

Serrano	Torres	Watt (NC)
Slaughter	Torricelli	Waxman
Stark	Towns	Weller
Stokes	Velazquez	Wilson
Studds	Vento	Woolsey
Stupak	Visclosky	Wynn
Thompson	Ward	Yates
Thurman	Waters	

## NOT VOTING—10

Bartlett	Hayes	Skaggs
Dingell	Jackson-Lee	Souder
Fields (TX)	(TX)	Tanner
Gibbons	McIntosh	

□ 1314

Mr. STUPAK, Mr. GEPHARDT, and Ms. RIVERS changed their vote from "yea" to "nay."

Mr. HOLDEN, Mrs. CUBIN, Mrs. KENNELLY, and Messrs. OBEY, WAMP, PETERSON of Minnesota, MOLLOHAN, and WISE changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

## RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 125, not voting 18, as follows:

[Roll No. 125]

## AYES—289

Allard	Chambliss	Franks (CT)
Archer	Chenoweth	Franks (NJ)
Army	Christensen	Frelinghuysen
Bachus	Chrysler	Frisa
Baesler	Clement	Frost
Baker (CA)	Clinger	Funderburk
Baker (LA)	Coble	Furse
Ballenger	Coburn	Galglegly
Barr	Coleman	Ganske
Barrett (NE)	Collins (GA)	Gekas
Bartlett	Combust	Geren
Barton	Condit	Gilchrest
Bass	Cooley	Gillmor
Bateman	Cox	Gilman
Beilenson	Cramer	Goodlatte
Bentsen	Crapo	Goodling
Bereuter	Cremeans	Goss
Bevill	Cunningham	Graham
Bilbray	Davis	Green (TX)
Bilirakis	de la Garza	Greene (UT)
Bliley	Deal	Gunderson
Blute	DeLauro	Gutknecht
Boehlert	DeLay	Hall (TX)
Boehner	Deutsch	Hamilton
Bonilla	Diaz-Balart	Hancock
Bono	Dickey	Hansen
Borski	Dicks	Harman
Boucher	Doolittle	Hastert
Brewster	Dornan	Hastings (WA)
Browder	Doyle	Hayworth
Brown (FL)	Dreier	Hefley
Brownback	Duncan	Hefner
Bryant (TN)	Dunn	Heineman
Bunn	Edwards	Herger
Bunning	Ehlers	Hilleary
Burr	Ehrlich	Hobson
Burton	Emerson	Hoekstra
Buyer	English	Hoke
Callahan	Ensign	Holden
Calvert	Everett	Horn
Camp	Ewing	Hostettler
Campbell	Fawell	Houghton
Canady	Flanagan	Hoyer
Cardin	Foley	Hutchinson
Castle	Fowler	Hyde
Chabot	Fox	Inglis

Istook	Montgomery	Shays
Johnson (CT)	Moorhead	Shuster
Johnson (SD)	Moran	Sisisky
Johnson, Sam	Morella	Skeen
Jones	Murtha	Skelton
Kasich	Myrick	Smith (MI)
Kelly	Nethercutt	Smith (NJ)
Kennelly	Neumann	Smith (TX)
Kim	Ney	Smith (WA)
King	Norwood	Solomon
Kingston	Nussle	Spence
Klecza	Ortiz	Stearns
Klug	Orton	Stenholm
Knollenberg	Oxley	Stockman
Kolbe	Packard	Stump
LaFalce	Parker	Stupak
Latham	Paxon	Talent
LaTourette	Payne (VA)	Tate
Laughlin	Peterson (FL)	Tauzin
Lazio	Petri	Taylor (MS)
Leach	Pickett	Taylor (NC)
Lewis (CA)	Pombo	Tejeda
Lewis (KY)	Pomeroy	Thomas
Lightfoot	Porter	Thornberry
Lincoln	Portman	Thornton
Linder	Poshard	Thurman
Lipinski	Pryce	Tiahrt
Livingston	Quillen	Torkildsen
LoBiondo	Quinn	Torricelli
Longley	Radanovich	Traficant
Lucas	Ramstad	Upton
Manton	Regula	Volkmer
Manzullo	Richardson	Vucanovich
Martini	Riggs	Walker
Mascara	Roberts	Walsh
McCarthy	Roemer	Wamp
McCollum	Rogers	Ward
McCrery	Rohrabacher	Watts (OK)
McDade	Ros-Lehtinen	Weldon (FL)
McHale	Roth	Weldon (PA)
McHugh	Roukema	White
McInnis	Royce	Whitfield
McKeon	Sanford	Wicker
McNulty	Saxton	Williams
Menendez	Schaefer	Wolf
Metcalf	Schiff	Young (AK)
Meyers	Schumer	Young (FL)
Mica	Seastrand	Zeliff
Miller (FL)	Sensenbrenner	Zimmer
Moakley	Shadegg	
Molinari	Shaw	

## NOES—125

Gibbons	Obey
Gonzalez	Olver
Gordon	Pallone
Gutierrez	Pastor
Hall (OH)	Payne (NJ)
Hastings (FL)	Pelosi
Hilliard	Peterson (MN)
Hinchee	Rahall
Jackson (IL)	Rangel
Jacobs	Rivers
Jefferson	Rose
Johnson, E. B.	Roybal-Allard
Johnston	Rush
Kanjorski	Sabo
Kaptur	Sanders
Kennedy (MA)	Sawyer
Kennedy (RI)	Scarborough
Kildee	Schroeder
Klink	Scott
LaHood	Serrano
Lantos	Skaggs
Levin	Slaughter
Lewis (GA)	Souder
Lofgren	Spratt
Lowe	Stark
Luther	Stokes
Maloney	Studds
Markey	Torres
Martinez	Towns
Matsui	Velazquez
McDermott	Vento
McKinney	Visclosky
Meehan	Waters
Meek	Watt (NC)
Miller (CA)	Waxman
Minge	Weller
Mink	Wilson
Mollohan	Wise
Myers	Woolsey
Nadler	Wynn
Neal	Yates
Oberstar	

## NOT VOTING—18

DeFazio	Fields (TX)
Dingell	Forbes

Greenwood	Largent	Reed
Hayes	McIntosh	Salmon
Hunter	Millender-	Tanner
Jackson-Lee	McDonald	Thompson
(TX)	Owens	

□ 1324

Mr. LUTHER changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, I was unavoidably detained with constituents and unable to vote on rollcall 125. Had I been present I would have voted "aye."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2060

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2060.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 789 AND H.R. 2472

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 789 and as a cosponsor of H.R. 2472.

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

There was no objection.

## CONFERENCE REPORT ON S. 735, ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

Mr. HYDE. Mr. Speaker, pursuant to House Resolution 405, I call up the conference report on the Senate bill (S. 735), to prevent and punish acts of terrorism, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of April 15, 1996, at page H3305.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

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

## GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 735.

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

There was no objection.

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

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

Mr. HYDE. Mr. Speaker, 132 years ago, in a small cemetery in Pennsylvania, one of America's great presidents asked a very haunting question, whether a nation conceived in liberty and dedicated to the proposition that all men are created equal could long endure. Our answer to that question depends on how we legislate to protect a free people from those evil forces who seek our destruction through violence and terrorism.

The bill, the conference report that we have before us today, does that in exemplary fashion. It maintains the delicate balance between liberty and order, between our precious freedoms and defending this country, something we have sworn to do when we took our oath of office to defend the Constitution and the country behind it.

□ 1330

Now, this bill has had a stormy odyssey, and I think it is worthwhile to recapitulate a little bit. First of all, what has been added to the bill as it passed the House? Removal of alien terrorists. These provisions allow for the removal of alien terrorists fairly and with due process but also with protections adequate to safeguard sources and methods of classified information.

Under the conference report, the alien will be given a declassified summary of the classified information, and this summary must be sufficient to enable the alien to prepare a defense. If the district court judge presiding over the hearing determines that it is not adequate to prepare a defense, the hearing terminates and the alien goes free. But we must protect sources, we must protect methods. We must balance that with the need for a fair hearing.

So, we think this strikes the appropriate balance. There will be no secret proceedings or anything like that. Designation of foreign terrorist organizations, we got that back in the bill. It was taken out on the floor earlier. But we have provided that the Secretary of State, in cooperation with the Attorney General and the Secretary of the Treasury, can designate terrorist organizations.

We are not talking about countries now. That is under another law. They can designate terrorist organizations. They must notify Congress within 7 days. We have a chance to review that, and we can set it aside if we wish. With that authority, the Secretary of the Treasury can freeze assets in this country that belong to terrorist organizations.

Also back in the bill is the prohibition against terrorist fundraising.

Raising money in this country is the lifeblood of many organizations, not excluding terrorists, and we put a stop to that with this bill.

We also, under this bill, we have a procedure for excluding alien terrorists. We authorize the State Department's embassy officials overseas to deny entrance visas to members and representatives of those same designated foreign terrorist organizations. The Washington Post had an editorial this morning talking about keeping out alien terrorists that we might want to come in so we can negotiate with them.

I suggest that the law has permitted that to happen, not this law but other laws. Yasser Arafat, Gerry Adams, people have come into this country under the law. And so this is not a hard and fast blanket exclusion. Prohibitions on foreign assistance, countries that do not cooperate with us in our antiterrorist acts will not get foreign assistance.

On foreign air carrier safety, the conference report requires foreign air carriers that come into our country and leave our country provide the same security and safety measures, the identical ones that American air carriers must follow under regulations promulgated by the FAA. Those are important antiterrorist laws that will help us protect ourselves in the future, and anyone who says that there are not serious antiterrorist measures in this bill as not read it.

Now, habeas corpus reform, that is the Holy Grail. We have pursued that for 14 years, in my memory. The absurdity, the obscenity of 17 years from the time a person has been sentenced till that sentence is carried out through endless appeals, up and down the State court system, and up and down the Federal court system, makes a mockery of the law. It also imposes a cruel punishment on the victims, the survivors' families, and we seek to put an end to that.

We are not shredding the Constitution. We are shaping a process to keep it within the ambit of the Constitution, but to bring justice to the American people. That is what we have done with habeas corpus reform, and I simply direct attention to quotations from President Bill Clinton, who has said in death penalty cases, it normally takes 8 years to exhaust the appeals. It is ridiculous, 8 years is ridiculous; 15 and 17 years is even more so. So heed the words of our President on this subject.

Now, we have a 1-year statute of limitations in habeas. Nothing wrong with that.

I would like to read. I have left the letter up there. Diane Leonard, who is the wife of a Secret Service agent who was killed in Oklahoma City, sent this letter, which I just received today:

Dear Congressman HYDE, The antiterrorism bill has reached this far and represents a victory for the vast majority of Americans over extremists of the left and right. A victory over extremists whose vol-

ume sometimes overwhelms the quieter voice that differentiates between right and wrong. The people who killed my husband, his coworkers and other law-abiding Americans did not give a damn whether they were killing Republicans or Democrats. I am asking that you call on your colleagues to have a similar blindness to party to do one thing, only one thing: Give us justice.

Diane Leonard, widow of Donald Leonard, U.S. Secret Service victim, Oklahoma bombing.

Mandatory victim restitution, right now it is discretionary. Under this bill, it is mandatory. Think of the victims and think of the victims first. Criminal alien deportation improvements, allowing for district court judges to order the deportation of aliens convicted of Federal crimes, not just because they are aliens. They are in the slammer for Federal crimes. But at the end of their term, they can get deported with expedition rather than go through another and another and another hearing.

We also have maintained a taggant study. We put taggants in plastic which is used for bombs. But as for other substances, it is a fact, and this is not the NRA talking. It is a fact that we are not sure how safe and how efficacious, how efficient and how cost effective they are in things like fertilizer. We are going to have a study, and that study is going to be a scientific one, an objective one. Following that study, regulations may be promulgated and Congress will have a chance to look at them, 9 months of review to determine whether we should put taggants in other substances.

I think it is sensible, a mainstream solution.

On expedited asylum procedures, the conference report does not add any wiretap authorities that were not in the bill when it left the House. It does not give law enforcement any additional access to consumer credit reports or common carrier records. It does not give the military any increased role in civilian law enforcement.

Now, these are here, some things I would love to have in the bill. I would love to have the multipoint wiretapping authority. I would love to use the technology and expertise of the military when chemical, biological, and nuclear weapons are used in public, but that is not in the bill. We did not have the votes, and so we put that aside in the interest of getting a good bill.

The survivors want the habeas corpus. Habeas corpus is tied up with terrorism because when a terrorist is convicted of mass killings, we want to make sure that terrorist ultimately and reasonably has the sentence imposed on him or her. It is not incommensurate with the Constitution, it follows the Constitution and due process.

So let us answer Lincoln's haunting question yes, a country conceived in liberty can long endure.

Mr. Speaker, I include for the RECORD the following information:

## SECTION 806

By enacting section 806, Congress intends that the Commission examine closely the priorities and structure of Federal law enforcement as we head into the 21st century. The large proliferation of Federal agencies with law enforcement authorities, overlapping jurisdiction, nonstandardized policies and procedures among the various agencies, and separate training and administrative functions require examination to determine if Federal law enforcement effectiveness can be increased in an era of fiscal austerity.

There are clear distinctions in procedures, planning, and capabilities of the various law enforcement agencies. This is especially so when, as has increasingly become the case, Federal and local officials are working jointly on investigations and operations. Congress intends the Commission to examine issues of coordination to ensure effective utilization of scarce resources and to ensure proper Federal support for State and local law enforcement.

Accountability for law enforcement operations has increasingly become an issue before Congress. Congress specifically intends that the Commission examine who within the executive branch should ultimately be responsible, short of the President, for interagency coordination, uniform standards, ethical standards and the other issues common to all Federal law enforcement agencies. Congress believes the current proliferation of agencies, the confusion and dangers that result therefrom and the lack of clear accountability and responsibility has led to an unhealthy level of competition fostering operations and inefficiencies that are not in the best interests of public safety.

Congress does not intend by the establishment of this Commission to create an oversight function separate from that already performed by Congress. Congress historically has always been very mindful of the dangers inherent in examining specific cases, of protecting raw investigative information and from ensuring that the political process does not impede or intimidate those line investigators and prosecutors charged with enforcing the law. The managers realize that having an outside Commission examining cases and the details of investigations could have a chilling effect on those who must protect our public safety.

Congress believes that to ensure the protection of the privacy and civil rights of people investigated but not charged, the Commission must not examine specific investigations or investigative or prosecutive strategies. Likewise, to ensure that investigations remain unimpeded and investigators and prosecutors remain free of the potential for influence or intimidation, the Commission must avoid examining specific cases, calling as witnesses line personnel or seeking information the disclosure of which would have dire consequences, for example, informant identities, confidential witnesses, sensitive techniques, et cetera. Even in closed cases, examination of discretionary investigative and prosecutorial decisions risk not only the appearance of political influence and chilling aggressive prosecution, it also threatens the due process rights of suspects and defendants. The Commission is not established to put specific cases under the microscope. To the contrary, it is intended to focus on macro issues that go to effectiveness, coordination, efficiency and public safety.

Congress does not intend the Commission to examine issues or cases involving national security.

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

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

Mr. HYDE. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. CONYERS].

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Michigan [Mr. CONYERS] is recognized for 4 minutes and 30 seconds.

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

Mr. CONYERS. Mr. Speaker, we are here to discuss this bill. We have received the quotations from President Clinton and former Presidents, but let us look at what the gentleman from Illinois [Mr. HYDE] is talking about.

He is proud of the fact that we implement the convention on marketing plastic explosives that was noncontroversial. Restrictions on biological and chemical weapons, hooray, that was uncontroversial. We got in the bill mandatory victim restitution. Do you remember anybody ever quarreling with that? Not hardly.

Mr. Speaker, now we come to all of the Barr provisions that were killed out of this bill by 246 votes, a majority. Remember that? That was not such a great day on the floor, because the gentleman from Georgia [Mr. BARR] thought we should not strengthen the criminal alien deportation procedure, so he kicked it out and it won. The gentleman from Georgia [Mr. BARR] thought that we should not expedite the deportation of terrorists, and it won and we kicked it out. The gentleman from Georgia [Mr. BARR] thought that there should not be a ban on fundraising by terrorist groups, and he won and we kicked it out. Now in the conference we got pieces of it back in.

I am very happy that the chairman of the Committee on the Judiciary wishes that we had wiretap authority for terrorists, not for stealing cars, not for hijacking, not for simple felony crimes, but terrorism, this one thing that we are dealing with so completely here this afternoon. But we do not want wiretap authority extended. Oh, yes, we got it already, but we do not have enough and it is not directed at terrorists, of all people.

What about identifying explosives, which could have stopped at least one bombing I know about? Well, we do not want to include powder and things that are used in great quantity around the country. We will exclude that. We will put in taggants, but we will leave out the two kinds of powder that are used most. What about cop killer bullets? Oh, do not bring that up. We will deal with that separately. Let us study the armor-piercing ability of the jackets that policemen wear. Do not worry about the bullet.

Why not make it easier to sue foreign governments? Well, we do not want to

get into that. That is foreign policy. What about cooperation with the Federal law and the U.S. military? Oh, no, let us not do that. So what we have is a bill that has taken out the guts of everything that should have been in it, and everything that could have been agreed on 1 year ago is in it and we are real proud of that.

This is a gutless bill, and how dare those tough crime fighters suggest that this is going to stop something? Oh, yeah, and then we throw in habeas so that a suicide bomber is going to read the new habeas law and he will get executed quicker. I say to the gentleman from Illinois [Mr. HYDE], he is willing to blow himself up. He does not need your law to help him get executed.

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

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

Mr. HYDE. Mr. Speaker, is the gentleman aware that at the World Trade Center there were no suicide bombers? Is the gentleman aware that at Oklahoma City there were no suicide bombers?

Mr. CONYERS. Then that makes it OK then to bring in habeas?

Mr. HYDE. No. That is an easy question to answer. Just yes or no.

Mr. CONYERS. Mr. Speaker, yes.

Mr. HYDE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. BARR], the distinguished gentleman who played a key role in the shaping of this bill.

□ 1345

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Illinois, the distinguished chairman of the Committee on the Judiciary, for yielding time to me.

The gentleman from Illinois, the chairman, has done tremendous service to the people of America in his work on this piece of legislation, this historic piece of legislation, and I am proud to have been associated with him and with this legislation.

Mr. Speaker, today the American people have much to be proud of, much to be optimistic about for the future credibility, integrity and ability of our law enforcement system to seek out, prosecute, prevent, and sentence, and carry out sentences effectively, efficiently, and within the bounds of our Constitution in a reasonable period of time.

When I met earlier this year, Mr. Speaker, with the number of individuals who represented the families of victims in Oklahoma and Lockerbie, they did not come to us in the Congress and say the Government needs more wiretap power, give them whatever they need. They did not come to us, Mr. Speaker, and say the Government needs in order to bring justice to us, more power to gain access to personal records without a court order, so give them whatever they need or whatever

they want. They did not come to us, Mr. Speaker, and say despite the fact that for over a hundred years we have held a very bright and fine and important line between the functions of our military and protecting our borders and domestic law enforcement, and we need to blur that line, and we need to have the military involved in domestic law enforcement, so give them whatever they want.

No, Mr. Speaker, the families of those victims, of those people who have lost loved ones, colleagues and friends to acts of terrorism, came to us and said give us justice, give us habeas and death penalty reform because the very credibility, all of the confidence that we want to have in our criminal justice system, is being eroded by the failure to deliver that to the American people.

And that is what this bill is about, and I also say, Mr. Speaker, that to those warped minds who might today or tomorrow or 1 year from now or 10 years from now contemplate, irrationally as it may be, an act of terrorism against one of our citizens, against one of our Federal employees, against one of the greatest institutions of this Federal Government, let them think longer and harder about it, as I believe they will, knowing that we have passed this legislation, because it will tell them in no uncertain terms, and they do listen to this; this thought process goes on in their mind. They will know that no longer will they be able to, within our borders or come into our country, and kill our citizens, and destroy our government institutions and know that they will be able to spend the next 25 years laughing at us, thumbing their nose at the families of victims, because they will know because of the work of the gentleman from Illinois and our colleagues on both sides, 91 strong in the Senate, has stood up this day and said no more, never again, enough is enough.

That is the importance of this legislation, and there is no clearer link, no stronger link, Mr. Speaker, between effective antiterrorism legislation and deterring criminal acts of violence in this country than habeas and death penalty reform. The American people are demanding it. Future generations who will have to face the constant problem of terrorism demand it. They know that it will work. They know we must have it.

That is why, Mr. Speaker, this legislation, with the important civil liberties guarantees enshrined in it, is so very important, and that is why I am proud to stand here today as a Representative of the American people, shoulder to shoulder with Mr. HYDE, with Senator HATCH in the other body, and say, yes, we have heard the cries of the American people, we have heard the needs of law enforcement, the National District Attorneys Association, attorneys general all across this country, police chiefs, and sheriffs all across this country that say, contrary to what the gentleman from New York

keeps saying, oh, we want more wiretap authority. They have come to us, in writing and in person, on the phone and over the fax machines of this country, and said we need habeas reform. That is the one thing, that most important element, the crown jewel here, that we must have. Let us today give it to the American people.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, the notion that the gentleman from Georgia [Mr. BARR], as he was saying, represented the interests of law enforcement here in this bill, that they were adequately represented when it was his amendment and his work that has allowed for a study of cop killer bullets to me is utter hypocrisy. That is all.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Letter to Chairman ORRIN HATCH, who has just distinguished us with his presence on the floor, from one of the surviving victims of the Oklahoma City bombing:

"I am sorry I missed you," the writer says to the gentleman from Utah [Senator HATCH], when I was in Washington a couple of weeks ago. As the father of someone murdered by the Oklahoma City bomb, I write to urge you to reconsider the habeas corpus package in the bills you are being called into conference on.

"It utterly galls us as a family so devoted to my daughter that we and our loss should be used as a political football for politicians eager to posture themselves as tough on crime in order to reap some political advantage and to do the bidding of already powerful agencies who have demonstrated their inability to responsibly exercise enormous powers that they already possess. The habeas reform provisions in particular are not known or understood by the families who have used them to lobby on behalf of the bill. One family member even told me recently that she understood habeas corpus to be an antiterrorism investigation tool. Sincerely, Mr. Bud Welch."

Now I ask the gentleman from Illinois [Mr. HYDE], yes or no, is not it true that only 1 percent of the habeas cases involve the death penalty.

The answer the gentleman knows and I know.

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

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

Mr. HYDE. I do not know.

Mr. CONYERS. The gentleman does not know. Ah, the chairman is not sure, or he is not even not sure. He just does not know.

Mr. HYDE. That is right.

Mr. CONYERS. I will help the gentleman along the way.

Now I will go to a quote of the gentleman's, and I am not picking on the gentleman. He is just my chairman on the wrong side of an important bill.

When the issue came up during the hearings the gentleman from Illinois [Mr. HYDE] said: "I don't really see the wisdom of revisiting the whole habeas argument again in this committee on this bill."

Now it is the keystone of the antiterrorist legislation.

I know the gentleman does not remember that either.

Mr. HYDE. As you get older.

Mr. CONYERS. I know, I know, I know.

Check the committee hearings.

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

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. BUYER], a valued member of the committee.

Mr. BUYER. Mr. Speaker, I have several remarks I would like to make. One is, I have enjoyed being a conferee on this particular bill, moving matters of substance. Also, I think we have to be very careful here when we are talking about family victims, of acts of terror or acts of violence, whether it is the ranking member that has his particular letter that gives, espouses one position, or I have a letter also from victims who espouse another position.

Matters of statecraft have to be based on the intellect and not giving to the emotions of the moment, and that is what is important here.

So let me say another comment I would like to make is that with regard to the acts of terrorists, especially international terror, the world and the dynamics of the world in which we live in have drastically changed. These international organizations have changed the lethality and increased the lethality of their actions. They used to rely upon their carjackings, and now what they have done are these bombings that are in public places, that are cowardly acts of terror that actually move the emotions of people because their actions are so outrageous.

So what we must do in order to combat those outrageous forms of terror is, in fact, give law enforcement the necessary tools.

Now, what is so difficult here is, in a free society, how we balance the protection of individual civil liberties with that of promoting public safety, and in this bill I believe that, in fact, has been achieved. It is not as strong as what some would like, perhaps the gentleman from New York [Mr. SCHUMER], for example, but the bill is that balance that I just discussed.

The bill also addresses, though, the need to insure the United States does not become the haven for international terrorists. Well, this legislation, members of terrorist organizations can be denied entry into the United States; that is extremely important. An alien terrorist discovered in the United States can be deported expeditiously. Our silent proceedings will not be perverted to let international terrorists

slip into our country, as happened with the mastermind of the World Trade Center bombing. Known terrorists or organizations cannot take advantage of the generosity of American citizens to bankroll their heinous activities.

This bill includes mandatory victim restitution in Federal cases.

Finally, the victims of crimes are going to be seen not by Federal courts as deserving of compensation. Not only will the criminal have to pay a debt to society, the criminal will also have to make amends to the victim.

Finally, the essence described as that crown jewel of this bill is the reform of habeas corpus for an effective death penalty. The bill sets time limits on the application and considerations of habeas writs; I think that is extremely important. No longer will petition after petition be filed with the courts, delaying endlessly the carrying out of sentences handed down by judges or juries.

We have a paradox in our society whereby someone serves on death row for life. If, in fact, we are going to have a strong deterrence, retribution so that the victim can actually feel as though they have been vindicated, we need an effective death penalty. This bill will give it for America.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], one of the hardest working members of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker and my colleagues, I hate terrorists. They are the scum of the Earth. There is nothing lower than a terrorist. They are worse even than people who shoot folks in the back. And if this bill were limited to terrorists, emotionally I would be doing exactly what my colleagues are proposing to do here. But this bill is not limited to terrorists; it goes well beyond terrorists to common ordinary citizens.

I read recently with horror a story of parents who, because their child got involved in something they did not like, they locked the child in the room for days at a time. And I got outraged by it. I think a number of us read that story and got outraged. This goes beyond that because what we are doing is locking other children, who had nothing to do with what we are here to talk about, in our constitutional closet with unconstitutional means today, and we are doing it in the name of combating terrorism when we know full well that there is a significant dislike between the two things.

Only 100 out of 10,000 habeas corpus issues come from death penalty cases. Even less come from terrorist cases. Yet this bill is not limited either to death penalty cases or to terrorist cases. It is depriving every single American, every single child, every single one of us, of our constitutional protections of habeas corpus.

□ 1400

The chairman asked the question that Abraham Lincoln asked: Can a

country conceived in liberty long endure? The ones that do not endure, Mr. Speaker, are the ones who concoct secret courts and deny their citizens the right to confront their accusers, and deny their citizens the right to contest unjust imprisonments, even in the face of compelling evidence of innocence. That is what this bill does. We ought to be ashamed of ourselves today for the American people.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK], the second-ranking member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking minority member for yielding time to me.

Mr. Speaker, I am going to vote against this bill. I voted for it in committee. I believe we ought to be strengthening our defenses against terrorism. But I do not believe we ought to be doing it in a fashion that misleads people.

This bill, unfortunately, is excessively harsh where it ought not to be, and much too weak where we need toughness. Essentially what has survived in the assault of the Hamas wing of the Republican Party on this bill is virtually all of the added tools for law enforcement within the United States by which they could detect and prevent this kind of activity, those have gone out. We are very tough on foreigners. Once we catch you, we are going to be even tougher than we used to be.

By the way, as to habeas corpus and the threat to our safety that is presented, remember, by definition, you are not eligible for habeas corpus unless you are locked up. We are not talking, when we talk about habeas corpus, about anybody walking around. We are talking about people who are locked up and who are a danger, presumably, to other prisoners, but certainly not to general society. But here is what was knocked out of this bill by the Hamas wing of the Republican Party, and their price apparently for letting the bill come back was to keep this out.

Mr. HYDE. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. LINDER). The gentleman will state his point of order.

Mr. HYDE. Mr. Speaker, the gentleman talked about the Hamas wing of the Republican Party. I think that is a little extravagant. Does the gentleman want to withdraw that?

Mr. FRANK of Massachusetts. Yes, I do, Mr. Speaker. I would modify that to the wing that expressed their trusted Hamas more than the American Government.

Mr. HYDE. It was not a wing, I would tell the gentleman. Wing implies more than one.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say that the gentleman was the one who said this on the floor, and he said it in a context that said it was representative of more than just one person. The gentleman

from Illinois, in explaining why an amendment passed to weaken this bill, suggested that this was a person who was representative of a broader spectrum.

Here is what they did. Here is what remains. As a result of the changes that were made when the bill left committee and came here, if there is an attack of a terrorist nature involving a major explosion anywhere in the world, and the U.S. military has the expertise to help analyze the cause, not arrest anybody, not prosecute anybody, not pursue anybody, but if we need the expertise of the U.S. military in analyzing the cause of a terrorist explosion, that expertise can be tendered to any government in the world except one.

What is the one government in the world that is considered ineligible to benefit from the law enforcement expertise of the U.S. military? The American Government. The American Government, as a result of the appeasement of the right wing of the Republican Party, they are in control, and the U.S. Attorney General cannot get that expertise.

Similarly, the FBI and other Federal law enforcement agencies get no significant expanded powers for detection. We retard, here, the ability to use taggants. It is not as bad as it was, but it is still substantially weakened. As a result of the need to pacify the right wing of the Republican Party, this bill has been substantially weakened where it ought to be tougher, and law enforcement simply does not have the authority it ought to have to be able to protect us.

Mr. CONYERS. Mr. Speaker, I am delighted now to yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is with a fair degree of hesitation that I rise in opposition to this bill, not that I am not fully committed in my opposition to this bill, but because of my deep and abiding respect for the chairman, the gentleman from Illinois [Mr. HYDE].

However, Mr. Speaker, this bill I feel does not just affect habeas corpus procedures for death row inmates, but it actually affects all of our rights to protections under the Constitution, that which habeas corpus has afforded. The rights to speak and assemble freely, to be ensured of due process of law, and to be protected against false imprisonment belong to all Americans. We cannot allow ourselves to be frightened into giving up these freedoms.

As Thomas Payne said in 1795, and true as ever today, he says: "He that would make his own liberty secure must guard even his enemy from oppression." This, Mr. Speaker, is a line-on-line runout by the Congressional Research Service of all the Federal antiterrorist criminal laws. I asked for CRS to run this out. Mr. Speaker, this is 17 pages long. We have enough laws

on the books already. The problem is that we are not enforcing the laws we have. This law abridges some of our very precious freedoms.

Right now we have at least 353 Federal entities who already have police powers to enforce these kinds of laws. Mr. Speaker, it was Edmond Burke who said: "Seldom are men disposed to give up their liberties unless under some pretext of necessity." The Oklahoma City bombing was a tragedy that we never want to see repeated, but this bill will not add to our protections against that kind of horrendous terrorism.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN] who refused to sign the conference report.

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

Mr. BERMAN. Mr. Speaker, I rise in opposition to the conference report on the antiterrorism bill. Because the issues addressed in this legislation have been a major focus for me throughout the entirety of my career in Congress, I want to lay out very clearly the reasons why I will vote against the conference report, despite my strong support for many of its provisions.

I emphatically do think the case has been made that Federal law enforcement agencies must be granted expanded means to attack the scourge of terrorism, both international and domestic.

I believe that our freedoms, as well as those enjoyed by the citizens of other democratic nations, cannot survive if we do not create new tools to apprehend and punish those who engage in domestic and international terrorism. Our ultimate objective must be, of course, to prevent such crimes from being committed in the first place.

I want to acknowledge the fact that certain antiterrorism measures which I strongly support but which were ignominiously stripped from the House bill by the Barr amendment have now been restored in the conference report. It bears noting that valiant efforts were required to restore these provisions, for which I salute my colleagues on the conference committee.

In particular, I strongly support the prohibition on fundraising for terrorist organizations, and the expedited removal of alien terrorists, though as to the latter, I prefer the version in the substitute offered earlier by my colleagues Mr. CONYERS and Mr. NADLER, which more clearly protected the right to counsel and the ability to confront evidence.

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

But despite my strong support for many provisions in this bill, I am compelled to vote against it because of my strenuous objection to title I, the habeas corpus provisions.

A decision was made by the Republican majority to jam into this bill, in the name of

fighting terrorism, their long-sought objective of—for all intents and purposes—abolishing the ancient writ of habeas corpus. As former Attorneys General Levi, Katzenbach, Richardson, and Civiletti have written to us, "Nothing is more deeply rooted in America's legal traditions and conscience." The writ of habeas corpus is the guarantor of our constitutional rights, the bedrock of our Federal system, which has always provided an independent Federal court review of the constitutionality of State court prosecutions.

Indeed, the Habeas Corpus Act of 1867 was the first civil rights law enacted after the Civil War, intended to flesh out the habeas clause of the Constitution and thereby protect the rights of the newly freed slaves by giving Federal judges the power to hear "all cases where any person may be restrained of his or her liberty in violation of the Constitution."

Until very recently, only once did the Supreme Court undercut this authority, in the tragic case of Leo Frank, a Jewish man wrongly convicted and sentenced to die for the rape and murder of a Christian woman in Georgia. As too often happens when a brutal crime occurs, the cry went up in the community to find the perpetrator—or should I say, a perpetrator—and Leo Frank, a member of a despised minority, became a second victim in this case.

Leo Frank was unable to present a defense, because an anti-Semitic mob chased him from the courtroom. But when he filed a writ of habeas corpus to the Federal courts, the Supreme Court held that even though his trial was dominated by a mob, it would not order a new trial because the Georgia Supreme Court had held that the mob-dominated trial did not deprive Frank of due process, and the State supreme court's review was not corrupted by a mob.

The standard in the Frank case was overturned by the Supreme Court only a few years later, and has been deplored by Americans of conscience in the years since Leo Frank's execution and the subsequent emergence of an eyewitness to the crime who established Leo Frank's innocence, but who had been afraid to come forward in light of the hysteria that surrounded the crime and the trial.

Let me point out that according to reliable data, since 1978, 40 percent of the habeas petitions heard by Federal judges in capital cases resulted in the reversal of the conviction or death sentence because of constitutional violations. One can be dismayed by the number of State court trials impaired by constitutional error, as reflected in this statistic, but heretofore, we could be heartened that life-tenured Federal judges, shielded by constitutional design from local political pressures, could restore constitutional rights.

In this bill, in an action ill-befitting Members of Congress sworn to uphold the Constitution, we are about to obliterate the only effective means of vindicating those rights. It is not the bill's accelerated deadlines or limits on second or successive applications with which I differ. I believe that meritorious objections have been raised to protracted appeals which deprive families and communities of closure in heinous criminal cases. But to require deference by the Federal courts to State court determinations of Federal constitutional law, I cannot countenance.

Shame on those who invoke the names of innocents slaughtered in Oklahoma City and

over the skies of Lockerbie in their quest to effectively abolish the writ of habeas corpus. We know that those charged with terrorism will invariably be tried in Federal court. Extinguishing the right to a writ of habeas corpus will have no bearing whatsoever on these cases.

A letter from the father of an Oklahoma City victim was recently shared with me. Mr. Bud Welch states,

The habeas reform provisions . . . are not known or understood by the families who have been used to lobby on behalf of this bill. . . . Our family knows that meaningful, independent habeas court review of unconstitutional convictions is an essential fail-safe device in our all too human system of justice. And we have learned that this package of "reforms" you are being asked to vote for would raise hurdles so high to such essential review as to effectively ensure injustices of wrongful conviction will go unremedied. . . . We consider this a direct threat to us and our loved ones still living who may well find themselves the victim of abusive or mistaken law enforcement and prosecutor conduct and unconstitutional lower court decisions. Two wrongs have never made a right.

There is another provision in the bill to which I strongly object, and several which have not been restored to the bill which I support.

The summary or expedited exclusion provision of the bill applies to all asylum-seekers entering the United States with false or no documents, and has nothing whatsoever to do with our efforts to combat terrorism. The U.N. High Commissioner for Refugees is "deeply concerned," as am I, that this provision "would almost certainly result in the United States returning refugees to countries where their lives or freedom would be threatened."

Missing from the bill are several provisions which the Justice Department views as essential law enforcement tools if our fight against terrorism is to be successful, including adding terrorism-related crimes to the list of crimes which can be the basis for seeking a Federal wiretap order, and authorizing multipoint wiretaps. I deplore the absence of these provisions from the bill.

Mr. Speaker, the American Constitution is a living document which has thrived for two centuries because in its strength and vibrancy it has accommodated the realities of American life. And one of those realities, tragically, is terrorism—not a mere threat, but a reality. Because I believe that strong new measures are essential to combating terrorism, I support many of the provisions of this conference report.

But I cannot in good conscience vote for a bill which guts the historic means by which Americans enforce the Bill of Rights. That is why I will vote against the conference report.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia, Mr. BOBBY SCOTT.

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

Mr. Speaker, we find ourselves on the anniversary of the Oklahoma bombing with a bill with the title "antiterrorism." Mr. Speaker, I rise to oppose the conference report because it will do little, if anything, to reduce terrorism, while at the same time it will, in fact, terrorize our Constitution.

Mr. Speaker, we have a situation where the Secretary of State and Attorney General can designate terrorist organizations. In effect, politicians can designate which organizations are popular and which are not popular. The ANC in South Africa could be designated as a terrorist organization, and support of that organization would be in violation of the law. Politicians can choose which side in El Salvador we ought to be supporting or not supporting by designating one or the other as terrorist.

Mr. Speaker, what happens to our rights if we have secret trials where people can be deported, based on evidence presented in private, without the opportunity to be heard? The so-called crown jewel of the bill, the habeas corpus provision, Mr. Speaker, we have heard of the frivolous appeals. Forty percent of these appeals are in fact successful. People have been denied a fair trial. People are in fact sentenced to death who are factually innocent. These are not frivolous appeals. Those who have bona fide appeals will have their rights denied.

Mr. Speaker, we have a system where the innocent and the guilty are tried by the same procedure, so those who are guilty in fact may have a little more time on death row, but those who are innocent have an opportunity to present that evidence. If this bill is enacted, we will find that those who are factually innocent and can present evidence of innocence will in fact be put to death.

Mr. Speaker, that is not an effective death penalty when we put innocent people to death. Those who could show that they are probably innocent will not even get a hearing, under this bill. I would hope we would defeat this conference report.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF], and ask that he yield to me in return.

Mr. SCHIFF. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, there is so much said here that is not so. There are no secret hearings. Nobody gets deported. Even an alien terrorist does not get deported unless the evidence that convicts him is introduced in trial; in open trial, no secret trials, no secret hearings.

In addition, talking about shredding the Constitution, the National Association of Attorneys General has sent us a letter signed by 34 attorneys general of 34 States supporting habeas in the bill. The National Association of District Attorneys has a unanimous resolution. So the talk about shredding the Constitution is just far of the mark.

Mr. SCHIFF. Mr. Speaker, first, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to say, first, I rise in support of the conference report. I hope it will pass the House by an overwhelming margin. I want to

compliment the chairman, the gentleman from Illinois [Mr. HYDE], for putting this bill together, and I want to particularly thank the conference committee for keeping two amendments that I wrote into the bill back in the Committee on the Judiciary. One extends victim compensation to victims of terrorist crimes. We hope there will not be anymore terrorist crimes, but if they do occur we think the victim compensation laws should apply.

The second amendment that I introduced allows the sharing of our antiterrorist technology to detect explosives, to set them off safely if they are detected, and to detect firearms and so forth. We are allowed to share that with other countries. We are allowed to share that for two reasons: first of all, to protect Americans who go overseas. Americans could have been the victims of terrorism, as I understand a number of Greek citizens were the victims of terrorism in Egypt just this week.

Second of all, the fact of the matter is that terrorists have more in common than they would like to admit to themselves. Regardless of whether they are terrorists from the extreme left or terrorists from the extreme right, they all have a hatred of democratic governments, and they will all attack any democratic government that they have the opportunity to attack. Therefore, efforts to stop terrorists in one country ultimately benefit the United States, and vice versa.

Mr. Speaker, I want to say that I think the civil liberties objections, that were raised in part to the bill at the beginning, I believe have been adequately addressed by the chairman and the other members of the conference committee. The objection that still remains is the maybe Members who have already said they think this bill should be stronger.

I think in certain respects they may be right. There are certain areas where, upon further inspection, law enforcement may deserve further authority. But that is not a reason to vote against this bill. This bill gives law enforcement a number of tools that law enforcement has requested to fight terrorism. This is a good bill. This is a bill that should pass. It does not have to be our last word on the issue.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I just need 10 seconds for the truth.

The gentleman from Illinois [Mr. HYDE], I am sure will admit that there is a provision in this bill that allows the consideration of secret evidence that the defendant will never even know about and can never refute. That is absolutely counter to everything that our country stands for.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime in the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Michigan for his generous yielding of time, and for his leadership on this issue.

Mr. Speaker, I rise in support of the conference report. In all honesty, I have to say that we are faced with a glass that is only half full, which means that it is also half empty. Yes, we have made some good, solid improvements in this conference. I want to congratulate our conference managers, the chairman, the gentleman from Illinois, Mr. HYDE, and Senator HATCH, and the chairman of the Subcommittee on Crime, the gentleman from Florida, Mr. MCCOLLUM, for the leadership they displayed. Without their having stood up to extremists in their own party, this glass before us today would be empty, not just half full. They deserve to be congratulated for it.

But I also must say that this report is still not tough enough. It does not fully meet America's needs. The conference report has been whittled down to satisfy the small-minded fears of extremists, not beefed up to stop terrorism before it starts, and to swiftly track down those who commit it.

□ 1415

Ironically, the managers of this very conference agree that we need the tough measures that the President, the Attorney General, and the Director of the FBI asked for. They admitted publicly that this report leaves out the single most important thing that the FBI needs to fight terrorism, effective surveillance through multipoint wiretaps to keep up with the new technology of cellular phones.

But the majority still left them out just like they left out a long list of other good tough ideas. Why? Why, I ask? Because the Republican majority simply cannot bring itself to stand up to extremism, particularly domestic extremism that it has bred and pampered from some within its own ranks, and to do the right thing for America.

Mr. Speaker, in America there have always been paranoid extremists, but the fact that their arms are so long that they had enough reach to influence this body and strike out provision after provision that law enforcement considers essential in the war against terrorism is profoundly troubling.

I have sat face to face with the victims of terrorism and the families of the victims of terrorism, from Pan Am 103 through the World Trade Center bombing to the atrocity in Oklahoma City. I have met them all. When I compare that pain and that danger to the exaggerated rhetoric I hear from extremists about this bill, I fear for America and I fear for the lives of ordinary Americans.

I wonder can it really be that a Member of this body said during our last debate that he trusts the bloody terrorists of Hamas more than he trusts his own democratic Government? Can that really be, I ask myself? Can anyone be that foolish?



Mr. HYDE. Mr. Speaker, will the gentleman yield on that point?

Mr. SCHUMER. I do not have much time. I would like to finish my point. I am sorry. On his time I would like to hear what he has to say about it because I respect him so.

But what I was saying was all of us here, we are part of that Government. If any Member really said it, I invite him to come to this floor today and explain that remark and tell the American people why it was said and what was meant by it.

Let me finally say this. Even though I think this report should be tougher, I will vote for it. The hour is late. I am convinced we cannot delay further.

Tomorrow is the anniversary of the terrible, bloody terrorist bombing in Oklahoma City that took the lives of 168 men, women, and children. We all hope and we pray that such a senseless and cowardly event will never again stain our country. But we cannot depend on hope, we cannot wait for perfection. We must act, and I urge that we act today.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime.

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

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

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

Mr. HYDE. Mr. Speaker, I want to say to my dear friend, and he really is my dear friend, from New York that this Hamas situation is terribly unfortunate, it is very painful to me. But I would say to the gentleman, I know some Democrats who trusted the Sandinistas more than they trusted Ronald Reagan, who attended meetings in Nicaragua and ordered our embassy people out. There may be some present here today. So it happens on both sides and it is regrettable, in my opinion.

Mr. MCCOLLUM. Mr. Speaker, I am very much concerned about the debate over this bill being misunderstood by the public. We have a very fine bill. It is not as good as some of us would like. That is, there are provisions that some of us think should have been in this bill. I concur with the gentleman from New York [Mr. SCHUMER] about some of them, and the gentleman from Illinois [Mr. HYDE]. But this bill is extremely good.

On one hand we deal with terrorism specifically by forbidding foreign terrorist organizations who are named by the President from being able to come to the country and raise money. A provision that I offered that was adopted as an amendment to this bill would prohibit Americans from being able to go abroad and get money from a foreign terrorist country that has been named.

We do all kinds of things relative to terrorism and then, in addition to that,

this bill contains three of the seven crime bills that were in the Contract With America, the most significant of which has been debated a lot today but been voted on many times by this Congress. Finally, when the President signs this bill into law after years and years of struggle, we will have limited the appeals that death row inmates can take and we will have assured that sentences of death in this country will be carried out expeditiously, as the American public wants.

Second, we have victim restitution in this law that will be signed by the President, which provides a mandatory requirement on judges to make victims financially whole at the Federal level. We have a criminal alien deportation provision that eases the ability of the United States, without an additional hearing, to deport a person who has completed a prison term who is an alien.

But on top of that we have a provision I have worked on for more than 10 years that, when it is signed into law, will mean that when somebody lands at New York's airport or any other airport in the country, or a Haitian that in Florida, in Fort Lauderdale, on a beach sets foot on the soil, it means they will no longer automatically be able to tie up themselves in our court system and stay here. There is an expedited exclusion process so that when they claim political asylum, that "I'm fearful I will be politically persecuted if I'm sent home," whatever, the asylum officers can handle that early without getting all tied up in a court system that often meant and means today that aliens who are here illegally end up disappearing into our society and staying here forever.

This bill is extraordinarily important for all of these reasons and a whole host of others. It is positive legislation that I know some think, very minor thoughts I hope, undermines some liberties we have. I do not think it does in any way. It balances what is required between the responsibility of the Government to protect its citizens against foreign terrorists and to protect its citizens in the cases where we have heinous crimes, and to expedite the carrying out of penalties when the decisions of our court systems have been made to do so, and the interests of the individual which have always under our Constitution been paramount.

That balance is in the Constitution. It is in no way destroyed here. In fact, it is perfected. It is something that we have debated hard and long, and is why the conference report and all the work that the gentleman from Georgia and the gentleman from Illinois and many others of us have spent hours doing to make sure that we have not encroached in any way on personal liberties.

This bill, though, will fight foreign terrorism. It will be meaningful to the victims of Oklahoma City, especially in the habeas corpus provisions that, as I said earlier, after so many years when it is signed into law in a few days will

mean that after all this fight, finally we will end the seemingly endless appeals of death row inmates and carry out with swiftness and certainty the sentence of justice in this country.

I thank the gentleman from Illinois for all of his work.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, rushing this bill to the floor just to meet a publicity deadline is irresponsible. Once again we are sacrificing our people to play election year politics. Americans and their civil rights are too important to allow this.

The right of habeas corpus is a national treasure. It is fundamental for all Americans—black and white; liberal and conservative. This conference report severely limits that right—all to fuel a national frenzy.

My colleagues, the Constitution says we are all entitled to equal protection under the law, but in today's society some of us are more equal than others. The reality is, if you have the money to hire a good lawyer, you can make it through our legal system. But, if you are a poor minority, lacking those resources, you will lose and not have the opportunity to prove you are innocent.

By severely limiting this ultimate right to appeal more innocent Americans will unfairly die. Their blood will be on your hands. I encourage a "no" vote on this conference report.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. WATERS] who only shortly ago was nominated by the Democratic Steering and Policy Committee to join the House Judiciary Committee.

Ms. WATERS. Mr. Speaker, I would like to quote the sixth amendment to the United States Constitution. It simply says in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense.

That is the sixth amendment to the Constitution. Mr. Speaker, the tragic bombing is not a reason to repeal the sixth amendment to the Constitution.

The habeas corpus reform provisions in this bill which require Federal courts to ignore unconstitutional court convictions and sentences unless the State court decision, though wrong as a constitutional matter, was unreasonably wrong, innocent persons will be held in prison or executed in violation of the Constitution. The bill would impose unreasonable short time limits for filing a claim for habeas corpus relief, limit petitioners to only one round of Federal review, and mandates the petitioner meet an unreasonably high clear



and convincing burden of proof in order to secure relief.

This business of the conviction or sentence may be a little bit unconstitutional, if so, that is OK, as opposed to unreasonably wrong or unconstitutional, is outrageous. Mr. Speaker, that is like saying one can be a little bit pregnant. You are either pregnant or you are not. The sentence or conviction either meet the constitutional muster or they do not.

We cannot and must not shred and defy our Constitution little by little, bit by bit. We American public policymakers are better than that. We love and respect the Constitution more than that. We cannot in the name of expedient politics disrespect the world's greatest document, the Constitution of the United States.

Terrorism is wrong. My sympathy is with the victims, but we must maintain our integrity and support the Constitution of the United States. I ask for a "no" vote on this measure.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I ask that this bill be defeated, and I am sorry to say that I have to disagree with my friend from Illinois, Mr. HYDE, on this. I speak to him personally now and request this, a reconsideration with respect to habeas corpus.

This past weekend I saw a student production, in an attic in a home in Honolulu, of "Death and the Maiden," Ariel Dorfman's play about Chile. The principal theme was when habeas corpus is absent, there we have authoritarianism and dictatorship. It leads to torture.

In Dorfman's essay on political code and literary code, and I am quoting from it:

Terror then has a public character. As such it leads to a great ideological operation which authorizes, in the name of Western Christian values, a purifying crusade against the forces of the devil and of the anti-Nation.

He goes on to say:

The principal obsession of authoritarian politics is to suppress history and those who could modify it, postulating an unchangeable and superior reality, God, father, and family, to which one owes loyalty.

This is the difficulty. If we abandon habeas corpus, we abandon one of the foundation stones of the United States of America.

□ 1430

You have heard me on this floor expound before on the right to a trial, the right to be able to vote freely, the right to sue, and the fourth leg of that foundation is habeas corpus, the right to be brought before a Federal court to say that your rights have been violated. If we take that away, then we are succumbing to terrorism. We are terrorizing the Constitution.

The time lapses. But the Constitution goes on. I ask, please, Mr. HYDE, reconsideration on the habeas corpus

part of this bill, and then perhaps we could vote on the terrorist bill with full meaning.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Oklahoma [Mr. LUCAS], in whose district the Federal building rests that was bombed.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise in support of the conference report to S. 735, the Terrorism Prevention Act.

A year has passed since downtown Oklahoma City was ravaged by the worst domestic terrorist attack our country has ever endured. Yes my friends, a year has passed since we as a nation watched in horror the images of the pain and suffering that this heinous act brought. The name Alfred P. Murrah will be etched in our minds for many years to come, and most assuredly April 19 will never be the same.

As you vote today and reflect on the events of tomorrow, I implore you to remember those who perished and have long since been laid to rest. Our citizen's scars are deep and open wounds still abound. Oklahoma City is an innocent slowly rebuilding itself back to the greatness it strives to attain. Although we cannot turn back the clock and prevent this horrendous act from occurring, we must pass this antiterrorism conference report.

This bill will bring an end to the abuse of our Nation's appeals process. It will ensure this country has an effective and enforceable death penalty. It means justice will be served, and that the guilty will receive their punishment in a swift manner.

Further, the measure provides for closed-circuit broadcasting of court proceedings in cases where a trial has been moved out of State, more than 350 miles from the location in which the proceedings would have taken place.

This provision is timely in light of the upcoming bombing trial. I believe all Americans who must endure such a tragedy, like the people of Oklahoma, deserve the opportunity to view the trial in their State. This measure provides the best way to ensure that those most severely impacted by this tragedy will have access to the court proceedings of those accused in this case.

I would like to thank Chairman HYDE and his staff for their assistance on this measure. You have done a great service for Oklahoma City and the entire country.

Mr. Speaker, I rise in support of the conference report to S. 735. It is truly the right thing to do.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Michigan is recognized for 3 minutes.

Mr. CONYERS. Mr. Speaker, this has been an important debate, and I think that it has become clear that this is a politically motivated bill, driven first by the National Rifle Association and Mr. BARR, and then finally by the 73 galloping freshmen Republicans who

would not allow a deal to be made, and finally we were able to patch a little bit together.

We are dealing with a bill now that started off with no habeas corpus, we do not need it. But then, because there was nothing in the bill, we needed it.

So what do we have here? What we have is a bill that is missing, missing. Wiretaps for terrorist offenses, not in the antiterrorist conference report before this House. The current law allows for wiretaps for everything from fraud, embezzlement, destroying cars, numerous felonies, but the bill rejects on careful consideration the proposal that we be able to wiretap for crimes of terrorism and crimes where weapons of mass destruction are used.

Are you serious that this is an antiterrorist bill?

So while a Federal agent can get a wiretap if he believes a car is to be destroyed, he may not be able to get a wiretap if he believes an act of terror or mass destruction or murder is going to take out a building or someone is planning to gas the New York subway.

How silly and how unserious.

Similarly, while current law allows for emergency exceptions to the requirement of a court order for a wiretap in instances where the agent learns a criminal act is imminent, this bill refuses to extend that constitutionally permissible emergency circumstance exception to terrorism cases.

So, there you have it. Taggants? Oh, well, we put it back in, but we exempted black and smokeless powder. I wonder why? Well, it does not take a scientist to figure that one out.

So I guess you guys have proved your point. I mean, you are going to show that we got a terrorism bill on an anniversary and that, further, we put the President of the United States in a tremendously embarrassing position where he has to swallow a compromise of habeas corpus.

Mr. Speaker, reject this bill and let us in Committee on the Judiciary go back and do it right.

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 2 minutes.

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

Mr. HYDE. Mr. Speaker, I want to congratulate the gentleman from New York [Mr. SCHUMER] for his cooperation. He has been very helpful on this bill, and I did not want to let the time pass without doing that.

Mr. Speaker, we do not abolish habeas corpus. I keep hearing that. We strengthen habeas corpus by forbidding its abuse. That is what we do.

Now, I am the last one to instruct the newest member of the Committee on the Judiciary from California on the Constitution. I am the last one. I am not going to instruct her. I am going to instruct the world that the sixth amendment does not apply to deportation proceedings. That is a civil matter, not a criminal matter. I just

thought I would throw that in the hopper.

There are no secret trials. There is classified information which will remain classified, but a fair summary of that is given to the alien and that has to be adequate to prepare a defense. If it is not, the proceedings are over.

Now, groups supporting this legislation are Citizens for Law and Order; the National Troopers Coalition, 45,000 members; the Christian Coalition; the Anti-Defamation League; the Leon and Marilyn Klinghoffer Foundation; Families of Pan Am 103 Lockerbie; Survivors of the Oklahoma City Bombing; International Association of Chiefs of Police; National Association of Police Organizations; the Law Enforcement Alliance of America; National Sheriffs' Association; National Rifle Association; International Association of Fire Chiefs; the Governor of the State of Oklahoma, a Republican; the attorney general of the State of Oklahoma, a Democrat; the National Association of Attorneys General passed a resolution that was unanimous; and the National Association of District Attorneys.

All of these folks love the Constitution and would not do anything to damage it or brutalize it.

Mr. Speaker, I urge an "aye" vote.

Ms. PELOSI. Mr. Speaker, tomorrow this country will pause in sorrowful remembrance as we observe the 1-year anniversary of the tragic bombing of the Murrah Federal Building in Oklahoma City. This incident shook the fabric of our Nation and illustrated the threat posed to us all by terrorism. Oklahoma City is the driving force behind the renewed push for anti-terrorism legislation. I believe we need an anti-terrorism bill. I do not believe that the conference report before us today is the anti-terrorism bill we need.

We, as Members of Congress, have a particular responsibility to be the guardians of the Constitution and the Bill of Rights. That responsibility is not always easy and it is not always popular. It is, however, always necessary. I oppose this anti-terrorism bill because I believe some provisions in it violate the Constitution. If we pass it, we are ignoring our duty to guard the basic principles upon which our great Nation is founded.

I oppose a number of provisions in this bill but will focus my remarks on my concerns about the habeas corpus reforms contained in it. To many people, habeas corpus sounds like an obscure legal phrase with minimal relevance to their lives. This misunderstanding could not be further from the truth. Habeas corpus is the mechanism by which a citizen in this Nation who is deprived of liberty can petition an independent court to test the legality of his or her detention. Habeas corpus safeguards our individual liberty and the bill before us today restricts habeas corpus appeals.

The habeas corpus provisions in this bill are dangerous to ordinary citizens. They increase the risk that innocent persons could be held in prison in violation of the constitution, or even executed. For the first time, a use it or lose it approach is being applied to a basic constitutional right. Constitutional rights are not time-bound, they are timeless or they are worthless.

The bill before us mandates strict habeas corpus filing deadlines that ordinary citizens,

especially those lacking financial resources, may not be able to meet. It limits their right in almost all cases to only one round of Federal review, and severely limits the power that Federal courts have to correct unconstitutional incarceration. It cuts off most opportunities for incarcerated citizens to appeal to higher courts for relief.

The habeas corpus provisions in this bill are reason enough to oppose it. They are certainly not the only thing wrong with this bill. I would also like to note for the record my concern about the bill's changes to asylum law which severely threaten our country's rich history of providing refuge for people fleeing persecution in their homelands. The bill eliminates the suspension of deportation for anyone who enters this country without inspection. It also establishes summary removal at ports of entry if people lack valid documents. Valid documents are often difficult to find or to protect in war-torn countries.

As some of my colleagues know, I have been particularly concerned over the years about the plight of victims of rape, torture, and domestic violence. I am pleased that the Justice Department has a heightened sensibility to the particular problems faced by women who have experienced these crimes in their homelands. Rape is being used as a tool of terror and war in civil conflicts around the world. In many of these countries, rape victims may be unable to articulate immediately their fear of persecution, especially to a stranger who is usually a man. As a result of the provisions in this bill, these women, lacking documentation, will be summarily returned to their homelands.

Mr. Speaker, I understand the need to fight terrorism and I can support anti-terrorism legislation which does so while preserving our precious constitutional rights. This conference report does not meet that test and I urge my colleagues to oppose it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the members of the House Judiciary Committee and other Members of the House who have worked diligently to get an antiterrorism bill passed in this Congress. As we commemorate the 1 year anniversary of those 168 Americans who lost their lives in the bombing of the Federal building in Oklahoma City, it is fitting and proper that we consider this bill.

This bill, however, is really a weak antiterrorism bill. It does not give law enforcement officials all of the tools that they need to combat antiterrorism. For example, they will not have the emergency wiretapping authority and the ability to engage in multipoint wiretaps. Moreover, the bill's provisions relating to a cop-killer bullet study have been severely watered down. The study would only focus on reviewing the quality of police armor instead of concentrating on the types of bullets used to kill police officers.

It is important to point out that the perpetrators of the World Trade Center bombing were successfully prosecuted under existing law. While the intent of this bill was good, it focuses on many matters unrelated to preventing international terrorism.

I have some further concerns about the impact of this bill on the fundamental rights of all Americans. It dramatically expands the powers of the Federal Government by granting authority to the Secretary of State and Secretary of the Treasury to designate certain organiza-

tions as terrorist organizations. While this designation is subject to congressional and judicial review, it still would result in a chilling effect on the rights of freedom of assembly and freedom of association that Americans enjoy today, because this bill may encourage false accusations against certain groups.

Additionally, the bill modifies the current application of the habeas corpus doctrine by requiring Federal courts to ignore unconstitutional court convictions and sentences by State courts unless the State court decision was unreasonably wrong. Four former U.S. Attorneys General, both Republicans and Democrats, have argued that this provision is unconstitutional. Federal courts would lose the power to correct unconstitutional incarceration. If this bill becomes law, it could result in innocent persons being held in prison in violation of the Constitution and—even executed—because the bill imposes unreasonably short time limits for filing a claim of habeas corpus relief. All of us can cite instances in which innocent persons were released as a result of a comprehensive and fair review of their cases through the habeas corpus process in Federal courts.

The petitioner must also file the petition within 1 year after conviction becomes final. It limits almost all petitioners to only one round of Federal review and requires the petitioner to meet an extremely high clear and convincing burden of proof in order to secure relief.

What this bill does is provide selective due process and selective civil liberties. It allows the Government to arbitrarily designate those who are terrorists, and infringes the fundamental privacy rights of all Americans. We must punish to the fullest extent of the law those who commit terrorist acts against our Nation, and innocent citizens. However, I equally believe that we must carefully consider the bill before us and firmly support the constitutional rights of all Americans.

This bill is not as strong on measures that would prevent terrorism but it is filled with special loopholes that will not effectively help law enforcement officials in their fight against terrorism.

I urge my colleagues to carefully review this bill and its potential impact on the real issue to fight against terrorism and how it would strike a balance in preserving the rights of our citizens.

Mrs. SMITH of Washington. Mr. Speaker, today, I was inadvertently recorded as a "yes" vote in favor of final passage of the House-Senate conference report for S. 735, the Terrorism Prevention Act. After voting, I did not check to see how the machine had recorded my vote. My vote should have been a "no" vote for reasons that I will enumerate below.

Presently, there are more than 270 Federal laws that address domestic incidents of terrorism including penalties for specific types of murder, kidnapping, and assault committed with political intent. I am not convinced that adding additional laws will do anything to prevent another Oklahoma City tragedy from occurring.

The expansion of Federal law enforcement agencies via an additional authorization of \$1 billion is fiscally imprudent and only gives a rubber stamp to agencies like the Bureau of Alcohol, Tobacco, and Firearms [BATF] that have come under close scrutiny in recent years.

While the multiple wire tapping provisions are not in this legislation, provisions are in

place for intercepting wireless data through e-mail and document transmission when done by a wireless modem or through a laptop connected to a cellular phone. Specifically, the Electronic Communications Privacy Act [ECPA] provided these protections which have now been eliminated in section 731 of the conference report. With the phenomenal growth of communication via the Internet and on-line services, I am concerned about the violation of privacy rights of law abiding Americans.

Finally, it is important to keep in mind that there is a very valid argument negating the need for any counterterrorism legislation or at least in its present scope and scale. We live in a very free society that places a high premium on civil liberties.

Mr. Speaker, thank you for the opportunity to clarify the record on this legislation.

Mr. MARTINI. Mr. Speaker, I rise today in support of the conference report to S. 735, the Terrorism Prevention Act, and to honor the victims and salute the survivors of the Oklahoma City bombing. Those 168 innocent people who died in the most heinous act of terrorism committed on American soil; 19 children and 149 adults perished. The destruction does not end with these haunting figures. Hundreds of lives have been altered and the mindset of the entire Nation has changed because of one irrevocable act. The entire country has been suffering together for 1 year.

The events of April 19, 1995, are ingrained in all of our minds, hearts, and souls. We no longer look at our lives through the prism of safety and rationality, rather we have been forced to confront the evils that lurk in the dark and manifest themselves in the light. It was at 9:02 a.m., in the full light of a spring day that our perceptions of civility were shattered.

The rise of extremism and militant fundamentalism within our borders is horrifying and sickening. We must not surrender to terrorism, we must conquer it. We cannot allow the seeds of destruction to be sewn in our country. We must send the message loud and clear that the United States will act decisively against those who attempt to undermine civility. While the antiterrorism bill is not a panacea, it is a step in the right direction.

The Federal building in Oklahoma City no longer stands, but the U.S. Constitution and the laws that govern our great Nation are our iron shield. We must strengthen the death penalty for terrorist crimes which result in the death of an American citizen abroad or at home, we must improve current law to facilitate Government deportation of criminal aliens, and we must allow U.S. citizens to bring suit against a sponsoring terrorist nation in Federal court. The Terrorism Prevention Act accomplishes these necessary goals.

The site of the Federal building in Oklahoma City is now an empty, fenced-in field but the memory of what occurred on that soil on April 19, 1995, will live on forever. On this day, let us remember those innocent men, women, and children whose lives were ripped out from underneath them. We cannot bring these innocents back, but we can work to assure that the perpetrators of violent terrorist acts will themselves be judged.

Mr. Speaker, I am also pleased that the conference committee included the Martini amendment death penalty language in this legislation. On March 21, 1995, in the early evening a man walked into the Montclair, NJ,

postal substation in my congressional district and summarily killed two postal employees and two customers. I offered the Martini amendment because I wanted to ensure that criminal acts like the Montclair postal shooting would be covered by the death penalty.

Postal workers Stanley Scott Walensky and Ernest Spruill and Montclair residents Robert Leslie and George Lomoga had their lives cut short in a senseless crime. We cannot bring these victims back, but we can send a strong, clear message to criminals like Christopher Green that their actions will not go unpunished.

The Martini language, formally known as the Death Penalty Clarification Act of 1995 (H.R. 1811), would expand the Federal death penalty statute to include situations in which a defendant, " \* \* \* intentionally kills or attempts to kill more than one person in a single criminal episode." This provision sends a clear message to the criminal that execution style multiple killings will not go unpunished because of a loophole in Federal law. It will ensure that just and fair punishment is administered to individuals who fail to live by society's rules.

My heart goes out to the survivors of the Oklahoma City bombing, and I wish them good health and happiness in their futures. We, as a nation, must continue to help each other in the healing process.

Mr. POSHARD. Mr. Speaker, I rise in support of the conference report on S. 735, the Anti-Terrorism and Effective Death Penalty Act.

As the people in the 19th Congressional District know, I voted against the House version of the antiterrorism bill. I was concerned that it was overly broad in scope and encroached on individual rights of law-abiding citizens.

As the conference committee worked to merge the House and Senate versions of the bill, I noticed a number of important changes which led me to the conclusion that I could support this bill, and hopefully provide a meaningful response to the threat of terrorism.

The final bill allows the State Department to designate foreign groups as terrorist organizations, bars members and representatives of groups designated as terrorists from entering the United States, and prohibits such groups from engaging in fundraising in this country. It prohibits U.S. aid to countries providing assistance or military equipment to terrorist nations, unless the President waives those provisions. It includes provisions taken from the House bill which will allow deportation of immigrants who are or may be engaged in terrorist activity, and allows the Government to use classified information to deport terrorists.

Importantly, the conference report did not increase investigative powers such as extended wiretap authority for Federal law enforcement officials. We all have a mutual interest in making sure that our law enforcement agencies and the men and women who put their lives on the line in performance of their duties are adequately trained and equipped. But our rights as individual citizens must not be compromised, and I opposed efforts to expand certain powers which I saw as too invasive. That is why I supported the Barr amendment during House deliberation, and why I am able to support the final version before us today. The final version is also stronger on issues of compensating victims of terrorist attacks.

I note today the strong, bipartisan support for the bill which is before us, and take note of the overwhelming vote in favor of the bill in the U.S. Senate. This has been a process of careful consideration, not a rush to react, and as we near the 1 year anniversary of the Oklahoma City bombing, I believe we have before a vehicle to move ahead with an appropriate law enforcement response which does not infringe on rights we hold dear as citizens of a free nation.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in opposition to this bill. I do so with deep regret because I would have hoped that this Congress could do something meaningful to respond to the dangerous threat of terrorism. Americans need to be safe here and abroad, and if we are to fight this new threat to our security, we need new tools in the battle. But when it comes to the fight against terrorism, this bill does too little. Sadly this legislation does not confine itself to the fight against terrorism, and it is here where the bill goes too far.

Sacrificing our Constitution and the integrity of our judicial system is too high a price to pay for an antiterrorism bill that, sadly, does not do enough. The right of every American to a fair hearing in court will be severely undermined by this legislation. No punishment should be dispensed in a manner that violates an individual's right to a fair hearing. This bill jeopardizes that right, not just for those on death row, but also for those who face other punishments.

This bill increases the risk that innocent persons would be held in prison in violation of the Constitution—and possibly even executed—because the bill imposes unreasonably short time limits for filing a claim of habeas corpus relief, limits almost all petitioners to only one round of Federal review, and requires petitioners to meet clear and convincing burden of proof standard in order to get relief.

This is not right and I will not support such a move.

The bill leaves out provisions which would have: added terrorism crimes to the list of those for which wiretaps can be approved, included terrorism crimes under RICO statutes, and have permitted our law enforcement agencies to draw upon the expertise to address the threat of chemical or biological weapons of mass destruction.

When we need to give law enforcement officials new powers to investigate these new threats, we fail to produce.

As well, this bill caves in to the demands of the gun lobby when it comes to confronting the threat posed by cop killer bullets. I have joined many of my colleagues in calling for a ban on these bullets which have only one purpose—piercing body armor. We could not achieve this victory this year, but hoped that a study of this ammunition would alert the public to the need for action. But now even this study has been disarmed. Rather than study the bullets that can pierce armor and kill law enforcement officers, this bill dances around the subject to the tune called by the NRA.

We face a serious threat from terrorism. We need to respond in a meaningful and comprehensive way. Unfortunately this bill is not up to the task at hand. It makes too many compromises on the fundamental issues and threatens the rights of all Americans to a fair hearing in our judicial system.

This is not the way to fight terrorism and that is why I will vote against the measure before us.

Mrs. KENNELLY. Mr. Speaker, I rise in support of this antiterrorism legislation.

Those conversant with our Constitution know that, in almost its first words, it speaks of the duty to "insure domestic tranquility." That is a difficult task—especially in a country that values freedom as highly as our own. Yet it is a duty we must carry out, because, as our Founders understood, freedom requires tranquility to flourish.

This legislation will help us protect our freedom and tranquility at a time when violence is a fact of daily life. We have seen the scars left by terrorists in countries around the world, and now, tragically, in our own. So it is high time we take these steps to strengthen law enforcement and protect Americans. I will support this conference report, and I urge my colleagues to do the same.

Mr. DEUTSCH. Mr. Speaker, as we get ready to vote on the Anti-Terrorism and Effective Death Penalty Act, I would like to focus on the fundraising provision of this legislation. Ever since the bombings at the World Trade Center and in Oklahoma City, exhaustive efforts have been made to curtail fundraising activities of terrorist organizations here in the United States. It is completely unacceptable that a terrorist organization like Hamas can establish a fundraising center just down the road from the United States Capitol.

The fundraising provision in the anti-terrorism bill serves as a crucial first step at ending extremist fundraising operations here in the United States. It enables the United States Government to designate those organizations, such as Hamas, that serve solely as agents of violence and destruction, and prevents them from raising money here in America. Additionally, it prohibits individuals from providing material resources to designated terrorist organizations.

But this is only a first step. During the House debate, I drafted an amendment that would have created an even stronger fundraising provision. It would have closed several of the loopholes that allow nondesignated organizations from serving as fundraising conduits for the benefit of outlawed terrorist groups. It would have broadened the scope of individuals prohibited from assisting these violent and ruthless organizations. I look forward to working with my colleagues in the near future to strengthen the current fundraising provision and pass legislation that would force violent extremists to leave the United States and look elsewhere to find their blood money.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to call attention to section 422 of the conference report on S. 735, which provides for the summary exclusion of persons attempting to enter the United States without proper documentation.

It is important that we exclude persons who would abuse our generous immigration laws, and it is important that the process of exclusion be a speedy one. It is also important, however, that the process be fair—and particularly that it not result in sending genuine refugees back to persecution.

Section 422 provides that no person shall be summarily excluded if, in the opinion of an asylum officer at the port of entry, he or she has a credible fear of persecution. Unfortunately, the definitions of asylum officer and of

credible fear of persecution are not as clear as they might be.

In particular, the definition of asylum officer requires professional training in asylum law, country conditions, and interviewing techniques, but does not state how much training or what kind. I am informed that assurances have been given from the staff members who worked on drafting the conference report that there is absolutely no intention that officers should be put in these positions who are not genuine asylum officers. Mr. Chairman, the INS now has a professionally trained corps of asylum officers, who have had substantial training in handling asylum cases. It should be clear that when we in Congress speak of asylum officers, we mean these professionally trained officers—people who by training and experience think of themselves as adjudicators rather than as enforcement officers—not some other officer who has been given a short course in asylum law and then given this extraordinary power to send people back to dangerous places.

Mr. Speaker, I think it should also be clear that our asylum officers will need to be very careful in applying the credible fear standard. In a close case, they must give the benefit of the doubt to the applicant. There are also some countries—such as Cuba, China, North Korea, Iran, and Iraq—in which persecution is so pervasive that any credible applicant would have a significant chance of success in the asylum process. Asylum applicants should not be returned to these totalitarian regimes without a full hearing.

I hope that regulations will be promptly adopted that explicitly provide for these and other safeguards in the summary exclusion process.

Mr. ALLARD. Mr. Speaker, I rise in support of this conference report.

Today I am going to vote in favor of S. 735, the Terrorism Prevention Act conference report. As I stated throughout debate on the antiterrorism bill I have had concerns that the bill might be used as a vehicle to expand Federal power over law-abiding citizens. This was my reason for opposing the original House bill, I was concerned that a House-Senate conference would add a number of undesirable Senate provisions. A number of bad ideas were in play, including expansive Federal wiretapping authority, included in the Senate bill, excessive power for certain Federal law enforcement agencies, and excessive spending.

I have followed the conference closely, and I am now satisfied that the civil liberties of law-abiding citizens are protected, and that Federal authority is appropriately restricted. The bill focuses on international terrorist organizations, a matter of Federal jurisdiction.

I want to strongly commend the death penalty reform measures of this conference agreement. I have always supported and co-sponsored legislation to limit frivolous, repetitive appeals of convicted murderers on death row. I also strongly support mandatory victim restitution provisions included in this bill. For far too long we have ignored the rights of victims.

This bill helps focus our criminal justice system to where it should be, on swift and certain punishment for criminals and justice for victims.

Mr. NADLER. Mr. Speaker, I reluctantly rise in support of this conference report because

despite some defects which, quite frankly, could easily have been fixed without compromising the fight against terrorism, it will give law enforcement important and overdue tools in the fight against international terrorism.

Thankfully, the conferees put back many important anti-terrorist provisions that were stripped out by a majority under the sway of the extreme right. I commend the conferees for their vision and courage.

This bill will give law enforcement the ability to crack down on fundraising by international terrorist organizations in the United States. No act of terrorism, anywhere in the world, should have a return address in the United States.

It will allow victims of terrorism to receive restitution from their victimizers whether the terrorists are governments or organizations.

It will add new criminal jurisdiction and penalties for terrorist acts so that law enforcement can reach the terrorists wherever they are.

It will give our Government an enhanced ability to deport alien terrorists.

It will enable law enforcement to battle terrorists who use chemical, biological, and nuclear weapons or who use plastic or other more conventional explosives.

It provides new resources to those law enforcement agencies charged with fighting terrorism.

At the same time, the conferees have repaired many of the dangerous and unnecessary civil rights violations in the bill reported by the Judiciary Committee, and which the distinguished ranking member, the gentleman from California and I sought to correct in our substitute. I am pleased that the conferees have responded to some of our concerns.

This bill no longer allows asylum officers summarily to send refugees back into the hands of their oppressors without review.

This bill no longer allows individuals to be deported without knowing the charges or basis of that deportation. They will now be allowed to select their own attorneys and those attorneys will have the ability to consult fully with their clients about the case.

This bill provides clearer standards for designating organizations as terrorist organizations and court review of that designation.

Unfortunately, this bill still guts the rules governing the writ of habeas corpus in ways that I am confident the courts will ultimately rule are unconstitutional and unenforceable. I wish we had the votes to strip these provisions from the bill, but I know we do not.

We will prevail in court on habeas, but today we prevail over terrorists and their cowardly and bloody handiwork whether they are in Cairo or Jerusalem or in Oklahoma City. We also prevail in the protection of many civil liberties that had been threatened by earlier versions of this bill. As with any compromise, I am unhappy with parts of this bill, but I am also pleased at the important progress we have made.

I urge my colleagues to vote "yes" on the conference agreement.

Mr. PACKARD. Mr. Speaker, today we will take up the most pro-victim bill Congress has considered in almost a decade. H.R. 2703 establishes tough new statutes to allow Federal law enforcement officials to combat and punish acts of domestic and international terrorism. This measure combines crime legislation from the Contract With America and additional

provisions designed to bring criminals to justice while getting justice for victims.

H.R. 2703 makes the death penalty an effective and certain punishment by ending interminable delays and endless appeals. Further, the victim restitution act ensures that our judicial system pays victims of crime the utmost attention by implementing compliance standards for court ordered payments to crime victims as a condition for probation or parole.

For my district, where illegal immigration's impact is felt more than in any other region, the bill includes essential initiatives to improve criminal alien deportation. This provision will expedite the immediate removal of aliens convicted of Federal offenses after they serve their prison terms. In addition, the bill will deny asylum procedure for such aliens.

Mr. Speaker, my Republican colleagues and I are committed to ensuring the safety and well being of every American. The Effective Death Penalty and Public Safety Act of 1996 guarantees Americans the protections they want and deserve while providing tough penalties on those who would break our laws. I encourage all of my colleagues to support this measure.

Mr. SMITH of Texas. Mr. Speaker, I strongly support the terrorism prevention act, and want to commend our distinguished Judiciary Committee chairman, HENRY HYDE, for his excellent work on this issue.

The escalation of criminal and terrorist activity in our country is robbing Americans of the freedom to walk their neighborhood streets, the right to feel secure in their homes, and the ability to feel confident that their children are safe in their schools.

We cannot protect American lives and safety or preserve national security without preventing alien terrorists from entering the country. Alien terrorists are often able to enter the United States despite the fact that their entry violates our national interests. In several cases, the Department of Justice has spent many years and hundreds of thousands of dollars to remove terrorist aliens from the United States.

Terrorist organizations have developed sophisticated international networks that allow their members great freedom of movement and opportunity to strike. The need for special procedures to adjudicate deportation charges against alien terrorists is evident.

An increasing number of crimes are being committed by noncitizens: both legal and illegal aliens. Over one-quarter of all Federal prisoners are noncitizens—an astounding 42 percent of all Federal prisoners in my home State of Texas. Recidivism rates for criminal aliens are high—a recent GAO study revealed that 77 percent of noncitizens convicted of felonies are arrested at least one more time.

Mr. Speaker, too few criminal aliens are being deported today. The deportation process can be years in length. S. 735 streamlines the deportation process by eliminating frivolous challenges to deportation orders; expanding the list of aggravated felonies for which aliens can be deported; and closing the gap between the end of an alien's criminal sentence and the date the alien is deported from the United States.

Americans should not have to tolerate the presence of those who abuse both our immigration and criminal laws. S. 735 ensures that the forgotten Americans—the citizens who obey the law, pay their taxes, and seek to raise their children in safety—will be protected from the criminals and terrorists who want to prey on them. I urge my colleagues to vote “yes” on the terrorism prevention act.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 293, nays 133, not voting 7, as follows:

[Roll No. 126]

YEAS—293

Ackerman	Coburn	Geren
Allard	Collins (GA)	Gibbons
Andrews	Combust	Gilchrest
Archer	Condit	Gillmor
Army	Costello	Gilman
Bachus	Cox	Gingrich
Baessler	Cramer	Gonzalez
Baker (CA)	Cremeans	Goodlatte
Baker (LA)	Cunningham	Goodling
Baldacci	Danner	Gordon
Ballenger	Davis	Goss
Barr	de la Garza	Green (TX)
Barrett (NE)	Deal	Greene (UT)
Bartlett	DeLauro	Greenwood
Barton	DeLay	Gunderson
Bateman	Deutsch	Gutknecht
Bentsen	Diaz-Balart	Hall (OH)
Bereuter	Dicks	Hall (TX)
Bevill	Dingell	Hamilton
Bilbray	Dixon	Hansen
Bilirakis	Dooley	Harman
Bishop	Doolittle	Hastert
Bliley	Dornan	Hastings (FL)
Blute	Doyle	Hefley
Boehlert	Dreier	Hefner
Boehner	Dunn	Heineman
Bono	Durbin	Hobson
Borski	Edwards	Hoke
Boucher	Ehlers	Holden
Brewster	Ehrlich	Horn
Browder	Emerson	Houghton
Brown (CA)	Engel	Hoyer
Brown (FL)	English	Hunter
Brownback	Ensign	Hyde
Bryant (TN)	Everett	Inglis
Bunning	Ewing	Istook
Burton	Fawell	Jefferson
Buyer	Fazio	Johnson (CT)
Callahan	Flanagan	Johnson (SD)
Calvert	Foley	Johnson, E. B.
Camp	Forbes	Johnson, Sam
Canady	Fowler	Kanjorski
Cardin	Fox	Kasich
Castle	Franks (CT)	Kelly
Chabot	Franks (NJ)	Kennelly
Chambliss	Frelinghuysen	Kim
Chapman	Frisa	Kingston
Christensen	Frost	Klecza
Chrysler	Gallegly	Klink
Clement	Ganske	Klug
Clinger	Gejdenson	Knollenberg
Clyburn	Gekas	Kolbe
Coble	Gephardt	Lantos

Largent	Murtha
Latham	Myrick
LaTourette	Nadler
Laughlin	Neal
Lazio	Norwood
Leach	Nussle
Levin	Ortiz
Lewis (CA)	Orton
Lightfoot	Oxley
Lincoln	Packard
Linder	Pallone
Lipinski	Parker
Livingston	Paxon
LoBiondo	Payne (VA)
Longley	Peterson (FL)
Lowe	Petri
Lucas	Pickett
Luther	Pomeroy
Maloney	Porter
Manton	Portman
Martini	Poshard
Mascara	Pryce
Matsui	Quillen
McCollum	Quinn
McCrery	Ramstad
McDade	Reed
McHale	Regula
McHugh	Richardson
McInnis	Riggs
McIntosh	Roberts
McKeon	Roemer
McNulty	Rogers
Meehan	Rohrabacher
Menendez	Ros-Lehtinen
Meyers	Roth
Mica	Roukema
Miller (CA)	Royce
Miller (FL)	Salmon
Mink	Sawyer
Moakley	Saxton
Molinari	Schaefer
Montgomery	Schiff
Moorhead	Schumer
Moran	Seastrand
Morella	Sensenbrenner

NAYS—133

Abercrombie	Hastings (WA)	Pelosi
Barcia	Hayworth	Peterson (MN)
Barrett (WI)	Herger	Pombo
Bass	Hilleary	Radanovich
Becerra	Hilliard	Rahall
Beilenson	Hinchey	Rangel
Berman	Hoekstra	Rivers
Bonilla	Hostettler	Roybal-Allard
Bonior	Hutchinson	Rush
Brown (OH)	Jackson (IL)	Sabo
Bryant (TX)	Jacobs	Sanders
Bunn	Johnston	Sanford
Burr	Jones	Scarborough
Campbell	Kaptur	Schroeder
Chenoweth	Kennedy (MA)	Scott
Clay	Kennedy (RI)	Serrano
Clayton	Kildee	Shadegg
Collins (IL)	King	Skaggs
Collins (MI)	LaFalce	Skeen
Conyers	LaHood	Slaughter
Cooley	Lewis (GA)	Souder
Coyne	Lewis (KY)	Stark
Crane	Lofgren	Stockman
Crapo	Manzullo	Stokes
Cubin	Markey	Studds
DeFazio	Martinez	Stump
Dellums	McCarthy	Tate
Dickey	McDermott	Torres
Doggett	McKinney	Towns
Duncan	Meek	Velazquez
Eshoo	Metcalf	Visclosky
Evans	Millender-McDonald	Walsh
Farr	Minge	Wamp
Fattah	Mollohan	Waters
Fields (LA)	Myers	Watt (NC)
Filner	Nethercutt	Waxman
Flake	Neumann	Weldon (FL)
Foglietta	Ney	Williams
Ford	Oberstar	Wilson
Frank (MA)	Obey	Wise
Funderburk	Olver	Woolsey
Furse	Owens	Wynn
Graham	Pastor	Yates
Gutierrez	Payne (NJ)	Zeliff
Hancock		

NOT VOTING—7

Coleman	Jackson-Lee	Tanner
Fields (TX)	(TX)	Thompson
Hayes	Rose	

□ 1457

Ms. FURSE, Ms. MCKINNEY, Mr. WILSON, and Mr. GRAHAM changed their vote from "yea" to "nay."

Mr. CHAPMAN changed his vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

## LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise to inquire of the distinguished majority leader of the schedule for the remainder of the week and for next week.

I yield to the gentleman from Texas [Mr. ARMEY], majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, before I announce the program for next week, I would like to take a moment and inform the body that the distinguished chairman of the Committee on the Judiciary has just completed work on a very, very important piece of legislation on the day of his birthday. I think it would behoove us all to congratulate Chairman HYDE on his 49th birthday.

Mr. Speaker, if the gentleman will continue to yield, I do appreciate the gentleman's indulgence with me.

Mr. Speaker, I am happy to announce that we have now concluded our legislative business for the week. There will be no votes on Monday, April 22. On Tuesday, April 23, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

Members should be advised, Mr. Speaker, that we do not expect any recorded votes before 5 p.m. on Tuesday next. As our first order of business on Tuesday, the House will consider two bills on the Corrections Day Calendar: H.R. 3049, to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development; and H.R. 3055, to permit continued participation by historically black graduate professional schools in the Grant Program.

After the corrections bills, we will then take up seven bills under suspension of the rules. I will not read the list now. I believe the gentleman has a copy before him, but a list of suspensions will be distributed to all Members' offices this afternoon.

After consideration of the suspensions on Tuesday, the House will dispose of the President's veto message for H.R. 1561, the American Overseas Interests Act of 1995.

On Wednesday, April 24, and Thursday, April 25, the House will take up the following items, all of which will be subject to rules: The conference re-

port for H.R. 3019, the fiscal year 1996 omnibus appropriations conference report; H.R. 2715, the Paperwork Elimination Act of 1995; and H.R. 1675, the National Wildlife Refuge Improvement Act of 1995.

We should finish business and have Members on their way home to their families by 6 p.m. on Thursday, April 25. I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I would inquire of the gentleman from Texas a couple of points, if he would indulge me in a few questions.

The gentleman mentioned in his remarks that after consideration of the suspensions on Tuesday, the House will dispose of the President's veto message basically on the State Department Authorization Act. Will we vote on the veto override on Tuesday?

Mr. ARMEY. Mr. Speaker, yes, we will.

Mr. BONIOR. So this is not just a matter of sending it back to committee.

Mr. ARMEY. No, there will be a recorded vote.

Mr. BONIOR. I thank my colleague for that.

Mr. Speaker, can my friend from Texas, in light of what happened before we adjourned here for the Easter Passover recess, when the Chair was in error with respect to the motion on the previous question with respect to the minimum wage, can the gentleman assure our side that we will have an opportunity to vote on the issue of the minimum wage in the near future?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I was just asked by one of my colleagues a moment ago why is it the minority did not raise the minimum wage last year when they had the majority in the House and they had the majority in the Senate and they had the White House? Mr. Speaker, I suspect the reason is they read page 27 of Time magazine on February 6, 1995, where the President was quoted as saying that raising the minimum wage is, and I quote, "the wrong way to raise the incomes of the low wage workers." Perhaps they did not dispute the President at that time.

Mr. Speaker, I will say to the gentleman, I know of no consideration being given to this subject in any committee of jurisdiction of the House at this time. Consequently, I would see no basis by which I would anticipate a bill being reported out and a request being made to schedule floor time.

Mr. BONIOR. Mr. Speaker, I would say to my friend from Texas that his comments remind me of the comments that he made originally at the beginning of the session when he said, and I believe this is a direct quote, that he would fight the minimum wage with every fiber in his body. And the Speaker had said yesterday, at least according to the paper reports this morning, that the Republicans would not be able to duck, the word "duck" was used in many of the accounts in the papers this morning, this issue any further.

So I was just trying to find out how we could reconcile those two concerns and whether or not the people in this country who are choosing work over welfare and trying to raise a family on less than \$8,500 a year, can they expect any type of relief yet?

Mr. ARMEY. Mr. Speaker, I again will tell the gentleman that I know of no committee of this body that has jurisdiction on this subject that is considering any legislation on this subject. Obviously, I would have no basis to anticipate any committee reporting legislation or requesting floor time for consideration of such legislation.

Mr. BONIOR. Mr. Speaker, the only other comment I have on this subject, I would tell my friend from Texas that 70 percent of the bills that have come to this floor this year have not gone through committee. They have come right out of the Committee on Rules. So we hope and pray that in the near future those folks who are working hard and have children and are working for \$8,500 a year will be able to get the break they deserve.

One other question on the budget resolution, Mr. Speaker. Should we be finished with the budget resolution this week as the schedule calls for and the budget calendar for the year?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. If the gentleman will continue to yield, I am told by the Committee on the Budget that they expect to be prepared to report a budget to the floor the week following next.

Mr. BONIOR. Mr. Speaker, I thank my friend and colleague.

ADJOURNMENT FROM FRIDAY, APRIL 19, TO MONDAY, APRIL 22, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, Friday, April 19, 1996, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 23, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 22, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, April 23, 1996, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business