operate overseas under the Clinton administration. I think the Speaker has brought attention to that, properly. I cannot imagine what would happen if we had not brought up a bill today on this. It would have been unthinkable.

Mr. Speaker, I urge support for the bill, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 189, not voting 16, as follows:

[Roll No. 400]

YEAS—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Farr
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Saxton
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff

NAYS—189

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Berman
Bevill
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Frisa
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
LaFalce
LaHood
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—16

Bishop
Brownback
Bunning
Deutsch
Dickey
Ford
Lincoln
McDade
Meehan
Meek
Morella
Quillen
Schiff
Torkildsen
Waxman
Young (FL)

□ 1510

The Clerk announced the following pair: On this vote:

Mrs. Morella for, with Mr. Deutsch against.

Mr. DOGGETT and Ms. JACKSON-LEE of Texas changed their vote from ''yea'' to ''nay.''

Mr. LIGHTFOOT changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AVIATION SECURITY AND ANTITERRORISM ACT OF 1996

Mr. COX of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3953) to combat terrorism.

The Clerk read as follows:

H.R. 3953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Security and Antiterrorism Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—AVIATION SECURITY

Sec. 101. Interim deployment of commercially available explosive detection equipment.
Sec. 102. Authority for criminal history records checks.
Sec. 103. Audit of performance of background checks for certain personnel.
Sec. 104. Performance standards for airport security personnel.
Sec. 105. Passenger profiling.
Sec. 106. Authority to use certain funds for airport security programs and activities.
Sec. 107. Assessment of cargo.
Sec. 108. Assignment of FBI agents to high-risk airports.
Sec. 109. Supplemental screening.
Sec. 110. Supplemental explosive detection.
Sec. 111. Enhanced security for small airplanes
Sec. 112. Civil aviation security review commission.

TITLE II—ANTITERRORISM

Sec. 201. Addition of terrorist offenses as RICO predicates.
Sec. 202. Enhanced Privacy Act and wiretap penalties.
Sec. 203. Combatting international state terrorism.
Sec. 204. Implementation of the Antiterrorism and Effective Death Penalty Act of 1996.
Sec. 205. Taggants in black and smokeless powder.
Sec. 206 National Commission on Terrorism.

TITLE I—AVIATION SECURITY

SEC. 101. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT.

Section 44913(a) of title 49, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) Until such time as the Administrator determines that equipment certified under paragraph (1) of this subsection is commercially available and has successfully completed operational testing as provided in 49 United States Code 44913(a)(1), the Administrator shall facilitate the deployment of

commercially available explosive detection devices that the Administrator approves and determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available.''.

SEC. 102. AUTHORITY FOR CRIMINAL HISTORY RECORDS CHECKS.

Section 44936(a)(1) of title 49, United States Code. is amended—

(1) by striking ''(1)'' and inserting ''(1)(A)'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following:

''(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check in cases in which the employment investigation reveals a gap in employment of 12 months or more that the individual does not satisfactorily account for) be conducted for individuals who will be responsible for screening passengers or property under this chapter and their supervisors.''.

SEC. 103. AUDIT OF PERFORMANCE OF BACKGROUND CHECKS FOR CERTAIN PERSONNEL.

Section 44936(a) of title 49, United States Code, is amended by adding at the end the following:

''(3) The Administrator shall provide for the periodic audit of criminal history record checks conducted under paragraph (1) of this subsection.''.

SEC. 104. PERFORMANCE STANDARDS FOR AIRPORT SECURITY PERSONNEL.

Section 44935(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4); and

(2) by adding at the end the following:

''(6) performance standards for airport and airline security personnel, including counter personnel; and

''(7) guidelines for encouraging the retention of security personnel responsible for passengers and cargo.''

SEC. 105. PASSENGER PROFILING.

The Federal Aviation Administration, the Secretary of Transportation, the intelligence community, and the law enforcement community should continue to assist air carriers in developing computer-assisted passenger profiling programs.

SEC. 106. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law, funds referred to in subsection (b) may be used to expand and enhance air transportation security programs and other activities at airports (including the improvement of facilities and the purchase and deployment of equipment) to ensure the safety and security of passengers and other persons involved in air travel.

(b) COVERED FUNDS.—The following funds may be used under subsection (a):

(1) Project grants made under subchapter 1 of chapter 471 of title 49, United States Code.

(2) Passenger facility fees collected under section 40117 of title 49, United States Code.

SEC. 107. ASSESSMENT OF CARGO.

(a) IN GENERAL.— The Administrator of the Federal Aviation Administration shall, in consultation with the appropriate Federal agencies, review—

(1) the oversight by the Federal Aviation Administration of inspections of shipments of mail and cargo by domestic and foreign air carriers; and

(2) the need for additional security measures with respect to such inspections; and

(3) the adequacy of inspection and screening of cargo on passenger air carriers.

(b) LEGISLATIVE PROPOSALS.—The President shall submit relevant legislative proposals to Congress, as may be required.

SEC. 108. ASSIGNMENT OF FBI AGENTS TO HIGH-RISK AIRPORTS.

Section 44904 of title 49, United States Code, is amended by adding at the end the following:

''(d) RESPONSIBILITY OF FBI AGENTS TO AREAS OF HIGH-RISK AIRPORTS.—The Director of the Federal Bureau of Investigation shall assure that agents of the Federal Bureau of Investigation who are assigned to an area where there are airports that are determined to be high-risk airports shall, jointly with the Federal Aviation Administration, carry out periodic threat and vulnerability assessments of security every 3 years, or more frequently, as necessary, at such airports.''.

SEC. 109. SUPPLEMENTAL SCREENING.

Section 44903(c) of title 49, United States Code, is amended by adding at the end of the following new paragraph:

''(3) USE OF DOGS IN SCREENING.—

''(A) IN GENERAL.—The law enforcement presence and capability required under paragraph (1) shall include a requirement that the operator of each major airport use dogs or other appropriate animals to supplement existing equipment used for screening passengers and cargo for plastic explosives and other devices or materials which may be used in aircraft piracy. If the Administrator determines that the requirements of the preceding sentence will not significantly enhance the safety and security of passengers and other persons involved in air travel, the Administrator may modify such requirements as appropriate. At the discretion of the Administrator, the use of dogs at an airport may be deemed as compliance with section 449913(a)(3) of this title.

''(B) MAJOR AIRPORT DEFINED.—In this paragraph, the term 'major airport' means an airport that is one of the largest 50 airports in the United States, as determined by the number of passenger enplanements in calendar year 1995.''.

SEC. 110. SUPPLEMENTAL EXPLOSIVE DETECTION.

Section 44913(b) of title 49, United States Code, is amended to read as follows:

''(b) SUPPLEMENTAL EXPLOSIVE DETECTION.—

''(1) GRANTS.—The Secretary shall make grants for expenses of training and evaluation of dogs for the explosive detection K–9 team training program for the purpose of detecting explosives at airports and aboard aircraft. Not later than 180 days after the date of the enactment of the Aviation Security Improvement Act of 1996, the Secretary shall extend such program to the largest 50 airports in the United States, as determined by the number of passenger enplanements in calendar year 1995.

''(2) FUNDING.—There is authorized to be appropriated from the Trust Fund for carrying out paragraph (1) such sums as may be necessary for fiscal years beginning after September 30, 1996. Such funds shall remain available until expended.''.

SEC. 111. ENHANCED SECURITY FOR SMALL AIRPLANES

Not later than 60 days after the date of the enactment of this Act, the Administrator shall initiate a rulemaking to revise section 108.5 and 108.7 of 14 C.F.R. with respect to airplanes having a passenger seating configuration of less than 61 to enhance the safety and security of air travel in such airplanes.

SEC. 112. CIVIL AVIATION SECURITY REVIEW COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Civil Aviation Security Review Commission (hereinafter in this section referred to as the ''Commission'').

(b) FUNCTIONS.—The Commission shall conduct a comprehensive review of aviation security. Matters to be studied by the Commission shall include the following:

(1) A review of the advisability of transferring responsibilities of air carriers under Federal law for security activities conducted on-site at airports to airport operators or to appropriate entities independent of air carriers.

(2) A review of whether baggage match requirements should be imposed on air carriers providing interstate air transportation and how baggage match can be accomplished to enhance the safety and security of domestic air travel.

(3) A review of the cost and advisability of requiring hardened cargo containers as a way to enhance aviation security and reduce the required sensitivity of bomb detection equipment.

(c) MEMBERSHIP.—The Commission shall be composed of 13 members, appointed from persons knowledgeable about civil aviation in the United States and who are specifically qualified by training and experience to perform the duties of the Commission, as follows:

(1) 3 members appointed by the Secretary of Transportation, in consultation with the Secretary of the Treasury.

(2) 10 members appointed by Congress as follows:

(A) 1 member appointed by each of the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

(B) 1 member appointed by each of the chairman and ranking minority member of the Committee on Appropriations of the House of Representatives.

(C) 1 member appointed by each of the chairman and ranking minority member of the Committee on Commerce, Science, and Transportation of the Senate.

(D) 1 member appointed by each of the chairman and ranking minority member of the Committee on Appropriations of the Senate.

(E) 1 member appointed by each of the chairman and ranking minority member of the Committee on Ways and Means of the House of Representatives.

(d) RESTRICTION ON APPOINTMENT OF CURRENT AVIATION EMPLOYEES.—A member appointed under subsection (c)(1) may not be an employee of an airline, airport, aviation union, or aviation trade association at the time of appointment or while serving on the Commission.

(e) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 30 days after the date of the enactment of this Act.

(f) CHAIRMAN.—In consultation with the Secretary of Transportation, the Speaker of the House of Representatives and the Majority Leader of the Senate shall designate a chairman and vice chairman from among the members of the Commission not later than 30 days after appointment of the last member to the Commission.

(g) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission, and any vacancy on the Commission shall not affect its powers but shall be filled in the same manner, and by the same appointing authority, as the original appointment.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser number for conducting hearings scheduled by the Commission.

(i) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information or documents as the Commission considers necessary to carry out its duties, unless the head of such department or agency advises the chairman of the Commission, in writing, that such information is confidential and that its release to the Commission would jeopardize aviation safety, the national security, or pending criminal investigations.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TRAVEL AND PER DIEM.—Members and staff of the Commission shall be paid travel expenses, including per diem in lieu of subsistence, when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(j) FINAL REPORT.—Not later than 1 year after the date of the appointment of the last member to the Commission under subsection (c), the Commission shall submit to Congress and the Administrator a final report on the findings of the Commission with corresponding recommendations. Included with this report shall be the independent audit required under subsection (j).

(k) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $2,400,000 for activities of the Commission to remain available until expended.

TITLE II—ANTITERRORISM

SEC. 201. ADDITION OF TERRORIST OFFENSES AS RICO PREDICATES.

(a) TITLE 18 OFFENSES.—Section 1961(1)(B) of title 18 of the United States Code is amended by—

(1) inserting ''32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section'' after ''Section'';

(2) inserting ''section 351 (relating to Congressional or Cabinet officer assassination,'' after ''section 224 (relating to sports bribery),'';

(3) inserting ''section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of government property or property affecting interstate or foreign commerce),'' after ''section 664 (relating to embezzlement from pension and welfare funds),'';

(4) inserting ''section 930(c) (relating to violent attacks against Federal buildings), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),'' after ''sections 891–894 (relating to extortionate credit transactions),'';

(5) inserting ''section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1203 (relating to hostage taking),'' after ''section 1084 (relating to the transmission of gambling information),'';

(6) inserting ''section 1361 (relating to willful injury of government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),'' after ''section 1344 (relating to financial institution fraud),'';

(7) inserting ''section 1751 (relating to Presidential assassination),'' after ''sections 1581–1588 (relating to peonage and slavery),'';

(8) inserting ''section 1992 (relating to train wrecking), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),'' after ''section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire),''; and

(9) inserting ''section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to acts of terrorism transcending national boundaries), section 2332c (relating to use of chemical weapon), section 2339A (relating to providing material support to terrorists),'' after ''2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),''.

(b) NON-TITLE 18 OFFENSE.—Section 1961(1) of title 18 of the United States Code is amended—

(1) by striking ''or'' before ''(E)'';

(2) by striking ''or'' before ''(F); and

(3) by inserting at the end the following: ''or (G) section 46502 of title 49, United States Code;''.

(c) LIMITATION TO CIVIL RICO.—The amendments made by this section shall not apply with respect to section 1964(c) of title 18, United States Code.

SEC. 202. ENHANCED PRIVACY ACT AND WIRETAP PENALTIES.

(a) ENHANCEMENT OF PRIVACY ACT CRIMINAL PENALTIES.—Paragraphs (1) and (3) of section 552a(i) of title 5, United States Code, are each amended by striking ''shall be guilty of a misdemeanor'' and all that follows through the end of the paragraph and inserting ''shall be fined under title 18, imprisoned not more than 5 years, or both.''.

(b) ENHANCEMENT OF PRIVACY ACT CIVIL DAMAGES.—Section 552a(g)(4)(A) of title 5, United States Code, is amended by striking ''$1,000'' and inserting ''$5,000''.

(c) ENHANCEMENT OF WIRETAP DISCLOSURE CRIMINAL PENALTY.—Section 2511 of title 18, United States Code, is amended—

(1) in subsection (4)(a), by striking ''paragraph (b)'' and all that follows through ''(5)'' and inserting ''this section''; and

(2) by adding after paragraph (c) the following:

''(d) If the offense is an offense under paragraph (c) or (e) of subsection (1), the offender shall be fined under this title or imprisoned not more than 10 years, or both.''.

SEC. 203. COMBATTING INTERNATIONAL STATE TERRORISM.

(a) SANCTIONS AGAINST SPONSORS OF INTERNATIONAL TERRORISM.—The Congress urges the President to commence immediately diplomatic efforts, both in appropriate international fora including the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against each of those nations certified under section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism. The President shall report to Congress, not later than 30 days after the date of the enactment of this Act, and annually thereafter, on the extent to which these diplomatic efforts have been successful.

(b) ACTION PLANS FOR DESIGNATED TERRORIST NATIONS.—The President shall provide to the Congress within 30 days after the date of the enactment of this Act an Action Plan for inducing each of those nations certified under section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism to cease their support for acts of international terrorism.

(c) REPORT ON UNITED STATES COUNTERTERROR AND ANTITERROR INTELLIGENCE CAPABILITIES.—Not later than 60 days after the date of the enactment of this Act, the President shall provide to the Permanent Select Committees on Intelligence of the Senate and the House of Representatives a report on the capability of the United States intelligence community to detect, assess, and eliminate international terrorist activities, including an assessment of intelligence collection policies and practices which affect the counterterrorism and antiterrorism activities of the United States intelligence community and of the resources provided the intelligence community for such activities, together with a plan to ensure enhanced human intelligence capabilities. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be transmitted and maintained under appropriate security procedures.

SEC. 204. IMPLEMENTATION OF THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.

The Secretary of State is hereby directed, before October 1, 1996, to designate foreign terrorist organizations pursuant to the amendment made by section 302 (relating to international terrorism prohibitions) of the Antiterrorism and Effective Death Penalty Act of 1996, and, if possible, justified by the evidence, and consistent with the needs of law enforcement and intelligence, the Secretary of the Treasury shall freeze assets and the Attorney General shall initiate the removal of known alien terrorists and criminals.

SEC. 205. TAGGANTS IN BLACK AND SMOKELESS POWDER.

(a) AMENDMENT TO 1996 ACT TO INCLUDE BLACK AND SMOKELESS POWDER.—Notwithstanding the provisions to the contrary of section 732 of the Antiterrorism and Effective Death Penalty Act of 1996, (concerning the exclusion of black and smokeless powder from the study described thereunder), the Director of the National Institute of Justice shall contract for an independent study of the feasibility, safety, and law enforcement effectiveness of including taggants in black and smokeless powder. The contract shall require the completion of the study within one year after the date of the enactment of this Act. The entity that conducts the study shall be outside the executive branch of the Government and possess the requisite expertise in explosives technology. The study shall, in addition, draw upon expertise and science from consultants in the areas of mining and other industries that rely upon such explosives.

(b) REPORT TO CONGRESS.—Not later than 30 days after the completion of the study conducted under subsection (a), the Director shall submit the study to the Congress. If the results of the study conducted under subsection (a) indicate that the taggants—

(1) will not pose a risk to human life or safety;

(2) will substantially assist law enforcement officers in their investigative efforts;

(3) will not substantially impair the quality of the explosive materials for their intended lawful use;

(4) will not have a substantially adverse effect on the environment; and

(5) the costs associated with the addition of the taggants will not outweigh the benefits of their inclusion;

then the Director may submit to Congress recommendations for legislation for the addition of taggants to black and smokeless

powder manufactured in or imported into the United States, of such character and in such quantity as the proposed legislation may authorize or require.

SEC. 206. NATIONAL COMMISSION ON TERRORISM.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Terrorism (in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—

(A) GENERALLY.—The Commission shall be composed of 9 members, appointed from persons specially qualified by training and experience to perform the duties of the Commission, as follows:

(i) 2 appointed by the Speaker of the House of Representatives, and 1 appointed by the Minority Leader of the House of Representatives;

(ii) 2 appointed by the Majority Leader of the Senate, and 1 appointed by the Minority Leader of the Senate; and

(iii) 3 appointed by the President of the United States.

(B) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 45 days after the date of enactment of this title.

(C) DESIGNATION OF THE CHAIRMAN.—The President of the United States shall designate a chairman from the members of the Commission. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly designate a Vice Chairman from the members of the Commission.

(D) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in Commission membership shall not affect the exercise of the Commission's powers, and shall be filled in the same manner as the original appointment.

(c) MEETINGS.—

(1) IN GENERAL.—In not later than 60 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting. Subsequent meetings shall be held at the call of the Chairman.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(d) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission who are private United States citizens. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 90 days of the date such members are appointed.

(e) APPLICATION OF CERTAIN PROVISIONS OF LAW.—In light of the extraordinary and sensitive nature of its deliberations, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall not apply to the Commission. Further, the provisions of section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), shall not apply to the Commission; however, records of the Commission shall be subject to the Federal Records Act and, when transferred to the National Archives and Records Agency, shall no longer be exempt from the provisions of such section 552.

(f) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—It shall be the duty of the Commission—

(A) to prepare and transmit the reports described in paragraph (2);

(B) to examine the long-term strategy of the United States in addressing the threat of international terrorism, including intelligence capabilities, international cooperation, military responses, and technological capabilities;

(C) to examine the efficacy and appropriateness of Federal efforts to prevent, detect, investigate, and prosecute acts of terrorism, including—

(i) the coordination of counterterrorism efforts among Federal departments and agencies, and Federal coordination of law enforcement with state and local law enforcement in responding to terrorism threats and acts;

(ii) the ability and utilization of counterintelligence efforts to infiltrate and disable or disrupt international terrorist organizations and their activities;

(iii) the impact of Federal immigration laws and policies on acts of terrorism transcending national boundaries;

(iv) the effectiveness of present regulations and practices relating to civil aviation safety and security to prevent acts of terrorism, to include a study of the desirability of assigning, on a permanent basis, personnel of the Federal Bureau of Investigation at high-risk airports, and a study of the practicality and desirability of transferring authority for U.S. airport and security to an entity other than the Federal Aviation Administration;

(v) the extent and effectiveness of present cooperative efforts with foreign nations to prevent, detect, investigate and prosecute acts of terrorism; and

(vi) the impact on present counterterrorism efforts due to the failure to expend and utilize resources and authority previously provided by Congress for the implementation of enhanced counterterrorism activities and the reasons why these resources have not been expended in a timely way; and

(D) to examine the capability of the United States intelligence community to detect, assess, infiltrate, disrupt, and eliminate international terrorist organizations and activities, including an assessment of intelligence collection policies and practices which affect the counterterrorism and antiterrorism activities of the United States intelligence community and of the resources provided the intelligence community for such activities, together with a plan to ensure enhanced human intelligence capabilities; and

(E) to examine all present laws relating to the collection and dissemination of personal information on individuals by law enforcement or other governmental entities, and the necessity for additional protections to prevent and deter the inappropriate collection and dissemination of such information.

(2) REPORTS.—

(A) INITIAL REPORT.—Not later than 2 months after the first meeting of the Commission, the Commission shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report setting forth its plan for the work of the Commission.

(B) INTERIM REPORTS.—Prior to the submission of the report required by subparagraph (C), the Commission may issue such interim reports as it finds necessary and desirable.

(C) FINAL REPORT.—No later than 6 months after the first meeting of the Commission, the Commission shall submit to the President and to the Committees on the Judiciary of the Senate and the House of Representatives a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for the enactment of legislation that the Commission considers advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be provided separately to the President and the Committees on the Judiciary of the Senate and the House of Representatives.

(g) POWERS.—

(1) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any intelligence agency or from any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission, unless the head of the department or agency determines that doing so would threaten national security, the health or safety of any individual, or the integrity of an ongoing investigation or prosecution.

(3) POSTAL, PRINTING AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) SUBCOMMITTEES.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(5) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

(h) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is a private United States citizen shall be paid, if requested, at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are Members of Congress shall serve without compensation in addition to that received for their services as Members of Congress.

(2) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole.

(B) COMPENSATION.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(i) PAYMENT OF COMMISSION EXPENSES.—The compensation, travel expenses, per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds available to the Attorney General for the payment of compensation, travel allowances, and per diem allowances, respectively, of employees of the Department of Justice.

(j) TERMINATION OF THE COMMISSION.—The Commission shall terminate 1 month after the date of the submission of the report required by subsection (f)(2)(C).

The SPEAKER pro tempore. Pursuant to this rule, the gentleman from California [Mr. COX] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. COX].

□ 1515

Mr. COX of California. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SHUSTER] be permitted to control 6 minutes and that the gentleman from Illinois [Mr. HYDE] be permitted to control 6 minutes of the time allocated to me.

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

There was no objection.

Mr. COX of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I am pleased for this opportunity to speak on the concise issue of international terrorism, which is so much on the mind of our Nation today. As we move forward with this important bill before us, let us be ever mindful of how we must most effectively fight this scourge, especially on the international front.

I am particularly pleased that the bill before us (H.R. 3953) in section 203 encourages the President to take greater steps to address the problem of foreign government-sponsored international terrorism.

We must keep international terrorism at the top of our foreign policy agenda, as the New York World Trade Center bombing in February 1993 made very clear. International terrorism has come to our own shores. In addition, the recent attacks on American personnel in Saudi Arabia make it clear that terrorist fear no boundaries or jurisdiction when going after our vital interests. The struggle against terrorism is one which all of the nations of the world must wage cooperatively together.

It is gratifying that at our direction and through Republican-led efforts, the State Department was forced to maintain a high-level, visible office of Coordinator for Counter Terrorism to help make known to friendly nations, state sponsors of terrorism, and within the U.S. bureaucracy that international terrorism is a high foreign policy priority. We ought to be proud of those foresighted efforts to keep the fight high on the foreign policy agenda of our State Department.

We must also help prevent easy entry into our Nation of members of terrorist groups whose purpose is to harm our Nation. In the counterterrorism bill that became law in April 1996, Congress included an amendment to the Immigration and Nationality Act [INA] to exclude entry into the U.S. based on ''mere membership'' in defined terrorist groups. It is now law, despite a lukewarm response from the administration.

Sadly, to date this law pertaining to designating terrorist groups has yet to be implemented. I applaud the authors of the bill before us who mandate that the process of defining terrorist groups, for both fundraising and exclusion purposes, is to be put on the fast track and completed by October 1.

Like the reluctance to support the mere membership provision, the Administration was slow to support our efforts in the Congress on the Iran-Libya sanctions bill. However, they came along. Next week the President will sign that bill into law and give us added tools to isolate and work against these rogue nations like Libya—responsible for the deadly Pam Am 103 attack—and Iran, the leading state sponsor of terrorism in the world.

These and other provisions in this Aviation Security and Antiterrorism Act of 1996 will further the struggle against the evil of terrorism.

Mr. CONYERS. Mr. Speaker, I am pleased to manage the bill, but I do want to allocate a block of time to the gentleman from Minnesota [Mr. OBERSTAR], ranking member of the Committee on Transportation and Infrastructure.

Mr. Speaker, I yield 8 minutes to the gentleman from Minnesota [Mr. OBERSTAR] and I ask unanimous consent that he be permitted to control the time.

The SPEAKER pro tempore. Is thee objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, conveniently omitted from today's discussion of antiterrorism legislation is what occurred on this floor in March of this year, the last time antiterrorism legislation was up for our consideration.

At that time, under pressure from special interest lobby groups, a key provision was stripped from the antiterrorism legislation. The bill was ''eviscerated.'' That is not my word. It is the word of the very distinguished, and he is distinguished, Republican chairman of the Committee on the Judiciary. I want to quote his remarks from that debate on March 13.

He said, ''If the Barr amendment passes, we eviscerate the bill. It is a frail representation of what started out as a robust answer to the terrorist menace.''

A few minutes later he said, ''With the Barr amendment, this is not an antiterrorism bill.''

He was right. We have not had an antiterrorism bill this year. We had the opportunity today to join in a bipartisan effort and offer ideas from each side to deal with this national crisis, and it was rejected, denying us the opportunity to contribute our ideas.

I think it was rejected because the same high-handedness and extremism that apparently led one Republican Member to say right here on the floor of the House, ''I trust Hamas more than I trust my own Government.''

When you have that kind of attitude, you cannot come together and work out reasonable solutions to fight terrorism. That is the opportunity that has been lost in this Congress.

I will vote for this legislation today, but it does not do enough to address this problem. All of us have watched these crime investigators sift through the debris from a bombing, looking for clues in the tiniest spaces and, yet, they are denied today a vital tool.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do not know yet what brought down TWA 800. But of course the probabilities are that it was a bomb. We do not know who planted the bomb at the Olympics. Maybe it was somebody mentally deranged, maybe a terrorist. We do not know yet who killed our troops in Saudi Arabia, but that clearly was an act of terrorism.

We do not need to know all the answers to these questions to know that the American people expect action now, and this bill responds to that demand from the American people.

This bill is not a panacea. It is but a step in the right direction. Indeed, with

regard to the aviation security provisions of this bill, once again, these have been crafted in a bipartisan basis, working with my colleagues, particularly the ranking member of our committee, the gentleman from Minnesota [Mr. OBERSTAR]. The majority and the minority have been full partners in crafting the aviation security provisions for this bill.

We need to emphasize that today there are serious gaps in our aviation security system. Even though we have passed several pieces of legislation in the past dealing with security, we need to focus more attention on bomb detection capabilities and, indeed, an awful lot yet remains to be done. So this bill is but a step in the right direction.

Mr. Speaker, I urge my colleagues to support it.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, on Christmas Eve 1988, nearly Christmas Eve, the world of aviation as we know it changed. People had felt secure against skyjackings from the time in the late 1960's when we were experiencing one skyjacking every 2 weeks.

Then the United States required the installation of metal detectors and x-ray machines at major airports to screen passengers and their carry-on baggage and skyjackings dropped off the horizon as a threat to aviation in the domestic United States. But with the devastation of Pan Am 103, in which 270 people died, people from 21 countries besides the United States, the world of aviation changed. The new threat was terrorist acts against the flag of the United States.

In the aftermath of Pan Am 103 a commission was created by this Congress, in cooperation with the Bush administration, to look into the causes and recommend actions to be taken to make aviation more secure. We have in place a strong law to protect against terrorist actions. We must understand that we are operating now in a world in which aviation is the target of State-sponsored terrorism, and the American flag and American air carriers and American passengers are its targets.

Mr. Speaker, we must enact strong legislation. I will deal with that later in my further remarks.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this legislation.

Over the years our Nation has become accustomed to terrorism and acts of violence in other countries. But recent tragic events here at home, in our great Nation, have underscored the fact that we live in a dangerous world—and that we too are vulnerable to terrible acts of violence more and more every day.

The World Trade Center, Oklahoma City, Atlanta, and the possibilities of TWA flight 800 being blown out of the sky by a bomb, all of these have brought terrorism to the forefront of our society.

The American people are demanding, and they deserve, every amount of reasonable protection from acts of violence and terrorism that the Federal Government can muster.

Mr. Speaker, the Aviation Security and Antiterrorism Act makes several needed improvements to our Nation's aviation security system. This legislation will require bomb-sniffing dogs to be used at the 50 largest airports in the Nation.

It directs the Federal Aviation Administration to deploy the best available bomb detection equipment at airports here at home—similar to equipment that is now being used at several airports in Europe and Israel.

The bill also requires airport baggage screeners to undergo in-depth security background checks before they are hired. We should require that all these airport security people be U.S. citizens.

And, among many other provisions, the bill also directs the FBI to work closely with the FAA on security measures at our Nation's airports.

Mr. Speaker, as the Chair of the Aviation Subcommittee, I wholeheartedly support this legislation. It addresses needed improvements in aviation security that I believe a majority of Americans will support. It is a good bill, a responsive bill, and I urge every Member to support it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER], a member of the Committee on Appropriations.

Mr. HEFNER. Mr. Speaker, this just shows how far we are into a political campaign. Here we have a bill that nobody knows anything about, that does nothing and, if you vote against it, you are going to have commercials run against you that say you are soft on terrorism. In the meantime, nothing is going to happen that deters terrorism.

This is a sad day in our country when people are out there grieving because they have lost loved ones in these terrorist acts, and we are doing something that absolutely does nothing. It is strictly a political document. That is a sad day in this body.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as every one knows I strongly supported enhanced authority for law enforcement to investigate, prosecute, and punish terrorists. Specifically I believe Federal law enforcement ought to have the necessary tools in terrorism cases, tools that are already available in other types of criminal investigations. I am speaking about multipoint wiretaps, temporary emergency wiretaps and pen registers and trap and trace devices.

In the first session of this Congress, I introduced the Comprehensive Antiterrorism Act of 1995, H.R. 1710, which did contain all of these features. My bill was approved by the Committee on the Judiciary June 20, 1995 by a bipartisan vote of 23 to 12. Unfortunately, some of these key elements were stricken from the final version of the law that was signed by the President on April 24 of this year.

Today I have introduced similar legislation in the House of Representatives as H.R. 3960, the Antiterrorism Law Enforcement Enhancement Act of 1996. It is cosponsored by the gentleman from Michigan, Mr. JOHN CONYERS, the gentleman from Florida, Mr. BILL MCCOLLUM, and the gentleman from New York, Mr. CHUCK SCHUMER.

Among other things, it would expand authority for multipoint wiretaps, allow pen registers and trap and trace devices in counterintelligence cases and authorize temporary emergency wiretaps in terrorism cases.

□ 1530

Obviously H.R. 3960 is a bipartisan initiative to make it clear we intend to continue the effort to bring about the kind of law enforcement enhancements necessary to effectively confront the terrorist threat in our country. The recent events, TWA flight 800 and the bombing at the Centennial Olympic Park in Atlanta, are examples why Federal law enforcement needs these enhanced authorities.

Now I want to say the legislation before us, H.R. 3953, does contain some very positive features which will assist us in countering terrorism. Section 201 adds terrorist offenses as RICO predicates. Section 202 provides increased penalties for violations of the Privacy Act and for the unauthorized disclosure of information obtained through a wiretap. Section 205 provides for a study of taggants in black and smokeless powder under the auspices of the National Institute of Justice. Section 206 authorizes the establishment of a National Commission on Terrorism.

One important aspect of this issue, that is not part of the bill we are considering this afternoon is funding for digital telephony. This is a pivotal element of the antiterrorism effort that will enable the FBI, the DEA, and other Federal law enforcement agencies to deal with the changing technology in telecommunications. The funding is contained in the Commerce, State, and Justice appropriations bill. Specifically, it will give law enforcement access to digital and fiber-optic telephone technology for criminal investigation purposes. I must admit I have concerns about the implementation plan that is required of the FBI by the language in the appropriations bill. We are not against requiring the FBI to provide Congress with a plan, detailing how they expect to proceed but we did not want to have language in the law which would interfere with the prompt implementation of the digital telephony statute.

Again, Mr. Speaker, this is very helpful legislation. But, I do want to again stress that I consider H.R. 3953 to be

the beginning and not the end of this effort. The bottom line is that more needs to be done to provide Federal law enforcement with the kind of enhanced tools and authorities they need to effectively deal with the threat of terrorism in the United States and abroad.

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

Mr. CONYERS. Mr. Speaker, I associate myself with the remarks of the distinguished chairman of the Committee on the Judiciary, and I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], an indefatigable member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the ranking member for yielding this time to me, and I may not take 2 minutes.

I want to express my disappointment, Mr. Speaker, that we are missing an opportunity to deal with a serious issue by playing politics with it. If we had come together and tried to deal with this issue in a way that the American people deserve to have it dealt with, I think we would have a much, much better bill on the floor today rather than this bill, which all of us will go out and say deals with terrorism but all of us, deep in our hearts and minds, really know does not serve the purpose.

The litmus test for terrorism legislation, it seems to me, if we are responding to what happened in New York and what happened in Atlanta, is, can we craft some legislation that would have had an impact had it been in place at the time those tragedies occurred?

I do not think we can say yes to that inquiry when we look at this legislation. The part of the legislation that, had we put it in the bill, would have dealt with the Atlantic situation, would have been the tagging or taggants which would help identify the powder that was used in the Atlanta situation, and we have the capacity to do that. We are missing that opportunity by saying we are going to put this aside and do a study on this issue which has been studied time after time after time. We should be disappointed in ourselves in this legislation.

I am not going to vote against the legislation. But it is so far below what we could have gotten if we had just worked together in this body.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

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

We have reached the stage in our history now where everyone must recognize that airport security and antiterrorism issues are matters for national security. Therefore any little thing that we can do to tighten up security at our air facilities and to move against terrorists on every front, giving as much authority as we can to our law enforcement agencies, is not just a plus for antiterrorist activity but also, I repeat, in the interest of national security.

There should not be one negative vote on this bill, not one, because if we result in this bill in securing an airport, just one airport in our country, it is worth a ''yes'' vote. So let us not criticize what could have been in the bill or what might have been in the bill. This will strengthen our airports. That is enough for a ''yes'' vote from very Member of the Congress.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. CONYERS. Mr. Speaker, I yield 1 additional minute to the distinguished gentleman from Maryland.

The SPEAKER pro tempore (Mr. HASTERT). The gentleman from Maryland [Mr. HOYER] is recognized for 2 minutes.

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

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding this time.

In October of 1995 a demented person or persons, because of an alleged grievance, killed 168 innocent human beings. Terrorism is a problem and terrorism must be dealt with, met and defeated.

Like every other Member of this body, I presume I will vote for this legislation.

The gentleman from Pennsylvania says if it goes one centimeter forward to make us more secure it is perhaps worth voting for, and in my perception it does not harm and therefore is worth voting for.

But it is a shame, my colleagues, that we did not, as the distinguished gentleman from Illinois said so correctly back in March and repeats today, that we did not take definitive, effective action to enhance our ability to determine who is likely to commit a terrorist act so that we are not responding to that act to determine who killed one or a hundred or a thousand innocent people.

I would urge the individuals in the majority party who have the control and who have presented this to us, frankly, on very short notice, to work in a bipartisan fashion under the leadership of the chairman of the Committee on the Judiciary, the distinguished gentleman from Illinois [Mr. HYDE] to respond effectively and confront those who are demented and who would attack and kill and make less secure this great land.

In closing, let me say as an aside that I would hope we would also focus in the airport security with the dogs, on the ATF's current capability, and make sure that that is fully utilized now and in the future.

Mr. COX of California. Mr. Speaker, I yield 1 minute to the gentleman from San Diego, CA [Mr. CUNNINGHAM], the distinguished expert member of the Committee on National Security.

Mr. CUNNINGHAM. Mr. Speaker, you want real tooth and nail to really vote for the bill. A lot of us fly a lot, and I am an aviator myself, and in this bill it gives the FBI the authority and the power to protect our airways. It strengthens the security at airports, and under the RICO statutes terrorists will fall under the same kind of stringent examination that our racketeers do.

Let me tell my colleagues about a problem. This body and the Senate mandated to the President that he not ship arms to Bosnia. There are over 12,000 Mujahidin, Hamas and Jihad fighters in Bosnia, and I talked to intel. They are real concerned that those weapons are going to end up all over the world now. Did we forget that the World Trade Center was blown up by a Hamas terrorist and a cleric?

We need to put some tooth in our bill, not just this one, but down the line. The real challenge is to start here and let us work together and finish the rest.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, what America has done this past week and what we in the Congress have done this past week is precisely what we should do this past week, and that is to roll up our sleeves, look at the problem, do what can be done now and leave for another day more study and action later on other matters, but not to leave things lying.

This is important legislation that is meaningful legislation and it is balanced legislation. It contains no new wiretapping authority whatsoever. There is no ill-advised, precipitous mandated taggant requirement that could pose a danger to industry and to law enforcement officers. There is no authority for the Government to obtain records without court order. There is no authority for Government to gain access to private encryption keys for computers.

What the bill does do is, it institutes real, meaningful, substantive security measures that will benefit the American people immediately. It forces the administration to do what it should have done already. This is good legislation, it is conservative legislation, and I urge colleagues on both sides of the aisle, of all political persuasions, to support this meaningful legislation today.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], ranking member of the Committee on the Judiciary, former chairman of the Subcommittee on Crime and now presently ranking member of the subcommittee.

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

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Michigan not only for the time but for his yielding.

This is a pretty sad day in this Chamber. We are going to have a unanimous vote for this bill. The unanimity speaks to the fact that we have put together a series of noncontroversial cats and dogs that do a little but not what we should do against terrorism.

I just hope that some of the families of people who lost their lives in Oklahoma City, on TWA Flight 800, in Atlanta, are not watching today because we know that they want us to do all we can to fight terrorism. We know that law enforcement has told us they need multipoint wiretaps and taggants, and we know that in an act that some would say is politics and others would call much worse, those on the other side took those out. They were unable to just have the guts to say, ''We do not believe in those.''

Many on the other side are doing what they think is right. Some on the other side do not have the guts to admit that they have eviscerated what we should do about terrorism and instead put up a series of smokescreen proposals, none of which are objectionable but only one of which does anything real to fight terrorism, and that would have passed here within the next few months anyway in terms of airport security.

So what we have today, my colleagues, is something that belies what is wrong, that explains what is wrong with this Chamber, and that is the inability of the broad membership both of this body and probably of the country to pull together and do what is needed when we face problems, enemies, and now sometimes even crises. What we are doing here is an act at best of deception and at worse of cowardice.

□ 1545

This is not a game. We are going to have other terrorist incidents that affect us. Once again the head of the FBI would say, ''I wish we had those multipoint wiretaps. I wish we had taggants so that incident might not have occurred.'' Then perhaps once again we will all gather together in a group and we will debate for 3 days in a little conference room what we should do.

I pray to God that the result is not the same as what happened the last two times: We end up with a hodgepodge of proposals, unstudied, unexamined, and at best, marginally effective, and ignore what should be done. Shame on us. We should be doing much, much more.

Mr. HYDE. Mr. Speaker, I am honored to yield 1 minute to the distinguished gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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

Mr. MCCOLLUM. Mr. Speaker, contrary to my good friend, the gentleman from New York, CHUCK SCHUMER's comments, my judgment is this is a very fine bill. It is one that is long overdue as a supplement to the terrorism bill we passed in April. We must as a nation unite together to fight terrorism. It is one of the three or four major criminal and international concerns of this Nation as we move into the 21st century.

There are going to be lots of debates over the specific provisions of how we go about doing this. Yes, I believe we ought to have multipoint wiretap sources for the FBI to be able to tap more telephones, to get at these terrorists. But there are a lot of other things we need and they are in this bill today. There are going to be more things down the road. We are going to have hearings on the wiretap in our Committee on the Judiciary in the next month when we come back. I believe we will produce much more substantive legislation in addition to this as we go through this process.

Make no mistake, there is really good and important stuff in this bill. It should be enacted today. As the chairman of the Subcommittee on Crime and a member of the Committee on Intelligence, I pledge to my colleagues and friends that we will work diligently to make sure that terrorism is defeated in every possible source and on every possible occasion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, who has done an enormously useful job on the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I really rise this afternoon in the name of Alice Stubbs Hawthorne. Who is being funeralized today, who passed at the Olympics along with a Turkish reporter; the victims of Pan American 103; the victims of TWA flight 800; Pam Lyncher, Myra Royal of Pan American 103; and certainly Oklahoma City.

Mr. Speaker, this bill is a wimpish bill. I am saddened to say that the House Republicans last year shut down the Government in December, and now they are trying to shut us down on our ability to fight terrorism. They have precluded us from having taggants to track the bombs that may have been the cause of these tragic acts. They have refused to harmonize the terrorism laws with criminal laws, a simple gesture.

Mr. Speaker, I would simply say that what we must do, and I hope that our colleagues will comply with what they have just said today, we must go forward. I will vote for this bill, because there are certain airport security provisions that will allow us to detect bomb devices, but we are just beginning. This is a tiny step, and it is not a very large step for Americans, but I am prepared to work to do better. I hope my colleagues will join with me to do better for America.

Mr. Speaker, I must rise to express my views on the Aviation Security and Antiterrorism Act of 1996. While I understand the urgency of strengthening our current antiterrorism laws, I am concerned about the process that the House leadership used to bring this bill to the House floor without considerable input from members of the minority party and the lack of any opportunity to amend the bill. Every Member of Congress wants to end domestic terrorism but we must provide for some debate and careful reflection on this bill before moving forward with provisions that could undermine the traditional civil liberties of all Americans.

There are some good provisions to this bill and some bad provisions. The bill enhances the penalties for Privacy Act violations from a misdemeanor charge to a charge that would lead to imprisonment of not more than 5 years. Additionally, the civil damages for violating the Privacy Act would be increased from $1,000 to $5,000. With respect to disclosures of wiretaps, this bill enhances the criminal penalties to 10 years for such disclosures.

The close monitoring of standards relating to airport security personnel and authorizing additional funds for this purpose is also something that all Members can agree. As a part of the security procedures, however, the Federal Aviation Administration and the Department of Transportation will work closely with the airlines on developing computer-assisted passenger profiles programs. We must make sure that such profiles do not lead to harassment of certain individuals based upon their race, ethnicity or national origin.

I also support the provisions of the bill that require the United States to work with other countries to combat international terrorism. The development of a multilateral sanctions regime against nations that provide support for acts of international terrorism is a good idea.

The bill requires the Department of Justice to order a study relating to using taggants in black and smokeless powder. Taggants have been studied over and over again and many experts believe that taggants are effective. Hopefully, the result of this study will be issued prior to the 1 year deadline. If it is determined that taggants are effective in helping to identify the source of terrorism, it should be implemented as soon as possible.

The addition of terrorist offenses as predicates for prosecution under the racketeering statute [RICO] deserve careful study because we already know that there are some problems in how the RICO statute has been implemented.

Mr. Speaker, I urge my colleagues to carefully examine the provisions of this bill before moving—casting their vote. It is important to reduce the number of terrorist acts and limit the impact of such acts but we must not unduly burden the rights that all Americans have enjoyed over the years.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to clarify a provision of this bill in the expectation this may become law. We want to make sure we do have a clear understanding.

In section 106, is it the chairman's understanding that in the matter of project grants, that grants for the expanded and enhanced security programs provided for in section 106 would be to airport sponsor, just as they are made today under the AIP Program; that such grants would not be made to entities other than airport sponsor, such as airlines or private companies? Is that the gentleman's understanding?

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. That is my interpretation of the language in section 106.

Mr. OBERSTAR. I thank the chairman of the committee.

Mr. Speaker, as I said at the outset during debate on the rule, we on this side may not have been in on the takeoff, because this legislation did sort of take shape and form and get rolling on its own, but we certainly were in on the flight and in on the landing, and have had a role, and I think a very constructive and positive role to play in each stage of the formation of this legislation as far as the aviation security part is concerned.

That is our committee jurisdiction. I want to again express my appreciation to the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his partnership, and the gentleman from California [Mr. COX] for his very constructive intervention role that he played at very important times in the evolution of this piece of the legislation.

Mr. Speaker, I have had a very long involvement with aviation security, going back to the years when I chaired the Subcommittee on Investigations and Oversight with our then-ranking member, now Speaker of the House, the gentleman from Georgia [Mr. GINGRICH]; later, the gentleman from Pennsylvania [Mr. CLINGER]; and I worked very closely on every aspect of aviation security in crafting the basic structural law, the Aviation Security Act of 1990, which was crafted basically by the Pan American 103 commission on which our former ranking member and dear friend, Mr. Hammersmith, and I served.

With that perspective, I would just like to review some of the provisions of this legislation before us now. I think, all in all, this is basically a sound piece of legislation. Section 44913 which is amended in title I, dealing with explosive detection equipment, provides authority for the administrator of FAA to certify for deployment explosive detection devices that are now commercially available but that may not necessarily meet the standards we set for the 1990 Security Act.

That will provide a measure of enhanced performance while we go through, while we, the FAA and DOT, go through the very time-consuming and technical process of certifying very advanced explosives detection technology.

Section 102 deals with criminal background checks for screeners at the Nation's airports. That is not now provided for in current law. I think this is an important step forward. Pan American 103 commissioned in the 1990 Security Act, did not deal with domestic terrorism, it dealt with international acts. This fills an important hole in current security.

I do want to emphasize that this section amends the 1990 Security Act, which provides and requires a 10-year criminal background security check for other airport and airline personnel, and that we are simply folding this addition into that basic legislation.

Mr. Speaker, the section dealing with passenger profiling I think is a good addition. We have clarified the language on section 106, the use of funds to acquire, improve, deploy, and build the facilities necessary to deploy detection devices.

Assessment of cargo I think is very important. The FBI provisions are very good.

I do want to point out for my colleagues that the provision dealing with small airports is going to result in some additional cost for small airports from which passenger aircraft of less than 61 operate, that will require costs for x-ray machines, metal detectors, screeners, and installation costs.

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

Mr. COX of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SHUSTER. Mr. Speaker, I also yield 1 minute to the gentleman from New Jersey.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. SAXTON] is recognized for 2 minutes.

Mr. SAXTON. Mr. Speaker, let me just begin, and I had to smile when my friend, the gentleman from New York, CHARLIE SCHUMER, and other speakers on this side characterized what the Republican Party is trying to do for national security as wimpish. I do not think anybody takes that as a credible statement.

The provisions of this bill on aviation safety are certainly not wimpish. The provisions on Federal racketeering statutes and the use of them in regard to terrorist acts is not wimpish. The use of enhanced telephone technology to catch terrorists and know what they are doing is not wimpish. This is not a wimpish bill. In fact, it moves in the right direction.

Mr. Speaker, I remember in 1990 then-Secretary of Defense Dick Cheney coming to the Committee on Armed Services and saying, the world is going to change, folks. The Soviet Union, the threats posed by the Soviet Union are going to diminish, and other threats will become more important. He was talking about regional threats and the threats posed by terrorism.

On June 20, 21, and 22 of this year in Tehran a group of international terrorists met in a conference. They formed an organization known as the International Hezbollah, and they vowed to ratchet up terrorist acts against the West, particularly against the United States and our people overseas.

Shortly following that, a murder occurred in Egypt. It was an American diplomat. This organization took credit. Some time after that a bombing occurred in Dharhan at the airport. Nineteen Americans were killed, and they took credit. Shortly after that an airplane fell out of the sky over Long Island, and we do not know yet, but we suspect there may be a connection there as well.

So what this bill does is simply to try to take us in the direction of a more secure situation for our people overseas, our travelers, and our people here at home. For those who think it does not go far enough, fine. We will go further in the next bill. For those who object to a provision of this, it is their right to object. But vote to support this bill which moves in the right direction.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. FORBES].

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

Mr. Speaker, this legislation is woefully inadequate. I am sorry to stand here today and say that. But unfortunately, the tragedy that we have witnessed on Long Island, which is in my congressional district, makes me very concerned about what is going on here.

Can we actually look in the eyes of any one of the families suffering through this tragedy and tell them that this legislation would have made their loved ones more secure? I suggest not. This is an unfortunate and inadequate piece of legislation.

Mr. OBERSTAR. In the interests of advancing the cause here, Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. OBERSTAR] is recognized for 1 minute and 15 seconds.

□ 1600

Mr. OBERSTAR. Mr. Speaker, I do so to address the Civil Aviation Security Review Commission provision of this bill, 13 members, 1 year to report. While I support the idea of a commission, I think this is too many people, too long a time to report. The Pan Am 103 commission did its job in 6 months.

In addition, I have some concerns about the amount of money authorized to be spent on this commission. The Pan Am 103 commission developed recommendations in less time, with a much more conservative budget. The Pan Am commission achieved its mandate with a budget of $1 million. The commission in this bill has an authorized budget of $2.4 million. The cost anticipated in connection with the commission in this bill are excessive.

As for what the commission should focus on, I would urge commission members to look closely at the issue of how the financing of improved security equipment and procedures should be handled. Who should be responsible for incurring the cost that are inevitably associated with improving airport security; airports, airlines, the Federal Government?

I very firmly believe that when the commission discussed potential rulemaking in the area of airport security, the resulting recommendations should be normative in nature. Cost benefit analyses should not influence the discussions or recommendations of the Commission. The costs associated with improved airport security must ultimately be considered,

but I do not think that it is the role of the commission to do so. The commission must develop and recommend optimal security recommendations and let Congress and the administration weight those recommendations against the costs and inconveniences associated with them.

One issue that must be considered is whether a positive bag match should be required for passengers traveling domestically, as it is currently required on international flights. Again, while there would unquestionably be a significant impact on aviation in domestic markets should such a bag match be imposed, the commission should, to the extent possible, view a required domestic bag match with regard for potential costs or inconveniences.

In closing, there is a question we must pose to the American public, the executive branch, and this body. It is a question of political and personal will. We all want a higher level of airport security. How much is the public willing to pay? How much is the public willing to be inconvenienced? The answer today may be, to paraphrase President Kennedy, "we are willing to pay any price, bear any burden." From experience I know that the answer a year from now will likely be very different. Now is when we must ask the question and formulate the answer.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, this morning instead of attending a meeting he had requested with the director of Central Intelligence to discuss activities to combat terrorism, the Speaker of the House chose to make some comments which served no purpose other than to undercut bipartisan efforts to pass a meaningful counterterrorism bill. To suggest that our ability to collect human intelligence on terrorists and terrorist organizations had been undermined by the Clinton administration is simply not correct.

Perhaps the Speaker, an ex officio member of the Permanent Select Committee on Intelligence, should reread the committee's report on the fiscal year 1996 intelligence authorization bill. The report stated, "Overall, the Committee believes that the work of the U.S. intelligence agencies against terrorism has been an example of effective coordination and information sharing." The report also noted, "The Committee, in its mark, has provided added support to the Intelligence Community programs focused on the terrorist threat."

The recent report of the Aspin-Brown commission on intelligence also stated, "U.S. intelligence has played key roles in helping other countries identify and/or arrest several notorious terrorists, including Carlos the Jackal in Sudan, the alleged ringleader of the World Trade Center bombing, in the Philippines, the head of the Shining Path terrorist group in Peru, and those involved in the bombing of Pan Am 103."

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

The SPEAKER pro tempore (Mr. HASTERT). The gentleman from Michigan [Mr. CONYERS] is recognized for 1 minute.

Mr. CONYERS. Mr. Speaker, we began the attempt to do something during the summer recess by meeting with the President of the United States and the White House with our leadership, the ranking member of judiciary, myself, Vice President, Attorney General, FBI Director, and Speaker GINGRICH was so amicable. Now we come to Friday, and he makes this unusually vituperative attack upon the President and misleads the American people on what has been going on here in our attempts to combat antiterrorism.

We know what is happening here, and I hope that we can communicate this to everyone else.

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

I will be brief in closing, because I know that several of our colleagues wish to catch airplanes. We had been long scheduled to adjourn today, but just a few days ago the President of the United States asked the Congress, not just the House but the Senate as well, not just Republicans but Democrats to do what we can before we go. As a consequence, a task force of us comprising our leaders, committee chairmen, ranking and majority members in the Senate and in the house, representatives of the administration, including the President's chief of staff, including the deputy attorney general, including representatives from the FBI, the Department of State, and many executive branch agencies worked here in this Capitol for long days and long nights.

Much has been said about what we disagreed about. In truth, we did disagree about two major items: This House sought to include in this terrorism package a good-faith exception to the exclusionary rule so that the evidence that will convict terrorists makes it into the courtroom. We passed it five times on the floor of this House, but it was not acceptable to our colleagues in the minority, on the Senate side.

So notwithstanding that the good-faith exception to the exclusionary rule that would permit evidence of terrorism to make it into the courtroom has passed this House five times, it is not included in this legislation; neither is wiretapping legislation that has passed the Senate but has not passed this body. We were charged with a very specific task, and that is to do as much as we can agree upon before we leave and to do so, obviously, under procedures that require unanimous consent in the other body and require us to bring it up under suspension of the rules here.

Rather than dwell upon the two things that we disagreed on, we ought to dwell on the score of things that we did agree upon, because there is much good in this legislation.

As a result of this bill, the Federal Aviation Administration will have immediate authority to put in place performance standards for security personnel at our airports. The FBI does not presently do threat and vulnerability assessments at our riskiest airports such as JFK in New York, but as a result of this bill they will have the immediate authority to do so.

As a result of this bill, airport improvement funds are authorized to be used to fight terrorism and to provide security in our air transport against terrorism.

As a result of this bill, we will now give our criminal prosecutors in our Federal courts the same tools to fight terrorists they use to fight racketeers and organized crime. I want to thank my colleagues, Democrats and Republicans, in the House and in the Senate, and in the administration for the hard work that we have done to bring us to this point. This is amazing good work. It comes after long hours and late nights. Yes, it comes after the imposition of virtually an unreasonable deadline. But we persisted and we should be proud of this result.

Let us also say as we go out to campaign, in some cases against one another in very partisan races, that in this we are united, because this is as close as the 104th Congress will come to dealing with real war. This is America's war against global terrorism. Is this the last time we will address it? Absolutely not. It will require persistence and eternal vigilance. Is this the best that we can do today? Absolutely. We have every right to be proud of it and every reason to vote for it. I urge my colleagues to vote "aye" on this Aviation Security and Antiterrorism Act of 1996.

Mr. DEFAZIO of Oregon. Mr. Speaker, I have grave concerns with the efficacy of the Federal Aviation Administration's measures to combat terrorism aimed at aviation targets. Over the past decade I have made these concerns known to both present and past administrators at the FAA. We need to address these issues through comprehensive and well thought out legislation. If this bill is a good faith attempt to pass stop-gap-type legislation that we can reconsider and perfect in September, then I support this effort. However, if this legislation is being hailed as the ultimate solution to a serious problem, then this bill is clearly a sham.

I understand the desire on the part of many Members of Congress to react swiftly to recent tragedies such as the bombing in Atlanta last week and the downing of TWA Flight 800 last month. We are all anxious to adopt strong security measures to try and correct any current deficiencies in aviation security. But we have had plenty of opportunities to review this type of legislation. I supported many of the measures recommended after the Lockerbie tragedy that have never been adopted by the FAA. For example, we should have adopted recommendations mandating screening of security personnel and development of bomb resistant cargo containers in conjunction with prompt deployment of effective bomb screening devices. However, the United States remains years behind schedule in adopting these proposals.

Aviation security is a serious matter concerning the life or death of our citizens. It is far too serious to deal with in a slapdash bill thrown together by Republican staff behind closed doors in a 24-hour period. There are some provisions in this bill that I fully support and do not find objectionable. I am pleased that the bill recommends a commission on airline safety and security, although this seems to be duplicative of the recently created Gore commission. Some provisions are well intentioned but not practicable. There are other provisions that are outright counterproductive.

We should not rush to a vote on this legislation on the pretext that this is the most comprehensive effective step we can take to combat terrorism particularly if it precludes more thoughtful legislation in September.

Mr. LAZIO of New York. Mr. Speaker, although I rise today in support of this bill, I must admit to experiencing, as Yogi Bera once put it, deja vu all over again. This past spring we passed and the President signed a compromise antiterrorism bill which I supported. There were several provisions that were removed from that legislation that I would have preferred remain, and I am disappointed that they are not included in this bill today.

Rather, the proposal we are considering today only goes part of the way in providing law enforcement the tools they need to combat this threat of terrorism. The expanded law enforcement provisions that were originally reported out of the Judiciary Committee, which are not being considered here today, are not inconsistent with our constitutional protections.

Instead, they are a measured response to a specific and increasing threat. The truth is that as terrorists are becoming more sophisticated, there are some of my colleagues who believe we should unilaterally disarm ourselves, rather than improve our antiterrorism capabilities.

Providing physical security is, as it should be, the first order of business of any government. The preamble to the U.S. Constitution states that the foundational reason the Federal Government formed is to establish justice and insure domestic tranquility. Congress has in the past provided law enforcement additional tools in order to meet specific threats when conventional methods were insufficient, within constitutional limitations.

Although I believe that the provisions in this bill regarding aviation security are laudable, and some of the antiterrorism provisions would be helpful, overall the remedies contained in this bill are, quite frankly, a drop in the bucket.

For example, this bill calls for a separate study of black and smokeless powder that will be relegated to the ash heap of other Government studies. Instead, the bill should include these items as part of the comprehensive study of explosives that is already provided for by the antiterrorism law we passed in April, and regulations should be implemented as soon as possible.

At this point in time, we still do not know the cause of the tragedy of Flight 800 off the southern shore of Long Island. But we are certainly aware of the acts of terrorism that occurred in Saudi Arabia, and most recently at the Olympic games in Atlanta. How many more terrorist incidents do we need before we take the steps needed to more fully protect the public? I sincerely wish that this bill was tougher, and that public policy interests were paramount.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. COX] that the House suspend the rules and pass the bill, H.R. 3953.

The question was taken.

RECORDED VOTE

Mr. COX of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 389, noes 22, not voting 22, as follows:

[Roll No. 401]

AYES—389

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOES—22

Allard
Bonilla
Bono
Coburn
Cooley
Costello
Ehlers
Hefley
Hoekstra
Hostettler
Klink
LaHood
Mollohan
Murtha
Myers
Radanovich
Sanford
Scarborough
Souder
Stockman
Tiahrt
Young (AK)

NOT VOTING—22

Beilenson
Bishop
Blumenauer
Brownback
Bunning
Clinger
Condit
DeFazio
Deutsch
Dickey
Ford
Gunderson
Lincoln
McCrery
McDade
Meehan
Meek
Morella
Quillen
Stenholm
Torkildsen
Young (FL)

☐ 1626

The Clerk announced the following pairs:

On this vote:

Mrs. Morella and Mr. Deutsch for, with Mr. DeFazio of Oregon against.

Mr. POMBO and Mr. CRAPO changed their vote from ''no'' to ''aye.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONDIT. Mr. Speaker, I was unavoidably detained during rollcall vote No. 401. Had I been present, I would have voted ''aye.''