

"(1) The Chief Justice of the United States shall publicly designate up to seven judges from up to seven United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—

"(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified;

"(B) a deportation proceeding described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

"(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—

"(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (5)(A) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person, then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—

(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if

the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—

"(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte."

By Mr. MCCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

JOINT RESOLUTION TO REPEAL THE 22D AMENDMENT

• Mr. MCCONNELL. Mr. President, it is not without a sense of irony that I am introducing legislation today contrary to the spirit of one of the more notable provisions in the renowned Republican Contract With America. This resolution I put forth would repeal the Presidential term limit—the 22d amendment to the Constitution which Republicans hastily, and regrettably, passed nearly 50 years ago.

This is, in my view, the only term limits bill which should pass Congress.

As we all know, the Contract with America, signed by Republican candidates for the House of Representatives last year, included a call for congressional term limits. Term limits are wildly popular in some areas of the country. But term limits also are misguided, undemocratic and a particularly bad idea for some sparsely populated States where the clamor for them is greatest.

Fortunately, the contract promised a House vote on term limits, not passage. That vote is a promise the House should keep. And for the Nation's sake, it is my hope that the vote result will be a resounding "no."

The popular sentiment for term limits is the ultimate and, perhaps, inevitable manifestation of public disdain for government. It is what Congress gets for being irresponsible on the fundamentals—principally money matters. People justifiably do not feel they are getting a return on their investment in government. As their elected tax money managers, so to speak, we

are in the crosshairs. And they are coming after us with term limits—a very blunt instrument of electoral revenge.

Term limits are the legislative translation of voters leaning out their windows screaming: We're mad as hell and not going to take it anymore.

Fifty years ago, there was such a sentiment, confined primarily to the Republican caucus, contained in the 1940 and 1944 Republican Party platforms, and directed at the architect of the New Deal—President Franklin Delano Roosevelt. In 1947, a Republican congressional majority, fresh from a virtual political exile, passed the 22d amendment to the Constitution to limit Presidents to two terms in office. They were determined that history not repeat itself—there would be no more four-term Roosevelts. They would see to it.

Mr. President, not a single Republican in the House or Senate voted against that term limit amendment in 1947. It was a brash, ill-conceived, hastily executed and strictly partisan response to the unprecedented tenure of President Roosevelt. As constitutional scholars have observed, this was the first constitutional modification that constricted voter suffrage. And Republicans should take heed, for it is we who have been hoisted by their petard. It is poetic justice, in a sense, that Presidents Eisenhower and Reagan are the only ones, thus far, who have been constrained by the 22d amendment.

The Presidential term limit does not, as some have contended, argue for congressional term limits. The 22d amendment was a mistake, Mr. President, and that is why I am introducing today a Senate Joint Resolution to repeal it. It would be fitting, and in the national interest, for the Republican majority of 1995 to rectify a mistake made by the Republican majority of 1947. Democrats hesitant to change that which has been the status quo for half a century may want to review President Harry S. Truman's words in favor of repeal:

What have you done? You have taken a man and put him in the hardest job in the world, and sent him out to fight our battles in a life and death struggle. And you have sent him out to fight with one hand tied behind his back, because everyone knows he cannot run for reelection.

He is still the President of the whole country, and all of us are dependent upon him to do his job. If he is not a good president, and you do not want to keep him, you do not have to reelect him.

Mr. President, it is that simple. The vote gives voters the power to limit terms. Term limits, Presidential and congressional, are unnecessary and unwise. •

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon

[Mr. HATFIELD], the Senator from Arizona [Mr. KYL], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 92

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

S. 94

At the request of Mr. COVERDELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 94, a bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 191

At the request of Mrs. HUTCHISON, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. KYL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 191, a bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements

for motorcycle safety laws, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

AMENDMENT NO. 178

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of amendment No. 178 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 178 proposed to S. 1, supra.

#### SENATE RESOLUTION 69—CON- DEMNING TERRORIST ATTACKS IN ISRAEL

Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. PACKWOOD, Mrs. BOXER, Mr. ROBB, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. SPECTER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. COHEN, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group "Islamic Jihad" claimed credit for the January 22, 1995 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a "Hamas" terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded

in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East;

Therefore, be it *resolved* by the Senate that—

(1) The terrorist attacks in Israel are condemned in the strongest possible terms;

(2) Condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I rise in support of this resolution condemning the brutal terrorist attack in Israel. Any peace process must show benefits if it is to work. Unfortunately, average Israelis are seeing increased terrorism and increased insecurity as extremists seek to use violence to derail peace. If the Israeli population concludes that the peace process is not in their interest, the process will halt.

Since September 13, 1993, when the Declaration of Principles was signed, 110 Israelis have been killed in acts of terrorism. Hundreds more have been wounded. And despite requirements for the Palestinian authority to bring those responsible for acts of violence to justice, not one terrorist has been convicted and sentenced.

Just as troubling as Chairman Arafat's inaction in the face of terrorism is the continued refusal of Syrian President Assad to crack down on terrorist groups operating from Syria and Syrian-controlled Lebanon. It is a sad fact that the statement claiming credit for last Sunday's barbaric attack was issued by Islamic Jihad from Syria. Syria and Syrian-controlled Lebanon remain the address of choice for many of the most bloodthirsty terrorists in the world.

The peace process in the Middle East is at a crossroads. Israel is divided over the best course to protect its future. We in the United States cannot and should not get involved in the internal Israeli debate. We can and should, however, express our condolences to those