorney General, the Associate Attorney General, an Assistant Attorney General, or an Acting Assistant Attorney General;

The judge must find that the standards for issuing a multipoint order have been met;

The application must identify the person believed to be committing the offense and whose communications are to be intercepted;

The Government must minimize the intrusiveness of a wiretap—by turning the wiretap off when the conversation is personal, for instance; and

Any interception cannot begin until law enforcement has clearly determined that the target is using that particular phone. And once the target is off the phone, the interception must end.

In practice, this latter requirement means that if the agents are out on surveillance and they see their target move to a new phone, they can begin interception of the new phone. It also means that if their target hands the phone to his buddy, they must stop the interception immediately.

A multipoint wiretap order does not allow the police to intercept a slew of different telephones in a number of places and monitor every conversation on those phones.

The amendment proposed by the administration, and offered in modified form by Senator LIEBERMAN, would not change any of the basic protections in the current multipoint wiretap statute.

The narrow, but necessary change that the Senator's amendment would make is not intended to make this authority a run-of-the-mill everyday surveillance technique.

I understand that multipoint wiretaps are used sparingly—in fact, the Justice Department reports that last year only 10 multipoint wiretaps were conducted and that only 4 have been approved to date this year.

The new authority provided by this amendment must be utilized responsibly. And I reiterate that Senator LIEBERMAN's amendment will not change any of the protections built into the multipoint wiretap statute besides broadening the intent standard to include an effects standard.

We must provide law enforcement with the tools they need to meet the demands of an ever-complex and changing criminal element. In today's increasingly mobile and high-technology world, we need to provide law enforcement with the ability to move with the criminals. It is now simply too easy for law enforcement to get left behind as the criminals move from place to place and from phone to phone.

At the same time we must be cautious not to infringe on civil liberties. I believe the amendment Senator LIEBERMAN offers today accomplishes both of these goals.

It is a narrow but necessary expansion of the multipoint wiretap authority—but one that also includes protections against abuse.

I urge my colleagues to support this amendment.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes; the Senator from Connecticut has 1 minute and 6 seconds.

Mr. HATCH. Mr. President, initially I opposed the President's version of this amendment. It is a fundamental tenet that the right of the people to be secure in their persons, house, papers, and effects against unreasonable searches and seizures limit the permissibility in Government interception of electronic communications.

In other words, the Government cannot listen to our private telephone conversations whenever it feels like it.

Indeed, because wiretaps are so intrusive in conducting in secret and under circumstances in which the subject generally has a reasonable expectation of privacy, the courts and Congress have required that Federal law enforcement officers meet a heightened burden of necessity before using a wiretap.

At the same time, we have to recognize that no one has a right to engage in illegal activity. Criminals consistently adapt the latest technology to further the aim of completing their illegal acts without detection.

As the criminal use of technology has evolved so, too, must we, enhancing the capabilities of law enforcement who, after all, must protect our citizens from these types of crimes.

The balance between a person's right to be free from unreasonable searches and his or her expectation to live free from crime is a delicate one. We have to consider seriously any proposal with the potential to upset the balance.

Now, I believe that the President's language could very well have done that. Briefly, the President's original proposal would have provided law enforcement with an expanded authority to tap phones in a narrow subset of cases in which the target would be subject to a normal wiretap, but changes phones so quickly it is difficult to get a separate wiretap order for each phone.

These are the so-called roving wiretaps. Essentially, this enables the Government to follow a person around and listen to that person's telephone conversation regardless of what phone the person is using.

I think this is problematic. So, our staff has worked with Senator BIDEN and his staff to narrow the provision considerably.

Now, under this provision, the Government can receive a court-ordered wiretap if the suspect knows he is under surveillance and intentionally thwarts that surveillance. That is country law.

The proposed amendment, which is substantially different from the President's language, permits law enforcement to get a multipoint wiretap only if the suspect intends to thwart surveillance, or if by the course of his conduct he effectively thwarts surveillance.

I think this is a reasonable compromise. It is important that we give law enforcement the critical tools it needs to combat terrorism and protect our free society, but because we are a free society we must be leery of expanding the surveillance powers of law enforcement intemperately. We must not, even in the aftermath of tragedy such as Oklahoma City, trade off our constitutional protections for a generic promise of increased security.

I, personally, am confident that the proposed amendment by my friend and colleague from Connecticut satisfies civil liberty concerns and meets the needs of law enforcement at the same time.

I intend to vote for this amendment. I know there are others who feel deeply that they do not want to vote for it. As manager of the bill on our side, I intend to vote for it. I would encourage others to do so, as well.

I am prepared to yield back the balance of my time and to stack the vote at some later time at the decision of the majority leader.

Mr. LIEBERMAN. Mr. President, first let me thank my friend from Utah for his support of the amendment. I appreciate the terms at which the support was given, that this is a balanced amendment.

It gives extra authority to law enforcement to protect the rest of us, but does so in a way that gives proper regard to the liberties that we all cherish.

Again, this extra wiretap authority cannot be used unless such judge has concluded there is probable cause to believe that the individual who will be the target of this multipoint tap is, in fact, committing a criminal act.

Mr. President, I would be happy to yield back the time that I have remaining.

Mr. HATCH. I yield back the balance, and I ask unanimous consent that the vote on or in relation to the pending Lieberman amendment occur later this evening at a time to be determined by the two leaders.

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

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1210, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent to modify my amendment No. 1210. I send the modification to the desk.

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

The amendment (No. 1210), as modified, is as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . PROOF OF CITIZENSHIP.

PROHIBITION OF VOTER REGISTRATION AS PROOF OF CITIZENSHIP.—Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

Mr. COVERDELL. Mr. President, I ask for its immediate consideration.

Mr. HATCH. Mr. President, on this side, we find this a good amendment. We are prepared to accept it. I understand the other side is acceptable to that, as well.

Mr. BIDEN. Mr. President, after consulting with Senator FORD and others, we are prepared to accept the modification. We thank the Senator from Georgia for so modifying. We accept the amendment as sent to the desk.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Georgia, as modified.

The amendment (No. 1210), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1230 TO AMENDMENT NO. 1199 AND AMENDMENT NO. 1241, EN BLOC

Mr. BIDEN. Mr. President, we are prepared to accept Shelby amendment No. 1230, the fertilizer research study, and I understand that the Republican side is willing to accept the Heflin amendment numbered 1241 related to sarin gas.

I ask unanimous consent that both of them be called up, and then at the appropriate time, I am willing to accept them both en bloc.

Mr. HATCH. We are prepared to accept both of those amendments.

The PRESIDING OFFICER. Without objection, the amendments will now be considered en bloc.

The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. HEFLIN for himself, and Mr. SHELBY, proposes an amendment numbered 1230 to amendment No. 1199, and for Mr. HEFLIN, proposes an amendment numbered 1241, en bloc.

The amendments are as follows:

AMENDMENT NO. 1230

At the appropriate place, insert the following: "In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).".

AMENDMENT NO. 1241

At the end of the bill, add the following:

SEC. . LISTING OF NERVE GASES SARIN AND VX AS A HAZARDOUS WASTE.

(a) IN GENERAL.—Section 3001(e) of the Solid Waste Disposal Act (42 U.S.C. 6921(e)) is amended by adding at the end the following:

"(3) NERVE GASES.—

"(A) LISTING.—The Administrator shall list under subsection (b)(1) the nerve gases sarin and VX.

"(B) APPLICATION OF REGULATORY REQUIREMENTS.—Standards and permit requirements under this Act and regulations issued under this Act relating to the nerve gases sarin and VX shall not apply to—

"(i) any sarin or VX production facility of the Department of Defense that is in existence on the date of enactment of this paragraph; or

"(ii) the storage of sarin or VX at any Department of Defense designated chemical weapons stockpile in existence prior to the date of enactment of this Act.".

(b) IMMEDIATE ACTION.—The listing of the nerve gases sarin and VX required by the amendment made by subsection (a) shall be deemed to be made immediately on enactment of this Act, and the Administrator of the Environmental Protection Agency shall in fact make the listing as soon as practicable after enactment of this Act.

(c) NO STUDIES OR PROCEEDINGS.—Notwithstanding any other law, it shall not be necessary for the Administrator of the Environmental Protection Agency to make any studies, engage in any rulemaking or other proceedings, or meet any other requirement under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or any other law in support of the directive made by subsection (b).

(d) CRIMINAL PENALTY FOR MERE POSSESSION.—Section 3008(d)(2) of the Solid Waste Disposal Act (42 U.S.C. 6928(d)(2)) is amended by inserting "or knowingly possesses the nerve gas sarin or the nerve gas VX" after "subtitle".

Mr. BIDEN. Mr. President, while I have strong reservations about the amendment offered by Senators HEFLIN and SHELBY, I have also been informed that the amendment has been cleared by all other Senators—including Senators, from both sides, representing the committee of jurisdiction, the Committee on Environment and Public Works.

For these reasons, I will not object to the amendment offered by Senators HEFLIN and SHELBY and require a roll call vote. But, I would simply note my opposition for the RECORD.

Mr. HATCH. Mr. President, I urge adoption of the amendments.

Mr. BIDEN. We urge the adoption of both amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 1230 and 1241) were agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1240

Mr. BIDEN. Mr. President, on behalf of Senators MCCAIN and LEAHY, I call up an amendment numbered 1240 and ask for its immediate consideration.

Mr. HATCH. Has that amendment been accepted?

The PRESIDING OFFICER. The Senator is advised that it has not been agreed to.

The question is on agreeing to the amendment.

The amendment (No. 1240) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I understand that the distinguished chairman of the Judiciary Committee is working on the possibility of accepting or working out an agreement on the Nunn-Biden amendment on posse comitatus. Is that correct?

Mr. HATCH. That is correct. There is some language difficulty. We are trying to work it out. We hope that we can.

Mr. BIDEN. I say to the Senator from Michigan that I would like to accept his amendment No. 1228. We are attempting to find out whether that can be cleared. If we can clear that amendment, it will take another few minutes to determine that.

I suggest, with the majority leader here, that while we are clearing some of these additional amendments, if there is anyone who has an amendment that we cannot clear who is ready to go with their amendment, I would encourage them to move on their amendments.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Parliamentary inquiry: Is the LEAHY amendment No. 1238 at the desk?

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 1238

Mr. HATCH. Mr. President, I believe both sides are in a position to accept that. Our side will accept it if the distinguished Senator from Delaware will.

Mr. BIDEN. Mr. President, we are prepared to accept it as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1238) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1206, AS MODIFIED, TO AMENDMENT NO. 1199

(Purpose: To authorize assistance to foreign nations to procure explosives detection equipment)

Mr. BIDEN. Mr. President, the Senator from Pennsylvania is here. He has an amendment, No. 1206, relating to foreign assistance. We have been discussing this with him. We think it is a good amendment. We have suggested a few minor changes relative to the amount of distribution under the amendment.

I understand the Senator from Pennsylvania is prepared to send his amended amendment to the desk, and we are prepared to accept it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the referenced amendment would provide U.S. assistance to other countries to procure explosives detection devices and other counterterrorism technology. At the request of the State Department, it has been broadened to include support for joint counterterrorism research and development with allied countries.

This amendment would be very effective for counterterrorism internationally by providing up to $3 million in assistance to foreign governments to

work on counterterrorism technologies. Obviously, when you talk about counterterrorism and explosives-detection devices at airports, U.S. citizens, for that matter citizens and residents all over the world, will be affected by the availability of the sort of counterterrorism technology that will be supported under this amendment.

It has very broad support. I am pleased that the distinguished chairman of the committee and the distinguished ranking member are prepared to accept it.

The amendment has been modified to limit the amount of support to $3 million annually because the total authorization under the program is $15 million. I urge the adoption of the amendment.

Mr. BIDEN. Mr. President, does the Senator need to send that amendment to the desk?

Mr. SPECTER. I send the modification to the desk, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Without objection, the amendment is agreed to.

The amendment (No. 1206), as modified, was agreed to, as follows:

On page 22, between lines 18 and 19, insert the following:

"(b)(1) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.—Subject to section 575(b), up to $3,000,000 in any fiscal year may be made available—

"(A) to procure explosives detection devices and other counterterrorism technology; and

"(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

"(2) As used in this subsection, the term 'major non-NATO allies' means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10, United States Code.

On page 22, line 19, strike "(b)" and insert "(c)".

Mr. HATCH. Parliamentary inquiry: Has the amendment been adopted, because we still have a problem on this side, I have been informed. I ask unanimous consent that the amendment still be considered pending.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. The amendment is cleared. I urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 1206), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. I am one Senator who is wondering what is going on here. I do not know if there are going to be votes or not. We have been here all day. What is happening? Can I go home and have dinner with my kids? That is what I wanted to know. Are we really going to stay and vote, or are we going to stack them?

Mr. DOLE. We are going to vote tonight. We worked out about a dozen amendments. We have made a lot of progress in the last 2 or 3 hours. We hope to dispose of all of the amendments, with the exception of the habeas corpus amendment, which we will do tomorrow morning. We will vitiate the cloture vote and do habeas. We need to complete action tonight. I think it may be another hour before the votes begin. If you ate fast, you might make it.

Mr. HARKIN. Well, I ask the distinguished majority leader, if we are going to have votes, why not stack them in the morning.

Mr. DOLE. We do that every day around here and we never finish anything. I would like to do the voting tonight on all but habeas and vitiate the cloture and finish habeas and start on telecommunications sometime tomorrow morning.

We have some momentum now that we do not want to lose. A lot of people may not be willing to do this in the morning.

Mr. HARKIN. If this is momentum, I would hate to see this place really move.

I just wanted to know if we could stack them in the morning.

Mr. DOLE. You could try to go home, but you probably would not be able to eat much.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. We started off about 4 hours ago with 60-some amendments. We are down to—not counting the habeas—about four or five. So we really have been working in his absence. I wanted to assure him of that.

Mr. HARKIN. I appreciate that.

Mr. DORGAN. Mr. President, I understand that, and I think the progress is commendable. I think the Senator from Iowa and others would appreciate knowing if we are going to stack votes. Do we have any notion of when the votes might be stacked?

Mr. DOLE. We hope that by 9 o'clock we will start voting. There will probably be three or four votes.

Mr. DORGAN. But that is not locked in at this point?

Mr. DOLE. One vote has been ordered.

Mr. BIDEN. Yes. No time is set. It was tonight. I believe we are going to have several more votes. We are waiting for a couple Senators to come and offer their amendments. There are very tight time constraints on each of the amendments. If they get here—quite frankly, what happened is we have come over here and people have started to offer amendments and they have ended up being accepted. So that seems to work as a catalyst to get them accepted, too.

There is one vote ordered for tonight without a time certain on it. There are probably going to be two or three additional votes.

Mr. DOLE. If the Senator will yield. If the managers continue to work as they have, and we only had one vote left, I would put that off until tomorrow. But I am not certain when we are going to be able to tell people that. If we have two, three, or four, I would like to complete the votes tonight. That will save us a couple of hours in the morning. I think if the managers will continue to be flexible on these amendments, and we will avoid a lot of votes.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I have expressed in the past concern about the provisions of the pending legislation which authorize secret proceedings in certain instances. It had been my hope that we might have been able to deal with the problem of suspected terrorists without being involved in secret proceedings.

I had been working on an amendment which would have dealt with people who were in the United States illegally, who could be proceeded against and deported because of their illegal status without the need for the government to rely on secret evidence.

I have very grave concerns about the constitutionality of any deportation proceeding in which secret evidence is used and there is not a right of confrontation. Technically, deportation proceedings are civil in nature and therefore do not require the full scope of confrontation rights which are available in criminal cases.

Notwithstanding the fact that deportation proceedings are civil in nature, the courts have held that due process does attach to a deportation proceeding. It may well be when the case

reaches the Supreme Court of the United States that this due process requirement will be found to pick up the right of confrontation under the sixth amendment.

Certainly, the due process clause of the 14th amendment, which is applied to the States, does pick up the confrontation provision of the sixth amendment. By analogy, it may well pick up confrontation rights as it is applies to deportation proceedings, as well.

But in reviewing the existing deportation laws, there would be a much broader change necessary to deport those who are here simply illegally without getting into the question of evidence as to terrorism.

There is obviously a grave concern about disclosure of confidential information involving terrorism, because sources and methods could be compromised. I understand the Senator from Illinois, Senator SIMON, is going to offer an amendment which will require a summary of the classified information being relied on by the government in the deportation proceeding. Frankly, that does not go as far as I would like to see the protections go, but that may be all that can be accomplished under the current bill.

We will subsequently be taking up the immigration laws generally and it may be that at that time we can craft procedures which will protect the public interest of getting out of the country people who are known terrorists, where there is substantial evidence to that effect, even though that evidence cannot be produced in a context of confrontation, which someone would be entitled to under a criminal proceeding.

I am also concerned about the reliance on classified evidence in cases involving the Secretary of the Treasury's designation of foreign organizations as terrorist organizations. The substitute represents a substantial improvement to the bill as introduced. Under the procedures in the substitute, there is de novo review by the courts of the Secretary's designation. That means a court will take a fresh look to see if the designation by the Secretary of the Treasury of an organization as a terrorist organization is, in fact, well founded.

Under the provisions which have been added to the substitute, a summary of the classified evidence presented to the judge will be provided to the organization, and in such cases there will be a requirement that the evidence be clear and convincing that the organization is, in fact, a terrorist organization. The summary will have to be sufficient to allow the organization an opportunity to defend.

I think that these provisions have gone about as far as is possible with the practicalities at hand, and that they would really be risking very sensitive information and sources and methods if full confrontation was possible where someone is to be deported, and where the witnesses would have to be produced where there is a designation by the Secretary of the Treasury of an organization as being engaged in or supporting terrorist activities.

I think, Mr. President, we really are dealing as much as we can under the present legislation. A good bit of this bill will have to be tested in court, and I do express these concerns about the constitutionality of some of these provisions.

I yield the floor.

AMENDMENT NO. 1203 WITHDRAWN

Mr. HATCH. Mr. President, I would like to resolve one of the issues that I think is resolvable, on the Smith amendment.

What the Senator is concerned about is he wanted a floor on the amount of damage, so that incidental damage by citizens who are engaged in peaceful or nonviolent demonstrations or protests would not trigger the antiterrorism language of this bill.

I ask my colleague from Delaware if he would agree that a definition of "terrorist" in this legislation is not intended to apply to American citizens engaged in a nonviolent or peaceful demonstration, or demonstrations or protests where incidental damage to property may occur.

Mr. BIDEN. Mr. President, I agree with the Senator from Utah that that is not the intention.

Mr. HATCH. I think the real thing the Senator has been worried about is whether if pro-choice and right-to-life people are picketing and exercising their rights of free speech, and some incidental damage occurs—just to choose two organizations in society—that if there is no intention to commit terrorist actions, and if the demonstrations are intended to be peaceful and nonviolent, that somehow or another this law would not be triggered.

Mr. BIDEN. Mr. President, I say to my friend, this is not intended to capture incidental damage. Say someone in a peaceful protest trips over a hedge or tromps on a flowerbed. That is not the intention here. The key here is "incidental damage" that is not intended. That would not be captured by this legislation, as I read the legislation.

Mr. SMITH. Will the Senator yield?

Mr. HATCH. I am happy to yield to the distinguished Senator.

Mr. SMITH. I thank the Senator from Utah and the Senator from Delaware. They have alleviated my concerns. We talked about this quite some period of time, and I very much appreciate it. We have gone now to the spirit and intent of what we mean by a "terrorist," and I am satisfied and more than delighted to withdraw the amendment.

I thank my colleagues.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

The amendment (No. 1203) was withdrawn.

Mr. HATCH. I thank the distinguished Senator from New Hampshire for working on this. We are making a great deal of headway here. If we can just continue for a short while, we might be able to finish this phase of the bill within a relatively short period of time.

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1243 TO AMENDMENT NO. 1199

(Purpose: To amend the penalty provisions for the use of explosives or arson crimes)

Mr. HATCH. Mr. President, it is my understanding that both sides are willing to clear the Levin amendment No. 1243. So, on behalf of the Senator from Michigan, I call up that amendment, No. 1243, at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. LEVIN, proposes an amendment numbered 1243.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, strike lines 1 through 25 and insert the following:

"(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.".

Mr. LEVIN. Mr. President, I thank the Senator from Utah. The amendment I am offering would amend an important penalty provision in this bill.

Section 107 of the bill amends title 18, section 844 of the United States Code, which establishes penalties for anyone who damages or destroys or attempts to damage or destroy by fire or explosive any building, vehicle or real or personal property of the U.S. Government. The current law establishes a penalty of imprisonment up to 20 years or a fine or both. And if death results, a sentence of life imprisonment or death can be imposed.

The Hatch substitute does two things. It establishes a minimum amount for the fine that can be imposed and it establishes a minimum number of years for a prison sentence, 5 years in a case involving only the loss of property and 7 years in a case involving injury to a person. It returns the current penalty for cases in which death results.

The concern here is that the amendment seems to provide that a court could impose a fine without the minimum prison sentence that the bill provides. What this amendment does is make it clear that the minimum prison sentence, which is provided for in the bill, must be provided and if a fine is imposed it is not and cannot be in lieu of a prison sentence but must be on top of a prison sentence.

I think that is the way it should be when we do have minimum prison sentences, that we should not in the same provision allow for there to be a fine in lieu thereof, but it must be in addition to such a minimum sentence.

I understand this has been cleared on both sides.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1243) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1250

Mr. SIMON. Mr. President, I have an amendment. I am working with Senator SPECTER on his version. I think we will have a Specter-Simon amendment very shortly.

What it does is it changes the provision if an alien is to be deported. Under the present bill, if there is classified information that alien is not informed of anything. That is a clear violation of due process and I think the courts would toss it out.

What we have suggested, and we are working on the precise language now, but what we are suggesting is that the Attorney General would provide an unclassified synopsis and the court would have access to the classified information to make sure the unclassified synopsis is accurate. And then that would be given to the person who is charged with being deported. That gives some reasonable access. We provide for review and appeal procedures. We are still working on some details.

Senator SPECTER may want to comment on this. We may offer the amendment tomorrow or later tonight, I am not sure, but I think we are very close to an accord.

I might add the accord is in line with the original draft of the legislation that is before us. But I think the legislation, if it is not amended, frankly, the courts would toss it out as violating due process.

My colleague from Pennsylvania may want to comment on that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in comments a few moments ago before the distinguished Senator from Illinois came to the floor, I had referred to my concerns about deportation with secret evidence. I had referred at that time to an amendment which Senator SIMON was considering. We have since conferred and are really joining forces in the amendment which I had filed with the amendment which Senator SIMON has just referred to.

I believe this amendment goes a substantial distance in protecting the rights of someone who is subject to deportation. As I had said earlier this evening, I have great concerns about the fairness of the procedure where there was not confrontation, that is where the evidence is alleged to be present that the person is a terrorist but that evidence is not presented because it would disclose a source very injurious to the Government. So what we are trying to do here is to find an accommodation.

If this were a criminal proceeding, there is no doubt that there would be a requirement of confrontation under the U.S. Constitution. But deportation proceedings are classified as civil proceedings. But notwithstanding the classification of deportation proceedings as civil, the courts have also said that there has to be due process even in a civil proceeding. It is entirely possible when this provision is reviewed in court that it may be determined that due process will require confrontation just as the due process clause of the 14th amendment is applicable. The States picks up the requirement of confrontation applicable to the Federal Government in a criminal proceeding. But I think that the amendment which Senator SIMON and I will be offering will go a long way to raising the standard of fairness.

The one item which we are still wrestling with on the drafting is whether there will be a requirement that the evidence be clear and convincing in order to deport someone without confrontation on the evidence which is presented as to terrorism. But however we work out that last detail, we are in the process of having the drafting finalized now.

We are doing this because Senator SIMON and I have just put these two amendments together trying to work them out. Perhaps it might even be acceptable to the managers. But that remains to be seen. But that is the sense of what we are doing at this moment.

Mr. SIMON. Mr. President, my hope is that it would be acceptable to the managers. I think this is in the line of the spirit of what is being offered. It is in line with the original draft. It certainly is in line with the sentiments over the years that I have worked with Senator BIDEN, and I also believe Senator HATCH also would find this acceptable.

Mr. BIDEN. Mr. President, I would like to speak very briefly to the point.

First of all, I would like to thank both Senators for moving such an important amendment in this hour, and at a time in which I do not think people fully understand how significant this amendment is. Our adversarial system of justice requires that defendants be given evidence to be used against them so that they can prepare a defense. It is kind of a basic element of our entire system. At trial that is what cross-examination is all about, to test the reliability and the basis of information given by a witness. The right to see and confront the evidence against oneself is I think a fundamental premise of the due process clause of the Constitution. Unseen and unheard evidence simply cannot be defended against. How does one defend themselves? The courts have recognized that fact time and again.

The Supreme Court has said that secrecy is not congenial to truth seeking. No better instrument has been devised for arriving at the truth than to give a person in jeopardy every serious notice of the case against him and an opportunity to meet him. That was in the Joint Anti-Fascist Refugee Committee versus McGrath, 1951.

The court also said:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where the Government action seriously injures an individual and the reasonableness of the action depends on fact-finding, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue.

That was in Green versus McGlory, 1959.

So to sum it all up, the dangers posed by secret evidence are neither hypothetical nor are they imagined. Shortly after World War II an American soldier sought to bring his German bride back to the United States. She was excluded at the border on the grounds that she was a security risk. The Supreme Court concluded secret evidence could be used against her since persons first entering the United States do not have

the same right. However, the public outrage forced the Government to give her a hearing. And the supplier of the secret evidence turned out to be a jilted lover and she was admitted.

Secret evidence runs counter to all the principles underlying due process of law and our judicial system, and it cheapens our system by placing in doubt the accuracy of its decision.

So I urge my colleagues to reject the secret evidence and to vote to return this provision to the form in which Senators DOLE and HATCH first introduced it.

I urge my colleagues to support the Specter-Simon amendment.

I yield the floor.

Mr. DOLE. Mr. President, as I understand it, on the Democratic side there are four nonhabeas corpus amendments remaining including the one that is pending. So that would be three. On Senator KENNEDY's amendment there is an effort to try to reconcile that. Also, Senator LIEBERMAN is to be voted on. SIMON, immigration; KENNEDY, immigration; LIEBERMAN; and the others are all habeas.

On the Republican side, how many amendments? Senator ABRAHAM; Senator BROWN; Senator KYL; Senator SMITH has been resolved; and two Specter amendments. But I understand that one of those may have been drafted and is the pending amendment, and the other one may not be offered.

Mr. BIDEN. Mr. President, that is my understanding. I ask my friend from Pennsylvania. But amendment No. 1237, secret proceedings, has been folded into the Specter-Simon amendment.

Is that correct?

Mr. SPECTER. That is correct.

Mr. BIDEN. So the only one is the terrorist organization amendment of the Senator from Pennsylvania, No. 1239. Is that correct?

Mr. SPECTER. Mr. President, as I had commented earlier, I am satisfied now that the revision of the bill is about as far as we can go in providing the addition of the de novo hearing by the court, that the classifications of terrorist organizations is well-founded factually, and there again that the evidence which is not subject to confrontation meets a similar standard with respect to Specter-Simon.

Mr. BIDEN. Mr. President, I understand the Senator will not move his terrorist organization amendment because he is now satisfied.

Mr. SPECTER. That is correct.

Mr. BIDEN. If I could respond to the leader, on the disposition of this amendment, in all probability we are prepared to accept the Abraham amendment, and I would urge Senator BROWN to come and offer his amendment on Ireland now.

Senator NUNN has just come in the Chamber. Hopefully, he can work out with the Republicans their concerns, and if not I hope we would be prepared to move that.

So as I look down the Republican list, the only nonhabeas amendments left—because we have accepted most of them—are the Abraham amendment, which I believe we can accept, and the Brown amendment, which I hope Senator BROWN will come and offer. There are no other nonhabeas amendments on that side.

On the Democratic side, the Kennedy immigration deportation proceeding, I hope we will be able to accept, and hopefully the Nunn provision will be accepted. And they are the only two nonhabeas amendments that we have left after we vote on Specter-Simon and Lieberman. I guess that is it. They are the only two we have—and Brown. If we can get Senator BROWN to come and offer his amendment, it will be very helpful.

Mr. DOLE. Let me indicate to Senator BROWN, wherever he may be, that we would very much appreciate his coming to the floor and offering his amendment.

Senator NUNN is here so maybe we can negotiate, if he is willing to negotiate that amendment, or if not have a debate on that amendment.

I understand Senator SPECTER and Senator SIMON will be ready momentarily to offer their amendment.

Mr. BIDEN. Mr. President, again to review the bidding, the only amendment that Senator SPECTER has remaining is the one that he and Senator SIMON just debated. The Simon amendment listed as S. 1234 also drops because that has been merged. So Senator SIMON has no other amendment, other than the pending amendment, left. And that would leave, as I said, again only for debate Brown and possibly Nunn, Biden, and possibly Kennedy, but I hope we can accept the Kennedy amendment. I believe we will be able to accept the Abraham amendment in a moment.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes as in morning business.

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

TRIP TO GUATEMALA, COLOMBIA, HAITI

Mr. SPECTER. Mr. President, during the period of May 26–29, 1995, my colleague on the Senate Intelligence Committee, MICHAEL DEWINE, and I traveled to Guatemala, Colombia, and Haiti for a firsthand view on matters of concern to the Intelligence Committee and to the Senate. The following represents my own personal impressions of the facts learned and my own judgments.

Our first stop was Guatemala. On April 5, 1995 the Senate Intelligence committee held an open hearing on the role of the CIA in two human rights cases. In one case, the committee learned that a Guatemalan, Col. Roberto Alpirez, might be implicated in the murder of American farmer and innkeeper Michael DeVine on June 8, 1990. During the open hearing, Acting Director of Central Intelligence, Adm. Bill Studeman acknowledged that the CIA received information in October 1991 that shed light on the possible presence of Colonel Alpirez in the interrogation of Mr. DeVine. Admiral Studeman also acknowledged that the CIA failed to inform the intelligence committees of the House and the Senate regarding this information which should have been done.

In the second human rights case, Ms. Jennifer Harbury, the widow of a Guatemalan guerrilla Commander, Efraim Bamaca, repeatedly sought to learn the fate of her husband. Both Jennifer Harbury and Carole DeVine, the widow of Michael DeVine, were eloquent and dynamic hearing witnesses. They pleaded for our assistance to learn the facts of their husband's deaths, and, in the case of Ms. Harbury, the location of his remains. We were also interested to learn what happened in the cases of Nicholas Blake, Sister Diana Ortiz and Helen Mack.

While the committee's staff is analyzing many documents pertaining to these cases, we traveled to Guatemala to learn more about these matters and to determine the willingness of the Guatemalan government to prosecute anyone legally responsible for these deaths. Our visit also sought to convince the Guatemalan Government that human rights are a top United States Government priority.

Our first meeting was with Guatemala's President Ramirez deLeon Carpio, where we focussed on the Guatemala peace process and pressed hard on human rights, particularly the DeVine and Bamaca cases. President deLeon is the former human rights ombudsman in Guatemala.

We expressed the U.S.'s wish to assist the peace process and our strong interest in resolving the DeVine and Bamaca cases. President deLeon responded by noting the serious challenges his government has had to face since he took power. He also stated he had confronted serious corruption in the Congress and the Courts by changing them through legal means. Finally he noted that he had succeeded in achieving a 5 percent economic growth and had to persevere in a confrontation with powerful interests in the private

sector to achieve major fiscal reform which he characterized as being tougher than dealing with the Army, the guerrillas, and corrupt politicians combined.

When we pressed on the DeVine and Bamaca cases, President deLeon said that both represented part of the general problem of impunity in Guatemala. He noted a difference between the cases. He characterized the DeVine case as a common crime. Six soldiers and a Captain Contreras had been convicted. It is widely believed that Captain Contreras was the leader of the group that murdered Michael DeVine, but after his sentencing to 20 years in jail, he escaped, perhaps with the complicity of the Guatemalan Army which had him in custody. Therefore, to cast this as strictly a common case of crime appears inaccurate in that the involvement of the Guatemalan military points to more than a common crime. In my view, not enough has been done to apprehend him in spite of the fact that the government of Guatemala had placed a $17,000 reward for the Captain's recapture.

President deLeon stated that he would be calling Venezuelan President Caldera about the possibility that the Captain is a fugitive in that country and that the FBI and Interpol have been asked to join in the search for him abroad. The President added that he expected to send a special commission to Venezuela to pursue this and thought that President Caldera would be willing to cooperate.

Later we met with Defense Minister General Mario Enriquez. The DeVine and Bamaca murders figured preeminently in our discussions. We underscored several times the importance of the cases to bilateral relations. General Enriquez stated investigations into both killings were going forward, but he drew a distinction between Bamaca and DeVine.

General Enriquez also reported to us that he was hopeful that Captain Contreras had been captured just prior to our meeting. The next day, May 27, the newspapers were filled with front page stories of the capture of Captain Contreras. But a check with our Embassy in Venezuela did not shed any more light in the veracity of this reporting.

The capture of Captain Contreras would be a critical element in the resolution of this crime. It might shed light on why and whether other military officers were involved. President deLeon noted that he had suspended Colonels Catalan and Alpirez pending investigation of their involvement in a crime, a step basically unprecedented in Guatemala. We also learned of the rumored existence of a tape reportedly held by Colonel Alpirez which allegedly recorded instructions to him to cover up the DeVine case.

President deLeon asserted that he would go as far as necessary in pursuing the DeVine case which he added would benefit the army as an institution in Guatemala.

In regard to Guatemalan guerrilla commander, Efraim Bamaca, President deLeon made the same distinction between this case and the DeVine matter as did General Enriquez. In President deLeon's view Bamaca was a product of war and to push prosecution of that case would de-stabilize the army. He felt the Bamaca case should be referred to the Historical Clarification Commission, otherwise known as the "truth commission," established by agreement between the government of Guatemala and the URNG guerrillas to deal with the many abuses committed during the war once it was over.

Nonetheless, we continued to press hard. We asked the President to make an example of the Bamaca case as a human rights violation. It was important to the relations between the government of the United States and the government of Guatemala. I noted that this is a special case and added that if the body of Efraim Bamaca were found, it would represent a big step forward.

I noted how the testimony of both Jennifer Harbury and Carole DeVine to the Intelligence Committee on April 5th had been very moving and, how Colonel Alpirez was linked to both cases. President deLeon acknowledged as a former human rights ombudsman he knew that there was no excuse for torture even in war. Many priests had also been murdered. He stated he wished to strengthen the bi-lateral relations with the U.S. and improve Guatemala's image. However to pursue the Bamaca case would threaten the peace process and the stability of the government. In his words, it would put a "sword of Damocles" over the head of all 2,500 Guatemalan military officers who had seen hundreds of their comrades die in the 34 years of the conflict. What was needed, he added, was a peace agreement and genuine reconciliation, not recriminations.

We also met with human rights activists, including Ronald Ochaeta, Director of the Archbishop's Human Rights Office; Helen Mack, sister of the slain Myrna Mack; and Karen Fisher de Carpio, the daughter-in-law of the slain two-time Presidential candidate and newspaper publisher Jorge Carpio. Jorge Carpio was a cousin of the President deLeon Carpio. They requested that the United States government reveal all the intelligence about Guatemalan military people who may have been involved in human rights crimes. They also expressed the fear that, after the Guatemalan army returns Captain Contreras to justice in Guatemala, that the United States Government and human rights pressure will diminish; and absent that pressure, the Guatemalan Army will no longer even remotely respond to human rights concerns. They termed the Guatemalan justice system as being dysfunctional. Within the Army, they felt that there is brotherhood in which only some individual members are involved in a variety of illegal activities: human rights violations; stealing of cars; and drug trafficking, etc. They expressed the view that while most members of the army may not have been involved in these activities, all have taken "a blood pact" not to disclose any details on their fellow military comrades.

I agree with the human rights activists and monitors that only with the pressure of the U.S. Government and the international community will cause the Army to improve its human rights performance in the future and to shed light and sanctions on past crimes.

Our next stop took us to Colombia where we met with President Ernesto Samper, his Foreign Affairs Minister, Rodrigo Pardo, and his Defense Minister, Fernando Botero. We met the leaders of this country in Cartagena. Our discussions centered on narcotics trafficking and terrorism. While the United States has been riveted for years over the taking of hostages in the Middle East, scant attention has been paid to hostage taking in South America, particularly in Colombia where presently seven Americans are being held by the terrorist group known as FARC. I raised these issues with our Ambassador Myles Frechette and with President Samper. The view of both of them is this hostage taking is different in the sense that it is financially motivated. Terrorists have been taking Americans and other foreign nationals captive for ransom purposes. In meetings with President Samper, Senator DEWINE and I pressed for more action to prevent the taking of these hostages and greater efforts to release them. In my view, not enough has been done in this area.

Of paramount importance were our discussions regarding narcotics trafficking. The conditional certification of Colombia by the President on February 28, 1995 has clearly had an impact on the government on Colombia.

Prior to February 1995, there had been sporadic support by some quarters of the Colombian political establishment in preventing significant damage to the Colombian drug syndicates. For example, in 1994 the government of Colombia took no legislative steps to reverse its 1993 criminal procedures code which made it very difficult to bring mid-level and senior syndicate heads to justice. As a result, following the trend set in 1993, there were no arrests, incarcerations, or fines imposed on such traffickers. In addition, a number of frequently convicted traffickers were able to benefit in significant reductions to their sentences pursuant to Colombia's woefully inadequate sentencing laws.

In 1994, total drug seizures through interdiction efforts were above those of

1993 but didn't reach the levels accomplished in 1991 as the U.S. Government has recommended. Performance on eradications has supposedly improved; but results have not met expectations. In 1994 there were no senior government officials indicted for corruption. The Colombian Congress did not pass bills introduced by the Samper administration to counter money laundering activities. There was insufficient progress to detect and remove corrupt officials. There continues to be a problem with drug syndicate control of foreign soil such as San Andreas Island.

The conditional certification by the Administration on March 1, 1995 of Colombia's counter-narcotics effort appears to have changed Colombia's attitude. Since that date, Colombia has conducted over 170 operations against the Cali cartel by attempting the capture of drug king pins and by the efforts to disrupt their operations.

Nonetheless, it appears that only the surface has been scratched. The Cali cartel is well financed and sophisticated. A captured warehouse disclosed a great amount of electronic equipment ranging from computers to direction finders. In addition, the cartel is controlling the phone companies and conducting telephone taps to uncover counter-narcotics directed against it.

The bottom line is that Colombia still is the largest supplier of cocaine into the United States. Much more needs to be done to counter this trafficking. For one, legal cooperation between the United States and Colombia needs to be reinvigorated. We have been forced to shut down evidence sharing because Colombia has been misusing what we have provided to date; and, as a result, families of witnesses have been killed.

We raised directly with President Samper, the need for extradition and reform of Colombia's legal system. While Colombian law now prohibits extradition, we urged President Samper to revisit this issue. If extradition is not re-instated, Colombia should consider seriously the proposal to allow drug traffickers to be tried in the United States and then serve their sentence in Colombia. This would serve to preserve evidence and remove the case from the inadequate Colombian code of criminal law. A longer range alternative is for Colombia to transfer proceedings to an international criminal court which could be established.

President Samper acknowledged that drugs are a major problem not only in Colombia, but also internationally. He said that he intends to make every effort to stop the Cali cartel. It is not enough to destroy the fields, labs and aircraft used in trafficking, but also to have effective interdiction and to counter money laundering.

When I raised the need for reinstating extradition, he noted the past ramifications: drug traffickers countered by killing four Presidential candidates and 63 magistrates in a reign of terror. In his view, extradition would come at a high cost. He was frank in stating he supported the Constitutional amendment to stop extradition to the U.S. If his judicial reform does not work in the next 2 to 3 years, he stated that he would consider other alternatives such as extradition. He was also confident that he will dismantle the Cali cartel within 2 years.

He also found the idea of an international criminal court worth considering.

On Monday, May 29, 1995 we met with Ambassador William Swing in Haiti along with Maj. Gen. Joe Kinzer. General Kinzer is Commander of the United Nations mission in Haiti as well as senior commander of U.S. forces there.

To gain some perspective on Haiti, it is instructive to note the volatility of this country over its last 190 years. It has had 21 constitutions, 41 heads of state, 7 of whom have served more than 10 years, 9 of whom have declared themselves heads of state for life, and 29 of whom were assassinated or overthrown.

It has been a country of great political and economic instability, over-populated, possessing limited resources and having the worst environmental degradation in the hemisphere. It is the poorest nation in the western hemisphere.

Prior to the return of President Aristide, the country had 3 years of illegal, military de facto government, 8 years of chronic instability and some 30 years of Duvalier family dictatorship. Since the 1991 coup, the country has suffered a 30 percent loss of its gross domestic product and its treasury has been emptied. It has the highest birth rate in the western hemisphere. Between September 30, 1991, and the return of Aristide in October 1994, imposed severe sanctions and the toughest embargo ever in the western hemisphere. The human rights violations by the Cedras regime escalated. This resulted in many Haitians attempting to escape the politically oppressive climate. On July 4, 1994 over three thousand Haitians fled in one day.

On September 19, 1994 over 21,000 U.S. troops were deployed there without any loss of life. Paramilitary forces of Haiti were disbanded and its leaders were arrested. General Cedras departed in exile on October 13, 1994. President Aristide returned on October 15, 1994.

General Kinzer noted that he is operating under Presidential Decision Directive 25, U.N. Security Council Resolution 940 and Chapter 6 of the U.N.'s charter which technically limits him to observing, reporting, and verifying. It does not give him full authority for peacekeeping. Nonetheless, General Kinzer has set up rules of engagement which, in essence, give him the ability to carry out peacekeeping. General Kinzer did point out the importance of intelligence support to the U.S. forces there and also to the United Nations forces. While such intelligence was not as critical as in Somalia, he warned that any efforts to restrict the flow of intelligence of U.N. forces would not be in the best interests of U.S. forces who are participating.

Ambassador Swing emphasized the serious challenges which lie ahead. First, there is a need to create a credible security force by February 1996 when the mandate for U.N. forces ends. There is a need to stimulate badly needed economic development in the country. Third, the electoral process must be fair for the parliamentary elections in June, and the Presidential elections in December. Finally, there needs to be improvement in Haiti's justice system.

We met with President Aristide who pointed out the need for security forces in the number of about 7,000, which he expects to have ready by February 1996. Given the rate of training timetable, it is dubious that this can be achieved. President Aristide represented that the machinery is in place for a fair and democratic process for the forthcoming elections.

There are some rumors that President Aristide may not comply with the Haitian Constitution and step down when his term ends. We questioned him on this. When asked if there were any circumstances under which he would stay on as President, his response was "no". He stated that the Constitution requires him to leave no matter what the majority of Haitians might say. In response to what more he would want from the United States, he responded by saying he would be ashamed to ask for more money. What is needed, in his view, is more economic development, more job opportunities, and a need for a free market.

Mr. President, in the absence of any further proceedings on the pending legislation, I thought this might be a good time to make a brief report on a trip which Senator MICHAEL DEWINE and I made on behalf of the Senate Intelligence Committee to Guatemala, Colombia, and Haiti over a 4-day period, May 26 through May 29, with the principal focus in Guatemala being to determine the civil rights abuses on the murder of an American innkeeper, Mr. Michael DeVine, and a Guatemalan soldier, Commander Bamaca.

These deaths had been the subject of an Intelligence Committee hearing where there were very, very substantial questions of violations of human rights.

At that Intelligence Committee hearing in April, Mrs. Carol DeVine testified about the brutality with respect to her husband, Michael DeVine, and the perpetrators have not yet been brought to justice. Ms. Jennifer Harbury, the

wife of Commander Bamaca, testified as to the difficulties in determining what had happened to her husband and even to finding his body.

On our trip, we talked about the matter with President deLeon of Guatemala and also with the Minister of Defense and urged that every effort be made by the Guatemalan Government to find out exactly what had happened to the American citizen, Michael DeVine, and Commander Bamaca.

President deLeon pledged the full efforts of the Guatemalan Government as to the murder of Mr. DeVine but had a difference of opinion with respect to Commander Bamaca, which he classified as a military incident. We urged in the strongest possible terms President deLeon proceed to vindicate human rights and make a thorough investigation as to both of their matters.

In Colombia, we had extensive discussion with ranking Colombian officials, including President Samper, principally on the issues of terrorism and narcotics trade.

I must say, Mr. President, that there is insufficient evidence being taken by the Colombian Government on the very serious problems of narcotics traffic which comes to the United States. Since efforts had been undertaken with some success in the mid to late 1980's, those efforts have materially decreased with Colombia now refusing to have extradition. It is my judgment that our efforts in interdiction and the funds which we are expending in that direction could much more usefully be placed on the so-called demand side in the United States on education and on rehabilitation. It seems that the more acreage or hectares of ground taken away from the growth of cocaine or drugs in Latin America, in Colombia, illustratively, or Ecuador or Peru, the more replacement drug growth occurs in those States. Although we are spending a tremendous sum of money, there has been no significant lessening of the source of supply. We have to maintain a very active and vigorous law enforcement program in the United States to combat supply. But our efforts of international interdiction have been largely unsuccessful, and I think the Government of Colombia is doing much less than ought to be done.

Senator DEWINE and I finished our short trip with a one-day stay in Haiti, where we had an opportunity to visit with President Aristide and visit with General Kinzer. There a real effort has been made by the U.N. forces to establish order, and U.N. forces are scheduled to leave in February of next year. There will have to be significant accomplishments by the Haitian Government to have a local police force to handle the issue.

Rumors had come to our attention that there might be a question as to whether President Aristide would step aside after a new President is elected late this year when his term is set to expire in February. Senator DEWINE and I were very direct and blunt in asking the question as to whether he did intend to step down, and he was unequivocal in stating that he would do so. We noted that a real sign of progress in Haiti would be whether there would be an orderly transition of government from one elected President to his successor. In light of what has happened in Haiti historically, that would really be a remarkable achievement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

AMENDMENT NO. 1250

(Purpose: To ensure due process in deportation proceedings)

Mr. SPECTER. Mr. President, we have now completed the drafting of the amendment which had been discussed earlier. I now send this to the desk on behalf of myself, Mr. SIMON, and Mr. KENNEDY.

This amendment provides that under circumstances where the Department of Justice is unwilling to present a witness or witnesses to establish that an alien is a terrorist, that there will be an unclassified summary presented, sufficient to enable the alien to prepare a defense.

It has provisions which protect the government in a number of directions, and ultimately in the situation where there is a threat that the alien's continued presence in the United States would likely cause serious or irreparable harm to the national security, or death or serious bodily injury to any person, and the provision of either classified information or classified summary that meets a higher standard would cause, again, irreparable harm or the possibility of death or serious injury, then there may be an unclassified summary prepared by the Justice Department sufficient to allow the alien to prepare a defense.

There is a provision here for an interlocutory appeal. It would be my hope this might be acceptable on both sides, or if not, that it would receive an affirmative vote by the Senate. I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SIMON, and Mr. KENNEDY, proposes an amendment numbered 1250.

Mr. SPECTER. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

"(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days after filing of the appeal.

AMENDMENT NOS. 1218 AND 1225, EN BLOC

Mr. BIDEN. Mr. President, it is my understanding that the chairman of the Judiciary Committees, Senator HATCH, is prepared to accept Kennedy amendment 1218 and the Feinstein amendment 1225 en bloc.

I send the two amendments to the desk and ask unanimous consent that they be considered en bloc.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] for Mr. KENNEDY, proposes an amendment numbered 1218, and for Mrs. FEINSTEIN, proposes an amendment numbered 1225.

Mr. BIDEN. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendments en bloc are as follows:

(Purpose: To require the same procedures for the use of secret evidence in normal deportation proceedings as are accorded to suspected alien terrorists)

AMENDMENT NO. 1218

On page 48, line 12, before the period insert the following: ", except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501."

AMENDMENT NO. 1225

At the appropriate place, insert the following:

SEC. . PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

"SEC. 40A. TRANSACTIONS WITH COUNTRIES NOT FULLY COOPERATING WITH UNITED STATES ANTITERRORISM EFFORTS.

"(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.

"(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.".

AMENDMENT NO. 1218

Mr. KENNEDY. Mr. President, the bill before the Senate contains a procedure to permit the use of secret evidence in deportation proceedings for suspected terrorists. Many Members have reservations about this procedure, and I believe the sponsors have made a genuine attempt to strike a balance between our concerns about terrorism and the fundamental requirements of due process.

However, another section of the bill, section 303, contains no such balance. It permits the use of secret evidence in any deportation case, without any due process safeguards at all. The amendment I am offering would extend the same minimal due process safeguards to these proceedings that are available in terrorist cases, in the rare situations in which classified evidence must be protected.

The terrorist deportation procedure in section 301 acknowledges the sensitive issues surrounding the use of classified evidence. It requires a special designation by the Chief Justice of five Federal judges to keep the evidence secure and ensure due process.

However, section 303 allows secret evidence to be used in normal deportation cases before any of scores of low-level immigration judges in the Justice Department, with no protection for either the classified evidence or the immigrant.

While this provision exempts permanent residents from its broad reach, there are others who reside in the United States under legal immigration status who also deserve such protection, including the new spouses of American citizens. If we are to take the extraordinary step of permitting the use of secret evidence in general deportation proceedings, I believe the evidence and the immigrant should be afforded at least the same protections that we give to terrorists.

This can be done without unduly burdening the courts. The number of cases which rise to the level of requiring secret evidence to justify deportation is extremely small.

The kinds of cases which could be subject to this procedure would have substantial equities. The use of secret evidence should not be taken lightly.

Under this procedure, the immigrant spouses of American citizens could be deported with secret evidence. By law, these spouses are "conditional residents," not permanent residents, during their first 2 years of marriage.

The same sort of equities apply to refugees. A Vietnamese refugee who fought on our side in Vietnam, who experienced years of re-education in Communist concentration camps, and who has now lived here for many years, but does not have permanent residence, would be subject to secret deportation with illegally obtained evidence. His only offense could be that he rescued a fellow soldier from Vietnam by allowing him to pose as a relative.

There are also 14,000 Chinese students in this country, many of whom were activists in the democracy movement in China. They qualify for permanent residence, but they have not yet received their green cards. They could be subjected to this procedure.

There are 85,000 individuals whom the Immigration Service has allowed to remain in the United States because of special circumstances surrounding their cases. They may have American citizen children with disabilities requiring special attention that cannot be offered in their parents' home country. These families have not been given permanent residence, but the courts have declared them "permanent residents under color of law."

Some may argue that these are unlikely victims of this procedure. But there is nothing in this language that prevents immigrants and refugees with substantial ties to this country from being deported using secret evidence. Under this procedure, they may never know why they were deported.

A long line of judicial decisions requires the protection of immigrants under the fifth amendment from due process violations in the deportation process.

The fifth amendment states that no person shall be "deprived of life, liberty or property, without due process of law." The Supreme Court has consistently ruled that this protection means what it says, it extends to all persons within the United States, not just citizens.

As the Supreme Court stated in the *Japanese Immigrant* case in 1903,

> This court has never held, nor must we be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in "due process of law" as understood at the time of the adoption of the Constitution.

In 1915, in Whitfield versus Hanges, the Court outlined the requirements of a fair deportation hearing, including the right to be notified of charges, to cross-examine witnesses, and to see the evidence and have a fair opportunity to rebut it.

To underscore the gravity of deportation, the Supreme Court in 1921, in Ng Fung Ho versus White, observed that not only does deportation deprive a person of liberty, but "[it] may result also in loss of both property and life; or of all that makes life worth living." Again in 1948, in Tan versus Phelan, the Court characterized deportation as "a drastic measure" and "the equivalent of banishment or exile."

In 1976, Mathews versus Diaz, the Court noted, "There are literally millions of aliens within the jurisdiction of the United States. The fifth amendment, as well as the 14th amendment, protects every one of these persons from deprivations of life, liberty, or property without due process of law."

In Landon versus Plasencia in 1982, the Court stated that the interest of an immigrant facing expulsion from the United States "is, without question, a weighty one. She stands to lose the right to stay and live and work in this land of freedom. Further, she may lose the right to rejoin her immediate family, a right that ranks high among the interests of the individual."

We are all concerned about addressing terrorism and expediting legitimate deportation cases.

The bill before us contains a procedure in section 301 which permits our courts to handle classified evidence to decide the deportability of aliens suspected of terrorism.

At a minimum, other deportees should be given the same protections as terrorists when it comes to using secret evidence against them. For this reason, my amendment says that the use of evidence in other deportation settings must follow what is being proposed for suspected terrorists. This means the evidence must be handled by designated Federal judges. And before the deportation proceeding is allowed to continue on the basis of the secret evidence, the judges must weigh the threat which the presence of the person poses against the likely consequences of revealing the classified information.

I urge my colleagues to support this amendment.

AMENDMENT NO. 1225

Mrs. FEINSTEIN. Mr. President, today I offer an amendment that establishes a clear standard of behavior other countries must meet in order to be eligible to purchase military equipment from the United States.

It amends the Arms Export Control Act by adding a section which states that no defense article or defense service may be sold or licensed for export to a country unless the President has certified to Congress that the country is cooperating fully with the United Stats, or taking adequate steps on its own, to help achieve U.S. antiterrorism objectives.

This amendment does recognize that certain transactions of military equipment do have a direct bearing on our national security, so it allows the President to waive the prohibition with respect to specific transactions if he determines that they are essential to the national security interests of the United States.

The United States is the leading exporter of military equipment in the world. In fiscal year 1994, the United States sold some $12.86 billion worth of defense equipment and services around the world. By and large, these exports serve the interests of the United States by helping to build up the security of our allies. Improving our allies' abilities to defend themselves is one of the most effective ways we can advance and protect our own interests abroad.

It is not unreasonable to expect a certain level of cooperation from countries to whom we sell military equipment. Obviously cooperation in defense matters is taken into consideration, as it should be, because of the clear benefit it brings to U.S. security interests.

But our security these days is affected by other, less conventional problems. Today, terrorism poses a major threat to U.S. security interests, and to our way of life. Because of that, we must demand and expect cooperation from our allies to help us achieve our antiterrorism objectives. When we share our most advanced military technology with our allies, we should be able to expect full cooperation in these crucial areas.

For the most part, the commitment to combat terrorism is strong among our allies who purchase U.S. military equipment. Many of them know firsthand the scourge of terrorism, and have been deeply affected by it. Indeed, the State Department's 1994 Patterns of Global Terrorism report describes some 321 international terrorist attacks in 1994, in Africa, Asia, Europe, Latin America, and the Middle East. Occasionally, however, we have been disappointed by the cooperation we have received in our antiterrorism efforts.

This amendment is designed to add an additional incentive for those states to cooperate with U.S. antiterrorism efforts. We need their full cooperation in: Apprehending, prosecuting, and extraditing suspected terrorists; sharing intelligence to deter terrorist attacks; pressuring state sponsors of terrorism to change their behavior; curbing private fundraising efforts for terrorist organizations within their country; and, taking actions to prevent or deter terrorist attacks. Where we have signed agreements and treaties, they should be fulfilled in both letter and spirit. Where we do not have such agreements, our allies should work with us to put them in place as quickly as practicable.

The threat of international terrorism demands that the civilized nations of the world band together to defend against those who would use violence for political ends. This amendment will help ensure that the United States gets the cooperation it needs from our allies to fight this threat.

Mr. BIDEN. For the sake of clarification, I would ask the Senator from California if the certification requirement in her amendment means that a separate certification of a country's cooperation with U.S. antiterrorism objectives must accompany every notification of an arms sale sent to Congress under section 36(b) of the Arms Export Control Act.

Mrs. FEINSTEIN. No, the certification procedure is designed to require one certification annually for each country that purchases defense articles or defense services, or has them licensed for export, from the United States in a given fiscal year. Most certifications will probably be provided at the beginning of the fiscal year, but a country that is not certified at that time may, if eligible, be certified at any time prior to the first sale or export license to it in the fiscal year.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1218 and 1225) were agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are perilously close to finishing all but the habeas amendments. The Nunn-Biden amendment on posse comitatus is either going to be debated very shortly or accepted very shortly.

That leaves, I think, after the vote on the Specter-Simon amendment, we will know then on the outcome of that vote, whether or not the Abraham amendment is still relevant. If Specter-Simon prevails, as I hope it does, then the Abraham amendment would be dropped.

The only amendment I am aware of on the Republican side which we do not have any agreement on at this point—we thought we did—was the Brown amendment. If Senator BROWN is available, we are ready to enter into a very short time agreement and debate that amendment tonight.

Mr. DOLE. Have the yeas and nays been ordered?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, again I think we are going to know in a moment whether we will need to debate the Nunn-Biden posse comitatus amendment, but in the meantime while that is being ironed out, I ask my friend from Utah whether or not Senator BROWN is available to introduce his amendment. I think that is the only thing we have left.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the Lieberman amendment numbered 1215.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I understand that Senator BROWN is on his way over, and I will chat with him.

Mr. BIDEN. Mr. President, I say to the majority leader that I think when we dispose of the Brown amendment and we dispose of the Nunn-Biden amendment, that other than habeas amendments, there is nothing left.

It is my understanding that the leader, at an appropriate time this evening, if we complete action on Nunn-Biden and Brown, would move to vitiate the cloture vote tomorrow.

I would assure the Senator, as well, we would withdraw all 5 amendments relating to firearms or ammunition. They would not be considered on this bill.

Mr. DOLE. I have not discussed that with the Democrat leader. That would

be my intention. They would be germane, in any event. No need to have a cloture vote.

So, if we can complete action on all except habeas corpus, we would like to start fairly early in the morning on the habeas corpus amendments.

So is there anybody who has amendments? I guess Senator BROWN is the only one on this side?

Mr. BIDEN. Senator BROWN is the only one who has a nonhabeas amendment on the Republican side and the only one we have left on the Democratic side, as I understand it, is Nunn-Biden.

Mr. HATCH. You have Abraham as well.

Mr. BIDEN. The Senator points out the Abraham amendment is still on the Republican side, and I have discussed this with Senator Abraham and he points out to me that if Specter-Simon passes, then his amendment is redundant, is no longer necessary. It is only if Specter-Simon fails would we go to the Abraham amendment, in which case we could accept the Abraham amendment.

Mr. DOLE. So we are waiting on Senator BROWN.

Mr. BIDEN. And waiting on a decision by our Republican colleagues whether or not they can accept the Nunn-Biden posse comitatus amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1229 WITHDRAWN

Mr. HATCH. Mr. President, I am very grateful to our distinguished Senator from Colorado, Senator BROWN. Because, as much as he likes his amendment regarding terrorist countries, it has hit a snag where it has had an objection from both sides of the aisle.

In the interests of moving this bill forward he has authorized me to withdraw that amendment at this time.

I ask unanimous consent the Brown amendment be withdrawn.

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

The amendment (No. 1229) was withdrawn.

Mr. BIDEN. Mr. President, let me say I know he has decided not to run again, and this will probably hurt his reputation, but it is a pleasure to work with the Senator from Colorado. He is always reasonable. I thank him very much.

As Senator Eastland once said to me, "I will come and campaign for you or against you, whichever will help the most." Maybe if I said something negative it would help more but I really mean it. I thank him for his cooperation. This is the second time he has moved this legislation along. I truly appreciate it.

I want to correct something I said earlier. I referred to the posse comitatus amendment as the Nunn-Biden amendment. That is not accurate. This is not a minor point. It is the Nunn-Thurmond-Biden amendment. Senator THURMOND has been a leader in this issue and I did not mean in any way to leave him out. It is the Nunn-Thurmond-Biden amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1251 TO AMENDMENT NO. 1199

(Purpose: To authorize the Attorney General to request, and the Secretary of Defense to provide, Department of Defense assistance for the Attorney General in emergency situations involving biological or chemical weapons of mass destruction)

Mr. NUNN. Mr. President, I am going to start with the explanation of the amendment which I hope we will be voting on this evening. If the majority leader would like to interrupt at any point in time, I know there will be other things that will be coming up, I will be glad to yield and I invite that.

I am pleased to propose on behalf of myself, Senator THURMOND, Senator BIDEN, and Senator WARNER, an amendment to address a significant gap in the law regarding the use of chemical and biological weapons of mass destruction in criminal terrorist activities.

The Armed Forces have special capabilities to counter nuclear, biological, and chemical weapons. They are trained and equipped to detect, suppress, and contain these dangerous materials in hostile situations.

Most of our law enforcement officials do not have anything like the capability that our military does in these unique circumstances. At the present time the statutory authority to use the Armed Forces in situations involving the criminal use of these weapons of mass destruction extends only to nuclear materials. In my opinion, chemical and biological attacks on the United States, terrorist attacks, are much more likely than nuclear, although all would be horrible. Section 831 of title 18, United States Code, permits the Armed Forces to assist in dealing with crimes involving nuclear materials when the Attorney General and the Secretary of Defense jointly determine that there is an emergency situation requiring military assistance. There is no similar authority to use the special expertise of the Armed Forces in circumstances involving the use of chemical and biological weapons of mass destruction.

In the wake of the devastating bombing of the Federal building in Oklahoma City, with its tragic loss of life and disruption of governmental functions, I think it is appropriate to reexamine Federal counterterrorism capabilities, including the role of the Armed Forces. I would also add that the Tokyo chemical attack in the subway is the kind of situation that very well could happen, also, in this country.

For more than 100 years, military participation in civilian law enforcement activities has been governed by the Posse Comitatus Act. The Act precludes military participation in the execution of laws except as expressly authorized by Congress. That landmark legislation was the result of congressional concern about increasing use of the military for law enforcement purposes in post-Civil War era, particularly terms of enforcing the Reconstruction laws in the South in and suppressing labor activities in the North.

There are about a dozen express statutory exceptions to the Posse Comitatus Act, which permit military participation in arrests, searches, and seizures. Some of the exceptions, such as the permissible use of the armed forces to protect the discoverer of guano islands, reflect historical anachronisms. Others, such as the authority to suppress domestic disorders when civilian officials cannot do so, have continuing relevance—as shown most recently in the 1992 Los Angeles riots.

It is important to remember that the Act does not bar all military assistance to civilian law enforcement officials, even in the absence of a statutory exception. The Act has long been interpreted as not restricting use of the armed forces to prevent loss of life or wanton destruction of property in the event of sudden and unexpected circumstances. In addition, the Act has been interpreted to apply only to direct participation in civilian law enforcement activities—that is, arrest, search, and seizure. Indirect activities, such as the loan of equipment, have been viewed as not within the prohibition against using the armed forces to execute the law.

Over the years, the administrative and judicial interpretation of the Act, however, created a number of gray areas, including issues involving the provision of export advice during investigations and the use of military equipment and facilities during ongoing law enforcement operations.

During the late 1970's and early 1980's, I became concerned that the lack of clarity was inhibiting useful indirect assistance, particularly in counterdrug operations. I initiated legislation, which was enacted in 1981 as chapter 18 of title 10, United States Code, to clarify the rules governing military support to civilian law enforcement agencies.

We have, as a matter of fact, and have had since 1981 military ships in

the Caribbean—and other places for that matter where we have heavy drug traffic—where the military, the Navy, has the right to intercept vessels, but the power of arrest is reserved for Coast Guard personnel that are on the Navy ships for that purpose. So we have been very careful about how we approach this matter.

The administration has requested legislation that would permit direct military participation in specific law enforcement activities related to chemical and biological weapons of mass destruction, similar to the exception under current law that permits direct military participation in the enforcement of the laws concerning improper use of nuclear materials.

We had a hearing under the auspices of Senator HATCH and Senator BIDEN. During that hearing it came to the attention of the committee—and the Armed Forces Committee was also invited to participate in that hearing, and I was there—that, although the overall direction that the President was laying out seemed to me to make sense, I thought the statute that had been submitted was not properly drawn. It used the words "technical assistance" without defining that term properly; used the term "disabling and disarming" but precluded the power of arrest.

In effect, I reached the conclusion that the military would be in a position where they were basically able to disable and disarm, which would include the use of force, and perhaps even the use of fatal force, but not have the power of arrest, which did not make sense.

I think the ultimate depriving of civil liberties is when you kill someone. If you can kill them without arresting them you are not really protecting someone's civil liberties. So we decided to carefully reconstruct that statute to try to deal with chemical and biological weapons, and we worked diligently to do that, and are continuing to work on possible amendments in good faith with colleagues on both sides. Senator HATCH has participated in that. Senator THURMOND and I have worked hard on it. Senator BIDEN has participated, and others. Senator DOLE and others have been involved in trying to make sure we know exactly what we are doing. I hope we can work it out this evening. But, if not, we will certainly have to vote on the matter at some point.

In my judgment, Mr. President, the question of whether we should create a further exception for chemical and biological weapons should be addressed in light of the two enduring themes reflected in the history and practice of the Posse Comitatus Act and related statutes:

First, the strong and traditional reluctance of the American people to permit any military intrusion into civilian affairs.

Second, the concept that any exceptions to the Posse Comitatus Act should be narrowly drawn to meet specific needs that cannot be addressed by civilian law enforcement authorities and that pose a grave danger to the American people.

As I previously mentioned, these issues were examined at a hearing before the Judiciary Committee on May 10, led by the chairman of the Committee, Senator HATCH, and the ranking minority member, Senator BIDEN. At their invitation, I participated in the hearing, and I am grateful for the courtesies extended to me.

At the hearing, we heard from former Secretary of Defense Caspar Weinberger, and from current representatives of the Departments of Justice and Defense. During the hearing, five major themes emerged:

First, we should be very cautious about establishing exceptions to the Posse Comitatus Act, which reflects enduring principles concerning historic separation between civilian and military functions in our democratic society.

Second, exceptions to the Posse Comitatus Act should not be created for the purpose of using the armed forces to routinely supplement civilian law enforcement capabilities with respect to ongoing, continuous law enforcement problems.

Third, exceptions may be appropriate when law enforcement officials do not possess the special capabilities of the Armed Forces in specific circumstances, such as the capability to counter chemical and biological weapons of mass destruction in a hostile situation.

Fourth, any statute which authorizes military assistance should be narrowly drawn to address with specific criteria to ensure that the authority will be used only when senior officials, such as the Secretary of Defense and the Attorney General, determine that there is an emergency situation which can be effectively addressed only with the assistance of military forces.

Fifth, any assistance which authorizes military assistance should not place artificial constraints on the actions military officials may take that might compromise their safety or the success of the operation.

In other words, Mr. President, as a result of that hearing, I came to the conclusion that in this area we ought to set a very high threshold for participation by the military and define those terms very carefully. Once the military is involved and, for example, they have on chemical gear, they are in a very difficult situation. Law enforcement may not even be able to be on the scene because of the heavy presence of chemical or biological agents. Once that happens, we do not want to put our 19, 20-, 22-, 23-, 24- or 25-year-olds out there without having enough authority to go ahead and do the job.

So we have tried to draft this authority with a very high threshold for any involvement of this military and to make that authority very limited, very carefully drawn. Once they are involved, then we want to give the military personnel authority to protect themselves and to take action as required by the circumstances, the very emergency type of circumstances we are describing.

The amendment that Senator THURMOND, Senator BIDEN and I are sponsoring has been drafted to reflect the traditional purposes of the Posse Comitatus Act and the limited nature of the exceptions to the act.

Under the amendment, the Attorney General may request DOD assistance to enforce the prohibitions concerning biological and chemical weapons of mass destruction in an emergency situation.

The Secretary of Defense may provide assistance if there is a joint determination by the Secretary of Defense and the Attorney General that there is an emergency situation, and the Secretary of Defense determines that the provision of such assistance will not adversely affect military preparedness.

Military assistance could be provided under the amendment only if the Attorney General and the Secretary of Defense jointly determine that each of the following five conditions is present:

First, that the situation involves a biological or chemical weapon of mass destruction.

Second, that the situation poses a serious threat to the interests of the United States.

Third, that civilian law enforcement expertise is not readily available to counter the threat posed by the biological or chemical weapon of mass destruction involved.

Fourth, that Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological or chemical weapon of mass destruction involved.

Fifth, that enforcement of the law would be seriously impaired if the DoD assistance were not provided.

The types of assistance that could be provided during an emergency situation would involve operation of equipment to monitor, detect, contain, disable, or dispose of a biological or chemical weapon of mass destruction or elements of such a weapon. This includes the authority to search for and seize the weapons or elements of the weapons.

This authority must be given. I do not know of any way to avoid that because what you have to do is stop the possibility or the probability in some cases of massive death of American people.

The Attorney General and the Secretary of Defense would issue joint regulations defining the types of assistance that could be provided.

The regulations would also describe the actions that Department of Defense

personnel may take in circumstances incidental to the provision of assistance under this section, including the collection of evidence. This would not include the power of arrest except in exigent circumstances or as otherwise authorized by law.

Now, that word "exigent" is one we are now considering, whether there are other words that would more precisely define the kind of circumstances we are talking about. The word "exigent" though is used in criminal statutes and has been used over and over again, and that word is well known in law enforcement circumstances.

Also, this provision is designed to address two important concerns. First is the general principle that types of assistance provided by the Department of Defense should consist primarily of operating equipment designed to deal with the chemical and biological agents involved and that the primary responsibility for arrest should reside in all circumstances with civilian officials where that is possible. As a law enforcement situation unfolds, however, military personnel must be able to deal with circumstances in which they may confront hostile opposition.

I repeat, Mr. President, there can very well be circumstances, a subway, for instance, involving chemical agents, just like the situation in Tokyo, or a situation similar to that where chemical agents are present, where law enforcement people are not even able to go into the area, where the only people who can go into the area are the military personnel.

In that situation, we do not want to put handcuffs on the military and say you are going into this dangerous situation but you cannot take steps necessary to protect not only your lives but the lives of the people who are in the area.

In such circumstances, the safety of the military personnel involved, and the safety of others, and the law enforcement mission cannot be compromised by precluding the military from exercising the power they need, including the use of force.

The amendment requires the Department of Defense to be reimbursed for assistance provided under this section in accordance with section 377 of title 10, the general statute governing reimbursement of the Department of Defense for law enforcement assistance. This means that if DOD does not get a training or operational benefit substantially equivalent to DOD training, the DOD must be reimbursed.

Under the amendment, the functions of the Attorney General and the Secretary of Defense my be exercised, respectively, by the Deputy Attorney General and the Deputy Secretary of Defense, each of whom serves as the alter ego to the head of the Department concerned. These functions may be delegated to another official only if that official has been designated to exercise the general powers of the head of the agency. This would include, for example, an Under Secretary of Defense who has been designated to act for the Secretary in the absence of the Secretary and the Deputy.

Mr. President, I will not go into more detail at this time, but the limitations set forth in this amendment are designed to address the appropriate allocation of resources and functions within the Federal Government and are designed to avoid providing a basis for excluding evidence or challenging an indictment.

Current law contains offenses involving the unlawful use of nuclear and biological weapons. The amendment sets forth the administration's proposal for a similar offense concerning the unlawful use of chemical weapons which is not now on the books.

Mr. President, this is a prudent and narrowly drafted amendment. It is consistent with the traditional separation of civilian and military functions and the exceptions for unusual and unique circumstances which require the special expertise of the Armed Forces to address serious threats to the national interest.

I might add there is an amendment that is incorporated in this amendment as it now stands, or it will stand when it is sent to the desk, proposed by the Senator from Maine [Mr. COHEN], basically saying that the Government should take every step possible to get the law enforcement community in a position where we can in the future reduce the need for using military personnel.

So we are not saying this is going to be here for all time. We are saying we need it now, and as the months go by and the years go by there would be the goal in this amendment to reduce the need to rely as much on the military as we must necessarily rely on them now in the chemical and biological area where they do have extensive training and equipment and are virtually the only ones who are able to deal with certain circumstances that could be enormously dangerous to the American people.

Mr. President, I will be glad to yield the floor. I know the Senator from South Carolina, the cosponsor of this amendment, would like to be heard.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as chairman of the Armed Services Committee of the Senate, I was pleased to work with Senator NUNN, the ranking member of the Armed Services Committee, along with Senators HATCH, DOLE, BIDEN, and CRAIG to draft this amendment.

The purpose of this amendment is to have military assistance available to help Federal law enforcement in emergency situations that involve chemical and biological weapons of mass destruction.

In 1982, the Congress passed and then President Reagan signed into law a bill to authorize military assistance in instances involving nuclear devices. I supported that legislation in 1982 and believe it is now appropriate to extend that law to cover chemical and biological weapons of mass destruction.

We have been careful to limit military assistance to circumstances that pose a serious threat to the interests of the United States and where civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical and biological weapons of mass destruction.

Mr. President, I believe this amendment will provide valuable assistance to law enforcement to protect the American people should we face terrorists with chemical and biological weapons. We have been careful to include safeguards to ensure that the military is not involved in routine law enforcement.

I would encourage my colleagues to support this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, the amendment that the Senator from Georgia, Senator THURMOND, and I have proposed would create a narrow exception to the Posse Comitatus Act in order to permit the use of the military to assist law enforcement in emergency situations involving chemical and biological weapons.

Before describing the amendment in detail, let me briefly review the origins of the Posse Comitatus Act and the existing exceptions to it.

The term "posse comitatus" means literally the "power of the county."

Its roots trace back to English common law, where the sheriff, obligated to defend the county against any of the king's enemies, was empowered to summon every person above 15 years old for this purpose.

The first Congress provided similar power to Federal marshals in 1789—authorizing the marshals to command all necessary assistance in the execution of their duty.

Three years later, Congress explicitly authorized marshals to use the militia in assisting their posse.

In the first half of the nineteenth century, the practice of using both the militia and regular military to assist law enforcement became commonplace—

Although whenever military personnel were called into service as a part of a posse, they were subordinated to civilian authority.

Following the Civil War, Federal troops were often used extensively in the South, as well as to quell labor unrest in the North.

Dissatisfaction with this practice led to pressure from Congress for explicit restrictions on the use of the military in law enforcement operations.

The result was the Posse Comitatus Act, enacted in 1878.

The Act is brief and straightforward:

Whoever, except in cases and under circumstances expressly authorized by the constitution or act of Congress, willfully uses any part of the army or the air force as a Posse Comitatus or otherwise to execute the laws shall be fined not more than $250,000 or imprisoned not more than two years, or both.

Over the past century, Congress has enacted numerous exceptions to this general principle.

Many of these exceptions are for emergency circumstances, or where the need for use of the military is obvious.

For example, the law permits use of the military: to suppress insurrections; to protect foreign officials and official guests; to enforce the neutrality laws and customs laws; and to assist in investigations of murderers of Members of Congress or the Cabinet.

Congress has also provided some less compelling exceptions to the Posse Comitatus Act.

For instance, the President is empowered to use the military: to protect certain Federal parks and timber on Federal lands in Florida; to assist States in enforcing quarantines and health laws; and to remove any unlawful inclosures on public lands.

Most relevant to our present inquiry is an exception which permits the use of the military to assist law enforcement in countering the illegal possession or use of nuclear materials.

This provision, enacted in 1982, gives the military broad authority to assist in the enforcement of the law. The provision explicitly provides that the armed forces may be used to arrest persons and conduct searches and seizures.

The military has unique expertise concerning nuclear materials, which in my view justifies an exception.

Should this Nation ever be faced with terrorists armed with nuclear materials—of whatever grade—I believe the Department of Justice and FBI should be able to draw on this expertise.

I hold a similar view of the President's request for analogous authority with regard to chemical and biological weapons.

The military's expertise with chemical and biological weapons give it special knowledge which would be impractical and expensive to duplicate in civilian law enforcement.

The provision we have introduced is not—is not—the proposal sent to us by the administration.

Both Senator NUNN and I believed that, as drafted, the administration bill would have presented many practical problems.

Instead, we have drafted a new version which does the following:

DESCRIPTION OF THE AMENDMENT

It permits the use of the military to assist law enforcement to respond to emergency situations involving biological or chemical weapons.

This assistance can only be provided if certain conditions are met: (1) civilian expertise is not readily available; (2) defense department assistance is needed; and (3) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

Finally, the amendment requires the Attorney General and the Secretary of Defense to joint issue regulations concerning the types of assistance that may be provided.

The provision permits the regulations to authorize arrest or search and seizure only in instances for the immediate protection of human life.

We share the concern of many of our colleagues about using the military to enforce the law.

And we do not want the military to have carte blanche to arrest suspects or engage in search or seizure.

But once called in to assist law enforcement, we do not want to create the ludicrous circumstance where a soldier called in to assist law enforcement stands immobile where his safety—or the safety of others—is at risk.

Mr. President, the issue comes down to this: Do we want to authorize the limited use of the military to combat chemical and biological weapons terrorism, or do we want to spend scarce resources to duplicate this capability in law enforcement?

Mr. President, I am under the impression that our distinguished Republican colleague is likely to accept this amendment. I hope that is the case.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank Senator THURMOND and Senator NUNN for their cooperation in resolving some concerns in the posse comitatus amendment and the effort that they took in a most serious and appropriate way to cause the military to be involved in the areas of biological and chemical warfare and weaponry of mass destruction when it might be applied against civilian populations in this country.

Many of us expressed some very real concern because of what has been debated here tonight, the very important separation of the military and civilian population which is rooted in our history and that we have cautiously and appropriately guarded throughout our country's existence with few exceptions.

And so it was with that background we watched this amendment most closely, and I must say that in the end I can now support it because of some changes that have been made which I think we can all be very comfortable with, and that is to narrow this to not allow arrests, to prohibit those but to allow action where there is the exception for the immediate protection of human life. We think that narrows it and properly defines it, clarifies it so it is not ambiguous and so that it can be interpreted in the appropriate way by the Attorney General and the Secretary of Defense in their joint responsibility in the issue of regulations concerning the implementation of the statute.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Georgia and the distinguished Senator from South Carolina for the extra efforts they have put into trying to resolve the problems on this posse comitatus issue.

Everybody knows I was not very enthusiastic about changing the emergency powers of the President or by changing the current posse comitatus law. But after having worked with these two great Senators, and seeing the compromises that have been worked out to try to resolve the problems with this issue that have existed in the minds of a number of Senators on the Senate floor, I am happy to say I believe we are in a position to accept the amendment, and if the distinguished Senator from Delaware is also in the same position, I think we can urge passage of this amendment at this time.

Mr. BIDEN. I would so urge, Mr. President. If I could have the attention of the Senator from Georgia, if he would send the amendment to the desk, I guess we can agree on it.

Mr. NUNN. I say to my friend from Delaware I have just taken the amendment to the desk, and it reflects all those changes that we worked out, and I would ask that the previous amendment not be called up but the one I just brought to the desk be called up.

The PRESIDING OFFICER. Without objection, the pending Specter amendment is set aside for consideration of the amendment of the Senator from Georgia. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Georgia [Mr. NUNN], for himself, Mr. THURMOND, Mr. BIDEN, and Mr. WARNER, proposes an amendment numbered 1251.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following.

"§ 2332b. Use of chemical weapons

"(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

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

"(2) the term "chemical weapon" means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary."

(c)(1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use of potential use biological and chemical weapons of mass destruction within the United States, including:

(A) increasing civilian law enforcement expertise to counter such threat:

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat;

(2) REPORT REQUIREMENT.—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

(D) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(E) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

Mr. BIDEN. Mr. President, I urge acceptance of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 1251) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, it appears to me that we are down to the votes on Senator LIEBERMAN's amendment and the Specter-Simon amendment. We are prepared to vote.

Mr. BIDEN. Mr. President, that is my understanding. I have been informed by staff of the Democratic leadership it would be helpful if we did not start the vote for about 5 minutes, so we give people enough notice that we are about to start the vote.

Mr. HATCH. Why not start the vote and add 5 minutes to it. Start it at 9:45.

Mr. BIDEN. Parliamentary inquiry, Mr. President. Have the yeas and nays been ordered on both amendments?

The PRESIDING OFFICER. The Specter amendment and the Lieberman amendment.

Mr. BIDEN. And the first amendment will be?

The PRESIDING OFFICER. The Specter amendment.

Mr. BIDEN. The second one is Lieberman, and the vote on the Specter amendment will start at 9:45? I ask unanimous consent that the vote on the Specter amendment begin at 9:45.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the vote on the Lieberman amendment be immediately following that amendment.

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

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 1250

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 1250 offered by the Senator from Pennsylvania, Mr. SPECTER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mr. GRAMM] are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—81

Abraham	Feinstein	Lott
Akaka	Ford	Lugar
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Grams	Moynihan
Bingaman	Grassley	Murkowski
Bond	Gregg	Murray
Boxer	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Reid
Burns	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Craig	Johnston	Simon
D'Amato	Kempthorne	Simpson
Daschle	Kennedy	Snowe
DeWine	Kerrey	Specter
Dodd	Kerry	Stevens
Dorgan	Kohl	Thomas
Exon	Lautenberg	Thurmond
Faircloth	Leahy	Warner
Feingold	Levin	Wellstone

NAYS—15

Brown	Gorton	McCain
Byrd	Kassebaum	Nickles
Campbell	Kyl	Roth
Coverdell	Lieberman	Smith
Dole	Mack	Thompson

NOT VOTING—4

Conrad	Gramm
Domenici	Pryor

So the amendment (No. 1250) was agreed to.

VOTE ON AMENDMENT NO. 1215

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment numbered 1215, offered by the Senator from Connecticut [Mr. LIEBERMAN]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Texas [Mr. GRAMM], are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—77

Abraham	Brown	Dole
Akaka	Bumpers	Exon
Ashcroft	Byrd	Feinstein
Baucus	Campbell	Ford
Bennett	Coats	Frist
Biden	Cochran	Glenn
Bingaman	Cohen	Gorton
Bond	D'Amato	Graham
Boxer	Daschle	Grams
Bradley	DeWine	Grassley
Breaux	Dodd	Harkin
Hatch	Leahy	Reid
Heflin	Levin	Robb
Helms	Lieberman	Rockefeller
Hollings	Lott	Roth
Hutchison	Lugar	Santorum
Inouye	McCain	Sarbanes
Jeffords	McConnell	Shelby
Johnston	Mikulski	Simon
Kassebaum	Moseley-Braun	Simpson
Kennedy	Moynihan	Snowe
Kerrey	Murkowski	Stevens
Kerry	Murray	Thompson
Kohl	Nickles	Thurmond
Kyl	Nunn	Warner
Lautenberg	Pell	

NAYS—19

Bryan	Feingold	Pressler
Burns	Gregg	Smith
Chafee	Hatfield	Specter
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Wellstone
Dorgan	Mack	
Faircloth	Packwood	

NOT VOTING—4

Conrad	Gramm
Domenici	Pryor

So the amendment (No. 1215) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I rise today in support of anti-terrorism legislation. After all, one of the principal purposes of any government is to ensure the safety of its citizens. And the destruction of the Oklahoma City Federal building and the bombing of the World Trade Center indicate that we need to do a better job in this area.

But I continue to have concerns about some provisions of S. 735, just as I did about the President's proposal. In addition, I am concerned that the bill under consideration may divide the Senate at a time when all public officials should be unified in the fight against violence and terror. So while I am inclined to support this measure, I am also inclined to support amendments that would improve it.

For many years, we have watched with growing concern as terrorist violence has escalated—and reached closer to home. We can no longer ignore the fact that post-cold-war violence knows no borders, and respects no distinction between soldiers and innocents.

Mr. President, fundraising for international terrorism now has roots in America—and it has even reached the Midwest. In fact, in 1993 a group of Palestinian immigrants, linked to the infamous Abu Nidal terrorist organization, actively raised money here for terrorism abroad. Surprisingly, this terrorist cell extended from St. Louis, MO, to Dayton, OH, to Racine, WI.

After their arrest, three of the men were accused of plotting to blow up the Israeli Embassy in Washington. They admitted to smuggling money and information, buying weapons, and planning terrorist activities. In July 1994 they pleaded guilty to Federal Racketeering charges.

Given these growing threats to American lives, both at home and abroad, it makes sense for Congress to create a comprehensive Federal criminal statute to be used against domestic and international terrorists, and to choke off fundraising by terrorist organizations. Such legislation is not a panacea but, by clarifying and elaborating on our current laws it could provide law enforcement with more effective tools in their fight to protect us.

Unfortunately, while S. 735 accomplishes some of these laudable goals, it moves far beyond areas directly affecting terrorism and into issues—such as habeas corpus reform—that have frayed the consensus that Americans expect from us when their safety is at risk. Now, let us be clear: Many criminal appeals are frivolous, and the often convoluted habeas process is in need of reform. However, this divisive issue should be thoroughly debated on its own—not as a last minute attachment to a 160-page terrorism proposal.

Moreover, attaching habeas reform to this bill opens the door to other issues that should be considered elsewhere. For example, others seem encouraged to offer amendments relating to arms sales, perjury, identification cards, and immigration. If these amendments are attached, this bill will become a christmas tree. And if these proposals are accepted, then I will consider offering my amendment to address the Supreme Court's concerns regarding gun free school zones. After all, this is one bill that will certainly be signed into law quickly.

Beyond these concerns regarding habeas corpus reform, I also have some substantive concerns regarding the core antiterrorism provisions of this bill, just as I had with the Clinton bill. Specifically, I believe that S. 735 has not adequately addressed the constitutional objections that Members from both sides of the aisle have raised over the preceding months. While the substitute does address some of these concerns, it often creates more problems than it solves.

For example, the current bill entirely deletes the licensing provisions of the President's fundraising proposal. While the original provision was already flawed, the Republican cure is worse than the disease. While we need to stop the flow of money to terrorist organizations, we also need to be sure that our final product allows groups to raise funds for nonviolent, legitimate political purposes. An overly broad ban—with no safety valve—may infringe upon the first amendment rights of donors to provide financial support to legitimate organizations of their choice.

Similarly, the alien deportation provisions of S. 735 may undermine the due process rights of legal resident aliens. Specifically, these aliens should have some right to review—and challenge—evidence that the Government has marshalled against them. After all, none of us would want to be caught up in a kafkaesque procedure that takes place entirely behind closed doors. In the words of Benjamin Franklin, "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

In closing, Mr. President, we should not use this antiterrorism bill as a vehicle for moving a partisan agenda forward, destroying a rare consensus in the process. Moreover, in fighting terrorists, we must not be frightened into weakening the Constitution that we have sworn to uphold. Therefore, I hope we agree to several amendments to address these problems, so that we may present the American people with legislation that strengthens our defenses against terrorism, without weakening our commitment to the Constitution.

Mr. KYL. Mr. President, I rise in support of S. 735, the Dole-Hatch Terrorism Prevention Act of 1995. I thank Senator DOLE and Senator HATCH for including in the bill my provision, which strengthens the protection of Federal computers against terrorism.

Mr. President, the Internet is a worldwide system of computers and computer networks that enables users to communicate and share information. The system is comparable to the worldwide telephone network. According to a Time magazine article, the Internet connects over 4.8 million host systems, including educational institutions, Government facilities, military bases, and commercial businesses. Millions of private individuals are connected to the Internet through their personal computers and modems.

Computer criminals have quickly recognized the Internet as a haven for criminal possibilities. During the 1980's, the development and broad-based appeal of the personal computer sparked a period of dramatic technological growth. This has raised the stakes in the battle over control of the Internet and all computer systems.

Computer criminals know all the ways to exploit the Internet's easy access, open nature, and global scope. From the safety of a telephone in a discrete location, the computer criminal can anonymously access personal, business, and Government files. And because these criminals can easily gain access without disclosing their identities, it is extremely difficult to apprehend and successfully prosecute them.

Prosecution of computer criminals is complicated further by continually changing technology, lack of precedence, and weak or nonexistent State and Federal laws. And the costs are passed on to service providers, the judicial system, and most importantly—the victims. Mr. President, section 527 will deter this type of crime.

This section requires the U.S. Sentencing Commission to review existing sentencing guidelines as they apply to sections 1030(a)(4) and 1030(a)(5) of title 18 of the United States Code—the Computer Fraud and Abuse Act. The Commission must also establish guidelines to ensure that criminals convicted under these sections receive mandatory minimum sentences for not less than 6 months. Currently, judges are given great discretion in sentencing under the Computer Fraud and Abuse Act. In many cases, the sentences don't match the crimes, and criminals receive light sentences for serious crimes. Mandatory minimum sentences will deter computer "hacking" crimes, and protect the infrastructure of Federal computer systems.

Everybody recognizes that it is wrong for an intruder to enter a home and wander around; it doesn't make sense to view a criminal who breaks into a computer system differently. We have a national anti-stalking law to protect citizens on the street, but it doesn't cover stalking on the communications network. We should not treat these criminals differently simply because they possess new weapons.

These new technologies, which so many Americans enjoy, were developed over many years. I understand that policy can't catch up with technology overnight, but we can start filling in the gaps created by these tremendous advancements. We cannot allow complicated technology to paralyze us into inactivity. It is vital that we protect the information and infrastructure of this country.

Because computers are the nerve centers of the world's information and communication system, there are catastrophic possibilities. Imagine an international terrorist penetrating the Federal Reserve System and bringing to a halt every Federal financial transaction. Or worse yet, imagine a terrorist who gains access to the Department of Defense, and gains control over NORAD.

The best known case of computer intrusion is detailed in the book, "The Cuckoo's Egg." In March 1989, West German authorities arrested computer hackers and charged them with a series of intrusions into United States computer systems through the University of California at Berkeley. Eastern block intelligence agencies had sponsored the activities of the hackers beginning in May 1986. The only punishment the hackers were given was probation.

An example of the pending threat is illustrated in the Wednesday, May 10, headline from the Hill entitled "Hired Hackers Crack House Computers." Auditors from Price Waterhouse managed to break into House Members' computer systems. According to the article, the auditors' report stated that they could have changed documents, passwords, and other sensitive information in those systems. What is to stop international terrorists from gaining

similar access, and obtaining secret information relating to our national security?

Mandatory minimum sentences will make the criminals think twice before illegally accessing computer files. In a September 1994 Los Angeles Times article about computer intrusion, Scott Charney, chief of the computer crime unit for the U.S. Department of Justice, stated "the threat is an increasing threat," and "[i]t could be a 16-year-old kid out for fun or it could be someone who is actively working to get information from the United States."

He added, there is a "growing new breed of digital outlaws who threaten national security and public safety." For example, the Los Angeles Times article reported that, in Los Angeles alone, there are at least four outlaw computer hackers who, in recent years, have demonstrated they can seize control of telephones and break into Government computers.

The article also mentioned that Government reports further reveal that foreign intelligence agencies and mercenary computer hackers have been breaking into military computers. For example, a hacker is now awaiting trial in San Francisco on espionage charges for cracking an Army computer system and gaining access to FBI files on former Philippine president Ferdinand Marcos. According to the 1993 Department of Defense report, such a threat is very real: "The nature of this changing motivation makes computer intruders' skills high-interest targets for criminal elements and hostile adversaries."

Mr. President, the September 1993 Department of Defense report added that, if hired by terrorists, these hackers could cripple the Nation's telephone system, "create significant public health and safety problems, and cause serious economic shocks." The hackers could bring an entire city to a standstill. The report states that, as the world becomes wired for computer networks, there is a greater threat the networks will be used for spying and terrorism. In a 1992 report, the President's National Security Telecommunications Advisory Committee warned, "known individuals in the hacker community have ties with adversary organizations. Hackers frequently have international ties."

Mr. President, section 527 of this bill will deter terrorist activity and enhance our national security.

Mr. DODD. Mr. President, the brutal and vicious bombing of the Federal building in Oklahoma City continues to tear at the Nation's soul. We are still mourning the loss of so many innocent lives, and asking ourselves how anyone could act with such savagery.

The toll from this terrible tragedy would have been even worse, if so many rescue workers and volunteers had not acted so heroically. Their courageous and tireless efforts inspired the Nation. We should all take a minute to commend these heroes.

The many law enforcement officials who have worked so hard on this case should also be commended. Their efficient apprehension of suspects and witnesses has impressed everyone. We can all be proud of their efforts.

As we continue to deal with this terrible tragedy—the deadliest terrorist attack on American soil—we must find ways to prevent such acts in the future. While no one will argue that we can end terrorism, we can take steps to deter terrorists, make it more difficult for them to kill and injure, and ensure that they are brought swiftly to justice.

The President deserves commendation for moving forcefully in that direction with a comprehensive proposal to crack down on terrorists. That proposal, which he submitted to the Congress shortly after the Oklahoma bombing, establishes new Federal offenses to ensure that terrorists do not escape through the gaps in current law. FBI director Louis Freeh explained the importance of closing these gaps in recent testimony before the Judiciary Committee.

The President's proposal also provides additional investigative tools for Federal law enforcement officials. These include access to financial reports, telephone bills and other records in foreign counterintelligence investigations. Because these investigations are not always based on criminal offenses, it can be difficult for law enforcement to proceed in certain cases.

Overall, the President's proposal will help the Nation prevent terrorism and help bring terrorists to justice. The bombing in Oklahoma made clear just how vulnerable we all are to terrorism, and we ought to move this proposal forward in an efficient, bipartisan way.

To their credit, Senators DOLE and HATCH have incorporated most of the President's proposal into the bill we are considering today. I commend them for negotiating with the Democratic leadership and attempting to narrow differences.

However, there are a few important Presidential proposals that are not in the Republican bill. The President sought to provide the Attorney General with the authority to order emergency wiretaps in foreign and domestic terrorism cases. When I met with Federal law enforcement officials last week in Connecticut, they stressed the importance of this proposal. Regrettably, my Republican colleagues fought this amendment and it was defeated.

Another critical Presidential proposal fared better. Bipartisan cooperation resulted in a unanimous vote in favor of Senator FEINSTEIN's amendment, which authorizes the Treasury Department to promulgate regulations requiring tracing agents in explosives. This authority should help law enforcement officials track bomb builders and other criminals. Because this technology is relatively new, we will need to monitor the effectiveness of the department's regulations.

There are other important differences between the Republican bill and the President's proposal. One critical difference is the Republican approach to habeas corpus reform. This has been a contentious issue for a number of years. No one in this body wants to see prisoners abuse the legal process, and delay justice for victims, by filing meritless appeals. But most of my colleagues also want to ensure that those people who have been unfairly convicted have some recourse.

We have all struggled to strike the right balance on habeas corpus reform, and it is not an easy task. In this time of healing, we should not let a divisive political issue delay the counterterrorism measures that the Nation demands. I hope that we can reach some sort of compromise on this issue.

There are other aspects of this bill that need to be worked out. Some of my colleagues have raised some important concerns about the effect of this legislation in civil rights. Clearly, no one in this body wants to act hastily and undermine the Constitution. We must not sacrifice the principles of freedom, fairness and privacy on the altar of fear. That would give the ultimate victory to the terrorists.

So let us work together, resolve our differences, and rejoin the battle to strengthen the Nation against terrorist attack.

AMENDMENT NO. 1233

Mr. PRESSLER. Mr. President, I would note the pending amendment concerns a matter, airline security, that is within the jurisdiction of the Senate Committee on Commerce, Science, and Transportation. I see the distinguished chairman of the Committee on the Judiciary is on the floor. Would the chairman be willing to enter into a short colloquy on this issue?

Mr. HATCH. I would be pleased to discuss the matter with my friend.

Mr. PRESSLER. I thank my colleague. Although I support the proposed amendment requiring a uniform security standard for passenger airlines, as chairman of the Commerce Committee I want the record to be clear on the point that the Committee on Commerce, Science, and Transportation retains jurisdiction over matters concerning airline safety and security.

Further, I want the record to be clear that simply by not objecting to this amendment on jurisdictional grounds, the Committee on Commerce, Science, and Transportation will not be deemed to have waived its jurisdiction over the very important issue of air carrier security programs.

I would ask whether the chairman agrees with my assessment of the jurisdictional situation and whether he would be willing to stipulate as much for the record?

Mr. HATCH. I understand and appreciate that the chairman of the Senate Committee on Commerce, Science, and Transportation has always provided strong leadership on air passenger safety and security issues. Let me make it clear that my friend from South Dakota is absolutely correct. Aviation security is within the jurisdiction of the Senate Committee on Commerce, Science, and Transportation. It is not my intention that this amendment will affect in any way that committee's jurisdiction over airline security matters in the future.

Mr. PRESSLER. I thank my friend from Utah for clarifying this point. Having put my jurisdictional concern to rest, I join in supporting the amendment and urge my colleagues to support it. American citizens traveling on foreign carriers should have the same level of protection they have when traveling on U.S. passenger carriers. Moreover, U.S. passenger carriers should not be put at a competitive disadvantage vis-a-vis foreign competitors whose relaxed security standards are less expensive.

Mr. HATCH. I thank the chairman. I very much appreciate his support for this amendment and thank him for agreeing to proceed to its consideration.

Mrs. FEINSTEIN. Mr. President, yesterday the Senate voted 90 to 0 to approve an amendment I authored to the counterterrorism legislation. Because of the importance of this amendment, I want to clarify its intent and language.

This amendment will make it easier for law enforcement officials to trace the origins of bombs used for violent or criminal purposes. The legislation specifically requires the Secretary of the Treasury to conduct a study within 12 months on the use of taggants in all explosive materials, including black or smokeless powder. Once that study is completed, the Treasury Department must enforce the use of taggants in explosive materials within 6 months, depending on the study's findings and other factors. In addition, this amendment instructs the Treasury Department to also study ways of making common chemicals, such as fertilizer, inert and unusable as an explosive.

This amendment exempts putting taggants in black or smokeless gun powder when that powder is used for small arms ammunition, or bullets—an exemption that already exists under current law. In addition, black or smokeless powder used in antique firearms for recreational purposes is also exempted from this amendment. The amendment does allow for the use of taggants in black or smokeless powder produced for sale in large quantities or for other uses.

I want to clarify that this amendment extends the existing exemption under current law. Under sections 845 (a)(4) and (5) of Title 18, United States Code, small arms ammunitiona and antique weapons used for recreational purposes are exempt from all explosive regulations, except for a few specific circumstances. This amendment simply reiterates current law.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, it is my understanding, after visiting with the managers, that the only amendments left are habeas corpus amendments.

I want to thank the managers on both sides of the aisle for their hard work and cooperation for the last 6 hours, and also the Democratic leader, Senator DASCHLE, for his cooperation.

So we are down now to the habeas corpus amendments. We disposed of virtually everything, 80, 90 amendments. We are down to about six, five on the Democratic side and one on the Republican side.

I think we have agreed that we come in at 9:30, have 15 minutes of morning business, and at 9:45 we are on the bill. And Senator BIDEN will bring up the habeas corpus Federal prisoners, No. 1217, with 30 minutes of debate equally divided.

Then there would be a vote at 10:15 which would accommodate two Senators who are going to the Base Closure Commission, and one Senator who has someone in the hospital. Then we would try to reach time agreements on the remaining amendments, and if possible stack all of those votes so we can complete action probably sometime like 1 o'clock. We would have votes on those, plus final passage, unless there is a motion to reconsider a vote, or something like that.

I think that is satisfactory. I wish to check with Senators.

So we will proceed on that basis.

ORDERS FOR WEDNESDAY, JUNE 7, 1995

Mr. DOLE. I would ask unanimous consent that when the Senate convenes tomorrow, it convene at the hour of 9:30 a.m., with 15 minutes of morning business, 10 minutes to the Senator from Louisiana, Senator BREAUX; that at 9:45 we return to the consideration of S. 735, and that the amendment No. 1217, habeas corpus Federal prisons, be in order, 30 minutes equally, controlled by the managers on each side.

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

Mr. DOLE. And then we will try to work out the order and times on the following amendments. I think we will pretty much stick to the times we have pointed out here.

I would also ask, since we have completed action on every amendment that has been affected by cloture, that the cloture motion filed yesterday be vitiated.

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

Mr. DOLE. As I indicated earlier, there is no reason for a cloture vote because we have taken care of all the amendments that might have been affected by invoking cloture with the exception of five so-called gun or gun-related amendments which have been or will be withdrawn.

Mr. BIDEN. Mr. President, if the leader will yield, each of the authors of the gun amendments has agreed to withdraw their amendments, and I am authorized to do that and I would do that at this moment if that is appropriate.

There are five amendments: Bradley, Lautenberg, Kohl, Levin, and Kerry of Massachusetts. Each had amendments. And there was a Boxer amendment which we never intended on bringing up on guns, and a second Lautenberg amendment. We were not going to do those anyway.

To put it another way, Mr. President, we commit there will be no gun amendments offered from the Democratic side. The only amendments that would be in order are the habeas corpus amendments that have been referenced by the leader already.

Mr. DOLE. Right. That would be Biden No. 1224, Biden No. 1216, Biden No. 1217, Levin No. 1245, Graham of Florida No. 1242, Kyl No. 1211, and then there is the managers' amendment.

Mr. BIDEN. Yes. And that would not be a gun amendment.

Mr. President, that is correct. They would be the only amendments that would be in order. So there is no intention to raise any gun issue.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1228 WITHDRAWN

Mr. HATCH. It is my understanding that the distinguished Senator from Michigan has been very cooperative and has permitted us to withdraw his amendment. I believe both the distinguished Senator from Delaware and I are very grateful that he has been so considerate of all of us.

The PRESIDING OFFICER. Without objection, amendment 1228 is withdrawn.

Mr. DOLE. I assume under the previous agreement that only second-degree amendments would be in order after a failed motion to table.

Mr. BIDEN. That is my understanding.

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

Mr. DOLE. Again, let me thank the managers and the Democratic leader, Senator BIDEN and Senator HATCH, Senator DASCHLE, and also thank the President and Pat Griffin at the White House, who has been helpful throughout the day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 22 U.S.C. 3281(a)), I am transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1994, and December 31, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 6, 1995.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Mr. Duncan, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-936. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals; referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986 to the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Labor and Human Resources, and the Committee on Small Business.

EC-937. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department's annual report for 1994, relative to foreign investment in U.S. agricultural land; to the Committee on Agriculture, Nutrition, and Forestry.

EC-938. A communication from the Principal Deputy Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 94-09; to the Committee on Appropriations.

EC-939. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the detailing of DOD personnel to other Federal agencies with respect to counterdrug activities; to the Committee on Armed Services.

EC-940. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to authorize privatization of the Naval Petroleum Reserves, and for other purposes; to the Committee on Armed Services.

EC-941. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to repeal various reporting requirements of the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC-942. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Transition Assistance Program; to the Committee on Armed Services.

EC-943. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapters 47 and 49 of title 10, United States Code, and chapter 15 of title 37, United States Code, to improve the quality and efficiency of the military justice system; to the Committee on Armed Services.

EC-944. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the fiscal year 1994 Defense Environmental Quality Program report; to the Committee on Armed Services.

EC-945. A communication from the Director, Office of Small and Disadvantaged Business Utilization, Department of Defense, transmitting, pursuant to law, a report relative to the progress of the Department in awards of minority contracts; to the Committee on Armed Services.

EC-946. A communication from the Secretary of Defense, transmitting, pursuant to law, the fiscal year 1995 report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union; to the Committee on Armed Services.

EC-947. A communication from the Director, Legislative Liason, Department of the Air Force, transmitting, a draft of proposed legislation to adjust the tenure of the Judge Advocate General of the Air Force, and for other purposes; to the Committee on Armed Services.

EC-948. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to discrimination and sexual harassment; to the Committee on Armed Services.

EC-949. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to cost estimates for C-17 aircraft; to the Committee on Armed Services.

EC-950. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to emergency communications services of the American National Red Cross; to the Committee on Armed Services.

EC-951. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the transfer of certain properties to the Republic of Panama; to the Committee on Armed Services.

EC-952. A communication from the General Counsel of the Navy, transmitting, a draft of proposed legislation to authorize the transfer of eight naval vessels to certain foreign countries; to the Committee on Armed Services.

EC-953. A communication from the President of the United States, transmitting, pursuant to law, a document relative to the continuation of a waiver of application of certain sections of the Trade Act of 1974 to the People's Republic of China; to the Committee on Finance.

EC-954. A communication from the President of the United States, transmitting, pursuant to law, a document relative to the continuation of a waiver of application of certain sections of the Trade Act of 1974 to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 555. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes (Rept. No. 104-93).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 883. A bill to amend the Federal Credit Union Act to enhance the safety and soundness of federally insured credit unions, to protect the National Credit Union Share Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 884. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself, Mr. SIMPSON, Mr. INOUYE, Mr. THOMAS, Mr. GRAHAM, Mr. COCHRAN, Mr. AKAKA, Mr. CHAFEE, and Mr. ROBB):

S. 885. A bill to establish United States commemorative coin programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 886. A bill to provide for the conveyance of the Radar Bomb Scoring Site, Forsyth, MT; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. NUNN, and Mr. INOUYE):

S. 887. A bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 883. A bill to amend the Federal Credit Union Act to enhance the safety and soundness of federally insured credit unions, to protect the National Credit Union Share Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE CREDIT UNION REFORM AND ENHANCEMENT ACT

Mr. D'AMATO. Mr. President, I have always strongly supported credit unions. But I am disturbed by the increasingly risky activities of some of our Nation's largest credit unions. Speculative investments by these large credit unions have already caused millions of dollars of losses—losses that have been passed on to smaller credit unions.

Congress, the National Credit Union Administration [NCUA] and credit unions must work together to preserve the safety and soundness of the credit union industry—an industry primarily consisting of small, healthy credit unions that avoid such speculative investments.

Therefore, with my distinguished ranking minority member—Senator SARBANES—I am introducing today the Credit Union Reform and Enhancement Act. This bill would strengthen the credit union movement by protecting smaller credit unions and the taxpayer-backed National Credit Union Share Insurance Fund ("Share Insurance Fund") from losses caused by high risk activities.

Mr. President, let me explain why I have been—and remain—one of the strongest supporters and defenders of the credit union movement.

Credit unions have a special character. Unlike banks and thrifts, credit unions are cooperative not-for-profit associations in which members, who are the owners, a common bond, deposit funds, and obtain credit.

Credit unions also have a unique mission. Credit unions were created in the early 20th century specifically to provide credit to people of smaller means and to promote thrift among their members and the early credit union philosophy was closely connected with moral and humanitarian goals.

Today, many credit unions remain committed to these lofty goals. For example, the Residents Community Development Credit Union in Binghamton, NY provides vital financial services to the residents of three low-income housing communities. In Manhattan, the Lower East Side People's Federal Credit Union offers savings accounts and safety deposit boxes to the homeless, in addition to providing more traditional financial services to more than 2,000 lower income residents.

Finally, credit unions generally have avoided high risk activities. As a result, the financial health of most credit unions is very good. Capital at the Nation's 12,000 federally insured credit unions is at a record high of 10.4 percent, and the Share Insurance Fund has reached a 1.30 equity level—the maximum possible under the Federal Credit Union Act.

Mr. President, because of my commitment to the credit union movement, I am very disturbed by the increasingly risky activities of a few large credit unions. High risk investments recently caused the largest failure by a credit union in American history—the $1.5 billion failure of Capital Corporate Federal Credit Union [Cap Corp].

Cap Corp invested almost 70 percent of its total assets—over $1 billion—in highly interest rate sensitive derivatives, called collateralized mortgage obligations [OMOs]. As interest rates rose during 1994, the market value of these CMO's dropped steeply. When Cap Corp was finally taken over by the NCUA, the market value of its investments had dropped by over $100 million.

The failure of Cap Corp is particularly disturbing because it was a corporate credit union—a special type of credit union that serves other credit unions, not individuals. Federally insured credit unions invest a significant portion of their assets in large corporate credit unions—over $24 billion as of December 31, 1994. The failure of a corporate credit union can result in the loss of these funds and the domino-like failure of many smaller credit unions. Due to Cap Corp's failure, for example, over 250 credit unions will lose almost $25 million.

Mr. President, corporate credit unions were created to provide liquidity and sound investment advice to smaller credit unions. However, some corporate credit unions are increasingly investing taxpayer-backed credit union funds in high risk securities, and the potential losses are mounting. At the Senate Banking Committee's hearings on the Cap Corp failure, for example, we learned that:

Corporate credit unions reported unrealized investment losses in 1994 totaling about $600 million.

While some of those unrealized losses were quite small, others amounted to between 30 and 40 percent of total capital. One corporate credit union had unrealized losses that were 77 percent of its total capital.

Like Cap Corp, some other corporate credit unions have invested heavily in CMO's that have declined in market value. As of December 31, 1994, 23 corporate credit unions reported aggregate CMO investments with a book value of over $8 billion. That is equal to about 24 percent of total corporate assets and 333 percent of total corporate capital.

Some of these corporate credit unions have much higher than average concentrations of CMO's. For example, three corporate credit unions held more than 40 percent of their assets in CMO's and four others held between 20 and 32 percent of their assets in CMO's.

It is also clear from testimony at the Banking Committee's hearings that the NCUA's supervision and regulation of corporate credit unions is seriously deficient. The NCUA should have recognized sooner that a problem existed at Cap Corp and should have taken prompt corrective action. However, the NCUA reviewed Cap Corp's records in September 1994—just 4 months prior to its failure—and did not discover any serious problems. Shockingly, after that review, Cap Corp's rating remained a "1"—the highest rating possible for credit unions.

Mr. President, these developments are very disturbing to Members of Congress, particularly given our recent experience with the savings and loan industry and Orange County. These developments endanger the health of the credit union industry and the taxpayer-backed Share Insurance Fund. These developments jeopardize the privileged status given to credit unions.

To address the concerns raised by these developments, Senator SARBANES and I are introducing the Credit Union Reform and Enhancement Act [CURE]. This bill would grant the NCUA limited powers to protect smaller credit unions, the Share Insurance Fund and, ultimately, our Nation's taxpayers from the increasingly risky investment practices of a few large credit unions.

First, CURE would limit the ability of federally insured, State-chartered credit unions to engage in certain high-risk activities that are not permitted under Federal law. One important lesson of the savings and loan debacle was that federally insured, State-chartered institutions can, with broad and risky powers granted by State legislatures and regulators, present enormous risks to a Federal insurance fund.

Forty-three States currently grant credit unions broader and potentially riskier powers than those granted to federally chartered credit unions. For example, California allows credit unions to invest in Mexican bonds, and Alabama has liberal requirements on credit union investments in real estate, with no set limits on such investments or purchases of real estate for rental income.

CURE would grant the NCUA the authority to limit such powers unless it believes they pose no significant risk to the Share Insurance Fund or unless the power was authorized pursuant to the laws of the chartering State and being utilized by at least one credit union on May 1, 1995. CURE would put in place a tripwire against future high-risk activities. It would allow the NCUA to prevent losses from such activities—instead of reacting to those losses.

Second, CURE would prohibit federally insured credit unions from investing in nonfederally insured credit unions. Under current law, federally insured credit unions can, and do, invest in nonfederally insured credit unions that are not under the full authority of the NCUA.

Five of the forty-five corporate credit unions—some of the largest credit unions in the Nation—are outside the full supervisory and regulatory authority of the NCUA because they are not federally chartered or insured. A federally insured credit union can escape full Federal regulation by investing in one of these nonfederally insured credit unions.

CURE would bring all investments in corporate credit unions under the jurisdiction of the NCUA and, thus, would reduce the potential for inappropriately risky investing that may put the Share Insurance Fund at risk.

Third, CURE would grant the NCUA the authority to close a federally insured, State-chartered credit union that is insolvent or bankrupt, after prior consultation with the State regulator. This bill would help protect the Share Insurance Fund, which would ultimately be responsible for any losses resulting from such a liquidation.

Under current law, the NCUA must wait until the State regulator closes the credit union and appoints the NCUA as liquidating agent—an often time consuming process. But the need for regulators to act quickly to seize control of failed financial institutions is well documented. During the savings and loan crisis, for example, institutions attempted to avoid insolvency and bankruptcy by making increasingly risky investments as losses from previous high-risk investments mounted.

Fourth, CURE would increase the NCUA's ability to institute a timely conservatorship. Currently, the NCUA can be forced to wait 30 days before placing a federally insured, State-chartered credit union into conservatorship, if the State regulator does not approve of the conservatorship. This bill would eliminate the 30-day waiting period and simply require the NCUA to carry out prior consultation with the state regulator.

Because the health of a credit union can deteriorate rapidly, the NCUA must have the power to act quickly to limit losses to the Share Insurance Fund. Even brief delays in the implementation of Cap Corp's conservatorship, for example, could have resulted in millions of dollars of additional losses. This bill would help to limit such losses.

Finally, CURE would update the terminology concerning corporate credit unions in the Federal Credit Union Act. It would remove outdated references to central credit unions, which once performed functions similar to corporate credit unions. CURE would also require the NCUA to establish limits on loans to a single borrower and to set minimum capital requirements. Since the NCUA has already set such standards by regulations, CURE would simply prevent the NCUA from eliminating those standards. Moreover, this legislation does not specify what these standards should be, so the NCUA would be free to adjust its current standards.

In sum, CURE would grant the NCUA limited powers to protect smaller credit unions and the Share Insurance Fund from losses caused by high risk activities. The powers granted to the NCUA are not extraordinary. Indeed, they are much more limited than the powers already granted to the Federal Deposit Insurance Corporation [FDIC] over federally insured, State-chartered banks and thrifts. The FDIC, for example, can close federally insured, State-chartered thrifts and banks even prior to insolvency or bankruptcy—when their capital is less than 2 percent.

Nevertheless, some will argue that this legislation gives too much authority to the NCUA at the expense of the States. It is important to remember, however, that State-chartered credit unions are only subject to this legislation if they voluntarily choose—or are required by their State legislatures—to have Federal insurance. If the States want broader powers for credit unions, they can establish their own insurance funds and allow State taxpayers to pay for State credit union excesses.

Most recognize that this legislation is a step in the right direction. The NCUA and the Government Accounting Office [GAO] strongly support this legislation, as does the Credit Union National Association [CUNA] and the National Association of Federal Credit Unions [NAFCU].

Like Senator SARBANES and I, they recognize that this legislation would strengthen the credit union movement. It would protect credit unions, the Share Insurance Fund and, ultimately, our Nation's taxpayers from the high risk activities of a few large credit unions.

Mr. President, I request unanimous consent that the full text of the bill and the letters of support from the NCUA, the GAO, CUNA, and NAFCU be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 883

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Reform and Enhancement Act".

SEC. 2. INSURED CREDIT UNION INVESTMENTS IN OTHER CREDIT UNIONS.

(a) AMENDMENTS TO SECTION 107.—Section 107(7) of the Federal Credit Union Act (12 U.S.C. 1757(7)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) through (K) as subparagraphs (G) through (J), respectively.

(b) AMENDMENTS TO SECTION 205.—Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

"(j) INSURED CREDIT UNION INVESTMENTS IN OTHER CREDIT UNIONS.—An insured credit union may invest in shares, deposits, notes, or other instruments of another credit union only if such other credit union is also insured pursuant to this title.".

SEC. 3. ACTIVITIES OF INSURED STATE-CHARTERED CREDIT UNIONS.

Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

"(k) ACTIVITIES OF INSURED STATE-CHARTERED CREDIT UNIONS.—

"(1) IN GENERAL.—A State-chartered insured credit union may not exercise asset powers of a type, or in an amount not authorized for Federal credit unions, unless either—

"(A) the asset power was—

"(i) authorized pursuant to the laws of the State in which the credit union is chartered; and

"(ii) being utilized by one or more credit unions in that State on May 1, 1995; or

"(B) the Board determines that the exercise of the asset power would pose no significant risk to the Fund.

"(2) CONTINUED RULEMAKING AUTHORITY.—Nothing in this subsection shall restrict or limit in any way the general rulemaking authority of the Board.

"(3) DEFINITION.—For purposes of this subsection, the term 'asset powers' refers to any item or activity properly reflected on the asset side of the financial statements of a credit union, as may be more specifically defined by regulation of the Board.".

SEC. 4. CORPORATE CREDIT UNIONS.

(a) IN GENERAL.—Section 120(a) of the Federal Credit Union Act (12 U.S.C. 1766(a)) is amended—

(1) in the second sentence, by striking "central credit union" and inserting "corporate credit union"; and

(2) by adding at the end the following: "The Board shall, by regulation, establish limits on loans and investment by a corporate credit union to a single obligor and

minimum capital requirements for corporate credit unions.".

(b) DEFINITION.—Section 101 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by adding at the end the following new paragraph:

"(10) The term 'corporate credit union' has the meaning given to that term under the rules or regulations of the Board.".

SEC. 5. AUTHORITY OF THE NCUA BOARD TO PLACE FEDERALLY INSURED STATE-CHARTERED CREDIT UNIONS INTO LIQUIDATION.

Section 207(a)(1) of the Federal Credit Union Act (12 U.S.C. 1787(a)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) in subparagraph (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A) or (B)"; and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) Notwithstanding any other provision of this Act or other law, the Board may, after prior consultation with the appropriate State credit union supervisory authority, appoint itself as a liquidating agent for any State-chartered credit union that is insured under this title, and may close such credit union, if the Board determines that the credit union is insolvent or bankrupt. In any such case, the Board shall have all of the rights, privileges, powers, and duties specified in this section as applicable to the liquidation of Federal credit unions.".

SEC. 6. CONSULTATION FOR CONSERVATORSHIPS OF FEDERALLY INSURED STATE-CHARTERED CREDIT UNIONS.

Section 206(h)(2) of the Federal Credit Union Act (12 U.S.C. 1786(h)(2)) is amended to read as follows:

"(2) In the case of a State-chartered insured credit union, the authority conferred by paragraph (1) shall not be exercised without prior consultation with the appropriate State credit union supervisory authority.".

NATIONAL CREDIT UNION ADMINISTRATION,
Alexandria, VA, May 24, 1995.

Senator ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO: Thank you for giving me the opportunity to comment on your proposed legislation, the Credit Union Reform and Enhancement Act.

This bill will greatly strengthen NCUA's ability to preserve the safety and soundness of federally-insured credit unions. You have my full support for its speedy enactment.

I also want to express my sincere thanks for your leadership in support of NCUA's efforts to improve and strengthen both our supervision efforts and our regulation of corporate credit unions. Your backing has been crucial to the progress we are making toward insuring a healthy and safe future for both corporate and natural person credit unions.

I look forward to continuing to work with you on this important legislation.

Sincerely,

NORMAN E. D'AMOURS,
Chairman.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, May 24, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: This letter responds to your request for our views on proposed legislation entitled the "Credit Union Reform and Enhancement Act." Overall, we believe that the bill would enhance the safety and soundness of federally insured credit unions and further the protection of the National Credit Union Share Insurance Fund (Share Insurance Fund). Our specific comments follow.

Section 2 of the bill would confine federally insured credit unions' investments in corporate credit unions to those that are federally insured. This provision would bring all investments in corporate credit unions under the jurisdiction of the National Credit Union Administration (NCUA) and, thus, could reduce the potential for inappropriately risky investing that may put the Share Insurance Fund at risk. In our 1991 report, Credit Unions: Reforms for Ensuring Future Soundness (GAO/GGD-91-85. July 10, 1991), we made a similar recommendation, and we continue to support it.

Section 3 limits the powers of state-chartered credit unions, particularly in the area of so-called "nonconforming" investments, to those allowable to federally chartered credit unions. The concern is that certain investments, e.g. foreign bonds, could carry undue risk. This provision would grant NCUA the authority to limit investment activities unless it believes they pose no significant risk to the Share Insurance Fund or unless the power was authorized pursuant to the laws of the chartering state and being utilized by at least one credit union. In our 1991 report, we recommended that NCUA should be authorized and required to compel a state credit union to follow federal regulations in any area in which powers go beyond those permitted federal credit unions and are considered to constitute a safety and soundness risk.

Section 4 updates terminology concerning corporate credit unions in the Federal Credit Union Act by removing outdated references to "central credit unions", which once performed functions similar to those of corporate credit unions. The section also requires NCUA to establish limits on loans to a single obligor and to set minimum capital requirements. Our 1991 report made similar recommendations and we believe they remain valid.

Section 5 grants NCUA authority to place a federally insured, state-chartered credit union into liquidation after consulting with the state regulator. Currently, NCUA must wait until the state regulator closes the credit union and appoints NCUA as the liquidating agent. This measure would help protect the Share Insurance Fund, because the Fund would ultimately be responsible for any losses resulting from such a liquidation. We believe such powers are appropriate given NCUA's responsibilities.

Section 6 increases NCUA's ability to institute a timely conservatorship. It does this by eliminating the requirement for NCUA to wait 30 days before placing a state-chartered credit union into conservatorship in the event that the state regulator does not approve of the conservatorship. This requirement would be modified so that NCUA would need only to carry out "prior consultation" with the state authority. Because financial institutions' financial health can deteriorate rapidly in some circumstances, NCUA needs to have the power to act expeditiously to limit losses to the Share Insurance Fund. This enhanced authority contributes to that objective and we support the provision.

Mr. Chairman, we appreciate the opportunity to comment on your proposed legislation. In the event you or your staff have further questions, please contact me at 202-512-8678.

Sincerely yours,

JAMES L. BOTHWELL,
Director, Financial Institutions and Markets Issues.

CREDIT UNION NATIONAL ASSOCIATION, INC.,
Washington, DC, May 19, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN D'AMATO: On behalf of the Credit Union National Association (CUNA), I am writing to inform you that CUNA supports your proposed legislation, the Credit Union Reform and Enhancement Act. We would like to thank you and your staff for addressing many of the concerns that we had with the earlier draft.

We appreciate your efforts to improve the bill and hope there will be an additional opportunity to further refine its provisions after it is introduced. In the end, we are confident that any credit union legislation reported by the Committee on Banking, Housing, and Urban Affairs will allow credit unions to retain legitimate business activities that do not threaten their safety and soundness.

I also thought you may be interested to know that we met recently with representatives of the National Credit Union Administration and the National Association of Federal Credit Unions and jointly agreed upon several possible regulatory relief amendments to the Federal Credit Union Act. Per our discussion with you last week, we look forward to working together on these amendments or others to relieve credit unions of some of the unnecessary regulatory burden which inhibits their ability to fully serve their members.

Thank you again for your support of the credit union movement. We look forward to working together in the coming weeks on these issues and in the years to come on many more.

Sincerely,

CHARLES O. ZUVER,
Executive Vice President and Director, Governmental Affairs.

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS,
Washington, DC, May 25, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: Thank you very much for taking the time to sit down and discuss with us your thoughts on a variety of issues of interest to credit unions. As you know, the National Association of Federal Credit Unions recognizes your long-standing commitment to credit unions and the principles upon which credit unions were founded.

We have had an opportunity to review in detail a draft of your proposed "Credit Union Reform and Enhancement Act". Based upon our analysis, it is quite clear that your bill is intended to enhance the safety and soundness of federally-insured credit unions and to protect the National Credit Union Share Insurance Fund. After consultation with the board of directors of the National Association of Federal Credit Unions, I am pleased to lend NAFCU's unqualified support to your measure. Our Association would be pleased to stand shoulder-to-shoulder with you in support of this sound and rational proposal.

As you know, there are other areas which NAFCU believes merit congressional review and reform—particularly in regard to the regulatory burden to which our nation's member-owned credit unions are subject. We look forward to working with you and your staff to address these serious issues in the weeks and months ahead as well. If I or my staff may be of assistance to you or the Committee in any way please do not hesitate to contact Bill Donovan, Vice President for Government Affairs, at 703-522-4770, ext. 203.

Sincerely,

KENNETH L. ROBINSON,
President.

Mr. SARBANES. Mr. President, I am pleased today to join with Senator D'AMATO in cosponsoring the Credit Union Reform and Enhancement Act.

Earlier this year Capital Corporate Federal Credit Union of Lanham, MD failed, the largest credit union failure in U.S. history. Cap Corp, as it was known, had invested nearly 70 percent of its $1.5 billion in assets in a form of derivative instrument called fixed-rate collateralized mortgage obligations, CMO's. These highly interest rate sensitive instruments experienced significant losses in value as interest rates rose in 1994. The losses became so severe that the National Credit Union Administration [NCUA] took over Cap Corp's operation by placing it into conservatorship on January 31, and ultimately placed it into liquidation.

On April 13, NCUA announced that the remaining assets, liabilities, and field of membership of Cap Corp had been acquired by Mid-Atlantic Corporate Federal Credit Union of Harrisburg, PA. Before its acquisition, Cap Corp had experienced investment losses of $61 million, all of which were absorbed by Cap Corp's capital. As a result, the National Credit Union Share Insurance Fund itself did not incur losses as a result of Cap Corp's failure.

The failure of Cap Corp raised serious questions about the adequacy of the regulation of corporate credit unions. A corporate credit union is a specialized form of credit union which accepts deposits only from other credit unions rather than individuals. There are currently 44 corporate credit unions. Corporate credit unions were created in the 1970's principally to serve as a source of liquidity for their member credit unions during periods when deposits were low. Over the years, however, they also evolved into sources of investment and payment services for their member credit unions.

Concern about the corporate credit union system had led the Chairman of the National Credit Union Administration, Norman D'Amours, to appoint early last year a corporate credit union study committee made up of five independent financial experts to conduct a thorough review of the regulation of corporate credit unions. That report, which was released on July 26, 1994, provided a careful and critical evaluation of the investment behavior and risk-taking of the corporate credit union system. Among the findings of the report were: Corporate credit unions are assuming more risk in their investment practices and in their portfolios than in the past.

Corporate credit unions are becoming more complex and will continue to become increasingly complex in the future.

Primary capital levels in the corporate credit unions are, on average, inadequate given the investment activities of corporate credit unions.

Credit analysis procedures in the corporate credit unions have not kept pace with the increased volume of funds flowing into the system.

Corporate credit unions use derivative instruments to hedge interest rate risk and create synthetic securities for other corporates and natural person credit unions.

The General Accounting Office [GAO] in an extensive 1991 report on the credit union industry, had raised particular concerns about the status of corporate credit unions. The 1991 report stated: Changes are needed to augment NCUA's currently incomplete regulatory and supervisory authority over all corporates and provide for more carefully defined asset and liability powers and higher capital requirements.

Prompted by the failure of Cap Corp, the Senate Banking Committee held hearings on February 28 and March 8 on the regulation of corporate credit unions. In testimony presented to the committee, both NCUA Chairman D'Amours and Comptroller General Charles Bowsher confirmed the findings of the reports on corporate credit unions previously sponsored by their agencies.

Chairman D'Amours announced at the hearings that NCUA was in the process of developing a new set of regulations that would raise capital requirements, tighten investment authority, and raise management standards for corporate credit unions. The stated objective was to return corporate credit unions to their original mission of serving as liquidity centers and safe havens for their members' funds. NCUA had previously established a new Office of Corporate Credit Unions, hired additional corporate examiner staff, and expanded training for corporate examiners.

NCUA issued the new regulations on April 13 and they were published in the Federal Register on April 26. The 60-day comment period ends on June 26 and NCUA hopes to issue the final regulations by the end of July.

Although the new regulations address many of the problems relating to corporate credit unions identified by NCUA and GAO, there are a small number of matters that require legislative action. The bill introduced by Senator D'AMATO and myself would make those changes, some of which would apply to natural person credit unions as well as corporate credit unions. Both NCUA and GAO have endorsed the bill.

First, the bill would permit federally insured credit unions to make deposits only in other federally insured credit unions. The effect of this provision would be to require the five corporate credit unions which currently are not federally insured to obtain Federal insurance. The purpose of the provision is to ensure that deposits of federally insured credit unions are not put at risk by placing them in non-federally insured credit unions. This change was recommended by the GAO's 1991 report on credit unions.

Second, the bill would prohibit a State-chartered, federally insured credit union from exercising asset powers of a type or in an amount not permissible for a federally chartered credit union unless the NCUA determines that the exercise of the asset power would pose no significant risk to the credit union insurance fund. The bill provides that if a State chartered, federally insured credit union was utilizing an asset power pursuant to State law prior to May 1, 1995, it may continue utilizing that power.

This authority is comparable to the authority the FDIC has to constrain the asset powers of State chartered, federally insured thrifts and banks. In fact, it is less restrictive than the constraint placed on State chartered banks and thrifts, which imposes a flat prohibition on State chartered banks and thrifts. This provision would be prospective in purpose, to prevent future problems from developing in credit unions. The GAO recommended this change in its 1991 report on the credit union industry.

Third, the bill would authorize NCUA to serve as liquidating agent or conservator of State chartered, federally insured credit unions after prior consultation with the appropriate State credit union supervisory authority.

Under current law, the NCUA has the authority to place a State chartered, federally insured credit union into conservatorship, but must obtain written approval from the State supervisor. If State approval is not obtained in 30 days, NCUA may proceed to place the credit union into conservatorship only by unanimous vote of the NCUA board. Conservatorship means NCUA takes over the management of the credit union. NCUA currently has no authority to liquidate a State chartered, federally insured credit union.

This provision of the bill would give the NCUA conservatorship and liquidation authority comparable to the authority the FDIC has over State and federally chartered banks and thrifts. The FDIC has only an obligation to consult with the State supervisor before placing a State chartered bank or thrift into conservatorship or liquidation. The purpose of this provision is to

ensure that NCUA can act in an expeditious manner if a federally insured, State chartered credit union gets into difficulty. Delay in acting decisively in such cases can result in larger losses to the deposit insurance fund.

The bill would also make two other changes of a technical nature to the Federal Credit Union Act. It makes explicit NCUA's authority to provide limits on loans and investments by a corporate credit union to a single obligor, and to provide minimum capital standards for corporate credit unions. The bill would provide NCUA such statutory authority.

In addition, the bill would amend the Federal Credit Union Act to replace the term "central credit union" with the term "corporate credit union." The purpose of this change is to avoid any confusion between the 44 corporate credit unions and the single U.S. Central Credit Union.

Mr. President, I believe this is a carefully crafted piece of legislation that will bring greater safety and soundness to our credit union system, and I am therefore pleased to be an original cosponsor.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 884. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC LANDS MANAGEMENT ACT OF 1995

Mr. HATCH. Mr. President, along with my colleague, Senator BENNETT, I rise today to introduce the Utah Public Lands Management Act of 1995. This bill would designate approximately 1.8 million acres of land managed by the Bureau of Land Management [BLM] in Utah as wilderness and release another approximately 1.4 million acres of land as wilderness study areas [WSA] for nonwilderness multiple uses. With this bill, the requirements of the BLM under the Federal Land Policy and Management Act of 1976 to study and recommend to Congress those lands worthy of wilderness designation, as defined by the Wilderness Act of 1964, are met so far as it concerns the agency in our State of Utah. Identical legislation is being introduced in the House today by Representatives JIM HANSEN and ENID WALDHOLTZ. Utah Gov. Mike Leavitt is supportive of this measure.

Some may find it surprising that I am recommending more wilderness lands in Utah. The fact of the matter is that I am not antienvironment. Like any grandparent, I want to preserve nature's legacy in Utah for my 15 grandchildren to experience, learn from, and glory in. I believe, along with the English poet John Milton, that "Beauty is Nature's coin; must not be hoarded, but must be current. And the good thereof consists in mutual and partaken bliss."

I plan to fight for this new wilderness in Utah. I will also fight for balance. Nature itself is balanced; ecosystems work in wondrous ways to perpetuate life. Man is also a part of nature's grand scheme.

We have also had balance in our development of this legislation. This bill is the culmination of five intensive months of time and effort contributed by each member of the Utah congressional delegation, by Governor Leavitt, and by the local officials in those counties where these proposed wilderness areas are located. At the same time, different groups representing concerns on all sides of this issue—environmentalists, ranchers, conservationists, oil and gas developers, and others—have provided comments and input that have been helpful in fashioning this legislation.

Of course, this bill does not address all of the needs, the desires, or the concerns of all of these interests, or even of the entire Utah congressional delegation. But, in an attempt to resolve this contentious issue once and for all and to bring finality to a matter that has plagued Utahns and the management of our public lands for nearly two decades, we have attempted to write a bill that balances these divergent interests.

In 1978, the Utah State BLM Office began an exhaustive process to develop a Utah BLM wilderness proposal. This was no small task since more than 22 million acres of Utah land managed by the BLM were available for the study. In total, BLM employees scrutinized over 40 percent of Utah's total land mass to assess each acre's eligibility for wilderness classification. After this lengthy and tedious process, BLM identified an inventory of 3.25 million acres that met every classification requirement with no conflicts or de minimis conflicts. Since that determination, these acres have been managed as wilderness to preserve their natural character until Congress could formally designate them. In other words, nonwilderness multiple use activities have been prohibited to occur on these acres.

In 1991, BLM, after clearing all environmental and regulatory hurdles, submitted a report to Congress recommending a final designation total of 1,975,210 acres in 66 specific WSA's. Neither the House nor Senate acted on this report. This is frustrating to many of us who believe that, in this case, the work accomplished by BLM's professional land managers on this matter, is being unjustifiably ignored.

The Clinton administration has exacerbated the situation by adopting a policy that directs those lands designated as wilderness in a bill pending before Congress to be managed in the same manner as an officially designated WSA. For several years now, a bill has been introduced in the other body designating approximately 5.7 million acres of BLM land in Utah as wilderness. Therefore, the BLM now manages 5.7 million acres of land in Utah as if it is already wilderness. This is 2.45 million more acres than were originally studied by the BLM and assessed for wilderness values, and 3.73 million more acres than BLM actually recommended for wilderness designation in its report to Congress.

With this history in mind, my colleagues, especially those from public lands States, can understand why after 17 years and more than $10 million in taxpayer funds, 2,700 work months of employee time, and a countless number of scoping meetings, public hearings, on-site visits, and other related meetings, we are eager to bring closure to this matter. The bill we are introducing today is the next step toward that goal.

Last January, the Utah congressional delegation and Utah Governor Leavitt outlined a process to develop this bill. Each of the 14 counties where the BLM WSA's are located were asked to conduct a public review within their respective county and to submit a county recommendation to the delegation by April 1. Each county utilized its own process to arrive at a county-wide recommendation. Counties examined the BLM's proposed inventory along with various other proposals put forward over the years by Representative HANSEN, Representative BILL ORTON, the Utah Wilderness Association, and the Utah Wilderness Coalition. The amounts in these proposals ranged between 1.4 million acres to 5.7 million acres.

I might add that one ground rule for this process was that a proposal for zero additional acreage was not acceptable to the delegation and that the delegation intended to propose a bill in June.

During the April recess, the delegation and the Governor held five regional meetings throughout Utah to receive public comment on the county recommendations, which totaled nearly 1 million acres, and the other proposals. In addition, written comments have been received and reviewed since April 1.

In total, more than 40 public meetings, including the regional meetings, have been conducted at various levels since January. More than 500 individuals have provided public testimony since the first of the year, and over 22,000 written comments in one form or another have been received by the Governor and the delegation on this issue. I sincerely appreciate all those who have taken the time to share their opinions regarding BLM wilderness in Utah.

Let me briefly explain the contents of the proposal we are introducing today.

As I mentioned, the bill designates 1.8 million acres of Utah's BLM land as

wilderness contained in 50 specific areas. These areas include what I consider to be the crown jewels of Utah's public lands—those areas so rich in beauty and grandeur that there can be no question that they meet the wilderness criteria.

Let's face it—not every acre of BLM land is deserving of protection as wilderness. But, our bill captures those areas in wilderness that are well known to Utahns and most Americans, and that are fast becoming recognized by millions of international visitors every year. Photographs of these areas are found in most nature books; and they form the background for many commercial activities, such as TV commercials, still photographs, and movies.

They are the Grand Gulch area of San Juan County; Desolation Canyon, through which the Green River runs; and, the Little Grand Canyon, the Black Box, and Sid's and Mexican Mountains of the San Rafael Swell. They include the Escalante Canyons of Garfield County, once proposed to be a national park; Westwater Canyon, through which the mighty Colorado River flows; and the canyon area of the Dirty Devil River.

Numerous ecosystems are represented in this bill to be designated as wilderness. These areas include the high mountain ranges of the Deep Creek and Henry Mountains; river canyons through which the San Rafael River, the Dirty Devil River, the Escalante River, and the East Fork of the Virgin River flow; the desert regions of western Utah that encompasses Notch Peak, Fish Springs, and the Cedar Mountains; Utah's red rock region of Red Mountain, Canaan Mountain, and Crack Canyon; and contiguous areas that constitute several large and dramatic blocks of wilderness, such as Kane County's Fifty-Mile Mountain, the Escalante Canyon region, and the Desolation Canyon/Book Cliffs complex, which in itself would total more than 300,000 acres.

These names may not be recognizable to my colleagues, but they are truly the golden nuggets of Utah's public lands that are deserving of being called wilderness. I certainly encourage my colleagues to visit Utah and feast on these magnificent panoramas.

But, we have also tried to accomplish a balance in our legislation. As Milton said, "Nature's coin must not be hoarded."

We do not recommend, for example, wilderness designation for those Utah lands that are high in resource development potential, and these are many. We are not interested in locking out these lands that someday may provide the resources our State and this Nation will need to maintain our economic stability. These resources include deposits of oil and gas, coal, uranium, all kinds of precious metals, and other natural elements found in abundance within Utah's boundaries. While the specific boundaries of our proposed wilderness areas may be modified through the legislative process, we have attempted to craft boundaries that avoid any conflicts associated with existing rights and intrusions.

While our bill will designate certain lands as wilderness, it also contains language necessary to protect Utah's interests from the ramifications of this designation. This is not an attempt to lessen the validity of wilderness in anyway, or to erase with one hand what we are writing with the other. The proposed language is simply a recognition that wilderness designation can, and most likely will, affect valid existing rights or the historic uses of an area, and which, if allowed to occur unrestrained, would have a devastating impact on the economies of many rural Utah communities.

Obviously, this is not our intent, which is why we have included language that protects existing water rights with no express or implied Federal reserved water right; allows grazing to continue in wilderness areas without any diminution; prohibits the reclassification of an airshed due to wilderness designation; and protects the practice of native Americans to gather wood for personal use and to collect plants or herbs for religious or medicinal purposes within a designated wilderness areas. We have included other language that is appropriate and necessary to address the unique situations existing throughout our State associated with this effort to create more wilderness.

In addition, we have included language that releases all of BLM's lands, with a few minor exceptions listed in the bill, from any further study or management for wilderness character or values, and returns them to the full range of nonwilderness multiple uses in accordance with already approved management plans. Adoption of this language is critical to passage of this bill. To me it is the key to resolving this issue. Without this provision, this bill would be very difficult for me to support. Let us be clear about one point: if those acres now being managed as wilderness are not returned to multiple use, it is not the wilderness concept that would be shunned, it is the concept of representative and participatory democracy.

Finally, the bill contains language to effectuate an exchange between the State of Utah and the Secretary of the Interior of approximately 140,000 State school and institutional trust lands that would be captured, in whole or in part, by the areas designated as wilderness. These lands and their inherent economic value can only be utilized to provide revenues to Utah's public education system, and the only method of ensuring that our school children benefit from each acre of these trust lands is to trade them to the Secretary for available Federal lands located in Utah.

In 1993, Congress adopted, and President Clinton signed into law, my legislation providing for an exchange of similar lands located within Utah's forests, national parks, and Defense and native American reservations. The process outlined in that bill has proven to be rather cumbersome and frustrating, especially to Utah officials. We are therefore attempting to learn from this prior experience by authorizing a more sensible, reasonable, and quicker process for the exchange of school inholdings in this legislation. Again, the inclusion of a process for the direct, fair, and prompt exchange of captured school trust lands is pivotal to many of us in Utah.

Mr. President, I realize this bill would not be satisfactory to everyone in Utah or to those watching what we are doing from outside our State. Our bill contains an acreage figure that is 80 percent greater than the recommendation submitted by the affected counties, and 70 percent less than the proposal supported by one wilderness advocacy group. Maybe with such a wide expanse between these proposals, the acreage in our bill can be looked upon as a compromise proposal that merits consideration.

I am aware that some advocate a total of 5.7 million BLM acres as wilderness because they believe this generation should preserve and protect at least 10 percent of Utah's approximately 55 million acres for those generations to come. This message has been stated many times in recent months, especially during our five regional meetings last April.

An ad published in the Salt Lake Tribune on May 29 stated that "protecting 10 percent [of Utah's land] won't cost a single job in southern Utah," and that "90 percent of the land will be left for houses, roads, farming, mining, logging, tourist facilities, and the host of activities already there and yet to come."

If the proponents of this position are serious about preserving 10 percent of Utah's land mass from the laundry list of activities mentioned in the ad, then they should support our bill and rally behind it. Utah already has approximately 800,000 acres of wilderness managed by the U.S. Forest Service, which is ironically almost 10 percent of the total forest lands in Utah, and approximately 2 million acres of land in the form of national parks, monuments, and recreation areas that are restrictively managed by the National Park Service. The large majority of the activities listed in the ad are already prohibited for these lands. These two figures, added to the amount of acreage to be designated in our bill—1.8 million, or roughly 8.2 percent of the BLM land

in Utah—would mean that approximately 4.6 million acres of land in Utah, or 8.36 percent of Utah's total land mass, will be preserved, protected, and managed by one Federal land agency or another from any future intrusions or conflicts.

We have heard the voices of those advocating this position who truly want to pay back, or tithe, to God for the beauty He has created in Utah's rural country by setting one-tenth of Utah's land. That is why our bill would add BLM's Crown Jewels in Utah to the Crown Jewels already designated by the Forest Service and the National Park Service. I do not accept the argument that this gesture must be made entirely with only BLM land when there is so much splendor and natural peace contained in Utah's other 33 million acres.

Mr. President, during the Memorial Day recess I visited several of the sites to be designated as wilderness in our bill. It was a magnificent journey through Utah's back country, and the trip helped me appreciate even more the beauty of our great State. I also came to a better understanding of the areas listed in our bill and why I can affirmatively state today that they are worthy and deserving of wilderness designation.

At the same time, I came to a clearer understanding of the conflicts that will arise once this designation becomes final, and why we need to take reasonable steps to remediate, if not completely avoid, these potential conflicts. Our bill is an attempt to take these justifiable, yet reasonable, steps.

I recognize that some modifications in our bill may occur during the upcoming legislative review of this bill. I also recognize that changes are inevitable if this bill is to pass the Senate, pass the House, and eventually be signed by the President. But, I need to clearly and emphatically state that despite my strong desire to create this new wilderness and to close this issue in Utah, I am not willing to accept any concession that is not in the best interests, both short- and long-term, for my State. This bill represents a consensus package of ideas and proposals arrived at through a painstaking process. These ideas should be built upon during the legislative process.

I urge my colleagues to consider this bill carefully, and I look forward to working with them toward passage of this bill by the Senate this year.

I also want to pay tribute to my colleague from Utah, Senator BENNETT.

Since he has come to the Senate he has worked long and hard on these types of pieces of legislation. He served on the Energy and Natural Resources Committee. He did a terrific job and is doing a good job working with his former colleagues on that committee, at this point, on this bill. He understands these issues. He has worked hard on them. He has done a terrific job. I have a lot of admiration and respect for the hard efforts he has put forth.

I also want to compliment my dear colleagues in the House, Congresspeople JIM HANSEN and ENID WALDHOLTZ.

JIM is chairman of one of the crucial committees over there in this area. Much of the weight of this falls on his shoulders in the House. ENID WALDHOLTZ, our freshman Member of Congress, is standing right there beside him trying to do the best she can to help Utah to designate the appropriate wilderness areas. We appreciate the work they have done, and give them a lot of the credit for what has been done.

I would also like to say in closing that Congressman ORTON has expressed a desire to work with the Senate. I hope that he will. We are disappointed he has not come on the bill at this time.

I think it does make it easier if every Member of our congressional delegation agrees, but a majority of our State legislature, our Governor, and all Republican Members of the delegation do agree.

Congressman ORTON, to his credit, has said that he believes that it is pretty likely that he will support this in the end. He wants to present at least an alternative point of view as well through a bill that he will file for the purpose of debate. I respect that. I do hope that sometime in the future he can get on this bill and help to pass it through both Houses of Congress.

Mr. President, I ask unanimous consent that a copy of the bill of Senator BENNETT and myself be printed in the RECORD.

Mr. BENNETT. Mr. President, I appreciate the leadership shown on the wilderness issue by my senior colleague, Senator HATCH. He carries tremendous responsibility in this body by virtue of his elevation to the chairmanship of the Judiciary Committee, and there are some political opponents who would have suggested that by virtue of that responsibility he might be less attentive to Utah issues than he might otherwise be.

I assure the people of the State and the people of the Nation that that is not true. He is very attentive to Utah issues and he has demonstrated that in his leadership in this matter. All Members are grateful to him and to our Governor, Michael O. Leavitt, for the work they have done on this issue.

Senator HATCH has outlined the details of this proposal. I would like to make a few additional points for those that may not understand some of the factors relating to the Utah wilderness question.

Some groups have said that the Utah wilderness issue is the premier environmental issue of this Congress, and they are prepared to fight to the last possible breath in order to set aside 10 percent of the State in BLM wilderness. They say we must do at least 10 percent for our children. Those who are unfamiliar with the State of Utah might be impressed by this argument, because after all, 10 percent seems like a relatively small amount to set aside for future generations for some kind of preservation.

I have a map here, Mr. President, that I think will put this argument in its proper perspective. If we look at the portion in the map that is in green, it amounts to approximately 8 million acres. This is land in the National Forest Service. That which is in dark green has already been designated as wilderness in Forest Service land, but 8 million acres have been set aside for future generations. There will be no McDonald's hamburger stands. There will be no strip malls. There will be no Marriott hotels built in these 8 million acres.

During the hearings, we were threatened with all of those things. If we do not set this aside as wilderness we will have McDonald's hamburger stands and strip malls all over the State. Here are 8 million acres that will not get that.

In addition, we see this dark purple area in various places on the map. Those are national parks and recreation areas with set-asides for fish and wildlife preservation, comprising over 2 million acres. So when we add those to that in green we get a 10 million acre set-aside.

Now, if we add the additional 1.8 million that Senator HATCH's and my bill calls for in BLM wilderness, that is shown here in the green area, the total comes to approximately 12 million acres.

That, Mr. President, is not 10 percent of the State, it is 20 percent of the State set aside for the future generations, making sure that there will be on these 12 million acres no economic development other than that which is already permitted in the Wilderness Act, which is to say, grazing, minerals, and other multiple uses of the public licenses.

The additional land that is shown in yellow, Mr. President, is BLM land. Once again, the BLM will not allow the building of a strip mall or a McDonald's hamburger stand or a hotel on these 22 million acres.

The amount of acreage left to private hands, when we take the military reservations—that is what this is—and the Indian reservations—that is what this is—the amount left to private hands in the State of Utah is shown in white.

In the demagoguery around this issue, some people have said can we not set aside 10 percent of the land? Is not 90 percent enough for the developers? I show this chart, and just say that which is in white is what is available to developers. Frankly, it is located

upon the corridors of highways that are already in place.

What we have proposed, Senator HATCH and I, is perfectly proper, legitimate, wilderness use. However, it will not freeze out the multiple use that could take place in this BLM land.

People say that wilderness calls for multiple use. Wilderness calls for grazing if it is already established. Wilderness calls for mineral exploration if the leases have already been signed.

I close with this example of what has happened to that truth. That is, it is true the wilderness bill calls for this multiple use on wilderness land if it has already been established. We have a prime example of what the 1964 Wilderness Act had in mind down in southern Utah on the Kaiparowits Plateau. On the Kaiparowits there are close to 300,000 acres that would be considered part of a wilderness activity, and we have set aside a good portion of that in our bill.

In that acreage, there is an existing mineral lease, a coal lease. It is owned by a company called Andalex, named after the two children of the owner of the company, Andrew and Alexander. The company is named Andalex. The Andalex coal leases have existed for years.

Under the Wilderness Act, a careful reading of it, they can continue to exist, and Andalex can extract coal from that area. Those people who are insisting on heavier acreage have said over their dead bodies will they allow Andalex to rape the wilderness for the sake of the coal. That is the kind of rhetoric that has surrounded this debate.

Mr. President, over the last week, during the recess, I went to the Andalex coal facility. What did I find? Out of the roughly 300,000 acres of the Kaiparowits, the Andalex coal mine would require 40 acres. Not 40,000—40. Four-zero, with no zeros after.

The 40 acres, by happy coincidence, happen to be at the bottom of a circular canyon, so if you are not standing on the edge of the canyon looking down, you cannot see it from anywhere in this entire area.

If the Wilderness Act of 1964 says anything, it says that the Andalex proposal should go forward. Yet the people who are saying that Senator HATCH and I are not taking care of future generations are turning around and putting the Wilderness Act on its head by saying we will not permit a coal operation on 40 acres because somehow it would destroy the wilderness experience the surrounding 300,000 acres.

Mr. President, I focus on that because it demonstrates the degree to which we have gotten away from reality in this debate. I hope the Congress in its wisdom will come back to reality and intelligence on this issue.

By Mr. MOYNIHAN (for himself, Mr. SIMPSON, Mr. THOMAS, Mr. INOUYE, Mr. GRAHAM, Mr. COCHRAN, Mr. AKAKA, Mr. CHAFEE, and Mr. ROBB):

S. 885. A bill to establish United States commemorative coin programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

U.S. COMMEMORATIVE COIN ACT OF 1995

Mr. MOYNIHAN. Mr. President, I rise to introduce the Commemorative Coin Act of 1995. This bill authorizes the striking of six coins in the next 2 years. The subjects to be commemorated are: the 200th year of gold coinage, the 50th anniversary of the United Nations and the Presidency of Harry Truman, the 150th anniversary of the Smithsonian, the Franklin Roosevelt Memorial in Washington, DC, the 125th anniversary of Yellowstone National Park, and the National Law Enforcement Officers Memorial, also in Washington.

This past November, the congressionally established Citizens Commemorative Coin Advisory Committee published in its first annual report to Congress, which recommended a 5-year plan of coin programs. The committee concluded that the serious decline in commemorative coin sales necessitated a reduction in the number and amount of coins to be minted. Otherwise, the success of each individual coin program is threatened and the Mint runs the risk of losing money on them.

This bill includes the coins recommended by the advisory committee and no others. It has the committee's full endorsement. It is a sensible package of commemoratives for deserving occasions and topics, limited in scope so that the numismatic market can absorb them all.

As a Smithsonian regent I am delighted to offer a coin for the Institution. As a New Yorker I am equally pleased to offer one for the United Nations and one for President Roosevelt. Yellowstone, the Law Enforcement Memorial, and gold coinage will also make popular and worthy coins. I urge my colleagues to join the bipartisan support we have for the bill, and I ask that its text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 885

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commemorative Coin Act of 1995".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Fund" means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term "recipient organization" means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term "Secretary" means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) BICENTENNIAL OF UNITED STATES.—On or before December 31, 1995, the Secretary shall mint not more than 25,000 $10 gold coins with specifications to be determined by the Secretary.

(2) UNITED NATIONS AND PRESIDENT TRUMAN.—

(A) IN GENERAL.—To commemorate the 50th anniversary of the founding of the United Nations and the role of President Harry S. Truman in the founding of the United Nations, during a 1-year period beginning in 1996, the Secretary shall issue—

(i) not more than 75,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 350,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $35 per coin for each $5 coin, and a surcharge of $10 per coin for each $1 coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the Harry S. Truman Library Foundation.

(ii) Fifty percent of the surcharges received shall be paid to the United Nations Association.

(3) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—To commemorate the 150th anniversary of the founding of the Smithsonian Institution, during a 1-year period beginning in August 1996, the Secretary shall issue—

(i) not more than 100,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 800,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $35 per coin for each $5 coin, and a surcharge of $10 per coin for each $1 coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary to the Smithsonian Institution to be used to support the National Numismatic Collection at the National Museum of American History.

(D) DESIGN.—The design of the coins issued under this subsection shall be emblematic of the scientific, educational, and cultural significance and importance of the Smithsonian

Institution. Each coin issued under this subsection shall include an inscription of the following words from the original bequest of James Smithson: "for the increase and diffusion of knowledge".

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning in 1997, the Secretary shall issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $35 per coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $10 per coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning in 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $10 per coin.

(C) DISTRIBUTION OF SURCHARGES.—After receiving surcharges from the sale of the coins issued under this subsection, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this subsection, which amount shall be deposited in the Fund established under section 201.

(D) AVAILABILITY.—The coins issued under this subsection shall be available for issuance not later than May 1997.

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this Act shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

SEC. 103. LEGAL TENDER.

The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. SALE PRICE.

Each coin issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin;

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping); and

(4) the estimated profit determined under section 106(b) with respect to the coin.

SEC. 106. DETERMINATION OF COSTS AND PROFIT.

(a) DETERMINATION OF COSTS.—With respect to the coins issued under this Act, the Secretary shall, on an ongoing basis, determine—

(1) the costs incurred in carrying out each coin program authorized under this Act; and

(2) the allocation of overhead costs among all coin programs authorized under this Act.

(b) DETERMINATION OF PROFIT.—Prior to the sale of each coin issued under this Act, the Secretary shall calculate the estimated profit to be included in the sale price of the coin under section 105(4).

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this Act.

SEC. 108. PROHIBITION ON JUDICIAL REVIEW.

Each determination made by the Secretary in implementing a commemorative coin program under this Act shall be made in the sole discretion of the Secretary and shall not be subject to judicial review.

SEC. 109. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of each recipient organization as may be related to the expenditures of amounts paid under section 101.

SEC. 110. FINANCIAL ASSURANCES.

It is the sense of the Congress that each coin program authorized under this Act should be self-sustaining and should be administered so as not to result in any net cost to the Numismatic Public Enterprise Fund.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) $200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than $200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.

By Mr. BAUCUS:

S. 886. A bill to provide for the conveyance of the radar bomb scoring site, Forsyth, MT; to the Committee on Armed Services.

RADAR BOMB SCORING SITE LAND CONVEYANCE

Mr. BAUCUS. Mr. President, today, I am introducing a bill which directs the Secretary of the Air Force to convey to

the city of Forsyth, MT, the radar bomb scoring site operated by USAF Detachment 18 at Forsyth. The purpose of the legislation is to allow the land, housing units, and facilities supporting detachment 18 to be turned into housing units for the elderly.

The Air Force has decided to close its facility at Forsyth. Because of the base's small size, the closure is not part of the Base Realignment and Closure Commission process. The city of Forsyth is eager to acquire the facility as soon as possible to help alleviate an elderly housing shortage.

This bill contains special procedures for turning the facility over to the city of Forsyth because we believe it offers the best solution. If the normal process is followed, continued maintenance and upkeep of the facility could be a serious burden. Inattentive maintenance could result in serious deterioration of the facility by the time the normal property disposal process finally ends. Obviously, this would not benefit the U.S. Government or the elderly who will live there. The city of Forsyth is prepared to accept the responsibility for the detachment 18 facility and rapidly transform it into much needed housing for the elderly.

I urge my colleagues to incorporate this language into the fiscal year 1996 Defense authorization bill without delay. And I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 886

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

SECTION 1. LAND CONVEYANCE, RADAR BOMB SCORING SITE, FORSYTH, MONTANA.

(a) CONVEYANCE REQUIRED.—Subject to subsection (b), the Secretary of the Air Force shall convey, without consideration, to the City of Forsyth, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of property (including any improvements thereon) consisting of approximately — acres located in Forsyth, Montana, which has served as a support complex and recreational facilities for the Radar Bomb Scoring Site, Forsyth, Montana.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with paragraph (1) or paragraph (2) of subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 276

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 276, a bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 426

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 507

At the request of Mr. PRESSLER, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 594

At the request of Mrs. BOXER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 594, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 692

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 711

At the request of Mr. GRAMM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 711, a bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes.

S. 738

At the request of Mr. THOMAS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 738, a bill to amend the Helium Act to prohibit the Bureau of Mines from refining helium and selling refined helium, to dispose of the United States helium reserve, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 839

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 839, a bill to amend title XIX of the Social Security Act to permit greater flexibility for States to enroll medicaid beneficiaries in managed care arrangements, to remove barriers preventing the provision of medical assistance under State medicaid plans through managed care, and for other purposes.

S. 847

At the request of Mr. GREGG, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Washington [Mr. GORTON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Ms. SNOWE], the Senator from New Hampshire [Mr. SMITH], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 850

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 850, a bill to amend the Child Care and Development Block Grant Act of 1990 to consolidate Federal child care programs, and for other purposes.

S. 851

At the request of Mr. JOHNSTON, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

AMENDMENTS SUBMITTED

COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

COVERDELL (AND SIMPSON) AMENDMENT NO. 1210

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mr. SIMPSON) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . PROOF OF CITIZENSHIP; VOTER REGISTRATION.

(a) PROOF OF CITIZENSHIP REQUIREMENT FOR VOTER REGISTRATION.—Notwithstanding any provision of the National Voter Registration Act of 1993 (Public Law 103–31; 107 Stat. 77) or any other provision of law, a Federal, State, or local government agency that performs voter registration activities for elections for Federal office may require proof of United States citizenship from any individual applying for such registration.

(b) PROHIBITION OF VOTER REGISTRATION AS PROOF OF CITIZENSHIP.—Notwithstanding any provision of the National Voter Registration Act of 1993 (Public Law 103–31; 107 Stat. 77) or any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

KYL AMENDMENT NO. 1211

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . STOPPING ABUSE OF FEDERAL COLLATERAL REMEDIES.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

§ 2257. Adequacy of State remedies

"Notwithstanding any other provision of law, an application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment or order of a State court shall not be entertained by a court of the United States unless the remedies in the courts of the State are inadequate or ineffective to test the legality of the person's detention.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 153 of title 18, United States Code, is amended by adding at the end the following:

"2257. Adequacy of State remedies.".

KERRY (AND SIMON) AMENDMENT NO. 1212

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill S. 735, supra; as follows:

SEC. 1. DEALERS OF AMMUNITION.

(a) DEFINITION.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting "or ammunition" after "firearms".

(b) LICENSING.—Section 923(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "or importing or manufacturing ammunition" and inserting "or importing, manufacturing, or dealing in ammunition"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "or" the last place it appears;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by inserting the following new subparagraph:

"(C) in ammunition other than ammunition for destructive devices, $10 per year.".

(c) UNLAWFUL ACTS.—Section 922(a)(1)(A) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "or ammunition" after "firearms"; and

(ii) by inserting "or ammunition" after "firearm"; and

(B) in subparagraph (B), by striking "or licensed manufacturer" and inserting "licensed manufacturer, or licensed dealer";

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting "or ammunition" after "firearm";

(3) in paragraph (3), by inserting "or ammunition" after "firearm" the first place it appears;

(4) in paragraph (5), by inserting "or ammunition" after "firearm" the first place it appears; and

(5) in paragraph (9), by inserting "or ammunition" after "firearms".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (A)(i), by striking "1 year" and inserting "2 years"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "1 year" and inserting "2 years"; and

(ii) in clause (ii), by striking "10 years" and inserting "20 years"; and

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

"(o) Except to the extent a greater minimum sentence is otherwise provided, any person at least 18 years of age who violates section 922(g) shall be subject to—

"(1) twice the maximum punishment authorized by this subsection; and

"(2) at least twice any term of supervised release.".

(e) APPLICATION OF BRADY HANDGUN VIOLENCE PREVENTION ACT TO TRANSFER OF AMMUNITION.—Section 922(t) of title 18, United States Code, is amended by inserting "or ammunition" after "firearm" each place it appears.

SEC. 2 REGULATION OF ARMOR PIERCING AND NEW TYPES OF DESTRUCTIVE AMMUNITION.

(a) TESTING OF AMMUNITION.—Section 921(a)(17) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (D), as added by section 2(e)(2), as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i) Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 1 year after the date of enactment of this subparagraph, the Secretary shall—

"(I) establish uniform standards for testing and rating the destructive capacity of projectiles capable of being used in handguns;

"(II) utilizing the standards established pursuant to subclause (I), establish performance-based standards to define the rating of 'armor piercing ammunition' based on the rating at which the projectiles pierce armor; and

"(III) at the expense of the ammunition manufacturer seeking to sell a particular type of ammunition, test and rate the destructive capacity of the ammunition utilizing the testing, rating, and performance-based standards established under subclauses (I) and (II).

"(ii) The term 'armor piercing ammunition' shall include any projectile determined to have a destructive capacity rating higher than the rating threshold established under subclause (II), in addition to the composition-based determination of subparagraph (B).

"(iii) The Congress may exempt specific ammunition designed for sporting purposes from the definition of 'armor piercing ammunition'.".

(b) PROHIBITION.—Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)—

(A) by striking "or import" and inserting ", import, possess, or use";

(B) in subparagraph (B), by striking "and";

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition."; and

(2) in paragraph (8)—

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition.".

NUNN AMENDMENT NO. 1213

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, between line 11 and 12, insert the following:

SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations may not authorize arrest except in exigent circumstances or as otherwise authorized by law.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

"§ 2332b. Use of chemical weapons

"(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

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

"(2) the term "chemical weapon" means 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.

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian law enforcement expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations may not authorize arrest except in exigent circumstances or as otherwise authorized by law.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(c) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(d) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

BOXER AMENDMENT NO. 1214

Mrs. BOXER proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra, as follows:

On page 17, between lines 2 and 3, insert the following new section:

SEC. 108. INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: "No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

"(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

"(2) 6 years—.".

LIEBERMAN (AND BIDEN) AMENDMENT NO. 1215

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Insert at the appropriate place the following new section:

SEC. . REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting "of a purpose, on the part of that person, to thwart interception by changing facilities." and inserting "that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility."

(b) Section 2518(11)(b)(iii) is amended to read:

"(iii) the judge finds that such showing has been adequately made."

KOHL AMENDMENT NO. 1216

(Ordered to lie on the table)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following:

SEC. . GUN-FREE SCHOOLS.

Section 922(q) of title 18, United States, Code, is amended to read as follows:

"(q)(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones as resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves; even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

"(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) shall not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) which is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack which is on a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry in school premises is authorized by school authorities.

"(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

"(B) Subparagraph (A) shall not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.".

BIDEN AMENDMENT NO. 1217

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Delete Title 6, subtitle A and insert the following:

SUBTITLE A—COLLATERAL REVIEW IN FEDERAL CRIMINAL CASES

SEC. 601. FILING DEADLINES.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth paragraphs; and

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

"A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and is made retroactively applicable; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In a proceeding under this section before a district court, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held only if a circuit justice or judges issues a certificate of appealability. A certificate of appealability may issue only if the movant has made a substantial showing of the denial of a constitutional right. A certificate of appealability shall indicate which specific issue or issues shows such a denial of a constitutional right.

"A claim presented in a second or successive motion under this section that was presented in a prior motion shall be dismissed.

"A claim presented in a second or successive motion under this section that was not presented in a prior motion shall be dismissed unless—

"(A) the movant shows that the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

"(B) (1) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the movant guilty of the underlying offense.

"Before a second or successive motion under this section is filed in the district court, the movant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application. A motion in the court of appeals for an order authorizing the district court to consider a second or successive motion shall be determined by a three-judge panel of the court of appeals. The court of appeals may authorize the filing of a second or successive motion only if it determines that the motion makes a prima facie showing that the motion satisfies the requirements in this section. The court of appeals shall grant or deny the authorization to file a second or successive motion not later than 30 days after the filing of the motion.

"The grant or denial of an authorization by a court of appeals to file a second or successive motion shall not be appealable and shall not be the subject of a petition for rehearing or a writ of certiorari.

"A district court shall dismiss any claim presented in a second or successive motion that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

KENNEDY AMENDMENT NO. 1218

(Ordered to lie on the table.)

Mr. KENNEDY proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 48, line 12, before the period insert the following: ", except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501."

KENNEDY AMENDMENT NO. 1219

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ASSISTANCE TO LAW ENFORCEMENT.

Section 923(g)(3)(B) of title 18, United States Code, is amended—

(1) by striking ", and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received"; and

(2) by striking "and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph".

FEINGOLD AMENDMENT NO. 1220

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 100, strike beginning with line 1 through page 144, line 4.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1221

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. SIMON, and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in amendment No. 1199, insert the following:

SEC. . TERMINATION OF THE ARMY CIVILIAN MARKSMANSHIP PROGRAM.

(a) REPEAL OF AUTHORITY.—Chapter 410 of title 10, United States Code, is amended—

(1) by striking out sections 4307, 4308, 4310, 4311, 4312, and 4313;

(2) in section 4309—

(A) in subsection (a), by striking out "and by persons capable of bearing arms" and inserting in lieu thereof "law enforcement agencies"; and

(B) in subsection (b), by striking out "civilians" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "law enforcement agencies"; and

(3) in the table of sections at the beginning of chapter 410 of such title, by striking out the items relating to sections 4307, 4308, 4310, 4311, 4312, and 4313.

(b) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM FUNDS TO THE DEPARTMENT OF JUSTICE FOR ANTI-TERRORISM ACTIVITIES OF THE FBI.—The unobligated balance of the funds available for carrying out the Civilian Marksmanship Program of the Army, including funds credited under section 4308 of title 10, United States Code, to appropriations available for support of such program and funds appropriated by title II of Public Law 103-335 under the heading "NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY", is transferred to the Department of Justice to be available for anti-terrorism activities of the Federal Bureau of Investigation beginning October 1, 1995.

(c) FISCAL YEAR 1996 FUNDING NOT AUTHORIZED FOR THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE.—Funds are not authorized to be appropriated for fiscal year 1996 for the National Board for the Promotion of Rifle Practice.

LAUTENBERG (AND SIMON) AMENDMENT NO. 1222

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in amendment No. 1199 insert the following new sections:

SEC. . ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS AND EXPLOSIVES PROHIBITIONS.

(a) IN GENERAL.—(1) Section 925(c) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "who is prohibited";

(B) in the fourth sentence—

(i) by inserting "person (other than a natural person) who is a" before "licensed importer"; and

(ii) by striking "his" and inserting "the person's"; and

(C) in the fifth sentence, by inserting "(i) the name of the person, (ii) the disability with respect to which the relief is granted, (iii) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iv)" before "the reasons therefor".

(2) Section 845(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "may make application to the Secretary"; and

(B) in the second sentence by inserting "(other than a natural person)" before "who makes application for relief".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications or administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

SEC. . PERMANENT FIREARM PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A) after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) in clauses (i) and (ii), respectively;

(2) in the second sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following new subparagraph:

"(C) A conviction shall not be considered to be a conviction for purposes of this chapter if—

"(i) the conviction is reversed or set aside based on a determination that the conviction is invalid;

"(ii) the person has been pardoned, unless the authority that grants the pardon expressly states that the person may not ship transport, possess or receive firearms; or

"(iii) the person has had civil rights restored, or the conviction is expunged, and—

"(I) the authority that grants the restoration of civil rights or expunction expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person's record and reputation are such that the person is not likely to act in a manner that is dangerous to public safety, and the granting of the relief is not contrary to the public interest; and

"(II) the conviction was for an offense other than serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B)).".

D'AMATO AMENDMENT NO. 1223

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. —. FICTITIOUS FINANCIAL INSTRUMENTS.

(a) SHORT TITLE.—This section may be cited as the "Financial Instruments Anti-Fraud Act of 1995".

(b) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking "class C felony" each place such term appears and inserting "class B felony".

(c) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by inserting after section 513, the following new section:

"§ 514. Fictitious obligations

"(a) Whoever, with the intent to defraud—

"(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

"(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

"(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

"(b) For purposes of this section, any term used in this section that is defined in section 513(c) shall have the same meaning given such term in section 513(c).

"(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.".

"(2) TECHNICAL AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following:

"514. Fictitious obligations.".

BIDEN AMENDMENT NO. 1224

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Delete page 105 line 3 through page 105 line 17.

FEINSTEIN AMENDMENT NO. 1225

(Ordered to lie on the table.)

Mrs. FEINSTEIN proposed an amendment to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

"Sec. 40A. Transactions with Countries Not Fully Cooperating with United States Antiterrorism Efforts.

"(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.

"(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.".

BIDEN AMENDMENT NO. 1226

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment no. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Delete from page 106, line 20 through all of page 125 and insert the following:

"(h) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 605. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 606. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 607. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2263. Filing of habeas corpus application; time requirements; tolling rules.

"2264. Scope of Federal review; district court adjudications.

"2265. Application to State unitary review procedure.

"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right made retroactively applicable to cases on collateral review by the Supreme Court; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case

the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases ..... 2261.".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

BOXER AMENDMENT NO. 1227

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the end of title IX, insert the following new section:

SEC. . STUDY OF LAWS REGULATING PARAMILITARY ACTIVITIES.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report that—

(1) describes all Federal and State laws in effect on or before the date of enactment of this Act that ban or regulate the paramilitary activities of private groups; and

(2) includes the recommendations of the Attorney General for a Federal law or model statute to regulate such paramilitary activities.

ABRAHAM AMENDMENT NO. 1228

Mr. HATCH (for Mr. ABRAHAM) proposed an amendment to the bill, S. 735, supra; as follows:

On p. 36, line 16, strike from "to prepare a defense" through the word "imminent" on p. 37, line 12, and insert in its place the following: "substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court, the Department of Justice shall be afforded reasonable opportunity to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court, the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte issues findings that—

"(i) the alien's continued presence in the U.S. poses a reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set out in (B) poses a reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Department of Justice is adequate to allow the alien to prepare a defense.

"(F) If the Court makes these findings, the special removal hearing shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in paragraph (E) rather than the one set forth in paragraph (C).

"(G) If the Court concludes that the unclassified summary does not meet the standard set forth in paragraph (E), the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte finds, by clear and convincing evidence, that—

"(i) the alien's continued presence in the United States—

"(I) would cause serious and irreparable harm to the national security; or

"(II) would likely cause".

BROWN AMENDMENT NO. 1229

Mr. HATCH (for Mr. BROWN) proposed an amendment to the bill, S. 735, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . TERRORISM AND THE PEACE PROCESS IN NORTHERN IRELAND.

(a) SENSE OF CONGRESS.—It is the Sense of the Congress that—

(1) All parties involved in the peace process should renounce the use of violence and refrain from employing terrorist tactics, including punishment beatings;

(2) The United States should take no action that supports those who use international terrorism as a means of furthering their ends in the peace process in northern Ireland;

(3) United States policy should not discourage any agreement reached in northern Ireland that is ratified by a democratic referendum.

(b) REPORT.—Section 620 of the Foreign Assistance Act of 1961 is amended by adding the following—

"SEC. 620G. REPORT ON NORTHERN IRELAND.

The President shall provide a biannual report beginning 60 days after the date of enactment of this Act to the appropriate committees of Congress on—

(1) The renunciation of violence and steps taken toward disarmament by all parties in the northern Ireland peace process;

(2) Any terrorist incidents in northern Ireland in the intervening six months, their perpetrators, actions taken by the United States to denounce the acts of violence, United States efforts to assist in the detention and arrest of these terrorists and U.S. efforts to arrest or detain any elements that have provided them direct or indirect support;

(3) Fundraising in the United States by the Irish Republican Army, Sinn Fein or any associated organization and whether any of these funds have been used to support international terrorist activities."

HEFLIN (AND SHELBY) AMENDMENT NO. 1230

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following: "In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).".

GRAMM AMENDMENTS NOS. 1231–1232

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 735, supra; as follows:

AMENDMENT NO. 1231

At the appropriate place insert the following:

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

AMENDMENT NO. 1232

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

HATCH AMENDMENT NO. 1233

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

"§ 44906. Foreign air carrier security programs

"The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.".

SIMON (AND KENNEDY) AMENDMENT NO. 1234

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

"(B) The judge shall approve the summary if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded reasonable opportunity to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) The Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible."

SIMON AMENDMENT NO. 1235

(Ordered to lie on the table)

Mr. SIMON submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Strike page 29, line 3 through page 30, line 2.

BRADLEY (AND OTHERS) AMENDMENT NO. 1236

(Ordered to lie on the table)

Mr. BRADLEY (for himself, Mr. MOYNIHAN, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place insert the following new section:

SEC. . MANUFACTURE, IMPORTATION, AND SALE OF HANDGUN AMMUNITION CAPABLE OF PENETRATING POLICE BODY ARMOR.

(a) EXPANSION OF DEFINITION OR ARMOR PIERCING AMMUNITION.—Section 921(a)(17)(B) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following:

"(iii) a projectile used in a handgun and that the Secretary determine, pursuant to section 926(d), to be capable of penetrating body armor.".

(b) DETERMINING OF THE CAPABILITY OF PROJECTILES TO PENETRATE BODY ARMOR.—Section 926 of such title is amended by adding at the end the following:

"(d)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards for the uniform testing of projectile against the Body Armor Exemplar, based on standards developed in cooperation with the Attorney General of the United States. Such standards shall take into account, among other factors, variations in performance that are related to the length of the barrel of the handgun from which the projectile is fired and

the amount and kind of powder used to propel the projectile.

"(2) As used in paragraph (1), the term 'body Armor Exemplar' means body armor that the Secretary, in cooperation with the Attorney General of the United States, determines meets minimum standards for protection of law enforcement officers.

(3) A projectile described in 921(a)(17)(B)(iii) of title 18, United States Code, shall not include ammunition designed for sporting purposes.

SPECTER AMENDMENT NO. 1237

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 30, strike line 4 and all that follows through page 41, line 18.

On page 54, after line 23, insert the following:

SEC. 305. EXPEDITED DEPORTATION OF TERRORISTS.

Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding after subsection (b) the following new subsection:

"(c) DEPORTATION OF ALIEN TERRORISTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, deportation proceedings for an alien who is deportable under section 241(a)(4)(B) shall be governed by this subsection.

"(2) DEFINITION.—For purposes of this subsection, the term 'terrorism activity' has the meaning given such term in section 212(a)(3)(B)(ii).

"(3) HEARING.—An alien who is deportable under section 241(a)(4)(B) shall be given a full evidentiary hearing as expeditiously as possible, but in no event later than 30 days after the alien has been given notice under section 242(b)(1), to determine—

"(A) whether the person is an alien within the meaning of section 101(a)(3); and

"(B) whether the alien has engaged in terrorism activity.

"(4) APPEAL.—(A) Appeal of a determination under paragraph (3) shall lie with the United States Court of Appeals for the circuit in which the hearing was held. An appeal under this paragraph shall be filed not later than 10 days after the date on which the determination was issued.

"(B) The court of appeals shall render a decision on an appeal filed under subparagraph (A) not later than 45 days after the date on which the appeal is filed.

"(5) DEPORTATION.—An alien who is ordered to be deported under this subsection shall not be permitted to apply for asylum, suspension of deportation, or waiver of removal on any grounds within the discretion of the Attorney General.".

LEAHY AMENDMENT NO. 1238

Mr. LEAHY proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, after line 19, insert the following:

TITLE X—VICTIMS OF TERRORISM ACT

SEC. 1001. TITLE.

This title may be cited as the "Victims of Terrorism Act of 1995".

SEC. 1002. AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State victims compensation and assistance effort in providing emergency relief.".

SEC. 1003. FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.

Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

"(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.

"(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.".

SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.

(a) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (c), by striking "subsection" and inserting "chapter"; and

(2) by amending subsection (e) to read as follows:

"(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.".

(b) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:

"(5) As used in this subsection, the term 'base amount' means—

"(A) except as provided in subparagraph (B), $500,000; and

"(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.".

SPECTER AMENDMENT NO. 1239

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 55, strike line 4 and all that follows through page 74, line 7.

LEAHY (AND MCCAIN) AMENDMENT NO. 1240

Mr. LEAHY (for himself and Mr. MCCAIN) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, the bill, S. 735, supra; as follows:

At the appropriate place insert the following new section:

SEC. —. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

(a) INCREASED ASSSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "$50" and inserting "not less than $100"; and

(B) in subparagraph (B), by striking "$200" and inserting "not less than $400".

HEFLIN AMENDMENT NO. 1241

(Ordered to lie on the table.)

Mr. HEFLIN proposed an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

At the end of the bill, add the following:

SEC. —. LISTING OF NERVE GASES SARIN AND VX AS A HAZARDOUS WASTE.

(a) IN GENERAL.—Section 3001(e) of the Solid Waste Disposal Act (42 U.S.C. 6921(e)) is amended by adding at the end the following:

"(3) NERVE GASES.—

"(A) LISTING.—The Administrator shall list under subsection (b)(1) the nerve gases sarin and VX.

"(B) APPLICATION OF REGULATORY REQUIREMENTS.—Standards and permit requirements under this Act and regulations issued under this Act relating to the nerve gases sarin and VX shall not apply to—

"(i) any sarin or VX production facility of the Department of Defense that is in existence on the date of enactment of this paragraph; or

"(ii) the storage of sarin or VX at any Department of Defense designated chemical weapons stockpile in existence prior to the date of enactment of this Act.".

(b) IMMEDIATE ACTION.—The listing of the nerve gases sarin and VX required by the amendment made by subsection (a) shall be deemed to be made immediately on enactment of this Act, and the Administrator of the Environmental Protection Agency shall in fact make the listing as soon as practicable after enactment of this Act.

(c) NO STUDIES OR PROCEEDINGS.—Notwithstanding any other law, it shall not be necessary for the Administrator of the Environmental Protection Agency to make any studies, engage in any rulemaking or other proceedings, or meet any other requirement under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or any other law in support of the directive made by subsection (b).

(d) CRIMINAL PENALTY FOR MERE POSSESSION.—Section 3008(d)(2) of the Solid Waste Disposal Act (42 U.S.C. 6928(d)(2)) is amended by inserting "or knowingly possesses the nerve gas sarin or the nerve gas VX" after "subtitle".

GRAHAM AMENDMENT NO. 1242

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 105, strike lines 8 through 11 and insert the following:

"(1)(A) resulted in a decision that was contrary to clearly established Federal law as determined by the Supreme Court of the United States; or

"(B) involved an unreasonable application of clearly established Federal law as determined by the Supreme Court of the United States; or

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LEVIN AMENDMENT NO. 1243

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 15, strike lines 1 through 25 and insert the following:

"(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.".

LEVIN (AND NUNN) AMENDMENT NO. 1244

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . INVESTIGATIONS INTO TERRORISM.

(a) RESTORING FALSE STATEMENTS PROHIBITION.—Section 1001 of title 18, United States Code, is amended by striking "any department or agency of the United States" and inserting "the executive, legislative, or judicial branch of the United States, or any department, agency, committee, subcommittee, or office thereof, except a court when performing an adjudicative function,"

(b) OBSTRUCTING CONGRESSIONAL PROCEEDINGS.—Section 1515 of title 18, United States Code, is amended by—

(1) redesignating paragraph "(b)" as paragraph "(c)"; and

(2) inserting a new paragraph (b) to read as follows:

"(b) As used in section 1505 of this title, the term "corruptly" includes acting with an improper purpose, personally or by influencing another, including by making false or misleading statements or withholding, concealing, altering or destroying documents.".

(c) COMPELLING TRUTHFUL TESTIMONY IN CONGRESSIONAL INVESTIGATIONS.—Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

(2) in subsection (b) (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place it appears.

LEVIN AMENDMENT NO. 1245

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 106, line 12, strike "and" and all that follows through the end of line 17 and substitute the following:

"or

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."

On page 110, line 3, strike "and" and all that follows through the end of line 9 and substitute the following:

"or

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."

LEAHY (AND HOLLINGS) AMENDMENT NO. 1246

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the end of title IX, insert the following new section:

SEC. 902. CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS.

The Communications Assistance for Law Enforcement Act (Public Law 103–414) is amended by adding at the end the following new title:

"TITLE IV—CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

"SEC. 401. CIVIL MONETARY PENALTY SURCHARGE.

"(a) IMPOSITION.—Notwithstanding any other provision of law, a surcharge of 40 percent of the principal amount of a civil monetary penalty shall be added to each civil monetary penalty at the time it is assessed by the United States.

"(b) APPLICATION OF PAYMENTS.—Payments relating to a civil monetary penalty shall be applied in the following order:

"(1) To costs.

"(2) To principal.

"(3) To surcharges required by subsection (a).

"(4) To interest.

"(c) EFFECTIVE DATES.—(1) A surcharge under subsection (a) be added to all civil monetary penalties assessed on or after October 1, 1995, or the date of enactment of this title, whichever is later.

"(2) The authority to add a surcharge under this section shall terminate on October 1, 1998.

"(d) LIMITATION.—This section shall not apply to any civil monetary penalty assessed under the Internal Revenue Code of 1986.

"SEC. 402. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER COMPLIANCE FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (referred to in this title as 'the Fund'), which shall be available to the Attorney General to the extent and in the amounts authorized by subsection (c) to make payments to telecommunications carriers, as authorized by section 109.

"(b) OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, the Attorney General may credit surcharges added pursuant to section 401 to the Fund as offsetting collections.

"(c) REQUIREMENTS FOR APPROPRIATIONS OFFSET.—(1) Amounts in the Fund shall be available for expenditure only to the extent and in the amounts provided for in advance in appropriations Acts.

"(2)(A) Collections credited to the Fund are authorized to be appropriated in such amounts as may be necessary, not exceed $100,000,000 in fiscal year 1996, $305,000,000 in fiscal year 1997, and $80,000,000 in fiscal year 1998.

"(B) Amount appropriated pursuant to subparagraph (A) are authorized to be appropriated without fiscal year limitation.

"(d) TERMINATION.—(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

"(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury of the United States.

"(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

"SEC. 403. DEFINITIONS.

"For purposes of this title, the terms 'agency' and 'civil monetary penalty' have the meanings given to them by section 3 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).".

LEAHY AMENDMENT NO. 1247

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 18, strike lines 18 through 24 and insert the following:

"SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

"(a) PROHIBITION.—No assistance under this act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A".

"(b) WAIVER.—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

"(1) a statement of the determination;

"(2) a detailed explanation of the assistance to be provided;

"(3) the estimated dollar amount of the assistance; and

"(4) an explanation of how the assistance furthers United States national interests.".

SMITH AMENDMENT NO. 1248

(Ordered to lie on the table)

Mr. CRAIG. (for Mr. SMITH) submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . AUTHORIZATION OF DEATH PENALTY AS PUNISHMENT FOR FIRST DEGREE MURDER IN THE DISTRICT OF COLUMBIA.

Section 801 of the Act entitled, "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (D.C. Code 22-2404), is amended—

(1) in subsection (a)—

(A) by striking "(a) Tne" and inserting "The"; and

(B) in the first sentence, by inserting before the period ", or death"; and

(2) by striking subsection (b).

BIDEN AMENDMENT NO. 1249

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

Add at the appropriate place:

SEC. . AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES MARSHALS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated for activities of the United States Marshals Service to address increased security requirements, $25,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

SPECTER (AND OTHERS) AMENDMENT NO. 1250

Mr. SPECTER (for himself, Mr. SIMON, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S 735, supra; as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

"(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days."

NUNN (AND OTHERS) AMENDMENT NO. 1251

Mr. NUNN (for himself, Mr. THURMOND, Mr. BIDEN, and Mr. WARNER) proposed an amendment to the bill, S. 735, supra; as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(A) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense

may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

"§ 2332b. Use of chemical weapons

"(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

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

"(2) the term "chemical weapon" means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determines that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions the Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human lives.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(e) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

(c) (1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use of potential use biological and chemical weapons of mass destruction within the United States, including:

(A) increasing civilian law enforcement expertise to counter such threat:

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat;

(2) REPORT REQUIREMENT.—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization be allowed to meet during the session of the Senate on Tuesday, June 6, 1995 at 9:30 a.m., in SR-332, to discuss resource conservation.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 6, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the overstatement of the Consumer Price Index. The Finance Committee also requests unanimous consent that we be permitted to meet on Tuesday beginning at 2:30 p.m. to conduct a hearing on the 1995 Board of Trustees Annual Report of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 6, 1995, at 2 p.m. to hold a hearing on judicial nominees.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee of the Judiciary, be authorized to hold a hearing during the session of the Senate on Tuesday, June 6, 1995, at 10 a.m. to consider "S.J. Res. 31, granting Congress and the States authority to prohibit the physical desecration of the flag."

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 6, 1995, at 10 a.m.

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

SUBCOMMITTEE ON ENERGY PRODUCTION AND REGULATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Energy Production and

Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 6, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to receive testimony on S. 708, a bill to repeal section 210 of the Public Utility Regulatory Act of 1978.

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

ADDITIONAL STATEMENTS

TRIBUTE TO SISTER RUTH GEHRES

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky educator who has dedicated her life to serving the Catholic Church. Sister Ruth Gehres is retiring as president of Brescia College on September 15, 1995.

Sister Gehres is in her 10th year as president of the 4-year Catholic liberal arts college. She first came to Brescia College in 1967 as a teacher, a job that kept her extremely busy. She taught English, journalism, literature, linguistics, and elementary German to the hundreds of students enrolled at the campus. In 1986, her hard work and dedication paid off, she was named president of Brescia College, the third in the school's history.

Sister Gehres has seen many changes at Brescia College over the years. During her tenure, she was responsible for the new campus center, the acquisition of the former Western Kentucky Gas headquarters for the Lechner Graduate Center, the creation of a master's degree in management program, and a partnership with Mercy Hosptial to create a wellness center.

The Evansville, IN, native is a graduate of Mount St. Joseph Academy and Brescia College. She has a doctorate from St. Louis University. She also spent several years teaching elementary school in Nebraska and in Hodgenville and Owensboro, KY.

While Brescia College will miss Sister Gehres after her departure, the Catholic Church will remain a big part of her life. She plans to take a sabbatical to prepare for a new ministry. While she is unsure what field she will pursue, Sister Gehres recently told Owensboro's Messenger Enquirer she plans to seek a field that "engages my gifts and serves the church which also allows time for reflection and—I would hope—writing."

Mr. President, I ask you and my colleagues to join me in paying tribute to Sister Ruth Gehres. I commend her for her outstanding service to Brescia College. She has played a major role in making the Catholic college the quality institution that it is today. Her hard work, expertise, and kindness will certainly be missed by students, faculty, and fellow administrators.•

JUSTIN TYLER CARROLL—NATIONAL SPELLING BEE CHAMPION

• Mr. BUMPERS. Mr. President, it is my pleasure today to commend a bright young citizen of Arkansas, Justin Tyler Carroll. Last week Justin was crowned champion of the 68th Annual National Spelling Bee.

Justin, a student at Wynne Junior High School, bested 247 contestants at the competition at the Capitol Hilton. The bee consisted of 835 difficult words such as "smaragdine," "frugivorous," and "syncretize." Justin successfully made it through the closing rounds and received his championship cup after spelling "xanthosis," which means a yellow discoloration of the skin.

Not only is Justin the winner of the National Spelling Bee, but he is the holder of several other outstanding awards as well. He is the recipient of the All-American Scholar Award, National Science Merit Award, National Leadership Merit Award, and National Mathematics Merit Award.

At the young age of 14, this straight A student has already earned many prestigious titles that promise a bright future indeed.

Being the winner of the National Spelling Bee is a tremendous achievement. I commend Justin's numerous accomplishments and praise his hard work. It is gratifying to those of us who were taught the importance of spelling to see that younger generations also take it seriously.•

TRIBUTE TO CHARLES H. LAND

• Mr. SHELBY. Mr. President, I rise today to bring to the attention of my Senate colleagues the retirement of Charles Land, publisher of the Tuscaloosa News. After 40 years of service to the News, the city of Tuscaloosa, and the State of Alabama, Charlie has decided to turn over the job of publishing the Tuscaloosa News, and hopes to spend more time working in the community, golfing, fishing, and writing. I would like to take just a few moments, Mr. President, to recognize the outstanding professional and community leadership Charlie has provided over the years.

A native of Memphis, TN, Charlie Land grew up in Tuscaloosa, attended Tuscaloosa public schools and the University of Alabama, and served his country for 3 years in the U.S. Army. Charlie's newspaper career began in high school, where he covered sports for the school paper—an experience that helped prepare him for his first position at the Tuscaloosa News as a sportswriter. In 1966, he was named Alabama Sportswriter of the Year, and his success led to a series of promotions at the News.

In 1978, Charlie was named publisher of the Tuscaloosa News, and since then he has been a leader in the newspaper industry not only in Alabama, but throughout the southeast. He has served as president of the Alabama Press Association, a board member of the Southern Newspaper Publishers Association, president and board member of the Alabama Press Association Journalism Foundation and has won several State writing awards from the Associated Press and the Alabama Press Association.

In addition to this professional success, Charlie Land has been an outstanding civil leader, dedicating his time and energy to many worthy causes. He is currently the chairman of the president's cabinet at the University of Alabama as well as a member of the National Steering Committee and chairman of the journalism department division for the University of Alabama Capital Campaign. In the past, Mr. Land has served as board member of Crimestoppers, president of the United Way of Tuscaloosa County, president of the Greater Tuscaloosa Chamber of Commerce, and a board member of the Society of Fine Arts.

Mr. President, Charlie Land's dedication to his community and his professional abilities are apparent, and I could mention the many, many awards and honors he has received in recognition of his work. But, as much as Charlie is a business and community leader, he is also a friend and advisor to many organizations and individuals in Tuscaloosa and the State of Alabama.

Recently, the Chamber of Commerce of West Alabama organized a tribute in honor of Charlie Land. The people who have worked with him over the years praised him for having done so much for Tuscaloosa. "When Charlie is your friend, you need few others," one attendee said. Others commented on his extraordinary insight and great skills as a listener and advisor.

Charlie Land's insight, dedication, attitude, and abilities have made him an invaluable member not only of the Tuscaloosa News, but also of the greater Tuscaloosa community. His retirement may mark the end of a remarkable newspaper career, but the contributions he has made to the newspaper industry, the arts, and Tuscaloosa area business and development will be his legacy.

Mr. President, I would like to thank Charlie Land for many years of dedication and work on behalf of the people of Tuscaloosa and the State of Alabama. I know that the leadership and advice he provided the Tuscaloosa News will be missed, but I am confident that he will continue his involvement in community and civic activities. I thank him for his work, and wish him the best in his retirement.•

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I move we stand in recess under the previous order.

The motion was agreed to, and the Senate, at 10:35 p.m. recessed until Wednesday, June 7, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 1995:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

C. Richard Allen, of Maryland, to be a Managing Director of the Corporation for National and Community Service. (New Position.)

Chris Evert, of Florida, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of 3 years. (New Position.)

Christine Hernandez, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of 2 years. (New Position.)

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. John B. Hall, Jr. [redacted]