

256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 276

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 276, a bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 426

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. INOUE] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 507

At the request of Mr. PRESSLER, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 594

At the request of Mrs. BOXER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 594, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 692

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 711

At the request of Mr. GRAMM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 711, a bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes.

S. 738

At the request of Mr. THOMAS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 738, a bill to amend the Helium Act to prohibit the Bureau of Mines from refining helium and selling refined helium, to dispose of the United States helium reserve, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 839

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 839, a bill to amend title XIX of the Social Security Act to permit greater flexibility for States to enroll medicaid beneficiaries in managed care arrangements, to remove barriers preventing the provision of medical assistance under State medicaid plans through managed care, and for other purposes.

S. 847

At the request of Mr. GREGG, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Washington [Mr. GORTON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Ms. SNOWE], the Senator from New Hampshire [Mr. SMITH], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 850

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 850, a bill to amend the Child Care and Development Block Grant Act of 1990 to consolidate Federal child care programs, and for other purposes.

S. 851

At the request of Mr. JOHNSTON, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

#### AMENDMENTS SUBMITTED

#### COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

#### COVERDELL (AND SIMPSON) AMENDMENT NO. 1210

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mr. SIMPSON) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in the amendment, insert the following new section:

#### SEC. . PROOF OF CITIZENSHIP; VOTER REGISTRATION.

(a) PROOF OF CITIZENSHIP REQUIREMENT FOR VOTER REGISTRATION.—Notwithstanding any provision of the National Voter Registration Act of 1993 (Public Law 103-31; 107 Stat. 77) or any other provision of law, a Federal, State, or local government agency that performs voter registration activities for elections for Federal office may require proof of United States citizenship from any individual applying for such registration.

(b) PROHIBITION OF VOTER REGISTRATION AS PROOF OF CITIZENSHIP.—Notwithstanding any provision of the National Voter Registration Act of 1993 (Public Law 103-31; 107 Stat. 77) or any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

#### KYL AMENDMENT NO. 1211

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

#### SEC. . STOPPING ABUSE OF FEDERAL COLLATERAL REMEDIES.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

#### § 2257. Adequacy of State remedies

“Notwithstanding any other provision of law, an application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment or order of a State court shall not be entertained by a court of the United States unless the remedies in the courts of the State are inadequate or ineffective to test the legality of the person's detention.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 153 of title 18, United States Code, is amended by adding at the end the following:

“2257. Adequacy of State remedies.”

#### KERRY (AND SIMON) AMENDMENT NO. 1212

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill S. 635, supra; as follows:

#### SEC. 1. DEALERS OF AMMUNITION.

(a) DEFINITION.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting “or ammunition” after “firearms”.

(b) LICENSING.—Section 923(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking “or importing or manufacturing ammunition” and inserting “or importing, manufacturing, or dealing in ammunition”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “or” the last place it appears;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by inserting the following new subparagraph:

“(C) in ammunition other than ammunition for destructive devices, \$10 per year.”.

(c) UNLAWFUL ACTS.—Section 922(a)(1)(A) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “or ammunition” after “firearms”; and

(ii) by inserting “or ammunition” after “firearm”; and

(B) in subparagraph (B), by striking “or licensed manufacturer” and inserting “licensed manufacturer, or licensed dealer”;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “or ammunition” after “firearm”;

(3) in paragraph (3), by inserting “or ammunition” after “firearm” the first place it appears;

(4) in paragraph (5), by inserting “or ammunition” after “firearm” the first place it appears; and

(5) in paragraph (9), by inserting “or ammunition” after “firearms”.

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (A)(i), by striking “1 year” and inserting “2 years”; and

(B) in subparagraph (B)—

(i) in clause (i), by striking “1 year” and inserting “2 years”; and

(ii) in clause (ii), by striking “10 years” and inserting “20 years”; and

(2) by adding at the end the following new subsection:

“(o) Except to the extent a greater minimum sentence is otherwise provided, any person at least 18 years of age who violates section 922(g) shall be subject to—

“(1) twice the maximum punishment authorized by this subsection; and

“(2) at least twice any term of supervised release.”.

(e) APPLICATION OF BRADY HANDGUN VIOLENCE PREVENTION ACT TO TRANSFER OF AMMUNITION.—Section 922(t) of title 18, United States Code, is amended by inserting “or ammunition” after “firearm” each place it appears.

## SEC. 2 REGULATION OF ARMOR PIERCING AND NEW TYPES OF DESTRUCTIVE AMMUNITION.

(a) TESTING OF AMMUNITION.—Section 921(a)(17) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (D), as added by section 2(e)(2), as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

“(D)(i) Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 1 year after the date of enactment of this subparagraph, the Secretary shall—

“(I) establish uniform standards for testing and rating the destructive capacity of projectiles capable of being used in handguns;

“(II) utilizing the standards established pursuant to subclause (I), establish performance-based standards to define the rating of ‘armor piercing ammunition’ based on the rating at which the projectiles pierce armor; and

“(III) at the expense of the ammunition manufacturer seeking to sell a particular type of ammunition, test and rate the destructive capacity of the ammunition utilizing the testing, rating, and performance-based standards established under subclauses (I) and (II).

“(ii) The term ‘armor piercing ammunition’ shall include any projectile determined to have a destructive capacity rating higher

than the rating threshold established under subclause (II), in addition to the composition-based determination of subparagraph (B).

“(iii) The Congress may exempt specific ammunition designed for sporting purposes from the definition of ‘armor piercing ammunition’.”.

(b) PROHIBITION.—Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)—

(A) by striking “or import” and inserting “, import, possess, or use”;

(B) in subparagraph (B), by striking “and”; (C) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new subparagraph:

“(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition.”; and

(2) in paragraph (8)—

(A) in subparagraph (B), by striking “and”;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition.”.

## NUNN AMENDMENT NO. 1213

(Ordered to lie on the table.)

Mr. NUNN proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, between line 11 and 12, insert the following:

### SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

“(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

“(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

“(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

“(2) As used in this section, ‘emergency situation involving biological weapons of mass destruction’ means a circumstance involving a biological weapon of mass destruction—

“(A) that poses a serious threat to the interests of the United States; and

“(B) in which—

“(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

“(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

“(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

“(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

“(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations may not authorize arrest except in exigent circumstances or as otherwise authorized by law.

“(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

“(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General’s authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

“(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary’s authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.”.

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

### “§ 2332b. Use of chemical weapons

“(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

“(1) against a national of the United States while such national is outside of the United States;

“(2) against any person within the United States; or

“(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States, shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

“(b) DEFINITIONS.—For purposes of this section—

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

“(2) the term ‘chemical weapon’ means any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

“(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary

of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

“(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

“(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

“(2) As used in this section, ‘emergency situation involving chemical weapons of mass destruction’ means a circumstance involving a chemical weapon of mass destruction—

“(A) that poses a serious threat to the interests of the United States; and

“(B) in which—

“(i) civilian law enforcement expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

“(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

“(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

“(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

“(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations may not authorize arrest except in exigent circumstances or as otherwise authorized by law.

“(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

“(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General’s authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

“(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary’s authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.”

(c) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after

the item relating to section 2332a the following:

“2332b. Use of chemical weapons.”

(d) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting “without lawful authority” after “A person who”.

#### BOXER AMENDMENT NO. 1214

Mrs. BOXER proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra, as follows:

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

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

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

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

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

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

“(2) 6 years—.”

#### LIEBERMAN (AND BIDEN) AMENDMENT NO. 1215

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Insert at the appropriate place the following new section:

#### SEC. . REVISION TO EXISTING AUTHORITY FOR MULTIPPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting “of a purpose, on the part of that person, to thwart interception by changing facilities.” and inserting “that the person had the intent to thwart interception or that the person’s actions and conduct would have the effect of thwarting interception from a specified facility.”

(b) Section 2518(11)(b)(iii) is amended to read:

“(iii) the judge finds that such showing has been adequately made.”

#### KOHL AMENDMENT NO. 1216

(Ordered to lie on the table)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following:

#### SEC. . GUN-FREE SCHOOLS.

Section 922(q) of title 18, United States Code, is amended to read as follows:

“(q)(1) The Congress finds and declares that—

“(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

“(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

“(C) firearms and ammunition move easily in interstate commerce and have been found

in increasing numbers in and around schools, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Senate;

“(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

“(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

“(F) the occurrence of violent crime in school zones as resulted in a decline in the quality of education in our country;

“(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

“(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves; even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

“(I) Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation’s schools by enactment of this subsection.

“(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

“(B) Subparagraph (A) shall not apply to the possession of a firearm—

“(i) on private property not part of school grounds;

“(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

“(iii) which is—

“(I) not loaded; and

“(II) in a locked container, or a locked firearms rack which is on a motor vehicle;

“(iv) by an individual for use in a program approved by a school in the school zone;

“(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

“(vi) by a law enforcement officer acting in his or her official capacity; or

“(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry in school premises is authorized by school authorities.

“(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

“(B) Subparagraph (A) shall not apply to the discharge of a firearm—

“(i) on private property not part of school grounds;

“(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

“(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

“(iv) by a law enforcement officer acting in his or her official capacity.

“(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.”.

#### BIDEN AMENDMENT NO. 1217

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Delete Title 6, subtitle A and insert the following:

#### SUBTITLE A—COLLATERAL REVIEW IN FEDERAL CRIMINAL CASES

##### SEC. 601. FILING DEADLINES.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth paragraphs; and

(2) by adding at the end the following new paragraphs:

“A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

“(1) the date on which the judgment of conviction becomes final;

“(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

“(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and is made retroactively applicable; or

“(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

“In a proceeding under this section before a district court, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held only if a circuit justice or judges issues a certificate of appealability. A certificate of appealability may issue only if the movant has made a substantial showing of the denial of a constitutional right. A certificate of appealability shall indicate which specific issue or issues shows such a denial of a constitutional right.

“A claim presented in a second or successive motion under this section that was presented in a prior motion shall be dismissed.

“A claim presented in a second or successive motion under this section that was not presented in a prior motion shall be dismissed unless—

“(A) the movant shows that the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

“(B) (1) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

“(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the movant guilty of the underlying offense.

“Before a second or successive motion under this section is filed in the district court, the movant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application. A motion in the court of appeals for an order authorizing the district court to consider a second or successive motion shall be determined by a three-judge panel of the court of appeals. The court of appeals may authorize the filing of a second or successive motion only if it determines that the motion makes a prima facie showing that the motion satisfies the requirements in this section. The court of appeals shall grant or deny the authorization to file a second or successive motion not later than 30 days after the filing of the motion.

“The grant or denial of an authorization by a court of appeals to file a second or successive motion shall not be appealable and shall not be the subject of a petition for rehearing or a writ of certiorari.

“A district court shall dismiss any claim presented in a second or successive motion that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.”.

#### KENNEDY AMENDMENT NO. 1218

(Ordered to lie on the table.)

Mr. KENNEDY proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 48, line 12, before the period insert the following: “, except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501.”

#### KENNEDY AMENDMENT NO. 1219

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

##### SEC. . ASSISTANCE TO LAW ENFORCEMENT.

Section 923(g)(3)(B) of title 18, United States Code, is amended—

(1) by striking “, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received”; and

(2) by striking “and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph”.

#### FEINGOLD AMENDMENT NO. 1220

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 100, strike beginning with line 1 through page 144, line 4.

#### LAUTENBERG (AND OTHERS) AMENDMENT NO. 1221

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. SIMON, and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

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

##### SEC. . TERMINATION OF THE ARMY CIVILIAN MARKSMANSHIP PROGRAM.

(a) REPEAL OF AUTHORITY.—Chapter 410 of title 10, United States Code, is amended—

(1) by striking out sections 4307, 4308, 4310, 4311, 4312, and 4313;

(2) in section 4309—

(A) in subsection (a), by striking out “and by persons capable of bearing arms” and inserting in lieu thereof “law enforcement agencies”; and

(B) in subsection (b), by striking out “civilians” each place it appears in paragraphs (1) and (3) and inserting in lieu thereof “law enforcement agencies”; and

(3) in the table of sections at the beginning of chapter 410 of such title, by striking out the items relating to sections 4307, 4308, 4310, 4311, 4312, and 4313.

(b) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM FUNDS TO THE DEPARTMENT OF JUSTICE FOR ANTI-TERRORISM ACTIVITIES OF THE FBI.—The unobligated balance of the funds available for carrying out the Civilian Marksmanship Program of the Army, including funds credited under section 4308 of title 10, United States Code, to appropriations available for support of such program and funds appropriated by title II of Public Law 103-335 under the heading “NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY”, is transferred to the Department of Justice to be available for anti-terrorism activities of the Federal Bureau of Investigation beginning October 1, 1995.

(c) FISCAL YEAR 1996 FUNDING NOT AUTHORIZED FOR THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE.—Funds are not authorized to be appropriated for fiscal year 1996 for the National Board for the Promotion of Rifle Practice.

#### LAUTENBERG (AND SIMON) AMENDMENT NO. 1222

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in amendment No. 1199 insert the following new sections:

##### SEC. . ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS AND EXPLOSIVES PROHIBITIONS.

(a) IN GENERAL.—(1) Section 925(c) of title 18, United States Code, is amended—

(A) in the first sentence by inserting “(other than a natural person)” before “who is prohibited”;

(B) in the fourth sentence—

(i) by inserting “person (other than a natural person) who is a” before “licensed importer”; and

(ii) by striking “his” and inserting “the person’s”; and

(C) in the fifth sentence, by inserting “(i) the name of the person, (ii) the disability with respect to which the relief is granted, (iii) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iv)” before “the reasons therefor”.

(2) Section 845(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting “(other than a natural person)” before “may make application to the Secretary”; and

(B) in the second sentence by inserting “(other than a natural person)” before “who makes application for relief”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

- (1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and
- (2) applications or administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

**SEC. . PERMANENT FIREARM PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.**

Section 921(a)(20) of title 18, United States Code, is amended—

- (1) in the first sentence—
  - (A) by inserting “(A) after “(20)”; and
  - (B) by redesignating subparagraphs (A) and (B) in clauses (i) and (ii), respectively;
- (2) in the second sentence, by striking “What” and inserting the following:
  - “(B) What”; and
- (3) by striking the third sentence and inserting the following new subparagraph:
  - “(C) A conviction shall not be considered to be a conviction for purposes of this chapter if—
    - “(i) the conviction is reversed or set aside based on a determination that the conviction is invalid;
    - “(ii) the person has been pardoned, unless the authority that grants the pardon expressly states that the person may not ship transport, possess or receive firearms; or
    - “(iii) the person has had civil rights restored, or the conviction is expunged, and—
      - “(I) the authority that grants the restoration of civil rights or expunction expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person’s record and reputation are such that the person is not likely to act in a manner that is dangerous to public safety, and the granting of the relief is not contrary to the public interest; and
      - “(II) the conviction was for an offense other than serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B)).”.

**D’AMATO AMENDMENT NO. 1223**

(Ordered to lie on the table.)

Mr. D’AMATO submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. —. FICTITIOUS FINANCIAL INSTRUMENTS.**

- (a) SHORT TITLE.—This section may be cited as the “Financial Instruments Anti-Fraud Act of 1995”.
- (b) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking “class C felony” each place such term appears and inserting “class B felony”.
- (c) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by inserting after section 513, the following new section:

**“§ 514. Fictitious obligations**

- “(a) Whoever, with the intent to defraud—
  - “(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;
  - “(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the

same, or with like intent possesses, within the United States; or

- “(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,
- any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.
- “(b) For purposes of this section, any term used in this section that is defined in section 513(c) shall have the same meaning given such term in section 513(c).
  - “(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.”.
- “(2) TECHNICAL AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following: “514. Fictitious obligations.”.

**BIDEN AMENDMENT NO. 1224**

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Delete page 105 line 3 through page 105 line 17.

**FEINSTEIN AMENDMENT NO. 1225**

(Ordered to lie on the table.)

Mrs. FEINSTEIN proposed an amendment to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following:

**SEC. . PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.**

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

**“Sec. 40A. Transactions with Countries Not Fully Cooperating with United States Antiterrorism Efforts.**

- “(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.
- “(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.”.

**BIDEN AMENDMENT NO. 1226**

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment no. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Delete from page 106, line 20 through all of page 125 and insert the following:

“(h) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.”.

**SEC. 605. SECTION 2255 AMENDMENTS.**

Section 2255 of title 28, United States Code, is amended—

- (1) by striking the second and fifth undesignated paragraphs; and
- (2) by adding at the end the following new undesignated paragraphs:
  - “A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—
    - “(1) the date on which the judgment of conviction becomes final;
    - “(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;
    - “(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
    - “(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

“In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

“A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

- “(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or
- “(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.”.

“(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

“(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.”.

**SEC. 606. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.**

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking “and the petition” and all that follows through “by such inquiry.” and inserting “, except as provided in section 2255.”.

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

“(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

“(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

“(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

“(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

“(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by

clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

“(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

“(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

“(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

“(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

“(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

“(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.”.

#### SEC. 607. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

#### “CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

“Sec.

“2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2263. Filing of habeas corpus application; time requirements; tolling rules.

“2264. Scope of Federal review; district court adjudications.

“2265. Application to State unitary review procedure.

“2266. Limitation periods for determining applications and motions.

#### “§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

“(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

“(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(c) Any mechanism for the appointment, compensation, and reimbursement of counsel

as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

“(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

“(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

“(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

“(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

#### “§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

“(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

“(b) A stay of execution granted pursuant to subsection (a) shall expire if—

“(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

“(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

“(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

“(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

#### “§ 2263. Filing of habeas corpus application; time requirements; tolling rules

“(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmation of the conviction and sentence on direct review or the expiration of the time for seeking such review.

“(b) The time requirements established by subsection (a) shall be tolled—

“(1) from the date that a petition for certiorari is filed in the Supreme Court until

the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmation of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

“(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

“(3) during an additional period not to exceed 30 days, if—

“(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

“(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

#### “§ 2264. Scope of Federal review; district court adjudications

“(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

“(1) the result of State action in violation of the Constitution or laws of the United States;

“(2) the result of the Supreme Court recognition of a new Federal right made retroactively applicable to cases on collateral review by the Supreme Court; or

“(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

“(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

#### “§ 2265. Application to State unitary review procedure

“(a) For purposes of this section, a ‘unitary review’ procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State ‘post-conviction review’ and ‘direct review’ in such

sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

**“§2266. Limitation periods for determining applications and motions**

“(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

“(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

“(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

“(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

“(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

“(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

“(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

“(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

“(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

“(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

“(2) The time limitations under paragraph (1) shall apply to—

“(A) an initial application for a writ of habeas corpus;

“(B) any second or successive application for a writ of habeas corpus; and

“(C) any redetermination of an application for a writ of habeas corpus following a re-

mand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

“(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

“(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

“(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

“(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

“(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

“(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

“(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

“(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

“(2) The time limitations under paragraph (1) shall apply to—

“(A) an initial application for a writ of habeas corpus;

“(B) any second or successive application for a writ of habeas corpus; and

“(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

“(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

“(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

“(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

“(5) The Administrative Office of United States Courts shall submit to Congress an

annual report on the compliance by the courts of appeals with the time limitations under this section.”

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

**“154. Special habeas corpus procedures in capital cases ..... 2261.”.**

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

**BOXER AMENDMENT NO. 1227**

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the end of title IX, insert the following new section:

**SEC. . STUDY OF LAWS REGULATING PARAMILITARY ACTIVITIES.**

Not later than 60 days after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report that—

(1) describes all Federal and State laws in effect on or before the date of enactment of this Act that ban or regulate the paramilitary activities of private groups; and

(2) includes the recommendations of the Attorney General for a Federal law or model statute to regulate such paramilitary activities.

**ABRAHAM AMENDMENT NO. 1228**

Mr. HATCH (for Mr. ABRAHAM) proposed an amendment to the bill, S. 735, supra; as follows:

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

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

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

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

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

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

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

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

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

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

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

“(F) If the Court makes these findings, the special removal hearing shall continue, and

the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in paragraph (E) rather than the one set forth in paragraph (C).

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

“(i) the alien’s continued presence in the United States—

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

“(II) would likely cause”.

#### BROWN AMENDMENT NO. 1229

Mr. HATCH (for Mr. BROWN) proposed an amendment to the bill, S. 735, supra; as follows:

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

#### “SEC. . TERRORISM AND THE PEACE PROCESS IN NORTHERN IRELAND.

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

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

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

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

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

#### “SEC. 620G. REPORT ON NORTHERN IRELAND.

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

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

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

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

#### HEFLIN (AND SHELBY) AMENDMENT NO. 1230

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following: “In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).”.

#### GRAMM AMENDMENTS NOS. 1231– 1232

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 735, supra; as follows:

#### AMENDMENT NO. 1231

At the appropriate place insert the following:

#### SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

“(A) be punished by imprisonment for not less than 10 years;

“(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

“(C) if the death of a person results, be punished by death or by imprisonment for not less than life.”.

#### AMENDMENT NO. 1232

#### SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

“(A) be punished by imprisonment for not less than 10 years;

“(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

“(C) if the death of a person results, be punished by death or by imprisonment for not less than life.”.

#### HATCH AMENDMENT NO. 1233

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, between lines 11 and 12, insert the following:

#### SEC. 901. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

#### “§ 44906. Foreign air carrier security programs

“The Administrator of the Federal Aviation Administration shall continue in effect

the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.”.

#### SIMON (AND KENNEDY) AMENDMENT NO. 1234

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

“(B) The judge shall approve the summary if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

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

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

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

“(i) the alien’s continued presence in the United States would likely cause

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

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

“(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

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

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

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

“(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(ii).

“(G)(i) The Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

“(I) any determination made by the judge concerning the requirements set forth in subparagraph (E).

“(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

“(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard *ex parte*. The Court of Appeals shall consider the appeal as expeditiously as possible.”

**SIMON AMENDMENT NO. 1235**

(Ordered to lie on the table)

Mr. SIMON submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, *supra*; as follows:

Strike page 29, line 3 through page 30, line 2.

**BRADLEY (AND OTHERS)  
AMENDMENT NO. 1236**

(Ordered to lie on the table)

Mr. BRADLEY (for himself, Mr. MOYNIHAN, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, *supra*; as follows:

At the appropriate place insert the following new section:

**SEC. . MANUFACTURE, IMPORTATION, AND SALE OF HANDGUN AMMUNITION CAPABLE OF PENETRATING POLICE BODY ARMOR.**

(a) EXPANSION OF DEFINITION OR ARMOR PIERCING AMMUNITION.—Section 921(a)(17)(B) of title 18, United States Code, is amended—

(1) by striking “or” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “; or”; and

(3) by adding at the end the following:

“(iii) a projectile used in a handgun and that the Secretary determine, pursuant to section 926(d), to be capable of penetrating body armor.”

(b) DETERMINING OF THE CAPABILITY OF PROJECTILES TO PENETRATE BODY ARMOR.—Section 926 of such title is amended by adding at the end the following:

“(d)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards for the uniform testing of projectile against the Body Armor Exemplar, based on standards developed in cooperation with the Attorney General of the United States. Such standards shall take into account, among other factors, variations in performance that are related to the length of the barrel of the handgun from which the projectile is fired and the amount and kind of powder used to propel the projectile.

“(2) As used in paragraph (1), the term ‘body Armor Exemplar’ means body armor that the Secretary, in cooperation with the Attorney General of the United States, determines meets minimum standards for protection of law enforcement officers.

(3) A projectile described in 921(a)(17)(B)(iii) of title 18, United States Code, shall not include ammunition designed for sporting purposes.

**SPECTER AMENDMENT NO. 1237**

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him

to amendment No. 1199, proposed by Mr. DOLE to the bill, S. 735, *supra*; as follows:

On page 30, strike line 4 and all that follows through page 41, line 18.

On page 54, after line 23, insert the following:

**SEC. 305. EXPEDITED DEPORTATION OF TERRORISTS.**

Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding after subsection (b) the following new subsection:

“(c) DEPORTATION OF ALIEN TERRORISTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, deportation proceedings for an alien who is deportable under section 241(a)(4)(B) shall be governed by this subsection.

“(2) DEFINITION.—For purposes of this subsection, the term ‘terrorism activity’ has the meaning given such term in section 212(a)(3)(B)(ii).

“(3) HEARING.—An alien who is deportable under section 241(a)(4)(B) shall be given a full evidentiary hearing as expeditiously as possible, but in no event later than 30 days after the alien has been given notice under section 242(b)(1), to determine—

“(A) whether the person is an alien within the meaning of section 101(a)(3); and

“(B) whether the alien has engaged in terrorism activity.

“(4) APPEAL.—(A) Appeal of a determination under paragraph (3) shall lie with the United States Court of Appeals for the circuit in which the hearing was held. An appeal under this paragraph shall be filed not later than 10 days after the date on which the determination was issued.

“(B) The court of appeals shall render a decision on an appeal filed under subparagraph (A) not later than 45 days after the date on which the appeal is filed.

“(5) DEPORTATION.—An alien who is ordered to be deported under this subsection shall not be permitted to apply for asylum, suspension of deportation, or waiver of removal on any grounds within the discretion of the Attorney General.”

**LEAHY AMENDMENT NO. 1238**

Mr. LEAHY proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, *supra*; as follows:

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

**TITLE X—VICTIMS OF TERRORISM ACT**

**SEC. 1001. TITLE.**

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

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

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

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

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

“(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensa-

tion and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney’s Offices for use in coordination with State victims compensation and assistance effort in providing emergency relief.”

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

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

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

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

**SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.**

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

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

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

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

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

“(5) As used in this subsection, the term ‘base amount’ means—

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

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

**SPECTER AMENDMENT NO. 1239**

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, *supra*; as follows:

On page 55, strike line 4 and all that follows through page 74, line 7.

**LEAHY (AND McCAIN) AMENDMENT NO. 1240**

Mr. LEAHY (for himself and Mr. McCAIN) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, the bill, S. 735, *supra*; as follows:

At the appropriate place insert the following new section:

**SEC. —. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.**

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

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

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

#### HEFLIN AMENDMENT NO. 1241

(Ordered to lie on the table.)

Mr. HEFLIN proposed an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

At the end of the bill, add the following:

#### SEC. —. LISTING OF NERVE GASES SARIN AND VX AS A HAZARDOUS WASTE.

(a) IN GENERAL.—Section 3001(e) of the Solid Waste Disposal Act (42 U.S.C. 6921(e)) is amended by adding at the end the following:

"(3) NERVE GASES.—

"(A) LISTING.—The Administrator shall list under subsection (b)(1) the nerve gases sarin and VX.

"(B) APPLICATION OF REGULATORY REQUIREMENTS.—Standards and permit requirements under this Act and regulations issued under this Act relating to the nerve gases sarin and VX shall not apply to—

"(i) any sarin or VX production facility of the Department of Defense that is in existence on the date of enactment of this paragraph; or

"(ii) the storage of sarin or VX at any Department of Defense designated chemical weapons stockpile in existence prior to the date of enactment of this Act."

(b) IMMEDIATE ACTION.—The listing of the nerve gases sarin and VX required by the amendment made by subsection (a) shall be deemed to be made immediately on enactment of this Act, and the Administrator of the Environmental Protection Agency shall in fact make the listing as soon as practicable after enactment of this Act.

(c) NO STUDIES OR PROCEEDINGS.—Notwithstanding any other law, it shall not be necessary for the Administrator of the Environmental Protection Agency to make any studies, engage in any rulemaking or other proceedings, or meet any other requirement under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or any other law in support of the directive made by subsection (b).

(d) CRIMINAL PENALTY FOR MERE POSSESSION.—Section 3008(d)(2) of the Solid Waste Disposal Act (42 U.S.C. 6928(d)(2)) is amended by inserting "or knowingly possesses the nerve gas sarin or the nerve gas VX" after "subtitle".

#### GRAHAM AMENDMENT NO. 1242

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 105, strike lines 8 through 11 and insert the following:

"(1)(A) resulted in a decision that was contrary to clearly established Federal law as determined by the Supreme Court of the United States; or

"(B) involved an unreasonable application of clearly established Federal law as determined by the Supreme Court of the United States; or

#### LEVIN AMENDMENT NO. 1243

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 15, strike lines 1 through 25 and insert the following:

"(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of \$100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of \$200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of \$200,000 or the cost of repairing or replacing any property that is damaged or destroyed."

#### LEVIN (AND NUNN) AMENDMENT NO. 1244

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

#### SEC. . INVESTIGATIONS INTO TERRORISM.

(a) RESTORING FALSE STATEMENTS PROHIBITION.—Section 1001 of title 18, United States Code, is amended by striking "any department or agency of the United States" and inserting "the executive, legislative, or judicial branch of the United States, or any department, agency, committee, subcommittee, or office thereof, except a court when performing an adjudicative function,"

(b) OBSTRUCTING CONGRESSIONAL PROCEEDINGS.—Section 1515 of title 18, United States Code, is amended by—

(1) redesignating paragraph "(b)" as paragraph "(c)"; and

(2) inserting a new paragraph (b) to read as follows:

"(b) As used in section 1505 of this title, the term "corruptly" includes acting with an improper purpose, personally or by influencing another, including by making false or misleading statements or withholding, concealing, altering or destroying documents."

(c) COMPELLING TRUTHFUL TESTIMONY IN CONGRESSIONAL INVESTIGATIONS.—Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

(2) in subsection (b) (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place it appears.

#### LEVIN AMENDMENT NO. 1245

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr.

DOLE to the bill, S. 735, supra; as follows:

On page 106, line 12, strike "and" and all that follows through the end of line 17 and substitute the following:

"or

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."

On page 110, line 3, strike "and" and all that follows through the end of line 9 and substitute the following:

"or

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."

#### LEAHY (AND HOLLINGS) AMENDMENT NO. 1246

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the end of title IX, insert the following new section:

#### SEC. 902. CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS.

The Communications Assistance for Law Enforcement Act (Public Law 103-414) is amended by adding at the end the following new title:

#### "TITLE IV—CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

#### "SEC. 401. CIVIL MONETARY PENALTY SURCHARGE.

"(a) IMPOSITION.—Notwithstanding any other provision of law, a surcharge of 40 percent of the principal amount of a civil monetary penalty shall be added to each civil monetary penalty at the time it is assessed by the United States.

"(b) APPLICATION OF PAYMENTS.—Payments relating to a civil monetary penalty shall be applied in the following order:

"(1) To costs.

"(2) To principal.

"(3) To surcharges required by subsection (a).

"(4) To interest.

"(c) EFFECTIVE DATES.—(1) A surcharge under subsection (a) be added to all civil monetary penalties assessed on or after October 1, 1995, or the date of enactment of this title, whichever is later.

"(2) The authority to add a surcharge under this section shall terminate on October 1, 1998.

"(d) LIMITATION.—This section shall not apply to any civil monetary penalty assessed under the Internal Revenue Code of 1986.

#### "SEC. 402. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER COMPLIANCE FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (referred to in this title as 'the

Fund'), which shall be available to the Attorney General to the extent and in the amounts authorized by subsection (c) to make payments to telecommunications carriers, as authorized by section 109.

“(b) OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, the Attorney General may credit surcharges added pursuant to section 401 to the Fund as offsetting collections.

“(c) REQUIREMENTS FOR APPROPRIATIONS OFFSET.—(1) Amounts in the Fund shall be available for expenditure only to the extent and in the amounts provided for in advance in appropriations Acts.

“(2)(A) Collections credited to the Fund are authorized to be appropriated in such amounts as may be necessary, not exceed \$100,000,000 in fiscal year 1996, \$305,000,000 in fiscal year 1997, and \$80,000,000 in fiscal year 1998.

“(B) Amount appropriated pursuant to subparagraph (A) are authorized to be appropriated without fiscal year limitation.

“(d) TERMINATION.—(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

“(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury of the United States.

“(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

#### “SEC. 403. DEFINITIONS.

“For purposes of this title, the terms ‘agency’ and ‘civil monetary penalty’ have the meanings given to them by section 3 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).”

#### LEAHY AMENDMENT NO. 1247

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 18, strike lines 18 through 24 and insert the following:

#### “SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

“(a) PROHIBITION.—No assistance under this act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A”.

“(b) WAIVER.—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

- “(1) a statement of the determination;
- “(2) a detailed explanation of the assistance to be provided;
- “(3) the estimated dollar amount of the assistance; and
- “(4) an explanation of how the assistance furthers United States national interests.”.

#### SMITH AMENDMENT NO. 1248

(Ordered to lie on the table)

Mr. CRAIG. (for Mr. SMITH) submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

#### SEC. . AUTHORIZATION OF DEATH PENALTY AS PUNISHMENT FOR FIRST DEGREE MURDER IN THE DISTRICT OF COLUMBIA.

Section 801 of the Act entitled, “An Act to establish a code of law for the District of Columbia,” approved March 3, 1901 (D.C. Code 22-2404), is amended—

- (1) in subsection (a)—
  - (A) by striking “(a) The” and inserting “The”; and
  - (B) in the first sentence, by inserting before the period “, or death”; and
- (2) by striking subsection (b).

#### BIDEN AMENDMENT NO. 1249

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

Add at the appropriate place:

#### SEC. . AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES MARSHALS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated for activities of the United States Marshals Service to address increased security requirements, \$25,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

#### SPECTER (AND OTHERS) AMENDMENT NO. 1250

Mr. SPECTER (for himself Mr. SIMON, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 735, supra; as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

“(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

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

“(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

“(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

- “(i) the alien’s continued presence in the United States would likely cause
  - “(I) serious and irreparable harm to the national security; or
  - “(II) death or serious bodily injury to any person; and
- “(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

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

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

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

“(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

“(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

“(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

“(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

“(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days.”

#### NUNN (AND OTHERS) AMENDMENT NO. 1251

Mr. NUNN (for himself, Mr. THURMOND, Mr. BIDEN, and Mr. WARNER) proposed an amendment to the bill, S. 735, supra; as follows:

On page 160, between lines 11 and 12, insert the following:

#### SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(A) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

“(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense, may be used to provide such assistance if—

- “(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and
- “(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

“(2) As used in this section, ‘emergency situation involving biological weapons of mass destruction’ means a circumstance involving a biological weapon of mass destruction—

“(A) that poses a serious threat to the interests of the United States; and

- “(B) in which—
  - “(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;
  - “(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and
  - “(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

“(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

“(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

“(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

“(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

“(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.”

(b) **CHEMICAL WEAPONS OF MASS DESTRUCTION.**—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

“§ 2332b. Use of chemical weapons

“(a) **OFFENSE.**—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

“(1) against a national of the United States while such national is outside of the United States;

“(2) against any person within the United States; or

“(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States, shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

“(b) **DEFINITIONS.**—For purposes of this section—

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

“(2) the term “chemical weapon” means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

“(c)(1) **MILITARY ASSISTANCE.**—The Attorney General may request that the Secretary

of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

“(A) the Secretary of Defense and the Attorney General determines that an emergency situation involving chemical weapons of mass destruction exists; and

“(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

“(2) As used in this section, “emergency situation involving chemical weapons of mass destruction” means a circumstance involving a chemical weapon of mass destruction—

“(A) that poses a serious threat to the interests of the United States; and

“(B) in which—

“(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

“(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

“(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

“(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

“(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions the Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human lives.

“(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

“(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

“(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.”

(d) **CLERICAL AMENDMENT.**—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after

the item relating to section 2332a the following:

“2332b. Use of chemical weapons.”

(e) **USE OF WEAPONS OF MASS DESTRUCTION.**—Section 2332a(a) of title 18, United States Code, is amended by inserting “without lawful authority” after “A person who”.

(c) (1) **CIVILIAN EXPERTISE.**—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use of potential use biological and chemical weapons of mass destruction within the United States, including:

(A) increasing civilian law enforcement expertise to counter such threat;

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat;

(2) **REPORT REQUIREMENT.**—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization be allowed to meet during the session of the Senate on Tuesday, June 6, 1995 at 9:30 a.m., in SR-332, to discuss resource conservation.

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

##### COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 6, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the overstatement of the Consumer Price Index. The Finance Committee also requests unanimous consent that we be permitted to meet on Tuesday beginning at 2:30 p.m. to conduct a hearing on the 1995 Board of Trustees Annual Report of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds.

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

##### COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 6, 1995, at 2 p.m. to hold a hearing on judicial nominees.