

the new Protocol. Instead, a shell game is being played out in which the substance of the new protocol will be laid on the table in December, after U.S. elections.

During hearings last week in the Senate Energy Committee, the able Senator from Alaska, FRANK MURKOWSKI, raised serious questions about the administration's support of the current negotiations underway at the United Nations, particularly the possibility of a carbon tax. I can assure you that for so long as I am chairman of the Foreign Relations Committee any international legal instrument agreed to by this administration must not and should not put the U.S. economy at a competitive disadvantage to other countries. Most importantly, the treaty should actually achieve the purpose for which it is negotiated. Any treaty that comes before the Senate for ratification must ensure that U.S. businesses will remain competitive and U.S. jobs will be protected.

#### HONORING THE PETERS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Jack and Irene Peters of Joplin, MO, who on October 12, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Jack and Irene's commitment to the principles and values of their marriage deserves to be saluted and recognized.

#### ASYLUM AND SUMMARY EXCLUSION PROVISIONS

Mr. HATCH. Mr. President, I would like to comment briefly on the asylum-related provisions of H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The agreements we reached with the House in the conference report involved a number of compromises on provisions involving the asylum system. I worked very hard in conference to modify the House provisions, and I think we arrived at workable compromises that will be fair in practice.

The conference report's provisions on summary exclusion, also referred to as expedited exclusion, significantly revise the summary exclusion provisions of the Terrorism Act, which apply to those excludable based on document fraud or the absence of documents. The

provisions of the Terrorism Act would not have provided adequate protection to asylum claimants, who may arrive in the United States with no documents or with false documents that were needed to exit a country of persecution.

Under the revised provisions, aliens coming into the United States without proper documentation who claim asylum would undergo a screening process to determine if they have a credible fear of persecution. If they do, they will be referred to the usual asylum process. While I supported the Leahy-DeWine amendment that was included in the Senate bill and that passed the Senate 51 to 49, the conference report represents a compromise.

The conference report provisions apply to incoming aliens and to those who entered without inspection, so-called EWI's but have not been present in this country for 2 years. Although the Senate provisions applied only in extraordinary migration situations, House Members felt very strongly about applying these procedures across the board. I think that, with adequate safeguards, the screening procedures can be applied more broadly. If any problems with these provisions arise in their implementation, however, and they do not seem to offer adequate protections, I am willing to consider changes to them.

The credible fear standard applied at the screening stage would be whether, taking into account the alien's credibility, there is a significant possibility that the alien would be eligible for asylum. The Senate bill had provided for a determination of whether the asylum claim was "manifestly unfounded," while the House bill applied a "significant possibility" standard coupled with an inquiry into whether there was a substantial likelihood that the alien's statements were true. The conference report struck a compromise by rejecting the higher standard of credibility included in the House bill. The standard adopted in the conference report is intended to be a low screening standard for admission into the usual full asylum process.

Under the conference report, screening would be done by fully-trained asylum officers supervised by officers who have not only had comparable training but have also had substantial experience adjudicating asylum applications. This should prevent the potential that was in the terrorism bill provisions for erroneous decisions by lower level immigration officials at points of entry. I feel very strongly that the appropriate, fully trained asylum officers conduct the screening in the summary exclusion process.

Under the new procedures, there would be a review of adverse decisions within 7 days by a telephonic, video or in-person hearing before an immigration judge. I believe the immigration judges will provide independent review that will serve as an important though expedited check on the initial decisions of asylum officers.

Finally, under the conference report, there would be judicial review of the process of implementation, which would cover the constitutionality and statutory compliance of regulations and written policy directives and procedures. It was very important to me that there be judicial review of the implementation of these provisions. Although review should be expedited, the INS and the Department of Justice should not be insulated from review.

With respect to the summary exclusion provisions, let me remind my colleagues that I supported the Leahy-DeWine amendment on the Senate floor, which passed by a vote of 51 to 49. The compromise included in the conference report is exactly that: a compromise. I support the compromise because I believe it will provide adequate protections to legitimate asylum claimants who arrive in the United States. If it does not, let me say that I will remain committed to revisiting this issue to ensure that we continue to provide adequate protection to those fleeing persecution.

I would also like to comment briefly on one of the more significant changes to the full asylum process that are contained in the conference report. The Conference Report includes a 1-year time limit, from the time of entering the United States, on filing applications for asylum. There are exceptions for changed circumstances that materially effect an applicant's eligibility for asylum, and for extraordinary circumstances that relate to the delay in filing the application.

Although I supported the Senate provisions, which had established a 1-year time limit only on defensive claims of asylum and with a good-cause exception, I believe that the way in which the time limit was rewritten in the conference report—with the two exceptions specified—will provide adequate protections to those with legitimate claims of asylum.

In fact, most of the circumstances covered by the Senate's good-cause exception will be covered either by the changed circumstances exception or the extraordinary circumstances exception. The first exception is intended to deal with circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum. For example, the changed circumstances provision will deal with situations like those in which an alien's home government may have stepped up its persecution of people of the applicant's religious faith or political beliefs, where the applicant may have become aware through reports from home or the news media just how dangerous it would be for the alien to return home, and that sort of situation.

As for the second exception, that relates to bona fide reasons excusing the alien's failure to meet the 1-year deadline. Extraordinary circumstances excusing the delay could include, for instance, physical or mental disability,

efforts to seek asylum that were thwarted due to technical defects or errors for which the alien was not responsible, or other extenuating circumstances.

Once again, if the time limit and its exceptions do not provide adequate protection to those with legitimate claims of asylum, I will remain committed to revisiting this issue in a later Congress.

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

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

#### ABUSE IN PRISONS OF THE RELIGIOUS FREEDOM RESTORATION ACT

Mr. REID. Mr. President, in this morning's Washington Post newspaper—and newspapers all over the United States have headlines that are comparable to the headline in the Washington Post—"Ring Used Religion as Cover To Sneak Drugs Into Lorton."

Lorton is a Federal penitentiary in this area. This was on the front page of the Washington Post.

Mr. President, I wish I were not here today to say, "I told you so," but I am here today saying, "I told you so." When the Religious Freedom Restoration Act came up for a vote, I offered an amendment to exclude religion in prisons from the confines of that act. It was a very close vote in this body. It was defeated. People said, "Don't worry about it. It won't cause any problems."

From the day the Religious Freedom Restoration Act passed, it caused problems in prison. This article says a number of interesting things. Among which:

A drug ring posing as a church group smuggled cocaine and prostitutes into the Lorton Correctional Complex and filmed a pornographic video in the prison chapel, with a law protecting religious freedom to avoid scrutiny by guards. . .

Posing as members of the Moorish Science Temple—

Mr. President, I have nothing to say bad about this religion. It could have been any religion. They happen to be using this religion as a front for their criminal and basically immoral activities.

Posing as members of the Moorish Science Temple, a religion popular in jails, the group exploited what officials called a gaping loophole in Lorton's security.

Because of a 1993 federal law protecting religious freedom of prisoners, members were allowed to have private visits with inmates at virtually any hour and were subjected to only minimal searches, officials said. The members also routinely intimidated guards by threatening to sue them, they said.

"We had correctional officers who were afraid to do their jobs," said D.C. Corrections Director Margaret A. Moore. . . .

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"This case is not an indictment of the Moorish Science Temple". . . "It is an indictment of individuals who exploited a religious exemption to smuggle drugs."

I was very happy that one of the leaders of this religion said, and is quoted in the paper, a man by the name of Harvin-Bey:

"We don't condone anything like that, and if they are members [of the Moorish Science Temple], then justice should take its course". . . "It's sad that anyone would misuse any religious organization. That's not what our teachings promote."

Skipping on:

Federal prosecutors and prison officials said they had suspected for several years that illegal activities were occurring during some religious services. Outsiders seeking to attend religious services in the complex only had to fill out a card, and prison officials did not verify whether they were church members. . . .

In addition . . . such visitors received numerous exemptions from standard security procedures at the District's 6,000-inmate prison complex [located] in southern Fairfax County.

Mr. President, the sad part about it, this was not uncovered by some great work done by the prison itself. There was an inmate who participated in taking pictures of people having sex during the religious service, and he passed these on to the authorities. That is the only way. They had somebody who thought, for what was going on there, that that was a little much.

They would never have uncovered this. They would have continued to let these activities—cocaine.

Posing as a drug seller in the maximum-security unit, the inmate received drugs brought in by mostly female visitors, many in dresses of the type often worn by Islamic women.

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. . . Bell and Cook [these two individuals] allegedly brought in three women to a scheduled religious service in a conference room that was being used as a makeshift chapel. Prison officials earlier had intercepted a phone call between Bell and an inmate making plans to bring in the women. . . .

For about 10 minutes, an inmate using a smuggled video camera recorded sex acts between the women and the inmates. . . .

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Moore said prisons nationally are experiencing problems—

Moore is the prison official talking.

Moore said prisons nationally are experiencing problems with the 1993 Religious Freedom and Restoration Act, saying it limits the ability of prison officials to restrict religious activities among inmates.

I repeat, I did not want to come here and say, "I told you so," but I have to. I come here and say, I warned everyone. I warned the U.S. Senate that this would happen. This is a problem of inmates abusing the special protections provided under the Religious Freedom Restoration Act. The special protection should not be there. Prisons should be exempted.

During the consideration of this bill, I repeat, I offered an amendment to exempt prisoners from coverage of the act. It failed. I feared then, and I fear even more now, these special protections will be abused, would be abused, have been abused, and will continue to be abused by these inmates. I say regrettably that my amendment was defeated because it is now apparent that inmates are in fact abusing the special rights provided under this act.

I have worked with Senator HATCH, chairman of the Judiciary Committee, and I appreciate his efforts, his good will, in working to solve some of the problems that I see existing. He worked with me very hard earlier in this Congress to pass the Prisoner Litigation Reform Act. That is the one, you will recall, Mr. President, where prisoners were suing over whether they had to eat chunky or smooth peanut butter, or they were suing over how many times they could get their underwear changed or whether they were entitled to wear lady's underwear in a men's prison, some of these very weighty, substantive issues that they were wasting the court's time on. In Nevada, 40 percent of the Federal courts' time is wasted on this senseless litigation. So I appreciate Senator HATCH working with me on that legislation.

But I say that Senator HATCH told me that if there is a problem with this prison litigation, prison abuse with the Religious Freedom Restoration Act, he would work with me. We need some work done on this. We need to stop this foolishness. Why we would allow anything like this to take place—people whose civil rights have been taken from them basically who have committed so many crimes that they are in prison—and we are saying that they have the right to do anything they want regarding religion.

That is indicated in this newspaper article. We are not going to check who comes into the religious services. We are not going to check to see what they bring in. We are not going to check to see who they bring in or check to see what they do when they are having these so-called services. Mr. President, I think today's article in the Washington Post and the one that is appearing all over the country indicates why we need to do more.

I repeat again, to spread all over this RECORD, I appreciate very much what the chairman of the full committee has done to work with me on some of these problems I have. This is an important issue that we need to review as soon as we get back next year. I will pursue this problem. This is a problem the attorney generals all over the United States recognize as a problem—frivolous litigation—and now we have these problems that are raised by the Religious Freedom Restoration Act. We need to do more. I intend to do what I can with the U.S. Attorney General so that she appreciates the growing litigation they face in this area.