

Norwood	Royce	Taylor (NC)
Nussle	Rush	Tejeda
Oberstar	Sabo	Thomas
Obey	Salmon	Thompson
Olver	Sanders	Thornberry
Ortiz	Sanford	Thornton
Orton	Sawyer	Thurman
Owens	Saxton	Tiahrt
Oxley	Scarborough	Torkildsen
Packard	Schaefer	Torres
Pallone	Schiff	Torrice
Parker	Schroeder	Towns
Pastor	Schumer	Traficant
Paxon	Scott	Upton
Payne (NJ)	Seastrand	Velazquez
Payne (VA)	Sensenbrenner	Vento
Pelosi	Serrano	Visclosky
Peterson (FL)	Shadegg	Volkmer
Peterson (MN)	Shaw	Vucanovich
Petri	Shays	Walker
Pickett	Shuster	Walsh
Pombo	Sisisky	Wamp
Pomeroy	Skaggs	Ward
Porter	Skeen	Waters
Portman	Skelton	Watt (NC)
Poshard	Slaughter	Watts (OK)
Pryce	Smith (MI)	Waxman
Quillen	Smith (NJ)	Weldon (FL)
Quinn	Smith (TX)	Weldon (PA)
Radanovich	Smith (WA)	Weller
Rahall	Solomon	White
Ramstad	Souder	Whitfield
Rangel	Spence	Wicker
Reed	Spratt	Williams
Regula	Stark	Wilson
Richardson	Stearns	Wise
Riggs	Stenholm	Wolf
Rivers	Stockman	Woolsey
Roberts	Stokes	Wynn
Roemer	Studds	Yates
Rogers	Stump	Young (AK)
Rohrabacher	Stupak	Young (FL)
Ros-Lehtinen	Talent	Zeliff
Roth	Tate	Zimmer
Roukema	Tauzin	
Roybal-Allard	Taylor (MS)	

NOT VOTING—10

Fields (TX)	Hinchey	Lantos
Geren	Jackson-Lee	Rose
Gibbons	(TX)	Tanner
Hayes	Kasich	

□ 1203

Messrs. STOCKMAN, LAHOOD, KENNEDY of Rhode Island, and HASTERT changed their 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 upon the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 735, ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 405 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 405

Resolved. That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. SHAW). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the

gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

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

There was no objection.

Ms. PRYCE. Mr. Speaker, I am pleased to bring to the floor today the rule providing for the consideration of the conference report on S. 735, the Antiterrorism and Effective Death Penalty Act of 1996, which was passed overwhelmingly by the other body last evening. This is a simple, fair rule which waives all points of order against the conference report, and against its consideration, in order to permit the House to consider provisions which may exceed the scope of differences between the House and the Senate.

Ms. Speaker, the devastating terrorist attack that took place in Oklahoma City nearly 1 year ago today serves as a poignant and powerful reminder that the threat of domestic terrorism is a very real and present danger in our society. One hundred and sixty-eight innocent people, including dozens of children, lost their lives in that attack. Combined with the nearly 500 people who were injured in the blast, the bombing of the Federal building in Oklahoma City ranks as the worst terrorist incident ever to take place on American soil. Unfortunately, it was not the first. The bombing of New York's World Trade Center building in 1993, Americans for the first time faced the sobering prospect that terrorists are at work right here in the United States.

Among the lessons we have learned from these tragic events is that law enforcement must be prepared to respond effectively and immediately to terrorism when it occurs. More importantly, as technology rapidly advances, law enforcement officials at all levels must have access to reasonable and legitimate tools that will enhance their ability to prevent terrorist acts before they result in the loss of human life.

The difficult task which this body has faced during the past year has been to balance the needs of law enforcement with the need to preserve essential civil liberties. Today, under the terms of this simple, straightforward rule, we will debate a conference report that I believe improves upon the House-passed bill, while still assuring the Federal Government an appropriately limited but responsible role in the fight against terrorism.

Several key provisions have been added to the House-passed bill in this bipartisan conference report that will assist our country's fight against ter-

rorism. For example, it provides procedures to allow for the removal of alien terrorists, fairly and with due process, but also with adequate protections to safeguard sources and methods of classified information.

It provides improved steps for designating foreign terrorist organizations, and contains provisions that severely restrict the ability of terrorist groups to raise funds in the United States. As we all know, Mr. Speaker, money is the lifeblood of these ruthless organizations, and if we cut off their flow of funds, including the blocking of financial transactions, we will surely diminish their ability to carry out these cowardly, heinous acts here at home and abroad.

With regard to the exclusion of alien terrorists, the conference report authorizes State Department officials overseas to deny entrance visas to members and representatives of those same groups deemed to be foreign terrorist organizations, and it also allows the United States to stop or prohibit assistance to foreign countries that do not cooperate with our antiterrorism efforts.

And finally, in a move that will hopefully prevent future tragedies like the loss of Pan/Am flight 103 over Lockerbie, Scotland, the conference report requires that foreign air carriers traveling to and from United States airports follow the identical safety measures that our own American air carriers must follow under regulations issued by the FAA.

Equally important are other provisions contained in the conference report, including three key elements from the Contract With America: First, there are reasonable reforms to curb the abuse of habeas corpus by convicted criminals. This will help, finally, to free the judicial process from endless and frivolous appeals from prisoners convicted of capital offenses while victims and families of victims wait helplessly by for years and years for justice to finally be done.

Second, improved procedures for deporting criminal aliens are included which allow judges to order the deportation of aliens convicted of Federal crimes at the completion of their sentence.

Third, the bill calls for mandatory victim restitution. Securing the right to adequate restitution is a long overdue victory for crime victims and their families. For too long, our criminal justice system has devoted significant attention and resources to the plight of criminals. As a result, crime victims have often suffered twice—first at the hands of the criminals, and then by an inadequate, insensitive, inattentive justice system. By requiring fair restitution, we will give victims of crime some of the ranking and legal status they deserve while they recover from their unwanted and unwelcome trauma.

Mr. Speaker, as I have said before, this debate is not about who, or which

political party, is more committed to fighting terrorism. I think we would all agree that keeping our Nation's cities and communities safe and secure is not a partisan issue. Rather, it is one of the fundamental duties and responsibilities of government.

This conference report accomplishes the very difficult task of providing our citizens with an increased level of safety and security, without trampling on our rights in the process. These provisions represent necessary, but narrowly drafted tools that will go a long way toward assisting our law enforcement professionals in combating the genuine threat of international terrorism.

So as we near the 1-year anniversary of the Oklahoma City bombing, I urge the House to accept the work of the conferees and send a clear signal to would-be terrorists that their cowardly, destructive acts will not be tolerated by the American people or by this institution. For the victims of Oklahoma City and victims of other tragic events, and their brave families, I urge your support for this conference report.

The Rules Committee reported this rule by unanimous voice vote yesterday, and I urge colleagues to give it their full support. Let's pass this fair rule, and let's pass the conference report without any further delay.

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

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

Mr. Speaker, much has been said about the tragic anniversary we will observe tomorrow. The loss of 168 men, women, and children in Oklahoma City because of an irrational and immoral act, has left a scar on our national psyche that will never really heal. But, Mr. Speaker, if something good is to come from such tragedy, then let it be a greater awareness that the freedoms we enjoy in this great Nation are indeed precious and that they are in need of protection.

Let us never forget those who died, those whose blood was spilled, those whose lives were irrevocably and irreversibly changed. Let us honor them by working diligently to protect the freedoms that embody the moral fabric of this great country of ours. The barbarous actions of one individual or of a group cannot be allowed to undermine the freedoms and liberties that constitute the American way of life. But, as we know all too well, in the world today, we must be ever vigilant and ever ready to come to the aid of those ideals we all hold so dear.

This legislation has come about because of the act of a terrorist. The conference report is not perfect: some Members may oppose it because of provisions relating to habeas corpus reform. Others may oppose it because it does not contain new wiretap authority for law enforcement officials to trace and track homegrown as well as international terrorists operating within

our borders. But, I submit, it is the best we can produce when we must balance the need to vigorously defend and protect our safety while simultaneously defending and protecting our freedoms and liberties. I hope the legislation before us achieves that end.

This conference agreement does give us some tools which will help protect our shores and our people from the threat of international terrorism. The conference is to be commended for including new authorities to identify and designate foreign terrorist organizations, to prohibit fundraising on behalf of such terrorist organizations, and to exclude or remove alien members of those groups from our country. These authorities are essential if we are to begin to deal effectively with the unwelcome and unwanted intrusion of international terrorism.

However, Mr. Speaker, because the conference report does not contain language granting law enforcement agencies new wiretap authority, I am going to oppose ordering the previous question on this rule. While I am gratified that the conferees did include new powers to deal effectively with international terrorism, there is a concern that the fight against domestic terrorism is seriously handicapped because the wiretap authorities requested by the Department of Justice are not part of this agreement.

Therefore, a vote against the previous question is a vote to enhance this legislation by granting new wiretap authority that will allow law enforcement officials to keep up with the modern technologies used by almost every American, including those who plan barbarous acts like the one which killed 168 men, women, and children 1 year ago tomorrow.

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

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentlewoman from Ohio for explaining the rule. It is not necessary to repeat her explanation.

Mr. Speaker, this Friday will mark the 1-year anniversary of the bombing of the Federal building in Oklahoma City. There have been a number of terrorist incidents like that in 1993. The New York Trade Center building was another terrible tragedy.

The deliberations on this bill have demonstrated that Members on both sides of the aisle do hold very strong, sincere views about the powers that should be granted to law enforcement to track and prosecute terrorists.

The balance between public safety and order, and individual rights, is always a difficult dilemma in a free society.

For this reason, significant time was needed to consider this legislation, and certainly the time has been devoted to it.

Today we have before us the final product. It achieves, I think, a fair balance and includes many provisions to not only prevent and punish terrorism, but also includes the ultimate punishment for those who would kill others, the effective death penalty.

As a matter of fact, the very first provision in this conference report, title I provides for a reform of the death penalty process with specific time limitations to insure that the process does not drag on forever and ever and ever, sometimes as much as 10 and 15 years. This provision alone is so important that it is more than sufficient justification for supporting this conference report today.

The conference report also includes a provision dealing with mandatory victim restitution and provides for specific assistance to victims of terrorism, and that is so terribly, terribly important. For too long in this country we have paid too little attention to the victims of crime while we have focused huge resources to protect the rights of the accused criminal.

Mr. Speaker, there is also a section which prohibits providing material support to, or raising funds for, foreign organizations designated as terrorist organizations.

This and the other provisions in this conference report designed to limit terrorism will never be a complete solution to the problem, but this conference agreement is a huge step in the right direction of terrorism prevention.

I would particularly like to commend the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], and the ranking minority member, the gentleman from Michigan [Mr. CONYERS], for all of their hard work in finally getting this bill here to the floor, along with the gentleman from New York [Mr. SCHUMER], who is sitting here. Without their help, this legislation certainly would not be here today. This has been an especially tough assignment in a long list of tough assignments for the Committee on the Judiciary.

In addition, sitting over to my right, I would like to recommend the gentleman from Georgia [Mr. BARR] for his extra efforts in shaping this final product. Without his efforts we never would have been here today either. The conference agreement before the House today includes many of the provisions sought by the gentleman from Georgia, and we take off our hat to him.

Mr. Speaker, adoption of this rule is necessary to allow the House to proceed to the consideration of the conference report. I would ask for a "yes" vote on the rule, and on the conference report and on the previous question, as well.

I do not know where this previous question fight has come from. This was not discussed in the Committee on Rules prior to today. Certainly the conference has already been abandoned because the Senate has already passed the bill. We should stop fooling around

with this and making political points. We ought to get over here, vote for the previous question, vote for the rule, and then vote for this vital piece of legislation.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me the time, and this is on the rule. I am going to have more to say on the bill later.

But one the rule I would urge that we vote down the previous question, and that is because this bill has one glaring omission, and that is the ability to do multipoint wiretaps.

The bill, if we ask law enforcement what was the No. 1 thing they needed to fight terrorism, and I have talked to lots of them, they would say it would be the multipoint wiretap. The multipoint wiretap has no civil liberties problems. Let me explain to my colleagues what it is: Still have to go to court to get the wiretap, and still have the probable cause standard.

However, in the past we have tapped, when they got a tap, it is on the person's phone number. So they say, "I want to tap number 345-6789 because John Smith, there is probable cause to believe John Smith is doing illegal things, and we want to find him."

But these days technology has allowed criminals and terrorists to get ahead of that. Why? They get cellular phones, and they change their number every third day. It takes law enforcement time to find that new number, and then under present law they would have to go to court and get a new court order.

Mr. Speaker, that makes no sense, and in the original bill that was introduced by myself and the subsequent bill introduced by the gentleman from Illinois [Mr. HYDE], the multipoint wiretap provision was put in. However, it was taken out because of the objection of some. I do not know what the objection is, frankly. Part of it may have been misnomered. It was first called roving wiretap, and roving implied it would go to any person. So now the name has been changed to multipoint wiretap.

It is still opposed by the far right and by some in the civil liberties community on the far left. But, my colleagues, they are simply wrong.

Mr. Speaker, when we discussed it in conference, the Senator from Utah asked the gentleman from Georgia and others what is a reason to be against these taps, and none was given. The only explanation given by my good friend from Florida was, well, there is a lot of misinformation, and Mr. HYDE, Mr. HATCH, who have worked laboriously on this bill, and I salute them and I will in my later remarks, and the gentleman from Florida, Mr. MCCOLLUM, all agree we should have that in a later bill and bring it to the floor.

Well, my colleagues, we should do it now. This bill is not strong enough.

I will vote for the bill. It is better than what we have now, and progress has been made since the Barr amendment stripped out the heart of the bill, and the gentleman from Georgia has changed his mind and supported some of the provisions that were stripped out in the House previously.

So, in my judgment. The bill is OK, but it could be a lot better. It is only half a full glass. And by voting down the previous question, and then voting on the concurrent resolution offered by the gentleman from Texas, we could restore the provision that law enforcement considers first and foremost what has been needed to fight the fight against terrorism.

So I would ask my colleagues to put down partisanship, to put down fear of some extreme groups who by misinformation and fear have mischaracterized this provision. Let us pass it now. We do not know what is going to happen in this Congress. I would say the odds are that we will not pass a multipoint wiretap later on in the year, despite the intentions of the chairman of the Committee on the Judiciary to get it.

So to toughen the bill up, to give law enforcement what they need without violating any civil liberties, we should vote down the previous question, add the multipoint wiretap provision, and then we could say we have passed a good bill.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR] who was very instrumental in the drafting of this legislation.

Mr. BARR. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, the gentleman from Georgia has not changed his mind on anything. The provisions that we have added back into this bill during the conference proceedings are different from those that were in the bill earlier and that were removed in the Barr amendment. The gentleman from New York may not be aware of that, but they are different. They are protective of civil liberties. They grant our law enforcement community the very specific narrowly crafted tools that it needs in certain key areas. But nothing has changed in terms of my regard for civil liberties, my regard for taking a very close look at those provisions and allowing those only insofar as I am able to be enacted into law that are absolutely essential.

The gentleman goes on and on about multipoint or roving wiretaps. The American people and Members of this body certainly are aware of the vast power that our Government currently has with which to wiretap. There indeed are provisions in current law in Title 18 of the United States Code that already provide for multipoint wiretap. They may not be the provisions that are the easiest to implement, but they are there, and they are used.

There may very well be civil liberties problems with the proposal of the other

side. It is a vast expansion of current authority, and I do not feel that it would be at all appropriate to consider it precipitously as we would be doing today. Rather, Mr. Speaker, there is a provision in section 810 of this conference report, as presented to the House today, that provides for a comprehensive study by the administration, by the Attorney General, on the entire issue of wiretaps. That study would have to be completed in 90 days.

I and my colleagues who believe in effective but accountable law enforcement believe that that is the appropriate way to go so that we can study this with the deliberation that it requires, look at current law, which is vast in the area of wiretap authority for our Government, be very mindful of civil liberties and craft, if crafting new legislation is necessary, the most limited, not the most expansive, way of achieving that result.

□ 1230

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, what we have here is a classic case of, once again, the Republican Congress moving in a way which links two completely separate issues, and therefore mixes up and puts a number of Members of Congress that are very interested in establishing tough new standards on antiterrorism law, it forces us to vote against the bill because of the irreparable damage this does to our constitutional rights under habeas corpus.

Mr. Speaker, I am a strong supporter of the death penalty in this country, but I also believe very strongly, absolutely as strongly, that we ought to give people the absolute right to appeal their decisions under the constitutional guarantees of this land, to make certain that we do not make mistakes once which impose the death penalty.

Why is it necessary, why is it necessary to link the death penalty and the constitutional guarantees of habeas corpus to a terrorism bill? This is just a political deal. It is a political deal to get votes on the right, to get them to link up and vote for a bill that should stand on its own hind legs. It should stand on its own forelegs.

But what we have is, instead, a glomming together of separate ideas that are necessary to patch together the votes because of the craziness that has invaded this body. Please, can we not recognize that there are severe threats, as we have seen in Oklahoma, as we have seen in New York, as we have seen in provisions which are included in this bill, which I was able to get passed in conjunction with the gentleman from Ohio [Mr. KASICH], to make certain that we protect against Government-sponsored labs from providing all sorts of terrorist agents, such as serin and other pathogens that we have seen, the Ebola virus and the like, that have been made too readily available to anyone who writes in to a Government lab

and claims that they need these terrible pathogens that can be used for all sorts of destruction.

Those are good provisions, those are antiterrorism provisions. Habeas corpus has nothing to do with an antiterrorism bill. It forces too many of us to finally vote "no" on this bill. I urge a "no" vote.

Ms. PRYCE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, in listening to the remarks of the distinguished gentleman from Massachusetts [Mr. KENNEDY], now I am confused. I remember they used to criticize a former President by ridicule, saying he could not walk and chew gum at the same time. It would seem to me that handling two ideas is not that difficult: habeas and antiterrorism, even if what he said is true, that they were not related; however, they are.

If someone gets convicted of bombing a building and killing people, people who are the victims of that, and survivors, would like to be sure that the appeals cannot go on and on and on, as they do now. So bringing to closure and bringing the sentence that is imposed into reality does have something to do with bombing buildings, and that has something to do with terrorism.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I do not quibble with the fact that we can impose tougher sentencing on people involved in terrorist activities. That is, obviously, a terrorism issue. But I would say to the gentleman from Illinois [Mr. HYDE], there is no one in this Congress who has stood up more eloquently for this Constitution in so many cases, since I have been here over the course of the last decade, than he.

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

Mr. KENNEDY of Massachusetts. At times, when it cuts against even issues that the gentleman believes in, I have seen him stand up on the House floor to stand up for the Constitution of this country. What we have here is an undoing of the Federal Government's rights to intervene in the State courts. That is what is wrong with this bill.

The gentleman can make the argument that this is necessary because he is so angry at these terrorists and the kinds of activities that they are involved with, but that does not excuse us from intervening in a way that the Constitution has always protected this country. If we are going to do it, we ought to do it on its own two legs, not by linking it to this terrorism bill.

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

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I know the gentleman's concern. It is a common one. It has to do with the deference that Federal courts will give to State court decisions. I believe that is what he is talking about. We will discuss that at some length in our debate on the bill, but the Federal judge always reviews the State court decision to see if it is in conformity with established Supreme Court precedence, or if it has been misapplied. So it is not a blank, total deference, but it is a recognition that you cannot relitigate these issues endlessly.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary.

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

Mr. GEKAS. Mr. Speaker, the debate has centered on the most important feature of this bill, in my judgment, and that is the habeas corpus provisions. It took us a generation to convince the people on the left that we ought to have a workable, reassuring, predictable death penalty that would inexorably exact the punishment that was intended.

We worked for 20 years in this Chamber to try to accomplish a death penalty, because 80 percent of the American people wanted to see it happen. Then when we see the World Trade Center tragedy and other terrorism that has wreaked havoc across our land, then we reinstate the notion that we need the death penalty to allow a jury to exercise that ultimate option.

Now we have before us a habeas corpus procedure that forbade the final solution to the death penalty problem; namely, the execution of the killer. Here is a killer who viciously kills hundreds of people in one act, who can sit in a cell and file paper after paper, habeas corpus and other documents, to prevent the ultimate punishment that the jury prescribed for him.

In this antiterrorism bill, there is a strong, strong chain of events that lead from the kinds of acts that we abhor, like Oklahoma City, like the World Trade Center and others too horrible to conceive, where a jury is entitled to impose the death penalty. And we should not shrink from the responsibility of making sure that their final judgment is not set aside or weakened or laughed at by reason of the frivolous appeals that have been filed time after time in the history of these actions.

Mr. Speaker, I support the rule and I will support the conference report. It is a good antiterrorism mechanism that allows for the death penalty to be applied as a deterrent to future bombings like Oklahoma City, and as a punishment for those who do commit those kinds of acts.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I want to first thank my colleague, the gentleman from Texas [Mr. FROST], from the Committee on Rules, for being generous with his time, because I may not have time on the debate of the bill itself to make some of the points that I would like to make.

Mr. Speaker, I am as upset about the Trade Center bombing and the Oklahoma City bombing as anybody in America. I do not want anybody to be misunderstanding what I am saying. But we are about to perpetrate a fraud on the American people, because this bill is not any longer about terrorism, the bill is about matters that go well, well beyond terrorism and we are, unfortunately, using these two terrorist acts as the predicate for undoing some important constitutional protections.

I will not even spend my time talking about the death penalty provisions in this bill. What I will spend my time talking about is the importance of the Great Writ of Habeas Corpus, which most people are not going to understand, because a lot of people think habeas corpus is about the death penalty. It is not. Only 1 percent or less of habeas corpus petitions involve the death penalty at all. That is, less than 100 out of 10,000 habeas corpus petitions involve the death penalty.

Habeas corpus appeals have been brought by gun owners who feel that they have been unjustly imprisoned for exercising their second amendment rights. They have been brought by pro-life protesters, who feel that they have been unjustly imprisoned by their first amendment rights being suspended. They have been brought by people who have been protesting on the pro-life side. They span the whole philosophical gamut of our Constitution.

Mr. Speaker, this is a constitutional attack that we are engaged in. First, petitioners are limited to one petition, 1 year of exhausting their appeals. By imposing this limitation, important new evidence, even new compelling evidence of one's innocence, can no longer be offered in a court of law to prove one's innocence. Compelling new evidence of one's innocence can no longer be offered, after that one bite within 1 year.

We have seen the advances that our country has made in DNA, and DNA evidence is now coming forward to reveal that people who have been in jail for 10 years, 15 years, are being held unjustly, without any contradiction, and we are willing to compromise the most basic thing, innocence, for political expediency.

Habeas corpus is only in the Federal Constitution, yet this bill says that the Federal courts must defer to State courts in the interpretation. That is unprecedented. Never has it happened in this country. Sandra Day O'Connor, not one of your liberal bastions, and you can call me anything, but she is certainly not there, she said that the Federal courts must presume the correctness of the State courts' legal conclusions on habeas, or that State

courts' incorrect legal determination has ever been allowed to stand because it was reasonable.

What is a reasonable, unreasonable, interpretation of the Constitution? We have to defer only if the State court does something out of the ordinary, or unreasonable. It is the Federal court's prerogative and responsibility to determine our Federal constitutional rights.

Mr. Speaker, even Justice Rehnquist recently said that "Judicial independence is one of the crown jewels of our system of government."

Mr. Speaker, we cannot sacrifice our constitutional principles because we are angry at people for bombing. The constitutional principles that I am arguing for are for every single American, and the minute we start compromising them to get terrorists, to get anyone, we must compromise them for everyone.

Think about the number of cases in our judicial system that involve terrorist acts. They are few. We get angry about them. But think, on the other side, that our Constitution was written not to protect those people, but to protect every American. We are sacrificing our own individual liberties and our own constitutional rights for the political expediency that goes with passage of this bill.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the great State of Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me first say that I support the rule and I will support the conference report. I think there are a lot of positive things that are in the conference report, including mandatory victims' restitution, a bill that I have introduced in several Congresses and hope will finally get a signature for that particular provision, habeas corpus reform, which I have also supported, and particularly the FBI counterterrorism center and funds available for that counterterrorism center.

□ 1245

I think that the conference committee overall did an excellent job in crafting this legislation. I have to agree, however, with my good friend from New York, Mr. SCHUMER, on one particular provision that was left out of the conference report, and that is the multipoint wiretap provision.

I can see no reason why that particular provision, which was requested specifically by the FBI and by Director Freeh, would be left out of the conference report. All of the safeguards that are currently in the law regarding wiretaps would be contained in that provision.

Wiretaps are an important tool of law enforcement to try to determine,

before these kinds of tragedies exist and before they happen, to be able to catch the particular individuals involved. That is what law enforcement is all about.

Let us understand one thing here. The FBI and law enforcement is not the enemy. The enemy is the terrorists and people who would take advantage of our open system to further their political goals through the use of violence.

Our best protection against that kind of violence is the ability of law enforcement to ferret out beforehand those kinds of individuals, and use lawful techniques to investigate those perpetrators or those potential perpetrators. So let us give, hopefully, the benefit of the doubt to our judicial system and to our law enforcement officials to make those kinds of determinations.

Mr. Speaker, those of us who in the past have done this for a living understand how important wiretap evidence is. I am sorry it was not part of this conference report, but we ought to get to that later and I would suggest we do so.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. I thank the gentleman for yielding me the time.

Mr. Speaker, today as we consider the antiterrorism bill, we do so in the memory also of those who were brutally killed when Libyan Government agents placed a bomb on Pan Am 103 on December 21, 1988. We can never forget the horror of that day.

As we learned of the loss of Pan Am 103, each of us thought of the great human tragedy that had struck the families of those who were passengers on that plane. Those passengers were flying home for the Christmas holidays, and each of us knew in our hearts how much their families were suffering.

For those who lost their loved ones in this despicable act of state terrorism, there can never be a moment's rest while those responsible for the murder of their loved ones remain at large.

My good friend Victoria Cummock of Coral Gables, FL, is president of a group called "Families of Pan Am 103/Lockerbie." Her husband, John Binning Cummock, was a victim of the Libyan terrorists that day.

Victoria and many others in her group have worked for many years with diligence and dedication to encourage the Congress to enact effective legislation against terrorism so that no other family will again experience the tragedy that befell the families of Pan Am 103. Although nothing can ever replace their loved ones and there is no word of comfort that any of us could say to alleviate their loss, we can bring the Libyan Government to justice by voting for this bill.

The bill creates a right for American citizens to sue in American courts any government that sponsors state terror-

ism. I am sure that an impartial jury, considering the nature of the Libyan act and its origin in Libyan Government policy, will conclude that financial compensation is indeed due to the families of the Pan Am 103 victims.

The administration, for reasons that no one has ever really satisfactorily explained, opposed giving the families of the victims of state-sponsored terrorism this right to compensation, but it has changed its mind in recent weeks. I am glad that the White House has agreed to sign this important bill into law.

The families of Pan Am 103/Lockerbie have endorsed this bill. I urge all of our colleagues in the House to support this legislation and send it to the President for his signature.

We grieve for the loss of the Cummock family and indeed all of the victims of the Pan Am 103/Lockerbie incident.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I regret the gentleman from North Carolina has left the floor. I hope he can hear me, anyway. He said some rather harsh things.

He said this bill is a fraud. Since I am the chief sponsor of the bill, I guess I am trying to impose a fraud on America. Frankly, given the hyperbolic tendencies of all of us, even that is a little bit much.

He said the bill has nothing to do with terrorism. Then he talked about habeas corpus. I just wish he would read the bill, or at least the same bill that I read.

This bill provides for an open designation process of what is a foreign terrorist organization. It denies those terrorist organizations the ability to raise money in this country. It provides authority to the State Department to deny entrance visas to members of those designated foreign terrorist organizations. It provides a fair and even process to deport alien terrorists. It denies assistance to foreign countries that do not cooperate with us in our antiterrorism efforts.

It provides that foreign air carriers that travel to and from the United States abide by the same safety measures that American air carriers must follow; mandatory victim restitution, not discretionary; criminal alien deportation improvements; granting Federal courts jurisdiction to hear civil suits against state-sponsored terrorism; mandatory minimum penalties for explosive crimes; protection of all current and former Federal employees who are attacked on account of their employment.

That has nothing to do with terrorism? I find that incredible.

As far as the deference that a Federal judge must give in a habeas proceeding

to a State court decision, I simply say the State judge went to the same law school, studied the same law and passed the same bar exam that the Federal judge did. The only difference is the Federal judge was better politically connected and became a Federal judge.

But I would suggest to my colleague when the judge raises his hand, State court or Federal court, they swear to defend the U.S. Constitution, and it is wrong, it is unfair to assume, ipso facto, that a State judge is going to be less sensitive to the law, less scholarly in his or her decision than a Federal judge. The Federal judge still has to look at the work product of the State court to decide if they got it right.

Somehow, somewhere we are going to end the charade of endless habeas proceedings, and this bill is going to do it.

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

Mr. Speaker, I will ultimately vote for the conference report. However, I again urge a "no" vote on the previous question on the rule.

If the previous question is defeated, I intend to offer an amendment to the rule which would provide that the House will have adopted a concurrent resolution directing the Clerk to correct the enrollment of this conference report by adding language granting law enforcement agencies new wiretap authority.

Mr. Speaker, the text of the amendment is as follows:

At the end of the resolution, add the following:

Section . Upon the adoption of this resolution, the House shall be considered to have adopted a concurrent resolution directing the Clerk of the House to correct the enrollment of S. 735 and consisting of the text contained in the next section of this resolution.

Section . Resolved by the House of Representatives (The Senate concurring), that in the enrollment of the bill (S. 735) the Terrorism Prevention Act, the Clerk of the House of Representatives shall make the following corrections:

At the appropriate place, add the following:

SEC. . EXPANDED AUTHORITY FOR MULTI-POINT WIRETAPS.

Section 2518(11) of title 18, United States Code, is amended to read as follows:

"(11) The requirements of subsections (1)(b)(ii) and (3)(d) of this section relating to the specifications of facilities from which or the place where the communication is to be intercepted do not apply if in the case of an application with respect to the interception of wire, oral or electronic communications—

"(a) the application is by a federal investigative or law enforcement officer, and is approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General (or acting in any such capacity);

"(b) the application contains full and complete statements as to why such specifications is not practical and identifies the person committing the offense and whose communications are to be intercepted; and

"(c) the judge finds that such specification is not practical."

Mr. Speaker, I yield back the balance of my time.

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

Let me say in closing that the conferees have worked very hard to produce an agreement that I believe assigns the Federal Government a reasonable and legitimate role in the fight against terrorism. This legislation has not been developed hastily. In fact, it has been nearly a yearlong process to craft a bill that provides law enforcement with the tools they need to effectively deter and punish terrorism, but in a way that balances public safety and security with individual rights and liberties.

It is vitally important that would-be terrorists understand our firm commitment to protecting our citizens from the threat of terrorist acts, especially here in these great United States.

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

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

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

Mr. FROST. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 274, nays 148, not voting 10, as follows:

[Roll No. 124]

YEAS—274

Allard	Castle	Emerson
Archer	Chabot	English
Armey	Chambliss	Ensign
Bachus	Chenoweth	Everett
Baker (CA)	Christensen	Ewing
Baker (LA)	Christy	Fawell
Ballenger	Clement	Flanagan
Barr	Clinger	Foley
Barrett (NE)	Coble	Forbes
Barton	Coburn	Fowler
Bass	Coleman	Fox
Bateman	Collins (GA)	Franks (CT)
Bereuter	Combest	Franks (NJ)
Bevill	Condit	Frelinghuysen
Bilbray	Cooley	Frisa
Bilirakis	Costello	Funderburk
Bliley	Cox	Galleghy
Blute	Cramer	Ganske
Boehlert	Crane	Gekas
Boehner	Crapo	Geren
Bonilla	Creameans	Gilchrest
Bono	Cubin	Gillmor
Brewster	Cunningham	Gilman
Browder	Davis	Gonzalez
Brownback	Deal	Goodlatte
Bryant (TN)	DeFazio	Goodling
Bryant (TX)	DeLay	Gordon
Bunn	Deutsch	Graham
Bunning	Diaz-Balart	Greene (UT)
Burr	Dickey	Greenwood
Burton	Doolittle	Gunderson
Buyer	Dornan	Gutknecht
Callahan	Dreier	Hall (TX)
Calvert	Duncan	Hamilton
Camp	Dunn	Hancock
Campbell	Ehlers	Hansen
Canady	Ehrlich	

Hastert	McCrery	Schaefer
Hastings (WA)	McDade	Schiff
Hayworth	McHugh	Seastrand
Hefley	McInnis	Sensenbrenner
Hefner	McKeon	Shadegg
Heineman	Metcalf	Shaw
Herger	Meyers	Shays
Hilleary	Mica	Shuster
Hobson	Miller (FL)	Sisisky
Hoekstra	Molinari	Skeen
Hoke	Mollohan	Skelton
Holden	Montgomery	Smith (MI)
Horn	Moorhead	Smith (NJ)
Hostettler	Morella	Smith (TX)
Houghton	Murtha	Smith (WA)
Hunter	Myers	Solomon
Hutchinson	Myrick	Spence
Hyde	Nethercutt	Spratt
Inglis	Neumann	Stearns
Istook	Ney	Stenholm
Johnson (CT)	Norwood	Stockman
Johnson, Sam	Nussle	Stump
Jones	Obey	Talent
Kasich	Orton	Tate
Kelly	Oxley	Tauzin
Kennelly	Packard	Taylor (MS)
Kim	Parker	Taylor (NC)
King	Paxon	Tejeda
Kingston	Payne (VA)	Thomas
Kleccka	Pelosi	Thornberry
Klug	Peterson (MN)	Thornnton
Knollenberg	Petri	Tiahrt
Kolbe	Pickett	Torkildsen
LaHood	Pombo	Trafficant
Largent	Porter	Upton
Latham	Portman	Volkmer
LaTourette	Poshard	Vucanovich
Laughlin	Pryce	Walker
Lazio	Quillen	Walsh
Leach	Quinn	Wamp
Lewis (CA)	Ramstad	Watts (OK)
Lewis (KY)	Regula	Weldon (FL)
Lightfoot	Riggs	Weldon (PA)
Lincoln	Roberts	White
Linder	Roemer	Whitfield
Lipinski	Rogers	Wicker
Livingston	Rohrabacher	Williams
LoBiondo	Ros-Lehtinen	Wise
Longley	Roth	Wolf
Lucas	Roukema	Young (AK)
Manton	Royce	Young (FL)
Manzullo	Salmon	Zeliff
Martini	Sanford	Zimmer
Mascara	Saxton	
McCollum	Scarborough	

NAYS—148

Abercrombie	Fattah	Matsui
Ackerman	Fazio	McCarthy
Andrews	Fields (LA)	McDermott
Baesler	Filner	McHale
Baldacci	Flake	McKinney
Barcia	Foglietta	McNulty
Barrett (WI)	Ford	Meehan
Becerra	Frank (MA)	Meek
Beilenson	Frost	Menendez
Bentsen	Furse	Millender
Berman	Gejdenson	McDonald
Bishop	Gephardt	Miller (CA)
Bonior	Green (TX)	Minge
Borski	Gutierrez	Mink
Boucher	Hall (OH)	Moakley
Brown (CA)	Harman	Moran
Brown (FL)	Hastings (FL)	Nadler
Brown (OH)	Hilliard	Neal
Cardin	Hinchesy	Oberstar
Chapman	Hoyer	Olver
Clay	Jackson (IL)	Ortiz
Clayton	Jacobs	Owens
Clyburn	Jefferson	Pallone
Collins (IL)	Johnson (SD)	Pastor
Collins (MI)	Johnson, E. B.	Payne (NJ)
Conyers	Johnston	Peterson (FL)
Coyne	Kanjorski	Pomeroy
Danner	Kaptur	Radanovich
de la Garza	Kennedy (MA)	Rahall
DeLauro	Kennedy (RI)	Rangel
Dellums	Kildee	Reed
Dicks	Klink	Richardson
Dixon	LaFalce	Rivers
Doggett	Lantos	Rose
Dooley	Levin	Royal-Allard
Doyle	Lewis (GA)	Rush
Durbin	Lofgren	Sabo
Edwards	Lowey	Sanders
Engel	Luther	Sawyer
Eshoo	Maloney	Schroeder
Evans	Markey	Schumer
Farr	Martinez	Scott

Serrano Torres
Slaughter Torricelli
Stark Towns
Stokes Velazquez
Studds Vento
Stupak Visclosky
Thompson Ward
Thurman Waters

NOT VOTING—10

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

□ 1314

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

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

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 125]

AYES—289

Allard Chambliss
Archer Chenoweth
Army Christensen
Bachus Chrysler
Baesler Clement
Baker (CA) Clinger
Baker (LA) Coble
Ballenger Coburn
Barr Coleman
Barrett (NE) Collins (GA)
Bartlett Combest
Barton Condit
Bass Cooley
Bateman Cox
Beilenson Cramer
Bentsen Crapo
Bereuter Cremeans
Bevill Cunningham
Billbray Davis
Bilirakis de la Garza
Bliley Deal
Blute DeLauro
Boehlert DeLay
Boehner Deutsch
Bonilla Diaz-Balart
Bono Dickey
Borski Dicks
Boucher Doolittle
Brewster Dornan
Browder Doyle
Brown (FL) Dreier
Brownback Duncan
Bryant (TN) Dunn
Bunn Edwards
Bunning Ehlers
Burr Ehrlich
Burton Emerson
Buyer English
Callahan Ensign
Calvert Everett
Camp Ewing
Campbell Fawell
Canady Flanagan
Cardin Foley
Castle Fowler
Chabot Fox

Istook Montgomery
Johnson (CT) Moorhead
Johnson (SD) Moran
Johnson, Sam Morella
Jones Murtha
Kasich Myrick
Kelly Nethercutt
Kennelly Neumann
Kim Ney
King Norwood
Kingston Nussle
Kleczka Ortiz
Klug Orton
Knollenberg Oxley
Kolbe Packard
LaFalce Parker
Latham Paxon
LaTourette Payne (VA)
Laughlin Peterson (FL)
Lazio Petri
Leach Pickett
Lewis (CA) Pombo
Lewis (KY) Pomeroy
Lightfoot Porter
Lincoln Portman
Linder Poshard
Lipinski Pryce
Livingston Quillen
LoBiondo Quinn
Longley Radanovich
Lucas Ramstad
Manton Regula
Manzullo Richardson
Martini Riggs
Mascara Roberts
McCarthy Roemer
McCollum Rogers
McCrery Rohrabacher
McDade Ros-Lehtinen
McHale Roth
McHugh Roukema
McInnis Royce
McKeon Sanford
McNulty Saxton
Menendez Schaefer
Metcalf Schiff
Meyers Schumer
Mica Seastrand
Miller (FL) Sensenbrenner
Moakley Shadegg
Molinari Shaw

NOES—125

Abercrombie Gibbons
Ackerman Gonzalez
Andrews Gordon
Baldacci Gutierrez
Barcia Hall (OH)
Barrett (WI) Hastings (FL)
Becerra Hilliard
Berman Hinchey
Bishop Jackson (IL)
Bonior Jacobs
Brown (CA) Jefferson
Brown (OH) Johnson, E. B.
Bryant (TX) Johnston
Chapman Kanjorski
Clay Kaptur
Clayton Kennedy (MA)
Clyburn Kennedy (RI)
Collins (IL) Kildee
Collins (MI) Klink
Conyers LaHood
Costello Lantos
Coyne Levin
Danner Lewis (GA)
DeLays Lofgren
Dillon Lowey
Dixon Luther
Doggett Maloney
Dooley Markey
Durbin Martinez
Engel Matsui
Eshoo McDermott
Evans McKinney
Farr Meehan
Fattah Meek
Fields (LA) Miller (CA)
Filner Minge
Flake Mink
Foglietta Mollohan
Ford Myers
Frank (MA) Nadler
Gejdenson Neal
Gephardt Oberstar

NOT VOTING—18

Crane DeFazio
Cubin Dingell

Greenwood Largent
Hayes McIntosh
Hunter Millender-
Jackson-Lee McDonald
(TX) Owens

□ 1324

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

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

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

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

There was no objection.

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

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

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

There was no objection.

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

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

The Clerk read the title of the bill.

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

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

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

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

GENERAL LEAVE

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