after its introduction, the bill was overwhelmingly approved by the Senate Judiciary Committee and the Senate Intelligence Committee. It was enacted in the next Congress as the Foreign Intelligence Surveillance Act and it is a tribute to Attorney General Levi's principled and effective leadership.

Other accomplishments were just as important. As the guidelines governing decisions about how and when to conduct investigations were nearing completion, the process was launched to establish standards to govern the equally important area of prosecutorial decisions—such as when to charge an accused, when to bargain for a guilty plea, when the Federal Government should prosecute an individual already prosecuted in State court for a related offense, and when to grant immunity in exchange for testimony. Immigration policies were reformulated to deal with illegal immigration within a framework that protected the rights of individuals. His comments then are just as relevant today:

We must remember that we face the problem of unlawful immigration because we remain the world's best hope. Unauthorized immigrants are responding to the same human impulses that motivated each of our forebears. We must address the illegal alien issue in a manner compatible with our democratic values and our tradition as a nation of nations.

I also recall the time when the Ford administration, acting through Attorney General Levi, proposed major new handgun control legislation to require a waiting period before a handgun could be purchased. The Ford administration sought in vain to find a Senator from the President's own party willing to introduce such legislation. I met with the Attorney General and offered to sponsor the administration's legislation in an effort to advance the debate over handgun control. The Attorney General recognized that any comprehensive effort by the Federal Government to stem the tide of violent crime required effective handgun control legislation. The successful and bipartisan enactment of the Brady law in the last Congress owes a great deal to the leadership of Ed Levi many years ago.

Throughout his tenure as Attorney General, Ed Levi was guided by the fundamental principle of equal justice under law for all Americans. He believed that faith in the law must continually be renewed or else it is lost. As he said near the end of his services as Attorney General in words that should still guide us today—

In a society that too easily accepts the notion that everything can be manipulated, it is important to make clear that the administration of justice seeks to be impartial and fair, and that these qualities are not inconsistent with being effective.

A grateful Nation pauses today on this anniversary to honor a great Attorney General for all he did at a difficult period in our history to restore the Nation's faith in its system of law and justice. Ed Levi is a profile in courage, and a proud example for all citizens of excellence in the law and justice at its best.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Madam President, I rise today to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 8 people were killed by firearms in New York City, bringing this year's total to 66.

THE PRESIDENT'S IMMIGRATION INITIATIVE

Mr. SIMON. Madam President, the administration has come under much criticism lately for its alleged failure to provide leadership on issues that are important to the nation. The 1996 Immigration Initiative announced by the administration this week, however, belies these contentions. The administration's policy proposal on this extremely important issue is thoughtful and comprehensive, and I applaud it.

The administration's initiative recognizes, as do the people of this country, the need to formulate an effective response to the problem of illegal immigration, and proposes increased resources not only for border enforcement, but also increased resources to eliminate the job magnet that will continue to draw undocumented aliens into the country regardless of the success of our border policy. The initiative also reflects a desire to improve our ability to deport those aliens that have been identified as deportable, and to assist States that have long borne the burdens of our inability to prevent illegal immigration.

For each of these objectives the administration has proposed the commitment of substantial resources; yet, at the same time, the initiative contains little that unnecessarily feeds the anti-immigrant xenophobia that has characterized the immigration policy debate in recent years. Rather, the administration's proposal takes a measured yet aggressive approach to the problems we must face. In short, while it has taken an undeniably firm stance against illegal immigration, the administration has not succumbed to the belief that immigration in all its shapes and forms is a bad thing. Quite the contrary: the initiative reflects the fact that, as the President has said, an effective immigration policy must combine deterrence of illegal immigration with an encouragement and celebration of legal immigration.

I look forward to working with the administration and my colleagues in the Senate to effect this delicate balance, and to implement an immigration policy that is both tough and fair. The administration's proposal is certainly a great step in this direction.

SENATOR CLAIBORNE PELL'S SPEECH BEFORE THE GEORGETOWN UNIVERSITY LAW CENTER ON THE LAW OF THE SEA CONVENTION

Mr. DODD. Madam President, on Friday, January 27, 1995, Senator CLAIBORNE PELL spoke at the Georgetown University Law Center on the topic of the United Nations Convention on the Law of the Sea. During that speech, Senator PELL made a very strong case for United States ratification of the Law of the Sea Treaty.

As many of my colleagues may already know, Senator PELL has been a leading advocate for promoting the peaceful uses of the oceans for more than four decades. I believe he first became interested in the subject as a young man in the service of the U.S. Coast Guard—an interest he has continued to pursue with energy and imagination since he was elected to the Senate in 1960.

While the national security implications associated with the Law of the Sea Convention have been widely discussed over the years, I do not believe that as much attention has been focussed on the economic implications of the treaty. In that regard, Senator PELL's speech on January 27, very clearly spelled out the economic importance of the treaty to the United States. I found his arguments most useful in gaining a fuller appreciation of the treaty's many provisions.

I know that Senator PELL very enthusiastically endorsed President Clinton's decision to sign the Law of the Sea Convention and to seek the advice and consent of the Senate to its ratification. And, that he believes it to be of the utmost importance that the United States become a party to this important convention as soon as possible.

I am confident that Senator PELL is willing and eager to play an active role in educating this body on the very important issues associated with the Law of the Sea Convention. I hope that the Senate will have an opportunity to address this subject during the 104th Congress.

Madam President, I ask unanimous consent that a copy of Senator PELL's speech at Georgetown University Law Center be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR CLAIBORNE PELL

It is a great pleasure to join you here this evening at the Georgetown University Law Center to discuss the United Nations Convention on the Law of the Sea. This is a subject that is near to my heart and one that I

have been involved with for much of my working career.

With its transmission to the Senate in October and entry into force in November, the Convention has again moved to the fore as an issue for public debate.

These events make today's symposium particularly timely, and I want to thank the organizers, and especially Mr. Eric Fersht, for their outstanding work. The panels you have heard from provide a truly exceptional array of information about the Law of the Sea Convention.

The initial support for this idea was led by Arvid Pardo, Malta's delegate to the United Nations, with his famous "Common Heritage of Mankind" speech before the United Nations General Assembly in 1967.

The Convention then became the interest of many people. I remember particularly the "Pacem in Maribus"—Peace on the Seas—meetings organized by Elizabeth Mann Borgese.

Her book, The Ocean Regime, published in 1968, gave written expression to the ideas that were to gain a wider audience through Pacem in Maribus, on their way to being embodied in the negotiated texts of the Law of the Sea Convention.

For me the dream began even earlier. It was during my service in the U.S. Coast Guard during World War II that I wrote my first memorandum on the subject to Admiral Waesche, then Commandant of the Coast Guard. And even before that I had been appointed by President Eisenhower as a Delegate to the first meeting of IMCO (the International Maritime Consultative Organization.)

My service on the staff of the San Francisco Convention that prepared the UN Charter, just fifty years ago this summer, further confirmed me in my belief that ways could be found to create a working ocean peace system.

The Law of the Sea Convention is the product of one of the more protracted negotiations in diplomatic history. When the process began, the Vietnam War was nearing its peak; the Cold War was at its height; it had been only five years since the construction of the Berlin Wall.

I was proud to serve as a delegate and observer to those early Law of the Sea negotiations, one of the few who had also attended a Pacem in Maribus meeting. My enthusiasm led me in 1967 to introduce the first Senate Resolution calling on the President to negotiate a Law of the Sea Convention.

That resolution and a draft treaty that I proposed in 1969 led to the Seabed Arms Control treaty, which was ratified by the Senate in 1972. This little-known treaty has permanently removed nuclear weapons and other weapons of mass destruction from the ocean floor, which is seventy percent of the earth's surface.

It has been signed by nearly 100 countries, it works, and it provides a good precedent for the Convention on the Law of the Sea.

With the Seabed Arms Control Treaty as my model, you can appreciate my enthusiasm for the Law of the Sea Convention. In my view there are few actions that the Senate can take in the year or two ahead that can have greater long term benefits for the world as a whole than to ratify this Treaty.

The implications for world peace are enormous; the potential for trade and development is equally far-reaching. I hope this Convention will not be caught up in a spate of politics as usual, but will be seen in the framework of a renewed commitment to bipartisanship in foreign policy.

The old saying was that "politics stops at the water's edge." That would be an apt motto for our consideration of Law of the Sea, since its scope begins precisely at "the water's edge."

Let me outline just a few of the reasons that have come to make me such a strong supporter of the Convention.

Of greatest importance, the Convention will enhance our national security, because it establishes as a matter of international law, freedom of navigation rights that are critical to our military forces.

At the Foreign Relations Committee's hearing on the Convention in August, Admiral William Center—whom you heard this morning—testified, "The Convention underpins strongly the worldwide mobility America's forces need. It provides a stable legal basis for governing the world's oceans. It reduces the need to fall back on a potentially volatile mixture of customary practice and gunboat diplomacy."

The Secretary of Defense, William J. Perry, also supports prompt Senate action "to send a strong signal that the United States is committed to an ocean regulatory regime that is guided by the rule of law."

I have heard arguments that the Convention's provisions on freedom of navigation are not really important because they reflect customary international law. I disagree with that argument.

Customary international law is inherently unstable. Governments can be less scrupulous about flouting the precedents of customary law, than they would be if such actions are seen as violating a treaty.

Moreover, not all governments and scholars agree that all of the critical navigation rights protected by the Convention are also protected by customary law.

They regard many of those rights as *contractual* and, as such, available only to parties to the Convention.

For example, it was not long ago that the United States claimed a territorial sea of only three miles. Now it is twelve. I am certain there are countries that would like to expand their territorial sea even further. Only the Convention establishes limits on countries' claims to territorial seas as a matter of international law.

These navigational rights are of very real importance to our armed forces. There have been recent situations where even U.S. allies denied our forces transit rights in times of need.

For example, during the 1973 Yom Kippur war our ability to resupply Israel was critically dependent on transit rights through the Strait of Gibraltar. In 1986, U.S. aircraft passed through the Strait to Strike Libyan targets in response to that government's acts of terrorism directed against the United States.

On February 11, 1992, the USS BATON ROUGE (SSN689) was struck by a Russian Sierra-class attack submarine while on patrol in the Barent Sea, off the major naval port of Murmansk. The USS BATON ROUGE, a Los Angeles-class attack submarine, was submerged at a depth of 59 feet at the time of the collision, in waters claimed by Russia as territorial, but considered by the United States to be high seas.

In addition, the following examples are situations where having the Law of the Sea Convention in effect might have made a difference:

Between 1961 and 1970, Peru seized 74 U.S. fishing vessels over disputed tuna fisheries.

In 1986, Ecuador interfered with the USAF aircraft flight over the high seas 175 miles from the Ecuadorian coast.

Since 1986, Peru has repeatedly challenged U.S. aircraft flying over its claimed 200 nautical mile territorial sea. During several of these challenges, the Peruvian aircraft operated in a manner that unnecessarily and intentionally endangered the safety of the transiting U.S. aircraft and its crew.

This includes an incident where a U.S. C–130 was fired upon and a U.S. service member was killed.

In 1986, two Cuban MIG–21 aircraft intercepted a USCG HU–25A Falcon flying outside of its 12 nautical mile territorial sea, claiming it had entered Cuban Flight Information Region (FIR) without permission.

In 1988, Soviet warships intentionally "bumped" two U.S. warships engaged in innocent passage south of Sevastopol in the Black Sea.

In 1984, Mexican Navy vessels approached U.S. Coast Guard vessels operating outside Mexican territorial waters and interfered with valid USCG law enforcement activities.

Libyan claims to the Gulf of Sidra have resulted in repeated challenges and hostile action against U.S. forces operating in high seas.

During the 1980's, transits of the Northwest Passage by the USCG POLAR SEA and POLAR STAR were challenged by the Canadian government.

I do not doubt that, if necessary, the United States Navy will sail where it needs to to protect U.S. interests. But, if we reject the Convention, preservation of these rights in non-wartime situations will carry an increasingly heavy price for the United States.

By remaining outside of the Convention, the United States will have to challenge excessive claims by other states not only diplomatically, but also through conduct that opposes these claims. A widely ratified Convention would significantly reduce the need for such expensive operations.

It would also afford us a durable platform of principle to ensure support from the American people and our allies when we confront claims we regard as illegal.

The Convention's provisions on freedom of navigation are also vitally important to the U.S. economy and the thousands of U.S. workers whose jobs are dependent on exports and imports. We live in an interdependent world, and 80 percent of trade between nations in this interdependent world is carried by ship.

Oil is one example of this. In 1993, 44 percent of U.S. petroleum products supplied came from imported oil. This oil was carried on tankers that every day pass through straits, territorial waters, and exclusive economic zones of other nations.

The U.S. has a vital interest in the stability of the international legal order that serves as the basis for this commerce. We also have an interest in avoiding higher prices for consumers and job losses that can result from costly coastal state restrictions on navigation.

The benefits of the Convention extend to many other areas. Protection of submarine cables is one example. The new fiber optic cables that connect the United States to other countries are crucial for international communications and our increasingly information-based economy.

These cables are enormously expensive. A new fiber optic cable connecting the United States to Japan can carry up to one million simultaneous telephone calls, and is valued at $1.3 billion. The total value of existing cables is measured in the many billions of dollars.

When these cables are broken, U.S. companies, and ultimately U.S. consumers, incur

huge repair costs. The Convention contains new provisions that strengthen the obligation of all states to take measures to protect the cables, and cable owners.

Past U.S. concerns with the Convention's provisions on deep seabed mining—concerns that had prevented the United States from signing the Convention—were resolved in an agreement signed in July at the United Nations in New York.

Earlier today, you heard about this subject from Wes Scholz, the head of the U.S. delegation to the negotiations on the Part XI Agreement. He and his negotiating team did a truly superb job in adjusting the Convention's provisions on seabed mining to provide a workable framework for the 21st century.

Looking to the future, U.S. interests in the Convention lie not only in what it is today, but in what it may become. Just as form and substance have been given our Constitution by the courts, so too will future uses of the oceans be influenced and shaped by decisions made under the Convention.

With the Convention's entry into force last November 16th, the United States stands on the threshold of a new era in oceans policy. Under the Convention, U.S. national interests in the world's oceans would be protected as a matter of law. This is a success of U.S. foreign policy that will work to our benefit in the decades to come.

The question on many people's minds now is: will the Senate act on the Convention during this, the 104th Congress?

I think that those who support the treaty should help make the case for its approval. The benefits of the Convention are many. We should not be shy in making them known. The consequences of not ratifying the Convention are also many. Those too should be made known.

Over the past 25 years, the Convention and its supporters have overcome many obstacles. The same tenacity and commitment that brought the Convention to where it is today will be needed to take the Convention the next step.

U.S. ratification of the Convention may not come quickly, but I am confident it will come. It is up to us to make that happen sooner rather than later. And when it happens, that for me will be a nearly life-long dream come true.

MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-370 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-371 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-374. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-373 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-375. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-374 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-376. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-375 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-377. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-376 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-377 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-378 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-379 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-380 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-381 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-382 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-383 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-385 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-386 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-387 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-388 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-391 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-390 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. KEMPTHORNE):

S. 360. A bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 361. A bill to amend title 38, United States Code, to provide that the monthly amounts paid by a State to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

By Ms. MIKULSKI:

S. 362. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for the reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 363. A bill to improve water quality within the Rio Puerco watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S. 364. A bill to authorize the Secretary of the Interior to participate in the operation

of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National park in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 365. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 366. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN:

S. 367. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 5. A concurrent resolution permitting the use of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. KEMPTHORNE):

S. 360. A bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes; to the Committee on Environment and Public Works.

MOTORCYCLE HELMET AND SAFETY BELT PENALTY ELIMINATION

● Mr. SMITH. Mr. President, section 153 of the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991 (Public Law 102-240) penalizes States that do not institute mandatory motorcycle helmet and seatbelt laws. Today, I will introduce a measure to repeal this patently unfair provision that forces States to transfer scarce construction funds to other programs.

The November elections have shown that the American people want more decisionmaking authority with their State and local governments as opposed to heavy handed Federal mandates. Furthermore, outlining how a State spends its own money, which is collected through the consumer gas tax, infringes on States' ability to control their own budgets. Dangling essential highway construction money in front of States to coerce them into adopting helmet and seatbelt laws is fiscal blackmail. State governments are aware of the need for safety programs and I do not support Washington's micromanagement of issues that should clearly be left up to the States.

Mr. President, I am a strong supporter of highway safety. However, mandatory motorcycle and seatbelt laws do not guarantee safety. In fact, of the 10 safest States in which to ride a motorcycle, 7 do not require mandatory helmet use for adults. Furthermore, New Hampshire, which does not have mandatory helmet and seatbelt laws, has been ranked as one of the five States with the best highway safety record in the Nation, as far as fatalities per million miles traveled.

Mr. President, highway safety education programs are the key to highway safety and I believe that States have the expertise and know-how to develop their own programs without Federal intimidation. I invite my colleagues to join me in supporting their States' highway departments and highway users by repealing helmet and seatbelt mandates.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 361. A bill to amend title 38, United States Code, to provide that the monthly amounts paid by a State to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

LEGISLATION TO ASSIST BLIND VETERANS

● Mr. D'AMATO. Mr. President, since the mid-1930's, New York State has paid blind disabled veterans a monthly annuity. Qualified veterans—of which there are less than 2,000—receive monthly payments of $41.66, the same amount as has been paid since the program's inception.

The blind annuity has not been adjusted upward, because should a State decide to increase its blind annuity, the U.S. Department of Veterans Affairs would respond by reducing Federal pensions paid to these individuals by the same amount. Thus, there would be no net benefit for veterans receiving the annuity.

The legislation that I and my distinguished colleague from New York, Senator MOYNIHAN, are reintroducing today will prevent the VA from penalizing blind veterans, should any State undertake or increase a blind annuity. Charity begins at home. My legislation will allow States to compensate those who have paid a very high price in defense of our country, at no cost to the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 361

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

SECTION 1. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME DETERMINATION FOR PENSION PURPOSES.

Section 1503 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(11) amounts equal to amounts paid to a veteran by a State under a program of such State to make monthly payments to qualifying veterans who are blind and totally disabled.".●

By Ms. MIKULSKI:

S. 362. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for the reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Commerce, Science, and Transportation.

WASHINGTON AIRPORT ACT AMENDMENTS

Ms. MIKULSKI. Mr. President, today I introduce S. 362, the Metropolitan Washington Airports Act Amendment of 1995.

In light of the Supreme Court's decision last month which compels congressional action, I am sponsoring this legislation which finally eliminates congressional oversight over the Airports Authority Board of Directors, and makes this Board more accountable to the communities it serves. Similar legislation was introduced in the House of Representatives by my colleague, Mrs. MORELLA of Maryland.

This legislation will amend the Metropolitan Washington Airport Act of 1986 by reorganizing the Metropolitan Washington Airports Authority and providing for greater local involvement in the management of Dulles and Washington National Airports.

I believe in strong local involvement in the management of our airports. The Airports Authority Board structure which was struck down recently by the Supreme Court did not adequately incorporate representation of local communities. The legislation will restore the involvement of communities in this region into the management of the Washington area airports by reorganizing the Airports Authority Board of Directors into 11 members who reside in the Washington, DC, region. These

board members will be appointed by the chief executives of Virginia, Maryland, and the District of Columbia, the Virginia State legislature, or by the local council of governments.

The legislation also ensures local involvement in any decision by the Washington Metropolitan Airports Authority Board of Directors which could result in a change in aircraft noise in the vicinity our local airports. The legislation mandates that a local group of citizens, the committee on noise abatement, be notified by the Board of any decision affecting noise abatement so that they have the opportunity to review the proposed action. In the interest of the citizens most affected by aircraft noise, I feel that local oversight is important in any airport authority decision involving the serious issue of noise abatement.

I hope my colleagues will agree with me that airports should be accountable to the communities they serve, and I hope we will see enactment of this legislation during the 104th Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

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

SECTION 1 SHORT TITLE.

This Act may be cited as the "Metropolitan Washington Airports Act Amendments of 1995".

SEC. 2. FINDINGS.

Section 6002(7) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451(7)) is amended—

(1) by inserting "declining" after "perceived"; and

(2) by striking "the growing local interest," and inserting "the increasing need for local planning and management on a metropolitan statistical area basis,".

SEC. 3. AIRPORTS AUTHORITY.

(a) BOARD OF DIRECTORS.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended by striking subsections (e), (f), (g), and (h) and inserting the following:

"(e) BOARD OF DIRECTORS.—

"(1) APPOINTMENT.—The Airports Authority shall be governed by a board of directors of 11 members as follows:

"(A) 1 member shall be appointed by the Governor of Virginia.

"(B) 1 member shall be appointed by the Mayor of the District of Columbia.

"(C) 1 member shall be appointed by the Governor of Maryland.

"(D) 2 members shall be appointed by the Virginia State legislature.

"(E) 2 members shall be appointed by those representatives from Virginia local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

"(F) 2 members shall be appointed by those representatives from the District of Columbia government who are on the Board of Directors of the Metropolitan Washington Council of Governments.

"(G) 2 members shall be appointed by those representatives from Maryland local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

The Chairman shall be appointed from among the members by a majority vote of the members and shall serve until replaced by a majority vote of the members.

"(2) RESTRICTIONS.—Members (A) shall serve without compensation other than reasonable expenses incident to board functions, and (B) must reside within the Washington Standard Metropolitan Statistical Area.

"(3) TERMS.—Member shall be appointed for terms of 4 years.

"(4) REQUIRED NUMBER OF VOTES.—7 votes shall be required to approve bond issues and the annual budget.

"(f) AIRPORT NOISE.—

"(1) BALANCED ENVIRONMENTAL PROTECTION.—In order to protect the public from the impact of aircraft noise and at the same time provide for suitable air transportation service to the Washington Standard Metropolitan Statistical Area, a proposed action of the board of directors which could result in a change in the impact of aircraft noise in the vicinity of a Metropolitan Washington Airport may not take unless, at least 60 days before the action is to take effect, the board of directors—

"(A) notifies, in writing, the Committee on Noise Abatement at National and Dulles Airports of the Washington Council of Governments of the action for the purpose of allowing such committee the opportunity to review, and submit comments on, the action; and

"(B) submits, in writing, to such committee a response to any comment of such committee with respect to the action within 30 days after the date of receipt of such comment.".

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by sections 2 and 3 shall take effect on the date of the enactment of this Act.

(b) LIMITATION ON APPLICABILITY.—Persons appointed as members of the board of directors of the Metropolitan Washington Airports Authority on the date of the enactment of this Act shall continue to serve on such board until their respective terms expire under former section 6007(e).

(c) INITIAL APPOINTMENTS.—

(1) VIRGINIA APPOINTMENTS.—The Governor of Virginia shall appoint under new section 6007(e)(1)(A) a person to fill the vacancy of the first member appointed by the Governor of Virginia under former pectin 6007(e)(1)(A) whose term expires after the date of the enactment of this Act. The Virginia State legislature shall appoint under new section 6007(e)(1)(D) persons to fill the vacancies of the second and third members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment. Representatives from Virginia local governments shall appoint under new section 6007(e)(1)(E) persons to fill the vacancies of the fourth and fifth members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment.

(2) DISTRICT OF COLUMBIA APPOINTMENTS.—The Mayor of the District of Columbia shall appoint under new section 6007(e)(1)(B) a person to fill the vacancy of the first member appointed by the Mayor of District of Columbia under former section 6007(e)(1)(B) whose term expires after the date of the enactment of this Act. Representatives from the District of Columbia government shall appoint under new section 6007(e)(1)(F) persons to fill the vacancies of the second and third such members appointed by the Mayor under former section 6007(e)(1)(B) whose terms expire after such date of enactment.

"(3) MARYLAND APPOINTMENTS.—The Governor of Maryland shall appoint under new section 6007(e)(1)(C) a person to fill the vacancy of the first member appointed by the Governor of Maryland under former section 6007(e)(1)(C) whose term expires after the date of the enactment of this Act. Representatives from Maryland local governments shall appoint under new section 6007(e)(1)(G)—

(A) a person to fill the vacancy of the second member appointed by the Governor under former section 6007(e)(1)(C) whose term expires after such date of enactment; and

(B) a person to fill the vacancy of the member appointed by the President under former section 6007(e)(1)(D) when the term of such member expires after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FORMER SECTION 6007(e).—The term "former section 6007(e)" means section 6007(e) of the Metropolitan Washington Airports Act of 1986 as in effect on the day before the date of the enactment of this Act.

(2) NEW SECTION 6007(e).—The term "new section 6007(e)" means section 6007(e) of the Metropolitan Washington Airport Act of 1986, as amended by section 3 of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 363. A bill to improve water quality within the Rio Puerco Watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes; to the Committee on Energy and Natural Resources.

RIO PUERCO WATERSHED ACT

• Mr. BINGAMAN. Mr. President, today I am introducing legislation that will authorize a coordinated approach for restoration of the Rio Puerco Watershed, which at 7,000 square miles is the largest tributary to the Rio Grande in terms of area and sediment. The Rio Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation.

Over time, extensive ecological changes have occurred in the Rio Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. Mr. President, a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region.

According to the Bureau of Land Management, the Rio Puerco contributes only 6 percent of the total water but over 50 percent of the sediments which enter the Rio Grande. Accelerated, progressive soil erosion within

the basin threatens not only the sustained productivity of the rangeland watershed, but also the middle Rio Grande aquatic system, irrigators dependent on those waters, and the economic foundation of the Mesilla Valley dependent on Elephant Butte Reservoir.

A substantial proportion of the rural population is concerned about its ability to maintain a traditional lifestyle with an economy which is natural resource based and dependent upon the productivity of land with multiple ownership. The vast Rio Puerco drainage system is a mosaic of land ownership and agency management. No single agency has watershed-wide expertise and management responsibility. It is imperative that the numerous agencies and individuals with resource management responsibility—Indian pueblos, Federal and State agencies, and private citizens—work together to develop a plan for and implement an effective Rio Puerco Watershed management program.

This legislation directs the Secretary of the Interior to lead and coordinate a management program in the Rio Puerco Watershed with the advice and input of a Rio Puerco Management Committee composed of the various landowners, affected Indian pueblos, local, regional, State, and Federal governments, and other interested citizens.

The committee will prepare a management plan to identify reasonable and appropriate goals and objectives for land owners and managers in the Rio Puerco Watershed; to describe potential alternative actions to meet the goals and objectives; to recommend voluntary implementation of appropriate best management practices on both public and private lands; to provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on both public and private lands; and other activities that will promote cooperation and information sharing among those that own and manage land in the Rio Puerco Watershed.

Mr. President, I am pleased that Senator DOMENICI is a cosponsor of this legislation. It is our hope that this legislation will advance the restoration of and maintenance of a healthy Rio Puerco Watershed that will serve New Mexico and its citizens in the future as well as it has served us in the past. We have a lot of work ahead of us. A clear path must be outlined and a base of authorization, from which this program can be funded, established. Most importantly, this legislation authorizes an approach that brings all of the stakeholders together. The Federal Government cannot, and should not, undertake this effort alone. The support and contributions of local citizens, tribes, governmental entities, and others is crucial. I urge my colleagues to support this legislation, and I ask unanimous consent that the full text of my remarks and this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 363

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Puerco Watershed Act of 1995".

SEC. 2. FINDINGS.

Congress finds that—

(1) over time, extensive ecological changes have occurred in the Rio Puerco watershed, including—

(A) erosion of agricultural and range lands;

(B) impairment of waters due to heavy sedimentation;

(C) reduced productivity of renewable resources;

(D) loss of biological diversity;

(E) loss of functioning riparian areas; and

(F) loss of available surface water;

(2) damage to the watershed has seriously affected the economic and cultural well-being of its inhabitants, including—

(A) loss of communities that were based on the land and were self-sustaining; and

(B) adverse effects on the traditions, customs, and cultures of the affected communities;

(3) a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region;

(4) the impairment of the Rio Puerco watershed has caused damage to the ecological and economic well-being of the area below the junction of the Rio Puerco with the Rio Grande, including—

(A) disruption of ecological processes;

(B) water quality impairment;

(C) significant reduction in the water storage capacity and life expectancy of the Elephant Butte Dam and Reservoir system due to sedimentation;

(D) chronic problems of irrigation system channel maintenance; and

(E) increased risk of flooding caused by sediment accumulation;

(5) the Rio Puerco is a major tributary of the Rio Grande, and the coordinated implementation of ecosystem-based best management practices for the Rio Puerco system could benefit the larger Rio Grande system;

(6) the Rio Puerco watershed has been stressed from the loss of native vegetation, introduction of exotic species, and alteration of riparian habitat which have disrupted the original dynamics of the river and disrupted natural ecological processes;

(7) the Rio Puerco watershed is a mosaic of private, Federal, tribal trust, and State land ownership with diverse, sometimes differing management objectives;

(8) development, implementation, and monitoring of an effective watershed management program for the Rio Puerco watershed is best achieved through cooperation among affected Federal, State, local, and tribal entities;

(9) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, in consultation with Federal, State, local, and tribal entities and in cooperation with the Rio Puerco Watershed Committee, is best suited to coordinate management efforts in the Rio Puerco watershed; and

(10) accelerating the pace of improvement in the Rio Puerco watershed on a coordinated, cooperative basis will benefit persons living in the watershed as well as downstream users on the Rio Grande.

SEC. 3. MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management shall—

(1) in consultation with the Rio Puerco Management Committee established by section 4—

(A) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994, including—

(i) current and historical natural resource conditions; and

(ii) data concerning the extent and causes of watershed impairment; and

(B) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994; and

(2) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(b) RIO PUERCO MANAGEMENT REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in subsection (a)(1).

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(B) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(C) recommend voluntary implementation of appropriate best management practices on public and private lands;

(D) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on public and private lands;

(E) provide for the development of public participation and community outreach programs that would include proposals for—

(i) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(ii) involvement of private citizens in restoring the watershed;

(F) provide for the development of proposals for voluntary cooperative programs among the members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost-effective manner;

(G) provide for the encouragement of, and support implementation of, best management practices on private lands; and

(H) provide for the development of proposals for a monitoring system that—

(i) builds on existing data available from private, Federal, and State sources;

(ii) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(iii) will provide information to—

(I) assess existing resource and socio-economic conditions;

(II) identify priority implementation actions; and

(III) assess the effectiveness of actions taken.

SEC. 4. RIO PUERCO MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the "Committee").

(b) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(1) the Rio Puerco Watershed Committee;

(2) affected tribes and pueblos;

(3) the National Forest Service of the Department of Agriculture;

(4) the Bureau of Reclamation;

(5) the United States Geological Survey;

(6) the Bureau of Indian Affairs;

(7) the United States Fish and Wildlife Service;

(8) the Army Corps of Engineers;

(9) the Natural Resources Conservation Service of the Department of Agriculture;

(10) the State of New Mexico, including the New Mexico Environment Department and the State Engineer;

(11) affected local soil and water conservation districts;

(12) the Elephant Butte Irrigation District;

(13) private landowners; and

(14) other interested citizens.

(c) DUTIES.—The Rio Puerco Management Committee shall—

(1) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in section 3; and

(2) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in section 3.

(d) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 5. REPORT.

Not later than the date that is 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

(1) a summary of activities of the management program under section 3; and

(2) proposals for joint implementation efforts, including funding recommendations.

SEC. 6. LOWER RIO GRANDE HABITAT STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

(1) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and

(2) may cover a greater distance.

(b) CONTENTS.—The study under subsection (a) shall include—

(1) a survey of the current habitat conditions of the river and its riparian environment;

(2) identification of the changes in vegetation and habitat over the past 400 years and the affect of the changes on the river and riparian area; and

(3) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(c) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall transmit the study under subsection (a) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 1, 2, 3, 4, and 5 a total of $7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.●

By Mr. FEINGOLD:

S. 366. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Labor and Human Resources.

CIVIL RIGHTS PROCEDURES PROTECTION ACT

● Mr. FEINGOLD. Mr. President, today I am introducing a bill that I also introduced in the 103d Congress. This bill mirrors a House bill introduced last year by Representatives PATRICIA SCHROEDER, EDWARD MARKEY, and Marjorie Margolies-Mezvinsky as companion legislation to my original bill, S. 2012, the Protection From Coercive Employment Agreements Act of 1994.

This bill addresses a rapidly growing practice in employment relations—the practice of requiring employees to submit claims of discrimination or harassment to arbitration as a term or condition of employment or advancement, and prohibiting the employee from resolving their claim in a court of law.

This bill amends seven specific civil rights statutes to make clear that the powers and procedures provided under those laws are the exclusive ones that apply when a claim arises. The legislation would invalidate existing agreements between employers and employees that require the employment discrimination claims to be submitted to mandatory arbitration.

The statutes this would amend are title VII of the Civil Rights Act of 1964, section 505 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, section 1977 of the Revised Statutes, the Equal Pay Act, the Family and Medical Leave Act, and the Federal Arbitration Act [FAA]. The amendment to the FAA extends the protections of the bill to claims of unlawful discrimination that arise under State or local law, and other Federal laws that prohibit job discrimination.

Mr. President, I want to reiterate that this legislation, as in the case of S. 2012, is in no way intended to bar the use of voluntary arbitration, conciliation, mediation or other informal quasi-judicial methods of dispute resolution. In fact, I strongly support the use of voluntary alternative dispute resolution methods as a way of reducing the caseloads of civil and criminal courts where appropriate.

This bill closes a widening loophole in the enforcement of civil rights laws in our Nation. An entire industry—Wall Street—and a growing number of companies and firms in many other industries have been able to circumvent formal legal challenges to their unlawful employment practices in court—a right intended to be protected by the statutes this bill amends. Employers can tell current and prospective employees, "if you want to work for us, you'll have to check your rights as an American citizen at the door."

Mr. President, this practice should be stopped now. It is simply unfair to require an employee to waive, in advance, his or her statutory right to seek remedy in a court of law, in exchange for employment or a promotion. This bill will restore integrity in the relations between employees and employers.

I ask unanimous consent that the text of the legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 366

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Procedures Protection Act of 1995".

SEC. 2. AMENDMENT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) is amended by adding at the end the following new section:

"EXCLUSIVITY OF POWERS AND PROCEDURES

"SEC. 719. Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a claim arising under this title, such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.".

SEC. 3. AMENDMENT TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) is amended—

(1) by redesignating sections 16 and 17 as sections 17 and 18, respectively; and

(2) by inserting after section 15 the following new section 16:

"EXCLUSIVITY OF POWERS AND PROCEDURES

"SEC. 16. Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a right or claim arising under this Act, such powers and procedures shall be the exclusive powers and procedures applicable to such right or such claim unless after such right or such claim arises the claimant voluntarily enters into an agreement to resolve such right or such claim through arbitration or another procedure.".

SEC. 4. AMENDMENT TO THE REHABILITATION ACT OF 1973.

Section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 795) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a claim based on right under section 501, such procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.".

SEC. 5. AMENDMENT TO THE AMERICANS WITH DISABILITIES ACT OF 1990.

Section 107 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a claim based on a violation described in subsection (a), such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.".

SEC. 6. AMENDMENT TO SECTION 1977 OF THE REVISED STATUTES OF THE UNITED STATES.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a right to make and enforce a contract of employment under this section, such procedures shall be the exclusive procedures applicable to a claim based on such right unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.".

SEC. 7. AMENDMENT TO THE EQUAL PAY REQUIREMENT UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended by adding at the end the following new paragraph:

"(5) Notwithstanding any Federal statute of general applicability that would modify any of the powers or procedures expressly applicable to a claim based on violation of this subsection, such powers and procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.".

SEC. 8. AMENDMENT TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

Title IV of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) is amended by adding at the end the following new section:

"SEC. 408. EXCLUSIVITY OF REMEDIES.

"Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a claim based on a right provided under this Act or under an amendment made by this Act, such procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.".

SEC. 9. AMENDMENT TO TITLE 9 OF THE UNITED STATES CODE.

Section 14 of title 9, United States Code, is amended—

(1) by inserting "(a)" before "This"; and

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

"(b) This chapter shall not apply with respect to a claim of unlawful discrimination in employment if such claim arises from discrimination based on race, color, religion, sex, national origin, age, or disability.".

SEC. 10. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall apply with respect to claims arising on and after the date of the enactment of this Act.●

By Mr. DORGAN:

S. 367. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. DORGAN. Mr. President, today I rise to urge my colleagues in Congress to work quickly to pass legislation to correct a serious problem affecting our Nation's farmers, ranchers, and small businesses.

As you know, the 25-percent tax deduction for the health insurance costs of self-employed individuals expired on December 31, 1993. This provision is absolutely critical to the health care concerns of small business owners and farmers who conduct their businesses as sole proprietors. While the 25-percent health costs tax deduction enjoys broad bipartisan support, it was not restored last year when the prospects for broader health care reform collapsed.

We should expect the outcry from small businesses to be deafening this April unless we move quickly to extend this provision beyond its December 31, 1993 expiration date. Further, it is indefensible that our tax laws tell some businesses that they can deduct 100 percent of their health costs, while others, mostly smaller businesses, are told they can deduct none of their health care costs.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact.

That's way I am reintroducing legislation to restore tax fairness for sole proprietors who acquire health insurance coverage for themselves and their families. My bill would renew the 25-percent health insurance tax deduction as if it had not expired in December 1993. It also expands the current 25-percent deduction to 100 percent over the next several years. As a result, sole proprietors would receive the exact same tax treatment that large corporations now enjoy.

Almost no one disagrees that the tax code unfairly discriminates against self-employed business owners with respect to health care costs. Yet, Congress has always scrambled to simply retain the current 25-percent health tax deduction.

We can no longer afford to allow this provision to be held hostage to sunset provisions or politics. So long as we turn a blind eye to this problem, millions of Americans are prevented from purchasing adequate and affordable health care for themselves and their families.

We ought to move to correct this matter without further delay. This matter needs immediate attention.

By Mr. DORGAN:

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

TAX TREATMENT OF INSTALLMENT SALES LEGISLATION

Mr. DORGAN. Mr. President, today I rise to introduce legislation to rectify a serious tax problem confronting our family farmers.

The Internal Revenue Service [IRS] has, in my opinion, mistakenly taken a position that may preclude our farmers from using deferred payment grain contracts, which have been routinely used in their businesses for decades. In my judgment, the IRS' position imposes an unintended and unacceptable financial hardship on the farming industry.

Let me briefly explain. For years, family farmers have used deferred payment grain contracts to sell their commodities to grain elevators to help manage the business income. A typical grain contract between a farmer and grain elevator calls upon a farmer to sell and deliver grain to a grain elevator—often because the farmer does not have adequate storage—for a fixed amount. In many cases, one or more payments paid by the elevator to the farmer under the contract occur after the close of the farmer's taxable year.

For regular tax purposes, farmers are allowed to defer income from the deferred payments under the grain contracts in computing their regular tax liability. But because the IRS apparently views all deferred payment grain contracts as installment sales, it now requires them to add back this income in computing the Alternative Minimum Tax [AMT] in the tax year preceding the year of payment. As a result, thousands of family farmers are facing hefty tax bills because they are being whip-sawed by an AMT provision which effectively repeals their ability to use such contracts.

To make matters worse, many farmers were advised by tax experts that some kinds of traditional deferred payment grain contracts do not amount to an installment sale that would require an AMT calculation. For this reason, they did not make an AMT adjustment

on their income tax returns. Now they are being told by the IRS that they owe large tax bills on income that they will not receive until later.

That is why I am introducing legislation to ensure that our family farmers are allowed to engage in deferred payment transactions and get the same kind of tax treatment they have always received.

I do not believe that Congress intended this kind of tax treatment for farmers using deferred payment grain contracts for legitimate business purposes. It seems to me that the IRS position is based upon an incorrect interpretation which ignores the fact that our family farmers are, by law, permitted to manage their business operations on a cash basis.

My bill would simply make clear the original intent of Congress in the Tax Acts of 1986 and 1987, which was to allow farmers to continue to receive the tax benefit provided from the use of cash method accounting and from installment sales for their deferred payment grain transactions.

I urge my colleagues to include this much-needed legislation in any revenue measure considered by the Senate this year.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. COATS], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 5, a bill to clarify the war powers of Congress and the President in the post-cold war period.

S. 104

At the request of Mr. D'AMATO, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 104, a bill to establish the position of Coordinator for Counter-Terrorism within the office of the Secretary of State.

S. 150

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 150, a bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes.

S. 154

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 154, a bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source.

S. 157

At the request of Mr. BUMPERS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 157, a bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program.

S. 184

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Mr. SIMON], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 184, a bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes.

S. 233

At the request of Mr. MCCAIN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 233, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Wyoming [Mr. THOMAS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 281

At the request of Mr. D'AMATO, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 281, a bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961.

SENATE CONCURRENT RESOLUTION 5—RELATING TO THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY FOR VICTIMS OF THE HOLOCAUST

Mr. STEVENS submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 23 through April 30, 1994, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony to be held at noon on April 27, 1995, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 27, 1995 from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED

BALANCED BUDGET AMENDMENT

WELLSTONE AMENDMENTS NOS. 234–235

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

AMENDMENT NO. 234

On page 2, line 3, following the word "unless", insert the following:

"(a) compliance with this requirement would increase the number of hungry or homeless children, or (b)".

AMENDMENT NO. 235

On page 2, line 3, following the word "unless", insert the following:

"(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would not provide for the common defense and promote the general welfare, or (b)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 7, at 9:30 a.m., in SR-332, to discuss what tax policy reforms will help strengthen American agriculture and agribusiness.

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

COMMITTEE ON ARMED SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 7, at 9:30 a.m. in open session to receive testimony on U.S. national security strategy.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, February 7, at 9:30 a.m. for a hearing on the subject of regulatory reform.

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

ADDITIONAL STATEMENTS

REGARDING THE COURAGE OF MRS. DEVORAH HALBERSTAM

• Mr. D'AMATO. Mr. President, I rise today to present the remarks of a courageous woman, Devorah Halberstam, whose son Ari was brutally murdered by Rashid Baz on March 1, 1994, in a cowardly act of terrorism on the Brooklyn Bridge.

Mrs. Halberstam's statement before New York State Supreme Court Justice Harold Rothwax on January 18, 1995, took place before the sentencing of Rashid Baz, who subsequently received 141 years in prison for a single count of second-degree murder, 14 counts of attempted murder in the second-degree, and one count of criminal use of a firearm in the first-degree.

Mr. President, what happened that day on the Brooklyn Bridge was nothing less than an act of terrorism and we should call it just that. Ari Halberstam was murdered for one reason: He was a Jew.

In her piognant statement before the court, Mrs. Halberstam relates a tearful plea that she hopes that what happened to her and her family, never happen to any other family. Her statement is a powerful one and I urge my colleagues to read it so that they may gain a greater insight into the sorrow and grief suffered by a woman whose son was taken from her in an act of terrorism.

Mr. President, I ask that the text of Mrs. Halberstam's statement be included in the RECORD following the conclusion of my remarks.

The statement follows:

STATEMENT BY MRS. DEVORAH HALBERSTAM BEFORE STATE SUPREME COURT JUSTICE HAROLD ROTHWAX, JANUARY 18, 1994

Your Honor: Fourteen boys testified before this Court. Fourteen very special young men whose pure and innocent lives are dedicated to the betterment of our world. Fourteen adolescents whose own lives were forever changed on the Brooklyn Bridge less than a year ago on March 1st.

But the youngest of the students—the fifteenth—his voice was silent. And will remain silent forever.

Ari's blue eyes were deep as the ocean—windows to a soul in which I swam and energized myself every day of his 16 brief years.

A soul who feared nothing but the Almighty, whose humility was an inspiration, whose days and nights were testimony to the heights of human endeavor and aspiration.

A soul hand-picked by the Lubavitcher Rebbe and the Rebbe's wife, to serve as their surrogate child from earliest infancy, to be surrounded by their holiness and kindness and universal love.

A gem of a human being who combined the rigors of Chassidic life with its long days of study, with a grace on the basketball court that was star quality. A mere child who would jump at the opportunity—and they were numerous—to relinquish his own bed to a tired guest. A prince of a boy who was generous to a fault with his time—always ready to listen to a troubled friend.

But above all he loved his family, especially his sisters and brothers.

That, your honor, was my son Ari.

That, your honor is the witness who could not be here to testify.

Which is why I have gathered what fragments are left of my energy and sanity, your honor, to address this court today.

On May 6, 1977, I was blessed and overjoyed as my first born son Ari came into this world.

On March 1, 1994 I was there at his side watching as the final color of life ebbed from his dying face. And on that day, I too died your honor. And my husband.

Our lives will never be the same. Yes, my life has been forever shattered by the hot bullet released by Rashid Baz's cold and calculating and viciously Jew-hating hand.

Your honor, we are compelled to look at the shocking and outrageous events that are going on in our world.

Several weeks ago, Islamic terrorists highjacked a French airliner with nearly 200 passengers. Their intent was to explode the jet in the heart of Paris in a suicide mission that would have killed thousands.

Their mission was not the complete success they had hoped for—instead of thousands, only five innocent civilians were actually murdered.

That very week, an Islamic terrorist—explosives strapped to his body—detonated himself beside a crowded public bus in the heart of Jerusalem. His mission was not the complete success he had hoped for—because only one person was seriously wounded, four others less seriously. The 50 passengers on the target bus were miraculously unharmed.

Two years ago, Islamic terrorists attempted to detonate the World Trade Center hoping to collapse a 110 story building and kill tens of thousands of our fellow Americans.

Their mission was not the complete success they had hoped for—because only 6 were actually killed and dozens more wounded.

On March 1st of last year an Islamic terrorist armed with an arsenal of sophisticated weapons stalked a van carrying 15 Rabbinical students on the Brooklyn Bridge with the intent to kill them all. His mission was not the complete success he had hoped for—because only one of the fifteen was killed—And that as you know, was my precious son Ari.

Your honor, The civilized world cannot afford "failures" like these.

Each day, innocent people—men, women and children—are being targeted in the cross hairs of these mass murderers who would kill and wound indiscriminately, not only others, but even themselves.

They murder with the sanction and participation of governments in Teheran and Baghdad, Damascus, Lebanon, Tripoli and Khartoum. Governments whose representatives roam our streets freely. Whose diplomatic pouches—laden with plastic explosives and conventional weapons—are inviolate. Whose treacherous plans sow destruction, mayhem and terror in the hearts of civilized people everywhere.

They murder with the blessing of fanatical religious leaders—some of whom are guests in this great land.

They murder in the name of a god they call "Allah the Merciful."

These killers are a disgrace to all people of faith, including the many millions of their own coreligionists who pray for peace in their hearts but dare not speak peace because they fear for their lives.

These murderers respect no territorial boundaries. They obey no law. They view anybody and everybody, but especially Jews, as fair game. They believe—not without justification—the more blood they shed the more ready the world will be to capitulate to their nefarious and bloodthirsty aims.

A cowardly world hands down token sentences to those who are apprehended. Spineless western governments discreetly free some of the most wanton mass killers—releasing them into the hands of the very fundamentalist, dictatorships and theocracies which dispatched them in the first place.

They do this in order to improve their balance of trade, or worse yet, as a payoff, selfishly and foolishly hoping to forestall further acts of terrorism against their own people and on their own territory. This, your honor, is the world we live in. And the time has come to say, "Enough, we won't take it anymore."

I have addressed you on behalf of a civilized world which will be further threatened, further degraded, and further destabilized if this killer gets anything less than the maximum sentence you can give.

The man you will sentence today, Rashid Baz, killed my baby. And robbed Nochum Sossonkin of his youth. And he felt immune and invincible because the world's track record in dealing with his kind is an embarrassment to all civilized and justice-loving people.

The jury which declared this murderer guilty showed incredible personal courage in reaching its verdict. Because the community of Islamic terrorists is as vindictive as it is sadistic.

Yes, Rashid Baz's mission on the Brooklyn Bridge was a failure. Because 14 of his 15 intended victims are still alive.

But for me, my husband, my aged parents, and my four other children—as for the mothers and fathers and grandparents and sisters and brothers and sons and daughters of the other murder victims from those other "failures" I mentioned before—his mission was a success.

For we will never see our Ari again * * * For I will never see my tall, beautiful, kind, scholarly, charming, friendly 16 year old son grow to maturity * * * For my younger children will never again have the loving, compassionate guidance of the older brother they adored * * * For my husband and I will never see the grandchildren we had expected.

And the generations upon generations of descendants that were to have come from Ari will never be—generations that were meant to replace and replenish the catastrophic loss of Jewish life that is our legacy from the Holocaust.

On March 1st Rashid Baz murdered Ari. But he also sentenced me and my family to a lifetime of mourning. To an endless series of sleepless nights. To a wound which can never heal. To a living death which chips away at us, measured in the slow cadence of endless seconds * * * to a limbo of joylessness which will end only when we ourselves are reunited with Ari.

Indeed, there is nothing that can happen here today, nothing you or anyone else can do to bring Ari back. There is no way to give me back all those years of joy, love and worry. There is no sentence that you can give Baz for my murdered heart or for the security that was robbed from the lives of my children and replaced instead with cobrays, glocks and terror.

What can you say to Ari's sister Sara who grew up side by side with him and was her best friend throughout her life?

Or Chanie, his sister who fears going into any taxicab.

Or Mendy, Ari's brother, who looked up to Ari as his mentor and protector. And who lost his older brother on the day of his birthday.

Or Ari's four year old brother, who keeps asking me when Ari will be back. And whose last prayer at night is I love you Ari with my whole heart please come back home.

Your honor, our pain is too great to bear. We long for our son constantly. We listen for his footsteps and voice in hour home.

Yet life must go on, and justice, the inadequate justice that humans can mete out, must be done.

And now, your honor, it is your responsibility to show courage, and demonstrate that we in America are not cowards. That we do not capitulate to the blackmail of terrorism. That we value life and liberty. That those who would presume on American hospitality and freedom in order to bring civilization to its knees will find no refuge in this land. And that here, at least justice will prevail, and this cold blooded killer will never see the light of freedom again so long as he lives.

There is no death sentence in New York State. If there were, I would surely be tempted to ask for it.

Because death would send a message to the world that America knows how to deal with terror.

And death, too, might have brought a measure of finality to the horror me and my family have to live with.

But death, unfortunately, is not an option.

Which is why I beseech you, your honor, from a heart filled with pain and anguish, in the name of civilization and the values we hold dear, in memory of my son, and out of basic consideration for me and my family—sentence Rashid Baz to the very same sentence to which he sentenced us—namely, that not a day, not an hour, not a minute or a second of his life should go by without him being reminded of what he has done.

Remorse? The only remorse he has is over his faulty aim, and the fact that his mission was not completed entirely.

This murderer must live and die behind bars and barbed wire. He must spend the remainder of his natural life caged like the remorseless creature that he is. Deprived of any of the rights or freedoms he mocks. Separated from any opportunity to continue in his ways. Reduced to a number in the impersonal hell of prison. Consigned to a life of living death until God takes him and renders the eternal justice which we on earth cannot.

Your honor, this is the least you can do. Unfortunately, it is also the most.

Thank you.●

CRUELTY TO PATIENTS

● Mr. SIMON. Mr. President, one of the more thoughtful writers on our scene today is Joan Beck with the Chicago Tribune.

Recently, she had a column on our national health care system that takes a slightly different perspective on where we are and some of our problems.

I believe her comments merit serious consideration.

We are talking about some modification of the health care system this year.

On the floor of the Senate, several of us on both sides of the aisle have talked about the need for bipartisan cooperation.

I hope we can go ahead.

In the meantime, I urge my colleagues to read the Joan Beck column, and I ask to insert it into the RECORD at this point.

The column follows:

CRUELTY TO PATIENTS—NATION'S HEALTH CARE SYSTEM NEEDS AN EXAMINATION

(By Joan Beck)

Even without new federal legislation, health care in America is changing rapidly. Many of these changes are worrisome. Some are deadly scary.

Increasingly, the focus of medical care is becoming to reduce costs, to do only the minimum possible for patients, to wring money out of the system for a new set of corporate providers.

Fewer people are now allowed by HMOs and insurance company rules to see specialists. Far more surgery—more than half in many hospitals—is being done on an outpatient basis, often with assembly-line rules. Hospital stays after childbirth are often numbered in hours, not days.

Hospitals are cutting nursing staffs, lowering the level of patient care and substituting other caregivers with less training and lower pay. Teaching hospitals, with their higher costs and heavy load of patients needing specialized treatment, are getting squeezed.

Many doctors, like Ma and Pa stores swallowed up when a Wal-Mart comes to town, are losing their independence to a whole new world of corporate-managed health care.

Physicians, in fact, don't really seem to be major players in the health-care business these days. Politicians, administrators, employers, insurance companies, even the financial markets, are shaping the future of health care to an extent that makes many people highly uncomfortable—and may endanger their health.

There is a new emphasis on efficiency, not on humanitarianism and healing. Hospitals are competing for contracts from insurance companies, HMOs and big employers to care for large groups of people, often for a fixed, per-person fee. Then they must try to push down their costs however they can—by eliminating unnecessary tests and treatments, by being more efficient, by avoiding as many high-cost procedures as possible, perhaps even by taking risks with patients' health.

Federal efforts to pass national health-care legislation seem to be in hiatus for now, although Illinois Sen. Paul Simon has been trying to talk up the issue again. There are new threats to make drastic cuts and changes in Medicare and Medicaid. Congress may do some tinkering with insurance regulations.

But in the immediate future, changes in health care will not come from Washington. There will be more efforts by hospitals to trim costs. More efforts from HMOs, insurers and employers to get discount prices. More pressures on physicians to follow HMO and insurance company rules. More attempts at change by the states, particularly California, Minnesota, Washington, Hawaii and Pennsylvania. And more lamenting that while the increase in costs is slowing down, health care still takes 14 percent of the gross national product.

It is difficult to measure the impact of all of these changes on the nation's well-being. But a useful yardstick is to evaluate how these changes affect the way physicians can do their job and how well they safeguard patient choice in their doctors.

Doctors should be the ones to decide the future of health care in the United States—not Hillary Rodham Clinton or Ira Magaziner or Newt Gingrich or Bob Dole or the Republicans or the Democrats or Prudential or Humana or General Motors or Exxon.

It's disappointing to see how little impact doctors have actually had on the health-care debate and on the future of health care and how quietly most of them have gone along with restrictions on how they care for patients.

Medical societies, of course, have issued proposals and lobbied legislators. The American Medical Association has a big lobbying arm in Washington and in 1990 proposed its own Health Access America plan. The Journal of the American Medical Association has published hundreds of articles and proposals, as have other medical journals. But these efforts have not had major impact on the future of health care.

It is taken for granted among health-care reformers that a major factor in high costs has been overtreating by physicians who stand to make a buck by doing so. Yet these same reformers assume that the same physicians can be trusted not to undertreat patients when the economic incentives are reversed.

Undertreatment is hard to define and, often, to detect. It's difficult to measure outcomes; the data is subject to interpretation, not only for individuals, but for HMO populations, communities and states. Monitoring and evaluation protocols are not well developed. Clinical guidelines need further development if they are to be used as protection against undertreatment. Databases that will permit comparisons are still far from adequate.

People must rely on their physicians to withstand pressures to undertreat, to do what's best for patients regardless of new and increasing incentives to do less than that.

If the kinds of changes now happening in health care really reflect advances in medicine and commendable efforts to reduce unnecessary expenses and unneeded treatment, we should all be cheering. But how can we be sure that pressures from insurers and employers and HMOs won't push doctors and hospitals to cut even more corners that will risk patients' health?

There is still an enormous reservoir of trust in physicians in this country. But it will be increasingly hard for doctors to keep that trust and to deserve it in the new regimes of red tape and cost controls. They will have to figure out how to control the health-care system, not be controlled by others. And they will have to stand up for patients against the cost-cutters and the administrators when they interfere with optimum treatment if we are to be comfortable and safe with our health care in the future.●

RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. HATCH. Mr. President, in accordance with rule XXVI, section 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on the Judiciary. The rules follow:

COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

ORDERS FOR TOMORROW

Mr. HATCH. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Wednesday, February 8, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each, with Senator LAUTENBERG to be recognized for up to 15 minutes; further, that at the hour of 9:30 a.m., the Senate resume consideration of House Joint Resolution 1, the balanced budget constitutional amendment, and the time between 9:30 and 11:30 be equally divided between the two leaders or their designees; that at the hour of 11:30 a.m., Senator DASCHLE be recognized for 15 minutes, to be followed by Senator DOLE for 15 minutes.

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

SCHEDULE

Mr. HATCH. Madam President, for the information of all of my colleagues, under the previous order, on Wednesday at 12 noon, Senator DOLE, or his designee, will make a motion to table the Daschle motion to commit. Therefore, Senators should be on notice that a rollcall vote will occur on that motion to table at 12 noon tomorrow.

RECESS UNTIL WEDNESDAY, FEBRUARY 8, 1995, AT 9:15 A.M.

Mr. HATCH. If there is no further business to come before the Senate and no other Senator is seeking recognition, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:19 p.m., recessed until Wednesday, February 8, 1995, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 7, 1995*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. BURTON of Indiana].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 7, 1995.

I hereby designate the Honorable DAN BURTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

REASONS WHY PRESIDENT CLINTON SHOULD NOT MEET WITH PRESIDENT YELTSIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Indiana [Mr. ROEMER] is recognized during morning business for 2 minutes.

Mr. ROEMER. Mr. Speaker, I rise this morning to encourage my colleagues to sign a bipartisan letter that I am circulating with the gentleman from Virginia [Mr. WOLF] today. We have already gained 20 other signatures, bipartisan signatures on this letter that would say to President Clinton and, in very strong terms, suggest that he not meet with President Yeltsin at the upcoming summit in May. We urge him not to do this for a number of reasons, because the United States has so much at stake in continuing to see Russian economic and political reform.

The first reason, Mr. Speaker, is that the Russian economic and political reform efforts are on very shaky ground. As the Russians now fight this war in Chechnya, they have diverted over $2 billion that should be going to stabilize the ruble, to support the economic efforts we have supported through loans through the IMF and other world banks totaling over $12 billion. These efforts are critical if the Russians are to work their way to a free market system and to continue to work toward a more open and democratic system in the new Russia.

Second, future issues are at stake, future issues that are important to the United States and a good, strong, healthy relationship with Russia. We need to be on good terms with Russia in terms of Bosnia and peace in that very unstable part of the world. We need to work with the Russians on START and other nonproliferation treaties, and we need to work with them on the future of NATO.

Third, we encourage the President not to meet with Mr. Yeltsin in May because of the human rights violations going on in this terrible war between Russia and the Chechnyan people.

I would encourage my colleagues to sign this letter. We are not saying that Mr. Christopher and Mr. Karazdzic cannot talk. We are saying symbolically the President should not at this point sit down with Mr. Yeltsin at this very precarious time as the Russians are fighting a very, very bad war in terms of diverting their resources away from economic and political reform.

75 SPECIFIC DISCRETIONARY CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, today I present my annual list of specific spending cut suggestions. I introduced these yesterday in the RECORD. Today I want to talk a little bit about them and elaborate on them.

These are 75 discretionary cuts which would save an estimated $275 billion, those are taxpayer dollars, over the next 5 years. That is just about double the amount of spending cuts the President has offered us in his most recent budget package.

These savings could be produced without touching a single nondiscretionary item. Let me put that into English for the rest of America. Nondiscretionary item would mean entitlement, and that translates into Social Security, Medicare and so forth, Medicaid. This list of budget cuts I am submitting does not touch Social Security, Medicare, Medicaid or any of those items that we call entitlements. It is only the discretionary items, the things that we control the purse strings on here in the House of Representatives, the power of the purse as it were.

It is imperative that before we ask Americans to sacrifice any of their earned benefits we demonstrate an ability to root out the hundreds of billions of dollars of wasteful spending in this Government. And that is not just rhetoric. That is something that the Grace Commission, the GAO, anybody who has looked at our spending here will tell you, that every year we have waste by the billions, by the tens of billions, by the hundreds of billions.

How in the world are we going to balance the budget and do all of these things we have promised if we have that kind of waste at that level? The answer is we are not until we get at it, and the hard work of pinning down the specifics has got to start somewhere. That is why we submit our list of what could be cut.

Mr. Speaker, an administration official was quoted in Sunday's Washington Post as saying that "While the deficit is not optimal, it is not out of control." Let me tell my colleagues, the national debt is $4½ trillion. The debt service on that is about $250 billion every year, every year, $250 billion, so that is a trillion every 4 years just in interest payments. Put simply, this empty rhetoric does not put, in my view, the administration in a very good light. I wonder what an optimal debt situation would be.

The White House has consistently ignored the tremendous waste and duplicative spending in the Federal budget and our Federal Government. We have seen that in the budget that they sent up. Instead of opting to try to reduce the deficit through tax hikes and on the backs of senior citizens, they should be looking at cuts, not raising taxes.

Mr. Speaker, the American people sent a powerful message to this Congress that was loud and clear, and it was cut spending, and do it now, get rid of the waste, the redundancy, the out of date, the off-target, the things we do not need anymore. The American people did not say trim a little here or trim a little there. The American people did not say move with caution and go slow. The American people told this Congress to look for any and all wasteful spending and get rid of it, take it out.

The Vice President complained yesterday that "Republicans haven't put any cuts on the table." Well, they cannot say that anymore, because the cuts

are out there for all to see, a list of 75 totaling $275 billion over the next 5 years. I stand before this Congress with most of the same cuts I introduced in the past two terms, and some of them which we have made some progress on, but most of them have gone untouched. So we are still able to come forward with a list of waste of 75 items.

I invite the administration to debate us on the specifics. Tell us why we need to be spending $140 million on grants to prepare youths and adults to be homemakers. Explain to the American people why when 99 percent of America's farmers have electricity and 98 percent have phones we need to be spending billions of dollars in assistance to rural electric and telephone utilities.

The American people deserve better. They need answers. They deserve full debate on these and other programs that serve narrow special interests rather than the collective good of our country and all taxpayers.

Mr. Speaker, we must strive to move beyond the rhetoric, to achieve the fundamental change that we talk about here with real action and with specifics. It is time to debate real spending cuts and real fiscal reform, and I am confident if we do we actually will have taken a very important step toward restoring fiscal responsibility and, perhaps even more than that, retaining, restoring some of the credit that this institution needs to build with the American people.

We have done the balanced budget program in the House. We have passed it. We have done that unfunded mandates program in the House. We have passed it. We did the line item veto. We did it yesterday, we passed it. We are going to be talking about and going to introduce a supermajority to raise taxes. Those are all critically important tools to get a handle on spending, to make sure we do the right thing.

But the proof will come. Do we have the courage, do we have the wisdom to pick out the things that are true waste and start chopping them? That is actually the easiest part of the job. If it is not doing much for very many Americans, then why are we spending a lot of money on it? Usually the answer is political. "Well, it's in my district," or "I hate to do something to that program to cut it." That is something we cannot be doing anymore. We cannot afford it, and it is not good expenditure of money.

Accountability time has come, and we welcome accountability time, and I welcome the American people to take a look at our list of 75 cuts.

COMMONSENSE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. SKELTON] is recognized during morning business for 5 minutes.

Mr. SKELTON. Mr. speaker, we are at a crossroads in American military preparedness. Since the Iron Curtain collapsed in 1989, the quantity and extent of U.S. military commitments abroad have stretched our forces thin. Today, there are signs of a serious weakening in troop training readiness. The Pentagon reports that key modernization programs have been interrupted to pay for current operations and an ailing base infrastructure.

We have reduced our military too far and too fast. If we continue, by the end of the decade we won't have the military power to shape a peaceful and prosperous world. Without security, peace, and free trade, all Americans lose.

The erosion in military preparedness disturbs many of our Nation's leaders. President Clinton recognized the shortfall in December when he added $2 billion to this year's defense budget. Several Members of Congress proposed staying at the fiscal year 1995 budget level, adjusted for inflation. That amount, about a $14 billion increase, would be a major step toward bolstering American military preparedness.

Some critics argue that defense increases are not needed because today's world is less dangerous. They fail to remember that in 1994 the United States came close to armed conflict three times. In June, we deployed additional forces toward Korea to halt the production of nuclear weapons. In September, we sent 22,000 troops to Haiti to restore democracy and stop the flow of refugees to our shores. Then, in October, we responded to Saddam Hussein's move to imperil the world's oil supply. These occurred during ongoing American military commitments in the Sinai, Rwanda, Macedonia, Cuba, Bosnia, Turkey, Panama, Okinawa, and Western Europe.

In 1993, the administration outlined our national security strategy in the Bottom-Up Review. It reasonably concluded America needed enough military forces to fight and win two major regional conflicts, nearly simultaneously. Our recent trials with North Korea, Haiti, and Iraq affirm this two-war strategy.

But our experience under the Bottom-Up Review, now approaching 2 years, suggests that we cannot take our force structure any lower. Indeed, modest increases are needed.

Events in 1994 revealed our military is on the verge of being over-committed. Our experience in the new security environment also teaches that the Bottom-Up Review incorrectly assumed we can withdraw troops from peacekeeping and humanitarian relief commitments to fight a major regional conflict. Disengagement inflicts high cost.

Some critics, observing defense officials juggle resources among competing demands, suggest we've sacrified modernization for readiness and quality of life. They've got it wrong. A serious imbalance does exist, but it's because all three are underfunded. Simply put, we are not adequately funding our strategy that ensures American security. The shortfall is not large, but it is big enough to create disturbing imbalances in our current military posture. We cannot allow troop morale, training readiness, and force modernization to get out of balance. Common sense says we should eliminate this strategy-resource mismatch to restore our overall military preparedness.

My defense plan for fiscal years 1995–99 which I propose today, provides a $44 billion increase to add force structure; pay for peacekeeping obligations; and correct the imbalance in readiness, modernization, and quality of life. With this prudent investment, we can eliminate an over-committed force structure. We can meet out military commitments abroad. We can restore a high level of readiness. We can provide an adequate quality of life for our deserving service personnel. And we can continued to modernize our forces to be prepared for future threats. It is right and it is affordable.

The choice is clear—continued decline or prudent restoration of our military preparedness. Will the history books say that American service men and women who performed unselfishly in our Armed Forces had the strong support of the Congress of the United States? Or, will the record show that the Congress chose to leave them unprepared for the difficult trials asked of them? Common sense says that a secure and prosperous America can afford adequate, fully trained, properly equipped, and highly prepared military forces.

HISTORIC CHANGE IN THE CONGRESS OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. WELDON] is recognized during morning business for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, this morning I rise to talk about what I feel is a historic change in the Congress of the United States.

When I was running for Congress last year and I received the Contract With America in the mail, I was very, very pleasantly surprised, because when I read through the contract I felt like I was reading my own campaign platform. For months I had been campaigning on how we need to reform the Congress itself and how the Congress does business, how we needed to shrink the size of Government, and how we needed to start in the Congress itself by reducing the number of committees and the number of committee staff.

One of the most important things that I ran on was how strongly I felt

that the Congress needed to make all of the laws that they exempted themselves from apply to themselves. Indeed, I was very impressed when I read in the Federalist papers No. 37 written by Madison, how he described in that paper how the Congress should not be allowed to pass laws that did not apply to themselves and their friends.

Mr. Speaker, I am so delighted to actually be here and to see us fulfilling our commitment to the American people, how on that historic day on January 4 we passed all of those congressional reforms reducing the staff, reducing the number of committees, and then how we went on to pass legislation making all of the laws the Congress had exempted themselves from applying to the Congress itself.

Then in recent weeks we have seen historic vote after vote, the passage of a balanced budget amendment, the passage of legislation stopping the practice of passing unfunded mandates on to our cities and on to our counties. I heard over and over again in my campaign from local legislators, local politicians how the burden of unfunded mandates and regulations was killing them.

Then last night again we had another historic vote where a Republican Congress, with a sitting Democrat President, voted to give the President line-item veto authority. It was doubly ironic, it was sweet that this occurred on the birthday of President Ronald Reagan, a man who had campaigned over and over again for the need for a line-item veto for our President. He stated over and over again how there were dozens of Governors in our Nation, in our States who have line-item veto authority, and how they exercise that line-item veto authority prudently to pare back pork-barrel spending and to trim State deficits and help State governments to be more efficient.

Last night we had a historic bipartisan vote where we passed a line-item veto.

Mr. Speaker, we have many, many more important votes coming before this body, votes on some real criminal justice reform to lock up violent offenders, some real welfare reform. Mr. Speaker, I am excited and delighted to be here and be part of this historic Congress, restoring to the American people, their body, faith in Government again.

□ 0950

MINIMUM WAGE

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 4, 1995, the gentleman from Alabama [Mr. HILLIARD] is recognized during morning business for 2 minutes.

Mr. HILLIARD. Mr. Speaker, I rise in support of increasing the minimum wage. Lately I have heard a lot of rhetoric which is both misleading and dead wrong.

Just this Sunday I heard it stated that the only people who work minimum wage jobs are high school and college age kids. Mr. Speaker, this may be true in the wealthier suburban areas of this country, but I wish to tell you that in Appalachia or in the Mississippi Delta or in the black belt of Alabama or in Watts, in Harlem, this is just not the case, and I wish to inform all of those persons who are misinformed that these are jobs that people work to live, and they are not living the American dream. They are having difficulties just living. They are having difficulties in many ways trying to find a decent place to live, because of the low wages that they receive. These are not people who are on welfare, but these are Americans. They are those who reject welfare. They are those who try to live within the system.

Yes, they have a hard time living the American dream, but these are good Americans. They work minimum wage jobs in many instances, because there are no other jobs available in the communities where they live. These are hard-working Americans.

Some of them have high school diplomas, and some who even went to college; many of them are too proud to take welfare, so they are stuck in these low-paying jobs.

Mr. Speaker, we talk a lot about welfare reform, and getting many of our citizens off of welfare. I believe we owe it to these working Americans, these young adults who work minimum wage jobs, the working mothers and fathers, the seniors trying to make ends meet. Yes, we owe it to them who are in the job market to raise the minimum wage.

This act may be the finest welfare reform bill which we vote on during this session of Congress.

THE PROPOSAL TO LIST THE ARKANSAS RIVER SHINER AS AN ENDANGERED SPECIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oklahoma [Mr. LUCAS] is recognized during morning business for 5 minutes.

Mr. LUCAS. Mr. Speaker, I say to my colleagues if you are fishing in the Arkansas River Basin, you had better watch what you put on your hook. There is a mighty dangerous little bait fish lurking in the basin's waters when there is water in the basin.

This little bait fish might have the power to stop those in the agriculture industry from irrigating their land, or protecting their crops. This little bait fish might inhibit rural towns from utilizing their primary water sources. This little bait fish might even stop a major metropolitan area from completing its $250 million downtown restoration project which is crucial to its economic future. Yes my colleagues should know there is a dangerous little bait fish lurking in the river.

The Fish and Wildlife Service is considering whether to put the Arkansas River shiner on the endangered species list. As a new Member of Congress, I am truly underwhelmed by my first dealings with this segment of our Nation's Government. On September 15, 1994, I joined Congressman PAT ROBERTS of Kansas, and Congressman LARRY COMBEST of Texas in sending a letter to Ms. Mollie H. Beattie, the Director of the Fish and Wildlife Service, expressing our thoughts on the Arkansas River shiner proposal. To date, neither of my colleagues nor I have received a formal reply.

In our letter, we stated that we were concerned that the listing of the Arkansas River shiner could result in land- and water-use restrictions and other prohibitions that preclude full economic use of property, lower property values, and decimate the economies of the communities in the area. We further urged the Fish and Wildlife Service or an appropriate Government agency to conduct an assessment of the economic impact of any proposal to preserve this little bait fish.

In recent history, western Oklahoma, the Texas Panhandle, and western Kansas were the heart of the legendary Dust Bowl. One generation removed from today's watched as their top soil dried up and blew away. The fact that thriving economies have developed on this once barren land is a testament to the drive and fortitude of the people that live there and their ability to use the resources available to them. The most important of these resources is water. All of us who live in the region will fight any attempts to turn back the clock of progress.

While I believe the Endangered Species Act is important, I believe as written it is flawed because of its lack of human compassion. Economic impact and private property rights must be taken into account in future draftings of the act.

Many of my colleagues know, there is a strong push in the early days of the 104th Congress to put a moratorium on any future endangered species listings until the act is reauthorized. I support this effort wholeheartedly and have cosponsored both the Farm, Ranch and Homestead Protection Act of 1995 by Mr. SMITH and the Endangered Species Moratorium Act by Mr. BONILLA. I would urge my colleagues to do the same.

Beware, there is probably a little minnow lurking somewhere in your district too.

INCREASE IN MINIMUM WAGE LONG OVERDUE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. HINCHEY] is recognized during morning business for 2 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to commend the Clinton administration for taking action on behalf of working Americans today and raising the minimum wage.

The administration's action is long overdue and I hope this wage increase will help the working families of my district—and the Nation—to share in the economic recovery that we read so much about.

According to the Labor Department, the Employment Cost Index, which measures the wages, salaries and benefits paid to American workers, rose by only three-tenths of 1 percent during the past 12 months—the smallest annual increase on record.

This means that wages and benefits have failed to rise in response to economic growth and lower unemployment.

This is not a normal economic recovery in which wages rise as the economy picks up steam.

The Federal Government has few opportunities to improve the wages and benefits of America's labor force and subsequently improve the quality of life of working Americans. Adjusting the minimum wage is one method available.

Today, I applaud President Clinton for attempting to deal directly with the declining standard of living for working Americans.

An increase in the minimum wage is long overdue and I support President Clinton's effort to strengthen the economic outlook for working families.

THE CAN DO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, what we have seen in the past 30 days is a stark contrast between the can-do Congress and the me-too White House.

Let us just review a little bit about what this can-do Congress has done. By the way, the can-do Congress is something that is being said about our U.S. Congress in international reports. If you pick up the Herald Tribune in Europe or if you pick up any of the London papers, you find out there is tremendous celebration and rather a fair amount of amazement that the U.S. Congress can get so much legislation accomplished in so little time, in such a short time.

What exactly have we done? Well, first of all, we reformed the process. We required Members of Congress would actually have to be present at committee meetings to vote on the bills that are being marked up at those meetings. It means no more proxy voting. It requires our presence at those meetings. We cut staff by a third. We cut the budget for the Congress itself, and we have cut two standing committees, the first time since the 1940's, as well as 27 subcommittees.

So we have reformed this process to make it more efficient, more streamlined, more workable.

And we passed the Congressional Accountability Act. It seems like a very simple concept. We had not even been able to get it to the floor of the Congress for a vote before this session.

We passed the balanced budget amendment for the very first time. We voted on that many times on this floor. We actually passed it. We passed an unfunded mandates bill that requires analysis before we go putting mandates on the States. We have to know exactly what it is going to cost on a State or a local community.

And last night we passed a very important piece of legislation, the line-item veto. The line-item veto is something President Clinton asked for in the 1992 campaign. He did not talk about that very much in the 103d session of Congress, the last session of Congress.

I might go through a few of these things, too, that Mr. Clinton campaigned for in 1992. He campaigned for unfunded mandates reform both as a Presidential candidate and as the Governor of the State of Arkansas. He campaigned for reforming the process, and he campaigned for a middle-class tax cut, all of which are in our Contract With America, and yet last fall what did he do, he called this not a Contract With America but a contract on America. Now, he is back to being me too, but so that he will say, "Well, me, too, we want to do this as well with some exceptions or some provisions or some considerations."

What did he present to us yesterday? He presented to us his version of the 1996 budget for the United States of America for the Federal Government, and without overreacting to that budget, because in a way you have to remember, you have to remind yourself this is not that important an event since he does not have the votes in the Congress to pass the budget anyway, but let us look at what he did do and, in my view, what he did is he went through the motions. He is treading water. He produced a document that he has to produce because of a law that says that he has to send a document to the U.S. Congress.

But it essentially does not make any real changes. What it does do is it continues $200 billion deficits all the way through to the 21st century. What it does do is it adds in the next 5 years, it adds $1 trillion to the national debt. What it does do it makes the interest payments projected for the year 2000 to be $310 billion, when we spent $204 billion on interest in 1994, in other words, a 50-percent increase in interest payments alone in this budget.

And it is clear that there is no will for bringing us to a balanced budget. It is clear from testimony that the Director of the Office of Management and Budget, OMB, Alice Rivlin, gave several weeks ago to my Judiciary Subcommittee, that not only is there no plan for it, but there is no real desire to balance the budget in the White House.

What we have got is we have got a can-do Congress that is actually keeping the promises that it made to the American public. It is re-instilling a sense of confidence in the integrity of this institution. It is re-instilling a sense of confidence in the American people's own ability to elect officials who will do what they said they would do, that this is an institution which can accomplish things, which can get things done, instead of pretending to get things done all the while obfuscating and making every attempt to only create the appearance of activity when, in fact, the real issue is to keep things under wraps.

So here we have got the can-do Congress versus the me-too White House. Keep your eyes posted on what happens in the next month.

IN SUPPORT OF RAISING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I am here to commend President Clinton for initiating the minimum wage increase, 45 cents for this next year and 45 cents for the next.

It is interesting to note that this morning in USA Today, America's newspaper, 77 percent of all Americans approve of this measure. We cannot allow hard-working Americans to work full-time and not make enough money to pull themselves out of poverty. Eleven million Americans in this country rely on the minimum wage to support themselves and their families. Sixty-four percent of all minimum wage workers are adults with families to feed and rent payments to make.

Today the average minimum wage worker brings home about half of his or her household's weekly earnings. Let me tell you about a family who lives in Clovis, NM, who shared their monthly budget with me. They are a married couple with a 4-year-old son. They both work 40 hours a week at minimum wage jobs. They pay $450 a month for child care, $70 dollars for utilities, $435 for a two-bedroom apartment, $110 for a car payment, $45 for car insurance.

After fixed costs, they have just under $300 a month left to pay for gas, clothes, groceries, and health care. If their little boy gets an ear infection and goes to the doctor, they must feed their family on $35 a week. If their car breaks down, they feed and clothe their family on $20 a week.

This family is not alone. Just in my own congressional district, over 30,000 people get up and go to work every morning to earn a wage that, at the end of a full week, will not even bring them above the poverty level and the ranks of the working poor in our country are growing.

The economy is good. The unemployment rate is at its lowest level in years. The help wanted index is climbing. Yet some hard-working Americans are just not making it.

If left unchanged, by next year the minimum wage will be the lowest point in 40 years. If you are tired of seeing the welfare rolls grow, then let us make work pay. If someone cannot earn enough money working 40 hours a week to feed their family, then we are forcing them into the welfare office. We are telling them it is more profitable to collect than to work.

Do not be fooled by the argument that a modest increase in minimum wage eliminates jobs. Over a dozen recent economic studies have found that modest minimum wage has had an insignificant effect on unemployment levels and has boosted total worker income. Nine states currently have minimum wage levels higher than the Federal minimum wage, and in these States, increasing the minimum wage did not eliminate jobs.

A December Wall Street Journal poll found 75 percent of Americans support raising the minimum wage. To my colleagues, I say the message is clear, minimum wage earners can no longer make it on their salaries, 11 million Americans would get a pay raise if the minimum wage is increased to $5.15 an hour. A 90 cent per hour increase in the minimum wage means an additional $1,800 for a minimum wage earner who works full-time year around.

This is as much as the average American family spends on groceries over 9 months.

Five years ago this body voted to increase the minimum wage by a vote of 382 to 37. The large majority of Americans support it. It is time to raise the minimum wage.

ACCOMPLISHMENTS OF THE 104TH CONGRESS IN ITS FOURTH MONTH

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

Mr. EHLERS. Mr. Speaker, last month a very important event occurred. We passed a bill giving the President line-item veto authority. We hope this will also pass the Senate and be signed into law.

What is remarkable to me is the pace of what we have been doing in this Congress during the past month and the accomplishments we have made.

And those of you who know me well know I am not this sort of person who brags. In fact, I was born in Minnesota, just like Garrison Keillor, I am somewhat shy and humble. As Garrison Keillor does occasionally, I have to talk about what we do.

We are often criticized as being a do-nothing Congress. I would like to announce we now have a do-something Congress, and I have the figures to prove it, and in the words of the gentleman from Ohio [Mr. HOKE], who spoke a few moments ago, a can-do Congress.

If you look at what this Congress has accomplished in the first month compared to Congresses of the past dozen years, it is striking. The number of hours spent in session, the average for the past 12 years, 28, our Congress, 115, three times as much; number of votes on the House floor, 9.3 is the average of the past dozen years, this year 79, roughly eight times this many; number of committee and subcommittee sessions, average before, 25, this year 155, six times more; number of measures reported out of committee, the average, 1.6, this year, 14, about nine times more.

This Congress is not in the process of reinventing Government, to use that term that is often used. We have a new way of governing. We are getting things done. Not only have we passed a number of important measures such as the balanced budget amendment which Congresses have tried to pass for 40 years or the line-item veto which has been discussed for many years, we have also passed unfunded mandates reform which the States desperately want. We passed the Congressional Accountability Act which applies many of the work place laws to Congress itself. Previous Congresses have exempted themselves.

I think what is even more striking are the internal reforms that we have accomplished, many of which were done the first day of Congress. We have eliminated proxy voting which I felt was an abominable practice. We have cut committee staff by one-third. We have reduced the number of committees and subcommittees.

And I wish all the people in this land could walk through the basement corridors of the Cannon Building and some of the other buildings and see the dozens and dozens of desks lining the walls in the corridor, the hundreds and hundreds of file cabinets that are there and will be auctioned off because they are no longer needed. The staff that used those desks and those file cabinets are no longer here. Congress truly has cut back, and I hope that trend continues.

I think we have to have many cuts in the budget of this Nation, but we have to start with ourselves first, and we have done that.

We have open committee hearings to the public, and we have made dozens of other changes in reforming the way Congress operates, even on such mundane matters as parking. It was discovered that some lobbyists had been given parking privileges in the parking garages here in our buildings, and that has been stopped. Providing parking for partisan political organizations has been stopped.

What I want all of us to recognize and to appreciate and in fact celebrate, is that we are governing in a different way, and the people of this Nation have responded.

Last year the favorable rating of Congress was about 14 percent. It is now almost 50 percent. We have really made progress in changing things, and the public is responding and saying, "Go on. That is what we like. Keep it up."

Now, I do want to warn the people of this Nation that these cuts we imposed on ourselves, as I said a moment ago, are a precursor of what we will be doing to the entire budget, and no one likes to have their part of the budget cut, but everyone is going to have to share the pain, because the people of this Nation have said, "Enough, we want our budget balanced. We want our taxes to be reasonable. We want our country to go forward and operate the way we have to operate our families and stay within our income."

This Congress has pledged to do that.

INTRODUCTION OF LEGISLATION CONCERNING MEXICAN RESCUE PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized during morning business for 3 minutes.

Ms. KAPTUR. Mr. Speaker, in order for Congress to begin to fulfill our duty under our Constitution regarding the Mexican rescue package, my colleagues and I have introduced a privileged resolution, House Resolution 57. This resolution will be brought up today under special parliamentary procedure after the 1-minute session and the Journal vote this morning.

Our resolution does two things: It reasserts Congress constitutional authority in regard to the purse strings of this Nation, and it also asks the Comptroller General of the United States to report back to the Congress within 7 days on how our tax dollars are being used.

Four men in this Congress and one in the White House do not a republic make. Our bipartisan resolution speaks on behalf of the vast majority of American taxpayers who have clearly said to us that they do not want their money put at risk to ensure a foreign nation nor its creditors.

We were told NAFTA would not result in a great sucking sound. Well, it

has not only resulted in a sucking sound of jobs, but now also our taxpayer dollars. To the unilateral actions of the administration in concert with four men here in the Congress, the American people have been denied their just voice on such a consequential matter.

Our Government is not a monarchy. It is not a parliament. We are not here to approve what the Executive does. This legislative branch has equal powers in the law.

Let me read you two sections of the U.S. Constitution which pertain to the powers of Congress in this regard; under article I, section 9, the Constitution states, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." And under article I, section 8, the Constitution states, "Congress has the power," and I underline Congress, "to pay the debts and provide for the general welfare of the United States, to borrow money on the credit of the United States, to regulate commerce with foreign nations, and to coin money, regulate the value thereof, and of foreign coin."

As is evident in this reading, the administration's recent decision to extend United States taxpayer funds to the Mexican Government and its Wall Street creditors without a vote of Congress is a direct violation of the spirit and letter of our United States Constitution. Where in the Constitution does it say that the executive branch has the sole power to create new money and use that money to fund a multibillion-dollar back door foreign aid program for Mexico without the approval of this Congress? Where in the Constitution does it give the executive power to make U.S. taxpayers liable for the mistakes and machinations of a foreign government and its rich U.S. speculators from the United States who went south in search of quick profits?

Today vote for House Resolution 57. Reassert Congress' proper duty and obligation.

□ 1015

PRESIDENT'S BUDGET DOA, DEVOID OF ACCOUNTABILITY

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. HORN] is recognized during morning business for 3 minutes.

Mr. HORN. Mr. Speaker, when Democrats controlled this Chamber and Republicans were in the White House, the budgets submitted by Republican Presidents were always considered DOA, dead on arrival.

Well, we Republicans who are now in the majority will not follow that tradition. We will take a good, hard look at what the President proposes, and where we find common ground, we will work with him. But it is clear that the President's budget is not nearly as aggressive as it should be in reducing the size and the power of the Federal Government.

The few cuts that are there are halfhearted, and spending is still going up too rapidly. In fact, this budget calls for a $50 billion increase in spending from the current budget.

So much for leadership. The Wall Street Journal reported that the budget "makes little further progress in reducing the deficit." So much for leadership.

The paper reports that the President's game plan is to let Republicans make the hard decisions. This is not Presidential leadership; it is Presidential abdication.

You know, come to think of it, maybe the President's budget is DOA. But that is not dead on arrival, that is devoid of accountability.

THE $50,000 TAX DEDUCTIBLE DINNERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I come to the well to speak about something that troubles me a lot. I spent 3 years of my life, and I must say they were miserable years, studying the Tax Code when I was in law school. And the one thing that was very clear in our Tax Code was you did not get a charitable deduction for political donations. If you gave to charity, fine, you got a charitable deduction. But if you gave to politics, you did not get one.

I think most of us as Americans think that that is the way it should be. But we are in interesting times, very interesting times. We have a new Speaker who has found ways to stretch these things, and tonight we have a very interesting occasion going on, showing how these bright lines are being blurred more and more.

If you saw the Chicago Tribune today, they are mentioning the Speaker's dinner tonight, which will cost $50,000 a plate—$50,000 a plate. But unlike a normal political contribution, $19,800 will be tax deductible.

Now, what is this dinner about and how do you get the tax deduction? Well, you get the tax deduction because they are saying it goes to a nonprofit organization. But that organization happens to be the Speaker's television network called National Empowerment Television. And what is it? It does not even pretend to have balance. It does not even pretend to present both sides. It presents NEWT's views 24 hours a day. I do not think NEWT's views qualifies as news all the time, and I do not think that is what the Tax Code was meant to back.

So you see, now really an indirect taxpayer subsidy is going to this television thing that is absolutely nothing but broadcasts of whatever they want to put on. That looks terribly political, and I think is terribly political.

At the very same time you see them taking on public television, which is a different kind of direct subsidy which does attempt to be balanced and does let everybody on.

Now, is it not interesting? While you hear they don't want taxpayer subsidies of that, they are perfectly willing to craft these dinners that only let in people from a certain strata of society. Believe me, to pay $50,000 for a dinner you have got to come from a lot wealthier background than I do in my district. You get a House for $50,000. Nobody would ever think of paying $50,000 for a dinner.

Also think about if you are an average tipper like I am and you did a 20-percent tip. A tip on that $50,000 dinner would equal what the average minimum wage earner earns in a year. Just think, one tip on one dinner, one night, equals what a minimum wage earner makes for a year.

I mean, what is going on here? This is one of the things that many of us on this side are very troubled about. I was pleased to see that Time magazine is also getting troubled about it. Time magazine has an excellent article this week called "Newt, Inc." I hope everybody reads it, because it lays out many of the interesting ways the Speaker has been able to spread his tentacles out to control all these different ways of access to public information, shut off those who are not with him, find novel ways for people to be able to deduct it, and really march forward.

That does not look like the democracy I knew. The democracy I knew was one where everybody had an equal weighted voice and everybody's vote counted equally. I just do not see why we should be doing taxpayer subsidies of this type of occasion, and I do not see how in the world you can ever pretend that everybody's voice is going to be weighted equally, if you cannot get access to the TV stations that the taxpayers indirectly subsidize, nor can you buy the ticket to the dinner which the taxpayers are indirectly subsidizing.

So I think we have to pose some very serious questions to the Internal Revenue Service, and we have to look at all these different stretchings of the law. There is absolutely no question what the spirit of the law is. I think that we should not be stretching the spirit, but instead we should be upholding the spirit of the law in this body.

INCREASE THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas [Mr. GENE GREEN] is recognized during morning business for 3 minutes.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the minimum wage was increased 4 years ago. However, the purchasing power of that same $4.25 has declined 40 percent due to inflation. A recent study shows that in 1968 the minimum wage had a purchasing power in 1995 dollars of $6.49. There are arguments on both sides of this issue but allowing working Americans to work for a living wage is the best method to reform welfare.

If a worker puts in 40 hours a week, 52 weeks a year, their gross wage is just over $8,800. For an average family in the 29th Congressional District of Texas which I represent they will be over $3,500 below the poverty line. Add the maximum earned income tax credit and that family will be $400 under the poverty line and eligible for welfare under many programs.

However, this same family, with a minimum wage increase to $5.15 and their maximum earned income tax credit, will now be above the poverty level and will no longer have to be on welfare. If the Members on the other side wish to save on welfare, and wish people to work, increase the minimum wage so full-time workers will not be eligible for welfare.

The myth that the minimum wage is only paid to teenagers does not fit with the fact that over half of the minimum wage earners are 26 or older. Congress must act and allow working Americans to earn a living wage.

My Republican colleagues talk about "me-too-ism" from the White House on Republican proposals. My Republican colleagues should develop me-too-ism on reducing welfare by paying an increase in the minimum wage—me-too-ism is bipartisanship working. Let us see it work for working Americans.

GIVE WORKING AMERICANS A BREAK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 2 minutes.

Mr. BONIOR. Mr. Speaker, let me see if I get this straight: First the Republicans said we cannot raise the minimum wage because it would cost jobs. Well, that argument did not fly. We know that from the studies that have been done recently between New Jersey and Pennsylvania and New York, where those establishments along the border that did raise the minimum wage actually found increased employment. That argument did not fly.

So next the Speaker said we cannot raise the minimum wage because of the crisis in Mexico, as if 58 cents an hour should be our benchmark. That our wages in this country should be tagged to those in Mexico. That did not fly.

So now the Senate majority leader says that the only way we can raise the minimum wage is if we cut taxes on the wealthy investors first. The Republicans say that the only way we can help people who earn $9,000 a year is by cutting taxes on those who make $9,000 a day.

Mr. Speaker, give me a break. If the Republicans want to help their wealthy friends, fine. But we are not going to let you do it on the backs of working families in this country. It is time we give working Americans a break, not just the wealthiest in our society.

I urge my colleagues to support the minimum wage, which is a just, living wage, which will move people to work, off welfare, and give them the wherewithal and the sustenance and a living wage to care for their families and to move up into the middle class, where they can hopefully enjoy a better future for themselves and their family.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, in this moment of stillness, before the work of this day begins, we first acknowledge our daily dependency upon Your grace and Your care.

We seek guidance when we could so easily be led of the course of justice for all,

We ask for wisdom when our decisions could so quickly be driven by selfish desires,

We plead for mercy when our petty jealousies have caused a wedge to be driven between ourselves and others,

And, we pray for courage when, with feeble heart, we might easily give in to goals that are less than the best for our neighbors.

Oh God, in these words and for these moments, let us all be reminded again of Your presence with us and our responsibility to You,

And may our words and actions this day serve more Your majestic will and purpose, than our fleeting wants and wishes. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. GUTIERREZ] lead the House in the Pledge of Allegiance?

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We did all this on the first day.

It goes on to state that in the first 100 days, we will vote on the following items:

A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this.

Yet to be accomplished:

A new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

PROPOSED SPECIAL FEES ON CARS AND PEDESTRIANS CROSSING UNITED STATES BORDERS

(Mr. LAFALCE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I can think of no proposal more objectionable to the people of western New York, no proposal more potentially harmful to the economy of western New York than the administration's budget proposal to initiate a $3 special fee on any vehicle entering the United States from Canada or Mexico, and $1.50 on any pedestrian coming into the United States.

Mr. Speaker, the whole purpose of the free-trade agreement between the United States and Canada was to facilitate the flow of people and products.

This runs contrary to that concept. The whole purpose of the free-trade agreement between the United States and Canada was to reduce and then eliminate all tariffs on products coming back and forth between our countries.

Now, the administration wants to impose a fee on people and their cars.

This cannot stand.

MY MISSION

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, 40 years ago, in College Station, TX—PHIL GRAMM country—I pinned on Air Force wings of silver. Forty years is a long time. When my dad was in his eighties, he said, "Son, your whole life will seem like 3 weeks when you get to my age."

I have reflected back over my life, and as awed and as humbled as I was by being elected to this great deliberative body in the bicentennial year, it was not the greatest event of my life. Those events are marriage, 5 children, 9 grandchildren. I proposed to my wife 40 years ago tomorrow night, after driving all night to get to California.

But the greatest event in my public life was these wings. Imagine serving with men, every one of them like JOHN GLENN, JOHN MCCAIN, PETE PETERSON, "DUKE" CUNNINGHAM, our own "Gary Cooper," SAM JOHNSON. I owe it to those men to go into the melee next week and explore things in Iowa and New Hampshire and at least South Carolina. Only God knows the outcome. But I am ready for what may be the toughest mission of my life. I do not know how far I will go, but I am going to give it a try.

A HIGHER MINIMUM WAGE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I know that to many Members of Congress, another 90 cents is nothing more than pocket change.

But to Americans making minimum wage it is not pocket change—it is real change.

A change from worrying about paying the rent, or food, or buying new shoes for their kids.

A change to a life with some economic security.

It amazes me that our opponents say "yes" to a book deal that is worth more than four and a quarter million, but "no" to anything over four and a quarter an hour for the people who will print, pack, ship, and sell that very book.

Well, I want to speak to everyone earning $4.25 today. If your wage is not $5.15 an hour when that book hits the shelves, I say, "don't buy it." Because I think our Speaker should read a book about the hopes and dreams of America's working families rather than the other way around.

So I say to our opponents—you defend your millions and we Democrats will defend ours. Your millions, of course, are the millions of dollars earned on a book, and our millions are the millions of Americans trying to earn a decent livable wage.

OLD SOLUTIONS TO NEW PROBLEMS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, as Republicans worked to pass an unfunded mandate reform bill last week, President Clinton worked to pass another unfunded mandate on our private sector.

Maybe I missed something, but I thought the election of last November was about change. So far this year, the only thing the Democrats have wanted to change is the subject.

From the balanced budget amendment to the line-item veto, the liberal Democrats have consistently supported the status quo. With the President's minimum wage proposal, they have reached back again to the past for an issue they hope will help them in the polls.

But the American people are no longer satisfied with old solutions to new problems. They do not want bigger government and bigger mandates. They want a more effective and more efficient federal Government.

I challenge the President to join Republicans in changing the way Government works. Let us work together to ease the regulatory burden on our small business. We worked together to pass a line-item veto. Mr. Speaker, I urge the President to stop changing the subject and work with Republicans in changing the Government.

□ 1110

NAFTA, 1 YEAR LATER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, NAFTA, 1 year later. Thirty-six thousand Americans have filed claims with the Labor Department. They lost their jobs due to NAFTA. That is right, and the list goes on. Woolrich up in Pennsylvania and Colorado, they laid off 450 workers, moved to Mexico, hired workers at $1 an hour. You have Magnatech in Indiana and Michigan. They moved to Mexico.

Tell me, Congress, how can American workers survive when American companies can move to Mexico, hire people at $1 an hour, have no IRS or EPA or OSHA to pay them a visit? Is it any wonder the American worker is fed up with Congress? A Congress that will take care of Russia, but forget about Rhode Island? A Congress that will take care of Kuwait, but forget about Kentucky? A Congress that will worry about Mexico and forget about Mississippi and Massachusetts?

Is it any wonder, Congress? Think about the American worker for a change.

THE PRESIDENT'S BUDGET

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the President's budget is a microcosm of his entire administration: too little, too late.

Sure, he has some spending cuts. But those cuts are not enough to satisfy the American people, or get the job done.

He may have sprinkled in a few tax cuts, but they are far too late for the middle class.

Mr. Speaker, the President's budget may not be dead on arrival, but it is on a respirator.

Republicans will take up many of the President's cuts, while adding billions more. And we will look carefully at his other proposals. But clearly, the President has not gotten the message of the last election.

We need a fundamental change in the Federal Government, not just tinkering around the edges.

With his budget, the President has offered only a modified status quo. For many of us that simply is not good enough.

THE $50,000 TAX DEDUCTIBLE DINNER

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

Mr. BONIOR. Mr. Speaker, the American people have a right to know—just who is coming to dinner tonight?

And what will they be getting in return for their $50,000 tax deductible contribution to Empowerment TV?

This is the same tax exempt TV network that carries Speaker GINGRICH's college course.

The same tax deductible course that is the core of the Speaker's soon-to-be-very-profitable book deal.

Mr. Speaker, these interlocking networks of special interests—multimillion dollar think tanks and political action committees, many of them subsidized at taxpayer expense for personal or partisan political gain—is casting a long ethnical cloud over this House.

Is it any wonder that Public Citizen, Common Cause, and others have joined the chorus calling for an independent, nonpartisan investigation into the ethical charges surrounding the Speaker?

It is time for an outside counsel to untangle this web.

THE PRESIDENT'S BUDGET

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is my hope that the more we delve into President Clinton's budget, the more we will find in it that we like and can support. As we heard already this morning, this budget will not be dead on arrival.

If the President has some good ideas that we can support while being consistent with our goal of smaller, less costly government, we will gladly incorporate some of his ideas into the budget.

But I have to say, Mr. Speaker, that upon initial examination the President's budget proposal is not very bold. In fact, it merely treads water.

Mr. Clinton constantly reminds us that he is the first President in memory to cut the deficit 3 years in a row. Well, that is a start, but it is not an end in itself. Under the President's own projections, the budget begins its upward path again next year.

We Republicans are committed to balancing the budget by the year 2002. If the President wants to help us, fine. But if he wants to remain wedded to the politics of the past, then we will act alone. However, one way or the other, rest assured, we will get the job done.

A $50,000 A PLATE FUNDRAISER

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, tonight National Empowerment Television, the taxpayer-subsidized station which broadcasts Speaker GINGRICH's college course, is holding a $50,000 a plate fundraiser. But it is the Speaker, not the filet mignon, that is the main course.

This lavish dinner speaks volumes about who Republicans represent. They are dining with the elite, at the same time Republicans are opposing a minimum wage increase for American workers. A full-time minimum wage worker would have to work 5¾ years to buy a seat at Mr. GINGRICH's table tonight.

Those lucky enough to have a spare fifty grand to buy a ticket for tonight's fundraiser will be rewarded with a nifty $19,800 tax break. You see, National Empowerment Television operates as a nonprofit, even though it is the only TV station devoted solely to a particular political ideology. Like tonight's dinner, this is another example of the commingling of politics and special interests that has led to the calls for an outside counsel to look into and investigate Mr. GINGRICH's political and financial dealings.

RESTORE THE RULE OF LAW TO SOCIETY

(Mr. MARTINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss a topic that this body will soon debate: crime reform.

Crime in this country has reached epidemic proportions. It is time we as a body get serious about restoring the rule of law to our society.

Alexander Bickel of Yale University once said:

> No society will long remain open and attached to peaceable politics and the decent and controlled use of public force if fear for personal safety is the ordinary experience for large numbers.

Yet sadly, today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives.

It is apparent that the debate over these crime bills embroils us in more than simply an exchange of competing partisan ideas.

The coming debates will engage us in a struggle that affects the very core and future of American society.

As the discussions begin, I urge my colleagues to take swift and strong action on behalf of the well-being and safety of a nation's people.

APPOINTMENT OF OUTSIDE COUNSEL NEEDED

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the clouds of scandal once again are gathering above the House of Representatives. The Wall Street Journal has been running daily accounts of the special favors that the contributors of GOPAC and the contributors to the Progress and Freedom Foundation that are controlled by the Speaker have sought and received.

According to the Wall Street Journal, 10 percent of the contributors to the Progress and Freedom Foundation are makers of drugs and medical devices, whom we now learn are the same people who have sought special legislation and are now seeking to gut the Food and Drug Administration. What we as Members of the House are witnessing is very strong suggestion that the House of Representatives is somehow for sale.

This cannot be allowed to stand. We as Members deserve better, and the people of this Nation deserve better. It is imperative that the House Committee on Ethics and its chair, the gentlewoman from Connecticut, NANCY JOHNSON, move to appoint outside counsel. Given the ramifications of these stories and the fact that GOPAC and the Progress and Freedom Foundation are controlled by the Speaker, the committee has no other choice. It owes it to the people of this Nation to do so, and I urge my colleagues to call upon the gentlewoman from Connecticut [Mrs. JOHNSON] to appoint outside counsel.

ANOTHER CONTRACT WITH AMERICA ITEM PASSES HOUSE

(Mr. KINGSTON asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, imagine going to the grocery store to buy your daily fruit, vegetables, and meat, and when you go through the counter the clerk reaches over and sticks some caviar in your grocery cart. And you say, "I don't want any caviar." And he says, "Tough, you want your meat and potatoes; you have to buy my caviar. And if get too sensitive, I am going to throw in some Twinkies."

Well, that is what the Congress has been doing to the American people and their President for too many years. But as of yesterday, with the passing of the line-item veto, we, the American people, can have our President stop it.

Item three on the Contract With America has now passed the House. Call your Senator, ask him or her to support the line-item veto, and then we can have that lean, green, grocery shopping machine that we all want. Cut out the fat, Mr. Speaker.

FUNDRAISING FOR NATIONAL EMPOWERMENT TELEVISION

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, tonight the Speaker of the House is the special host of a dinner to benefit National Empowerment Television, a radical right-wing TV station devoted solely to espouse reactionary views over the airways 24 hours a day. It is appalling that there is a TV station designed not to be objective, but to brainwash, and to boot it is tax deductible.

Just as appalling is the price tag for the dinner, $50,000 a plate.

What do you they serve at a $50,000-a-plate dinner? First is access, a chance to rub elbows with the Speaker; second, and just as outrageous, a huge taxpayer subsidy. That is right. Unlike meals most working Americans eat, this one comes with a special $19,800 tax break. About a dozen people are attending the dinner, for a total tax break of $237,600, enough money for 21,000 meals-on-wheels for the elderly.

□ 1120

By the way, if you are working for the minimum wage, it will take you 5 years, 45 weeks, 4 days, 2 hours and 33 minutes to pay for this one dinner. I guess that dinner will be served in the year 2000 on December 22. The fundraiser is wrong. The price tag is way out of line. The TV station is bizarre and the taxpayer subsidy is a disgrace.

MINIMUM WAGE

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, in his State of the Union Address, President Clinton made the point that a Member of Congress earns more in a month that a minimum-wage worker earns in a year. Well, perhaps a more interesting statistic is the Federal Government spends more in less than 4 days than all the 3.5 million minimum-wage earners make in a full year. Yet in his new budget, the President proposes that we spend $50 billion more next year than this year, $50 billion we do not have.

While the President has taken some small, positive steps, it is clear he is not up to making the tough decisions on the budget. So we in Congress, yesterday, voted to give the President a new tool, the line-item veto. We would like to have the President as a partner, but we are prepared to go it alone in balancing the budget.

We are going to improve the lot of minimum-wage earners and middle-income Americans and the best way to do it is to get the Federal budget under control and grow the economy.

Our Contract With America will do precisely that by lowering taxes, reducing Federal regulation and Government spending and increasing incentives for work and investment. The results will be a balanced budget by the year 2002, the sooner, the better.

SPECIAL INTERESTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, to anyone who is wondering why Public Citizen, Common Cause, and almost every other good Government group I know and many others are calling for outside counsel to investigate the growing array of special interest connections that are alleged to be gathering at the Speaker's doorstep, watch tonight. Because tonight lifestyles of the rich and famous come to Washington.

Yes, for $50,000 you can get a dinner. Well, the steak better be good. Yes, you can get a dinner, but you can also get access. And that dinner can be publicly subsidized because you as a taxpayer are going to pay $19,800 for that dinner. So if you are outraged by that dinner, think about it. Especially on the very same day the Speaker is quoted in the Washington Post as saying public high school is nothing but publicly subsidized dating.

Please, what is wrong? Let us get on with an outside counsel and get this cleared up.

THE CRIME BILL

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

Mr. WHITE. Mr. Speaker, I have looked forward to this moment for a long time. These are my first remarks on the floor of the House.

I have waited for this moment for an important reason. The crime bill that we are about to consider this week is one of the most important things that this Congress will do in the entire 2 years we are here.

I have said many times that the crime bill that passed last year was not an example of everything that is wrong with Congress. It was directed at an important national problem, but it did not solve that problem. It spread social spending out in every congressional district, a little bit of pork for every Congressman. It was the worst tradition of politics as usual.

This year we are going to be different. This year's bill focuses on what the Federal Government can do to solve the crime problem, including building more prisons, changing some of our procedural rules, and sending the responsibility back to the local governments to decide what to do.

Mr. Speaker, I am proud to be here. I am proud of this Congress. And I look forward to dealing with this crime bill over the next week.

THE MINIMUM WAGE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, the distance between low- and high-income families is growing. We must act now to close that gap. If we do not act, the cost of basic necessities—housing, food, and clothing—may be unaffordable for these families. Those costs are rising. Earnings for low-income families are falling. An increase in the minimum wage, as proposed by the President, will help to close the gap. With no minimum wage increase, those with little money end up with less money.

An increase in the minimum wage will not provide plenty, but it can raise working families out of poverty. In 1993, high-income families averaged $104,616 in earnings. Low-income families averaged $12,964. Between 1980 and 1992, income for the top 20 percent in America increased by 16 percent while income for the bottom 20 percent decreased by 7 percent. An increase in the minimum wage will help low-income families, but it will not hurt high-income families. The growing income gap hurts the economy. The best welfare reform is minimum wage reform. Low-income workers are helped. The economy is helped. No one is hurt. If we want to help people, we should help them and not hurt them.

PUT TEETH BACK IN THE CRIME BILL

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

Mr. HOKE. Mr. Speaker, when the Democrats passed their soft-on-crime bill last year, we were assured that it would be tough on criminals and attack crime's root causes. But once the American people learned what it was—dance classes and midnight basketball, what they called hugs for thugs—they issued a very different verdict at the polls. They said the Democrat crime bill was guilty of being pollyannaish, that it coddled criminals instead of incarcerating them, and they said, "We want our streets back. We want the criminal justice system to act as a deterrent. We believe that you have got to catch, convict, and confine. That is what criminal justice is all about."

When we take up the crime bill today, we are going to put some real teeth back into it and give our police and prosecutors the tools that they need to do their job effectively. We are going to stop frivolous appeals. We are going to end the practice of letting criminals off on technicalities and build more prisons to keep them off the streets.

Our Constitution demands that we ensure domestic tranquility, a duty that we have been failing at recently. That changes, starting today.

SUPPORT OUR AFFIRMATIVE ACTION LAWS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I rise to express my strong support for the affirmative action laws of the United States. Within the last two decades, affirmative action has been the primary tool that has allowed minority and women workers to break through the many barriers of employment discrimination.

Despite the steps our Nation has taken to move forward in the area of affirmative action, we are now faced with a new onslaught on civil rights, as evidenced by the recent statements of a Republican Senate leader. In a Washington Post article published yesterday, this Republican Senate leader is quoted as asserting that affirmative action has caused some Americans to "Have to pay" for discrimination practiced "before they were born." A congressional leader who opposes affirmative action should realize that jobs do not belong specifically to one race of people. Black Americans born in this country, also have a contract with America. That contract, by virtue of birth, is rooted in both the Constitution and the Declaration of Independence.

The truth of affirmative action programs is that they do not grant preferential treatment to selected Americans, but provide for a means of equal opportunity employment for all members of our society.

BIPARTISAN COOPERATION HELPS IN KEEPING PROMISES TO THE AMERICAN PEOPLE

(Ms. PRYCE asked and was given permission to address the House for 1 minute.)

Ms. PRYCE. Mr. Speaker, a few weeks ago in an historic and symbolic gesture the esteemed minority leader from Missouri passed the gavel onto the first Republican Speaker in 40 years announcing: "Let the great debate begin."

But a great debate there was not. For it seemed that when the Republicans wanted to change the way Congress works, the Democrats wanted to change the subject. When Republicans wanted to make Government leaner and less intrusive, Democrats seemed intent to use scare tactics and delaying maneuvers.

But Mr. Speaker, this past week or two were different and for the third time in about the same period, the American people won. Casting politics aside and placing the American people first, we together have now passed a balanced budget amendment, unfunded mandate reform, and a line-item veto.

Mr. Speaker, we are now on a roll. There is a renewed spirit of reform and fiscal restraint in this great body of the people. I look forward to even more bipartisan cooperation in our goal to keep our promises to the American people.

□ 1130

URGING CONGRESS TO PASS THE MODEST INCREASE IN THE MINIMUM WAGE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, our Republican friends support a tax cut for wealthy Americans earning more than $200,000 a year, but they will not support a raise in the minimum wage for people who want to work and not collect welfare.

If we truly want to move people off public assistance, we must make work more attractive than welfare. We ought not be deceived by those who say the minimum wage is only being paid to teenagers from well-off families. Two-thirds of minimum wage workers are adults over the age of 21, many of whom bring home at least half their family's income.

Let us look at the choices faced by a single mother living at the poverty level. If she goes on welfare, she can get comprehensive health care and a monthly check from the government. If she goes to work at a minimum wage job, she earns only $8,500 a year, and her family loses her health coverage. She must find a way to care for her children while she is at work. That is not much of a choice. Mark my words, Mr. Speaker, tossing people off welfare will not make these dilemmas magically disappear.

The minimum wage is an important piece of the effort to raise the living standards for all Americans. We started on the right path last year when we voted to expand the earned income tax credit. Let us raise the minimum wage.

COMPENSATION FOR VICTIMS OF CRIME SHOULD BE A BIPARTISAN CONCERN

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, today this House will begin debate on the Victim's Restitution Act of 1995.

While there may be honest points of disagreement in subsequent consideration of habeas corpus reform, restrictions on the exclusionary rule and the death penalty, there should be no difficulty in recognizing the absolute need within our justice system to compensate victims of crime for the horrors visited upon them by those who cannot abide by society's rules.

In my tenure as a county prosecutor, the most commonly heard complaint by victims of crime was that their voices and their rights were the only absent parties from the criminal justice equation.

The people are represented by the D.A.; the defendant had his high-priced or taxpayer-supported mouthpiece—but the victim, like the cheese in the children's rhyme "The Farmer in the Dell"—stands alone.

And although financial recompense cannot replace the loss of personal security one suffers at the hands of the criminal, it is wholly appropriate that the wrongdoers pay in many ways for their inability to conform their behavior to socially acceptable standards.

It has become commonplace for the pendulum to swing back and forth between protection of society and protection of defendants' due process guarantees. Today it is time it swings toward victim's rights—and after today, the victims of crime will no longer stand alone.

CALLING FOR OUTSIDE COUNSEL TO HELP THE ETHICS COMMITTEE

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, on May 26, 1988, a Member of this House said: "I believe that honesty and accountability lie at the heart of self-government and freedom. Without integrity, our free institutions cannot survive." I could not agree more.

Mr. Speaker, on that same day, that same Member said: "Recently the weight of evidence has grown so large that Common Cause has called for an investigation." That Member was NEWT GINGRICH. While Speaker GINGRICH and I may not agree on much in the 104th Congress, I certainly agree with what he said then.

I join Common Cause in calling for an outside ethics adviser to help the Ethics Committee.

As Speaker GINGRICH said in 1988: "I think there is a different standard for being Speaker." I agree.

As the Speaker himself said, we need an outside counsel.

THE EXCLUSIONARY RULE REFORM ACT WILL HELP REDUCE CRIME

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. We have all heard stories about suspected criminals that have had their cases dropped due to illegal searches. I, like all Americans, believe strongly in the fourth amendment which bans unreasonable search and seizures. However, the number of dismissed cases is on the increase.

We have police officers risking their lives each and every day to put these criminals behind bars only to later have the criminals released on a technicality.

Under current law, judges must ignore evidence which was gathered illegally based on present interpretation, even when police thought they were acting legally. This must stop. We cannot allow criminals to control us.

The Exclusionary Rule Reform Act allows a good faith exception to be adopted. It ensures that violent criminals will not be released on a technicality if a search or seizure was conducted in good faith. People are tired and fed up with the justice system.

Let us give the people a sense of security and pass H.R. 666. The police desperately need this help in fighting crime. The American people are demanding help from elected officials in reducing crime.

HONOR THE BIRMINGHAM BLACK BARONS AND THE NEGRO BASEBALL LEAGUES

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, during segregation, blacks were excluded from organized baseball. To play baseball, black players and supporters organized the Negro Leagues. These leagues not only gave black players an opportunity to play, but they were an important part of the social life of the community.

The Birmingham Black Barons was one of the founding teams in the Negro Southern League. They often drew larger crowds than white teams which played in the same park. Their games often featured such promotions as dance contests, beauty pageants, and visiting celebrities like Lena Horne and Lionel Hampton. The Black Barons produced players such as Willie Mays and Satchel Paige, who later had prominent careers in organized baseball, when the barriers against black players were lowered.

The Birmingham Public Library is honoring players from the Birmingham Black Barons and other Negro League teams on Thursday night. At this time I would like to honor the following players: Mr. Pat Patterson, Mr. Willie Young, Mr. Eugene Williams, Mr. Norman Lumpkin, Mr. Verdell "Lefty" Mathis, Mr. Joe Scott, Mr. Sherwood "Chet" Brewer, Mr. Sammy Haynes, Mr. Frank King, Mr. James Zapp, Mr. James "Fireball" Bolden, Mr. Tommy Sampson, Mr. Cecil Witt, Mr. Ralph Johnson, Mr. Arthur Hamilton, Mr. John Kennedy, Mr. Anthony Lloyd, Mr. Johnnie Cowan, Mr. Bob Hayden, Mr. Carl Holden, Mr. James Norman, Mr. William Davis, Mr. Harold Hair, Mr. Willie Sims, Mr. Ralph Johnson, Mr. Louis Gillis, Mr. Carl Holden, Mr. Nathaniel Pollard, Mr. Joe B. Scott, Mr. Otha Bailey, Mr. Lyman Bostock, Mr. William "Cap" Brown, Mr. Lorenzo (Piper) Davis, Mr. Frank Evans, Rev. William Greason, Mr. Wiley Griggs, Mr. Raymond Haggins, Mr. Sam Hairston, Mr. Willie Harris, Mr. James "Sap" Evory, Mr. Willie Lee, Mr. Jesse Mitchell, Mr. John Mitchell, Mr. Wiliam Powell, Mr. Eugene Scruggs, Mr. Freddie Shepard, Mr. Willie Young, and Mr. Harry "Mooch" Barnes.

We are honoring only a few of the pioneers, but the others are not forgotten. Their contributions added immensely to the joys, pleasures and "good times" of a disenfranchised people at a difficult time in their lives. The work of each one of them shall be etched in the history of a people struggling to be free. This insertion into the CONGRESSIONAL RECORD ensures them that a record of their part in making America free, shall be preserved as long as this country exists.

May we play the game of life as honorably as they played the game of baseball.

KEVORKIAN (DEAD ON ARRIVAL) ACCOUNTING IN PRESIDENT CLINTON'S BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Wall Street Journal's editorial page says it all, calling Clinton's budget Kevorkian accounting. It is dead on arrival.

Did the President's budget show leadership? I do not think so. Courageous? Not. Again, quoting the Wall Street Journal, "Mr. Clinton's budget is essentially a defense of the status quo."

Mr. Speaker, we were not elected to this great body to defend the status quo. We were elected to this great body to reform Congress, to get this Nation's financial house in order, and to make Government leaner and less intrusive.

We have made great progress, passing a balanced budget amendment, unfunded mandate reform, and just yesterday the line-item veto. Despite our President, who has taken a walk with his budget presentation, we will make the tough choices which will lead to a balanced budget.

For the sake of our children and our children's children, we must not fail. We must show the courage and leadership to balance the budget.

CALLING FOR A TRUE OUTSIDE COUNSEL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, what does the Speaker's dinner tonight, called Dining for Dollars, the minimum wage, and the outside counsel, have in common? It is a $50,000-a-plate dinner on which there will be a $19,000 tax break for everyone attending, which, incidentally, will pay the total wage for two minimum wage earners, the waiters, valets, car parkers, and so on, who will be waiting on those people, and incidentally, those wage earners will have trouble going to McDonald's to get the same tax break.

It all raises questions of access. I want to suggest a show for the new National Empowerment Network. Legal shows are popular. This will focus on questions such as media tycoons who have matters before Federal agencies and book deals with high congressional officials.

It can focus on political action committees that will not release the contributors before January 1. It can probe all types of questions of access. However, Mr. Speaker, we ought to take this show for the outside counsel out of Congress and get it where it belongs, in the public and with a true outside counsel.

APPLAUDING EMPLOYEES OF THE KENNEDY SPACE CENTER ON A REMARKABLE SPACE SHUTTLE MISSION

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, right now, the shuttle *Discovery* is orbiting 170 miles above, on a remarkable mission.

This shuttle mission, commanded by James Wetherbee is a mission of firsts.

Yesterday we witnessed a historic event: the rendezvous with the Russian space station *Mir*.

The shuttle *Discovery* maneuvered within 44 feet of the Russian space station.

This was a major effort of two former enemies, with different languages, cultures, and technologies, working together in peaceful cooperation.

This cooperation gives us great hope for the continued success of the U.S.-led international space station.

□ 1140

On board the space shuttle is Eileen Collins, the first woman to pilot a space shuttle mission. She is joined by the second Russian cosmonaut to fly aboard a United States space shuttle, Vladimir Titov.

Mr. Speaker, I salute and applaud the employees of Kennedy Space Station as well as Johnson in support of this remarkable shuttle mission.

WHAT A DINNER

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

Mr. LEWIS of Georgia. Mr. Speaker, tonight the taxpayers are going to dinner with Speaker GINGRICH.

Tonight a dozen high rollers will sit down to dine with the Speaker and hand over $50,000 checks for his radical right wing television station. In the process, each attendee will get a tax write-off of almost $20,000. That is almost $240,000 of our tax dollars going to support the radical right wing agenda.

This is the same Speaker who refuses to release the names of the contributors to his personal political machine GOPAC. The same Speaker who, according to the Atlanta Constitution, accepted almost $715,000 from one couple for GOPAC and hundreds of thousands of dollars from other individuals.

A television station, a political organization, a foundation, even a $4.5 million book deal. It is amazing Speaker GINGRICH has any time at all to be Speaker of the House.

Too many ethical questions have been raised about this Speaker. We need an outside counsel to clear the air, to find the truth, and we need one now.

PRESERVE THE CONSTITUTIONAL ROLE OF THE HOUSE FOR EXPENDITURES OF PUBLIC MONEY

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the American people and the Congress oppose the Mexican bailout, yet some power brokers in New York and in the executive branch seem to think they own the U.S. Government, and they have decided that the taxpayers are going to bail out Mexico anyway.

Using our own exchange stabilization funds to rescue Mexico from default is the equivalent of selling our own car insurance so that we can pay for the insurance of an irresponsible neighbor who cannot get insurance of his own because his driving record is so bad, and this arrangement may work as long as we do not have an accident.

In this situation, our greatest chance of an accident is being hit by our irresponsible neighbor.

This bailout for Wall Street and the elite in Mexico is putting our people at risk. What happens then to our own currency if there is an emergency and our stabilization fund is empty?

It is a travesty and a crime against our own people to do this. The administration must be held accountable to the Congress and the American people.

Please, support, I ask my colleagues, support the Kaptur-Taylor privileged resolution to stop this crime.

GINGRICH AFFAIRS REQUIRE OUTSIDE COUNSEL

(Mr. BRYANT of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, the $57,000-per-seat private dinner whereby the Speaker of the House is raising money for his new right-wing television network is the latest in a long series of questionable activities that require the investigation by an outside counsel.

Most Members of Congress, like the American people, are inclined to take their colleagues and fellow Americans at their word, but on the questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as those raised about the complicated affairs of House Speaker NEWT GINGRICH, an independent review by an outside counsel is essential. It is in the Speaker's interest as well as the House's interest and the American people's to see to it that allegations against him of conflict of interest and inappropriate behavior are settled.

The person that holds the office third in line to the Presidency should be above reproach, and serious allegations about the activities of the Speaker of the House demand swift, deliberate, nonpartisan, and above all, independent investigation by an outside counsel.

Mr. Speaker, it is time for an outside counsel.

THE MEXICAN BAILOUT: VOTE FOR THE RIGHT TO KNOW

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today the House will vote on House Resolution 57, a privileged resolution to assert Congress' constitutional duty to vote on the expenditure of our taxpayer dollars regarding the recent Mexico rescue package. The resolution will require the Comptroller General to perform an audit of the Mexican rescue package and report back to the Congress within 7 days.

One man in the White House, one Speaker and three other men here in Congress do not a republic make.

We ask the Speaker to grant our privileged resolution the right of full debate.

Authorizing billions of dollars without a vote of this Congress is wrong. Vote for your right to know. Vote for our people's right to know, vote for our taxpayers' right to know, vote for House Resolution 57, and vote "no" on any motions to table this bill.

SUPPORT AN INCREASE IN THE MINIMUM WAGE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, on November 1, 1989, 135 Republicans voted with the Democrats in passing a 90-cent increase in the minimum wage. The vote of this body was 382 to 37.

On that day, Democrats and Republicans joined together in raising the standard of living for nearly 5 million American workers. On that day our former Republican colleague, Tom Ridge, now the Governor of Pennsylvania, spoke very eloquently when he said, "Republicans and Democrats today must make a joint statement that we, as elective Representatives, appreciate the contribution that these working men and women are making to our country, and once we peel away the political debate," Governor Ridge said, "what Republicans and Democrats should join together in saying is that there is considerable value to their work."

Governor Ridge had it right, Mr. Speaker. This proposal that we have before us now, another 90-cent increase, is a modest increase that working people need and deserve. It is a tribute to their labor.

An increase in the minimum wage will primarily benefit adult workers, many of whom rely on their minimum wage to support their households.

REPUBLICAN MAJORITY IS PRODUCING REAL RESULTS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, one more contract item down. Yesterday, we passed the line-item veto, and it joins the ranks with congressional reform, unfunded mandate reform, and a balanced budget amendment as those items in the Contract With America that we have passed. We are keeping our promises with the American people to bring real change to Congress.

Now we will move on to a real crime bill that seriously deals with violent criminals after that, we will continue to work on welfare reform, legal reform, tax cuts for middle-income Americans, term limits, and national security legislation.

Mr. Speaker, we committed to completing our Contract With America agenda within the 100-day timeframe. We are restoring credibility to this institution by keeping our promises with the American people. The Republican majority is producing real results.

MAJORITY OF AMERICANS SUPPORT AN INCREASE IN THE MINIMUM WAGE

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

Mr. FATTAH. Mr. Speaker, I come today just to take this 1 minute to talk

to my fellow colleagues here in the Congress and to all those who listen out in the heartland of our Nation about the desire now among many of our leaders to raise the minimum wage.

The President of the United States and many Members of this Congress and the vast majority of Americans want to see the minimum wage increased. Now we have heard from the majority that they passed a balanced budget amendment because the majority of the people in our country want that to be passed, and the line-item veto and on and on and on about how this is the people's House, and they are doing what the people want done.

Well, the vast overwhelming majority of Americans have now made it known that they would like to see the minimum wage raised, and so that you do not appear to be contradicting yourself, I would ask that the majority join with us as we seek a small 90-cent increase over 2 years for the minimum wage for millions of Americans who deserve to have their work rewarded.

$4.25 AN HOUR IS NOT A LIVING WAGE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, there is an ever-growing empire lurking on Capitol Hill called Newt, Inc.

While Big Bird, school lunches, and the handicapped face savage cuts this year, that new empowerment television will host an obscene $50,000-a-plate tax deductible dinner this evening. While the rich and powerful escape paying taxes, this new empowerment television will propagandize to the poor and working people of this country that $4.25 is more than enough on which to live.

□ 1150

Moreover, with in-kind GOPAC contributions, a questionable book deal, and the phenomenal group of Newt, Inc., an outside counsel is required.

Mr. Speaker, there is something rotten in Washington, DC, and, "It ain't the cookie monster."

A VOTE TO CARRY OUT OUR CONSTITUTIONAL RESPONSIBILITIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, Members who do not want to be treated like mushrooms will come to the floor now to speak and vote in favor of House Resolution 57.

This is a critical question: What are the terms, the amounts, the conditions and, more to point, the constitutional authority to extend unlimited full faith and credit of the United States Treasury—that is, the funds of the taxpayers of this country—to a foreign power, Mexico? Do the elected Representatives of the people have a right to disclosure?

A vote for this resolution is a vote to carry out our constitutional responsibilities, our fiduciary responsibilities as caretakers of the public purse; a vote "no" is a vote to be treated like a mushroom kept in the dark and fed unsavory substances.

MORE THOUGHTS ON THE BAILOUT OF MEXICO

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, all over this country, working people and elderly people and those people who do not have a lot of money are wondering about what is going on in Washington with regard to the bailout of Mexico.

We have always been told that if people want to invest their money, especially making risky investments, sometimes you win but sometimes you lose.

Investors in Mexico over the last several years have received very high rates of return on their investment, and that is fine. But recently some of those investments have turned sour. It seems to me and, I believe, a majority of the Members of this House that the U.S. Congress and the taxpayers and the President and the Republican leadership should not be bailing out those investments.

Members of Congress demand the right to vote, to debate, to discuss, to learn about the bailout of Mexico. The gentleman from Mississippi [Mr. TAYLOR] will soon be introducing a privileged motion to begin that process.

I would urge our colleagues to support that motion.

CONGRESS SHOULD BE INVOLVED IN THE MEXICAN BAILOUT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I find myself at least in partial agreement with my Democrat colleagues. The stabilization fund that is being used by the President to help with the loan guarantee for Mexico is not for that purpose. That stabilization fund is to be used to stabilize and guarantee the value of the dollar, and I cannot fathom how using those funds to buy Mexican pesos, for instance, is going to stabilize the dollar when the peso is going straight down the toilet.

I would like to say to my colleagues that I think the Congress should be involved in this process, and I support their efforts to try to make sure that we are. When we are talking about $40 or $50 billion of American taxpayer dollars, the Congress should be involved, not just the President.

This is not a dictatorship. Unilateral action by the White House should not be tolerated.

INTRODUCTION OF HOUSE RESOLUTION 57

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to use this 1-minute to inform my colleagues that within a matter of minutes this House will be given the privilege that the President of the United States did not give us; and that is, to decide for ourselves whether or not we thought the Mexican bailout was a good idea.

The privileged motion that will be before the House in just a few minutes is to require the comptroller general to tell us if the law was obeyed when the President used $20 billion from the stabilization fund to bail out Mexico. It will further give us a report of all the transactions for the past 24 months so that we can have some sort of an idea if this is being done on a daily basis, has become a regular thing, or something of a one-time thing.

Getting to what the gentleman from Indiana [Mr. BURTON] said, there is a reason for getting this information. First, we have to isolate the problem so that later in this session we can offer a solution. And the solution to that should be that this fund, like every other fund in the budget, has to be appropriated.

Members of Congress have to know how much is in it, what are our risks, and there ought to be an up or down vote by this body as to whether or not this should exist.

First of all, we need the information to show the American people that the purpose of this fund has been abused.

ENSURING EXECUTIVE BRANCH ACCOUNTABILITY TO THE HOUSE IN EXPENDITURE OF PUBLIC MONEY

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a privileged resolution (H. Res. 57) to preserve the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the U.S. Government remains accountable to the House of Representatives for each expenditure of public money, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 57

Whereas rule IX of the Rules of the House of Representatives provides that questions of

privilege shall arise whenever the rights of the House collectively are affected;

Whereas, under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House;

Whereas section 8 of Article I of the Constitution vests in Congress the power to "coin money, regulate the value thereof, and of foreign coins";

Whereas section 9 of Article I of the Constitution provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law";

Whereas the President has recently sought the enactment of legislation to authorize the President to undertake efforts to support economic stability in Mexico and strengthen the Mexican peso;

Whereas the President announced on January 31, 1995, that actions are being taken to achieve the same result without the enactment of legislation by the Congress;

Whereas the obligation or expenditure of funds by the President without consideration by the House of Representatives of legislation to make appropriated funds available for obligation or expenditure in the manner proposed by the President raises grave questions concerning the prerogatives of the House and the integrity of the proceedings of the House;

Whereas the exchange stabilization fund was created by statute to stabilize the exchange value of the dollar and is also required by statute to be used in accordance with the obligations of the United States under the Articles of Agreement of the International Monetary Fund; and

Whereas the commitment of $20,000,000,000 of the resources of the exchange stabilization fund to Mexico by the President without congressional approval may jeopardize the ability of the fund to fulfill its statutory purposes: Now, therefore, be it

Resolved, That the Comptroller General of the United States shall prepare and transmit, within 7 days after the adoption of this resolution, a report to the House of Representatives containing the following:

(1) The opinion of the Comptroller General on whether any of the proposed actions of the President, as announced on January 31, 1995, to strengthen the Mexican peso and support economic stability in Mexico requires congressional authorization or appropriation.

(2) A detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President, or any officer or employee of the United States acting on behalf of the President, in connection with providing such support, including the terms which provide for collateral or other methods of assuring repayment of any outlays by the United States.

(3) An analysis of the resources which the International Monetary Fund has agreed to make available to strengthen the Mexican peso and support economic stability in Mexico, including—

(A) an identification of the percentage of such resources which are attributable to capital contributions by the United States to such Fund; and

(B) an analysis of the extent to which the Fund's participation in such efforts will likely require additional contributions by member states, including the United States, to the Fund in the future.

(4) An evaluation of the role played by the Bank for International Settlements in international efforts to strengthen the Mexican peso and support economic stability in Mexico and the extent of the financial exposure of the United States, including the Board of Governors of the Federal Reserve System, with respect to the Bank's activities.

(5) A detailed analysis of the relationships between the Bank for International Settlements and the Board of Governors of the Federal Reserve System and between the Bank and the Secretary of the Treasury, and the extent to which such relationships involve a financial commitment to the Bank or other members of the Bank, on the part of the United States, of public money or any other financial resources under the control of the Board of Governors of the Federal Reserve System.

(6) An accounting of fund flows, during the 24 months preceding the date of the adoption of this resolution, through the exchange stabilization fund established under section 5302 of title 31, United States Code, the manner in which amounts in the fund have been used domestically and internationally, and the extent to which the use of such amounts to strengthen the Mexican peso and support economic stability in Mexico represents a departure from the manner in which amounts in the fund have previously been used, including conventional uses such as short-term currency swaps to defend the dollar as compared to intermediate- and long-term loans and loan guarantees to foreign countries.

□ 1200

The SPEAKER. Does the gentleman from Mississippi [Mr. TAYLOR] wish to be heard briefly on whether the resolution constitutes a question of privilege?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

Mr. Speaker, in the past few days a dozen Members of Congress, ranking from people on the ideological right, like the gentleman from Kentucky [Mr. BUNNING] and the gentleman from California [Mr. HUNTER], all the way to people on the ideological left, like the gentleman from Vermont [Mr. SANDERS], have asked the question of whether or not the role of Congress has been shortchanged in the decision by the President to use this fund to guarantee the loans to Mexico.

We have come to the conclusion that it is privileged under the Rules of the House of Representatives, under rule IX, Questions of Privilege. It states, "Questions of privilege shall be first those affecting the House collectively." Obviously, the fact that every Member of this body was denied a vote on the matter is a matter of the House collectively.

Furthermore, in section 664 of rule IX, entitled "General Principles," as to the precedent of questions of privilege, it states that "As the business of the House began to increase, it was found necessary to give certain important matters a precedent by rule. Such matters were called privileged questions." Section 664 goes on and says, "Certain matters of business arising under the Constitution mandatory in nature have been held to have a privilege which superseded the rules establishing the order of business."

One provision of our Nation's Constitution that is most clearly mandatory in nature is article I, section 9, clause 7. It states, "No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Mr. Speaker, this Congress cannot stand idly by and avoid our constitutional duty, a duty mandatory in nature.

I request that the Chair rule immediately on this resolution, and in making that ruling abide by section 664 of rule IX, General Principles, as to precedents of question and privilege.

Once again, it states that "Certain matters of business arising under the provisions of the Constitution mandatory in nature have been held to have a privilege which has superseded the rules establishing the order of business."

Obviously, 31 U.S.C. 5302 is unconstitutional because it allows the executive branch to exercise powers exclusively given to the Congress in the Constitution. Therefore, it is a matter which directly affects a provision of the Constitution mandatory in nature. This resolution is therefore a privileged resolution as defined by rule IX of the House of Representatives.

Mr. Speaker, since there were a dozen cosponsors of this resolution, each of us with an equal input, I would like the Chair to oblige those other Members who would like to speak on the matter.

The SPEAKER. The Chair is willing to hear other Members. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I rise as an original sponsor of this legislation and in full support of our bipartisan efforts to get a vote on this very serious matter. Our resolution is very straightforward in attempting to reassert our rightful authority under the Constitution of the United States.

Our resolution simply requires that the Comptroller General report back to the Congress within 7 days, particularly with regard to a detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President or any officer or employee of the United States acting on behalf of the President.

This is not an insignificant amount of money. From our study of this particular section of the law that the President claims he used in presenting this particular arrangement for Mexico, never, never in the history of the United States has that fund been used to such a large extent, over $20 billion, and it appears to be growing as the days go on, and never for this particular purpose.

As one looks down the road at the conditions in Mexico and the fact that inflation is out of control——

The SPEAKER. If the Chair may interrupt, the Chair is recognizing the gentlewoman from Ohio for the purpose of explaining why the resolution is privileged, not for the purpose of explaining its merits. The only question at stake at the moment is whether or not this meets the test of being privileged.

Ms. KAPTUR. Mr. Speaker, let me say, is it the Chair's understanding that when any matter comes before the House for a vote, each Member's vote has equal value in standing? On any vote we might take?

The SPEAKER. The Chair will rule presently on the resolution under rule IX. The Chair at the moment is simply as a courtesy recognizing Members to explain why they believe it is a matter of privilege. The Chair will then rule on this resolution fitting into the rules of the House.

Ms. KAPTUR. We believe that this is a question of privilege of the House because of the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the U.S. Government remains accountable to the House for each such expenditure of public money.

The gentleman from Mississippi [Mr. TAYLOR] referenced the section of the Constitution, article I, section 9. Let me reference article I, section 8 of our Constitution to coin money, regulate the value thereof, and of foreign coins. We believe this is a matter that involves every single Member of the House of Representatives.

The SPEAKER. The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, it states, "Questions of privilege shall arise whenever the rights of the House collectively are affected," and, further to the point, "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

The issue is whether or not the authority previously extended by the House in a 1933 statute has been exceeded, and if it has been exceeded, then certainly the House is collectively affected, and most certainly we see a violation of section 9, article I of the Constitution.

Further, as the Speaker knows, appropriations are to originate in the House. In this instance we are dealing with large sums of money to be drawn on the U.S. Treasury which have not been appropriated by this House. So we feel that it is essential that the House assert its prerogative.

To tell the truth, Mr. Speaker, I do not believe we can come to a final and dispositive determination whether or not there is a violation of the constitutional prerogatives of the House unless we have these questions answered, and unless the resolution goes forward they will not be answered.

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The SPEAKER. The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, you and I or the President of the United States and I may disagree with the wisdom of the Mexican bailout, but I think very clearly the American people are wondering about what is happening to our Constitution and to the ability of Members of Congress to represent them.

Mr. Speaker, every single day Members come up here and they question this appropriation, whether this $50,000 is well spent, whether this $200 million is well spent. It seems to me that the people of Vermont and the people all across this country are wondering about the Constitution when we are talking about putting at risk $40 billion of taxpayers' money without serious discussion and debate on the floor of the House.

It seems to me what the Constitution is about is that if the Members of the House and if the Members of the Senate want to approve this $40 billion bailout, OK. But it is incomprehensible, and it seems to me unconstitutional, that that bailout can take place without debate, without discussions, and without a vote.

So, Mr. Speaker, I very much support this privileged resolution, and hope that the Members will vote for it.

The SPEAKER. Having heard now from five Members, the Chair is prepared to rule on this. The Chair would first of all point out that the question before the House right now is not a matter of the wisdom of assistance to Mexico, nor is the question before the House right now a question of whether or not the Congress should act, nor is what is before the House a question of whether or not this would be an appropriate topic for committee hearings, for legislative markup, and bills to be reported.

What is before the House at the moment is a very narrow question of whether or not the resolution offered by the gentleman from Mississippi [Mr. TAYLOR] is a question of privilege. On that the Chair is prepared to rule.

The privileges of the House have been held to include questions relating to the constitutional prerogatives of the House with respect to revenue legislation, clause 1, section 1, article I of the Constitution, with respect to impeachment and matters incidental, and with respect to matters relating to the return of a bill to the House under a Presidential veto.

Questions of the privileges of the House must meet the standards of rule IX. Those standards address privileges of the House as a House, not those of Congress as a legislative branch.

□ 1210

As to whether a question of the privileges of the House may be raised simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution or the general legislative "power of the purse" in the seventh original clause of section 9 of that article, the Chair finds helpful guidance in the landmark precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48. On that occasion, the Speaker was required to decide whether a resolution purportedly submitted in compliance with a mandatory provision of the Constitution, section 2 of the 14th amendment, relating to apportionment, constituted a question of the privileges of the House.

Speaker Gillett held that the resolution did not involve a question of privilege. His rationale bears quoting. And I quote.

This whole question of a constitutional privilege being superior to the rules of the House is a subject which the Chair has for many years considered and thought unreasonable. It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses.

If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done. And a constitutional question, like any other, ought to be decided according to the rules that the House has adopted. But there have been a few constitutional questions, very few, which have been held by a series of decisions to be of themselves questions of privilege above the rules of the House. There is the question of the President's veto.

Another subject which has been given constitutional privilege is impeachment. It has been held that when a Member rises in his place and impeaches an officer of the government, he can claim a constitutional privilege which allows him at any time to push aside the other privileged business of the House.

Later in the same rule, Speaker Gillett made this observation, again I quote:

But this Rule IX was obviously adopted for the purpose of hindering the extension of constitutional or other privilege. If the question of the census and the question of apportionment were new questions, the Chair would rule that they were not questions of constitutional privilege, because, while of course it is necessary to obey the mandate of the Constitution and take a census every ten years and then make an apportionment, yet there is no reason why it should be done today instead of tomorrow. It seems to the Chair that no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House but that the rules of the House or the majority of the House should decide it. But these questions have been decided to be privileged by a series of decisions, and the Chair recognizes the importance of following precedence in obeying a well-established rule, even if it

is unreasonable, that this may be a government of laws and not of men.

The House Rules and Manual notes that under an earlier practice of the House, certain measures responding to mandatory provisions of the Constitution were held privileged and allowed to supersede the rules establishing the order of business. Examples included the census and apportionment measures mentioned by Speaker Gillett. But under later decisions, exemplified by Speaker Gillett's in 1921, matters that have no other basis in the Constitution or in the rules on which to qualify as questions of the privileges of the House have been held not to constitute the same. The effect of those decisions has been to require that all questions of privilege qualify within the meaning of Rule IX.

The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

Consistent with the principles enunciated by Speaker Gillett, the House considered in 1941 the joint resolutions to declare war on Japan, Germany and Italy by way of motions to suspend the rules. On July 10, 1991, again in consonance with these principles, the House adopted a special order of business reported from the Committee on Rules to enable its consideration of a concurrent resolution on the need for congressional authorization for military action, a concurrent resolution on a proposed policy to reverse Iraq's occupation of Kuwait, and a joint resolution authorizing military action against Iraq pursuant to a United Nations Security Council Resolution.

Finally, the Chair observes that in 1973, the House and the Senate, again consistent with Speaker Gillett's rationale, chose to exercise their respective constitutional powers to make their own rules by including in the War Powers Resolution provisions according privilege to specified legislative measures relating to the commitment of U.S. Armed Forces to hostilities. It must be noted the procedures exist under the rules of the House that enable the House to request or compel the executive branch to furnish such information as it may require.

The Chair will continue today to adhere to the same principles enunciated by Speaker Gillett. The Chair holds that neither the enumeration in the fifth clause of section 8 of article I of the Constitution of Congressional Powers "to coin money, regulate the value thereof, and of foreign coins," nor the prohibition in the seventh original clause of section 9 of that article of any withdrawal from the Treasury except by enactment of an appropriation, renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House.

The resolution offered by the gentleman from Mississippi recites the enumerated powers of Congress relating to the regulation of currency and the general legislative "power of the purse," and resolves that the Comptroller General conduct a multifaceted evaluation of recent actions taken by the President to use the Economic Stabilization Fund in support of the currency of Mexico and to report thereon to the House.

It bears repeating that questions of privileges of the House are governed by rule IX and that rule IX is not concerned with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House.

The Chair holds that the resolution offered by the gentleman from Mississippi does not affect "the rights of the House collectively, its safety, dignity, or the integrity of its proceedings" within the meaning of clause 1 of rule IX. Although it may address the aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. Were the Chair to rule otherwise, then any alleged infringement by the executive branch, even, for example, through the regulatory process, on a legislative power conferred on Congress by the Constitution would give rise to a question of the privileges of the House. In the words of Speaker Gillett, "no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House."

PARLIAMENTARY INQUIRIES

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The chair has ruled that this is not a privileged resolution.

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRAFICANT. Mr. Speaker, I would ask that there be a reconsideration on the ruling of the Chair, because I believe that the precedents so cited do not apply. This is not, in the opinion of the drafters, simply to be an infringement by the executive branch.

The SPEAKER. The gentleman's parliamentary inquiry is moot. The Chair has, in fact, ruled that this resolution, as drafted, does not meet the procedures required for being a question of privilege and that is based upon very thorough study by the Parliamentarian of the precedents of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, since the Speaker has gone to great pains to research the precedents of the House, I would like to point out to the Speaker that in the past whether or not the ceiling tiles were properly affixed to the ceiling of this Chamber has been ruled as a privileged resolution.

The SPEAKER. The Chair would respond to the gentleman from Mississippi, that relates directly to the safety of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would also like to point out that the original custom of this body was to present any question of a privilege of the House to the Members and let the Members decide whether they felt it was a privilege of the House that was being violated. Is the Speaker willing to grant the Members of this House that same privilege?

The SPEAKER. The Chair would simply note that the Chair is following precedent as has been established over the last 70 years and that that precedent seems to be more than adequate. And in that context, the Chair has ruled this does not meet the test for a question of privilege.

Mr. TAYLOR of Mississippi. Mr. Speaker, a further parliamentary inquiry: What is the procedure for——

The SPEAKER. The only appropriate procedure, if the gentleman feels that the precedents are wrong, would be to appeal the ruling of the Chair and allow the House to decide whether or not to set a new precedent by overruling the Speaker.

□ 1220

Mr. TAYLOR of Mississippi. Mr. Speaker, I appeal the ruling of the Chair, and I would like Members of Congress to be granted the 1 hour that the House rules allow for to speak on this matter.

PREFERENTIAL MOTION OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. ARMEY moves to lay on the table the appeal of the ruling of the Chair.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentlewoman will state the parliamentary inquiry.

Ms. KAPTUR. Mr. Speaker, am I correct in understanding that the motion to table this appeal is not debatable?

The SPEAKER. The gentlewoman is correct.

Ms. KAPTUR. And thus, Mr. Speaker, Members of Congress will be deprived by this vote without any type of a debate on the authority vested in our constitutional rights to vote on this issue?

The SPEAKER. The Chair would say to the gentlewoman that the motion is not debatable.

The question is on the preferential motion offered by the gentleman from Texas [Mr. ARMEY].

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

Mr. TAYLOR of Mississippi. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be 17 minutes total.

The vote was taken by electronic device, and there were—yeas 288, nays 143, not voting 3, as follows:

[Roll No. 96]

YEAS—288

Allard	Everett	Lazio
Archer	Ewing	Leach
Armey	Fawell	Levin
Bachus	Fazio	Lewis (CA)
Baker (CA)	Fields (TX)	Lewis (GA)
Baker (LA)	Flake	Lewis (KY)
Baldacci	Flanagan	Lightfoot
Ballenger	Foglietta	Linder
Barr	Foley	Livingston
Barrett (NE)	Forbes	LoBiondo
Bartlett	Ford	Longley
Barton	Fowler	Lucas
Bass	Fox	Maloney
Bateman	Frank (MA)	Manton
Becerra	Franks (CT)	Manzullo
Beilenson	Franks (NJ)	Markey
Bentsen	Frelinghuysen	Martini
Bereuter	Frisa	Matsui
Berman	Funderburk	McCarthy
Bilirakis	Gallegly	McCollum
Billey	Ganske	McCrery
Blute	Gejdenson	McDade
Boehlert	Gekas	McHugh
Boehner	Gephardt	McInnis
Bonilla	Geren	McIntosh
Bonior	Gilchrest	McKeon
Bono	Gillmor	Meehan
Boucher	Gilman	Metcalf
Brownback	Goodlatte	Meyers
Bryant (TN)	Goodling	Mfume
Bunn	Goss	Mica
Bunning	Graham	Miller (FL)
Burr	Green	Mineta
Burton	Greenwood	Moakley
Buyer	Gunderson	Molinari
Callahan	Gutierrez	Moorhead
Calvert	Gutknecht	Moran
Camp	Hamilton	Morella
Canady	Hancock	Myrick
Cardin	Hansen	Neal
Castle	Hastert	Nethercutt
Chabot	Hastings (WA)	Neumann
Chambliss	Hayworth	Ney
Chenoweth	Hefley	Norwood
Christensen	Heineman	Nussle
Chrysler	Herger	Olver
Clinger	Hilleary	Ortiz
Coburn	Hobson	Oxley
Coleman	Hoekstra	Packard
Collins (GA)	Hoke	Pastor
Combest	Horn	Paxon
Cooley	Hostettler	Payne (VA)
Cox	Houghton	Pelosi
Crane	Hutchinson	Petri
Crapo	Hyde	Pickett
Cremeans	Inglis	Pombo
Cubin	Jackson-Lee	Porter
Cunningham	Jefferson	Portman
Davis	Johnson (CT)	Pryce
de la Garza	Johnson, Sam	Quillen
DeLauro	Johnston	Quinn
DeLay	Jones	Radanovich
Diaz-Balart	Kasich	Ramstad
Dickey	Kelly	Regula
Dicks	Kennedy (MA)	Reynolds
Dixon	Kennelly	Richardson
Doggett	Kim	Riggs
Dooley	King	Roberts
Doolittle	Kingston	Rogers
Dreier	Knollenberg	Ros-Lehtinen
Dunn	Kolbe	Roth
Edwards	LaFalce	Roukema
Ehlers	LaHood	Roybal-Allard
Ehrlich	Latham	Royce
Emerson	LaTourette	Rush
Ensign	Laughlin	Salmon
Sanford	Smith (WA)	Volkmer
Sawyer	Solomon	Vucanovich
Saxton	Souder	Waldholtz
Scarborough	Spence	Walker
Schaefer	Stenholm	Walsh
Schiff	Stockman	Wamp
Schumer	Studds	Ward
Seastrand	Stump	Waters
Sensenbrenner	Talent	Watts (OK)
Serrano	Tate	Waxman
Shadegg	Tejeda	Weldon (FL)
Shaw	Thomas	Weller
Shays	Thornberry	White
Shuster	Thornton	Wicker
Skaggs	Tiahrt	Williams
Skeen	Torkildsen	Wolf
Skelton	Torres	Young (AK)
Smith (MI)	Torricelli	Young (FL)
Smith (NJ)	Upton	Zeliff
Smith (TX)	Vento	Zimmer

NAYS—143

Abercrombie	Gonzalez	Obey
Ackerman	Gordon	Orton
Andrews	Hall (OH)	Owens
Baesler	Hall (TX)	Pallone
Barcia	Harman	Parker
Barrett (WI)	Hastings (FL)	Payne (NJ)
Bevill	Hayes	Peterson (FL)
Bilbray	Hefner	Peterson (MN)
Bishop	Hilliard	Pomeroy
Borski	Hinchey	Poshard
Brewster	Holden	Rahall
Browder	Hoyer	Rangel
Brown (CA)	Hunter	Reed
Brown (FL)	Istook	Rivers
Brown (OH)	Jacobs	Roemer
Bryant (TX)	Johnson (SD)	Rohrabacher
Chapman	Johnson, E. B.	Rose
Clay	Kanjorski	Sabo
Clayton	Kaptur	Sanders
Clement	Kennedy (RI)	Schroeder
Clyburn	Kildee	Scott
Coble	Kleczka	Sisisky
Collins (IL)	Klink	Slaughter
Collins (MI)	Klug	Spratt
Condit	Lantos	Stark
Conyers	Largent	Stearns
Costello	Lincoln	Stokes
Coyne	Lipinski	Stupak
Cramer	Lofgren	Tanner
Danner	Lowey	Tauzin
Deal	Luther	Taylor (MS)
DeFazio	Martinez	Taylor (NC)
Dellums	Mascara	Thompson
Deutsch	McDermott	Thurman
Dingell	McHale	Towns
Doyle	McKinney	Traficant
Duncan	McNulty	Tucker
Durbin	Meek	Velazquez
Engel	Menendez	Visclosky
English	Miller (CA)	Watt (NC)
Eshoo	Minge	Weldon (PA)
Evans	Mink	Whitfield
Farr	Mollohan	Wilson
Fattah	Montgomery	Wise
Fields (LA)	Murtha	Woolsey
Filner	Myers	Wyden
Furse	Nadler	Wynn
Gibbons	Oberstar	

NOT VOTING—3

Dornan	Frost	Yates

□ 1240

Messrs. SPRATT, SABO, MASCARA, and WYNN, Ms. WOOLSEY, and Mr. COYNE changed their vote from "yea" to "nay."

Messrs. HOEKSTRA, EWING, TIAHRT, HEINEMAN, JONES, DICKEY, FUNDERBURK, KENNEDY of Massachusetts, and OLVER, Ms. ROYBAL-ALLARD, Mrs. SMITH of Washington, Mr. TORRES, and Mr. SANFORD changed their vote from "nay" to "yea."

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1240

SCHEDULING OF HEARINGS CONCERNING THE MEXICAN BAILOUT

Mr. ARMEY. Mr. Speaker, if I might just take a moment of the body's time, I want to first begin by observing my appreciation to the gentleman from Mississippi [Mr. TAYLOR] and his cosponsors for the initiative they have taken, the interest and concern they have expressed with this initiative. It is unfortunate that the initiative came to the floor in an order that was not, in fact, in order with the rules of the House.

I did want to tell all the Members that the House Republican leadership does, in fact, recognize the amount of concern that we have on both sides of the aisle on this issue, and that there are arrangements being made in the committees to begin hearings to give this Congress its legitimate and orderly exercise prerogative to examine this issue and the manner in which it is carried out, and the Members should be reassured that, in fact, they will have an opportunity to address this issue.

And again, as I said, in all due respect to the effort taken by the gentleman from Mississippi [Mr. TAYLOR] and his colleagues, we do appreciate their effort.

Before I yield enough, I would like to make the observation, I frankly do not think it is desirable to take up the body's time for an extended debate. So for brief comments, I will yield first, to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me. I will not take a long time.

Obviously, those of us who strongly supported that resolution are extremely disappointed. We consider this to be a historic moment in the House because of that ruling, and the fact that we were just silenced without even the ability to debate for 1 hour in the full House.

Now, I understand the gentleman and the majority control the committees, and I understand what happened in the committees, and why we do not have a bill on this floor today.

But let me say to the gentleman I encourage you on your efforts in the committees. We do not expect anything of consequence to result from that. But I know that there are Members along with myself on both sides of the aisle who are very concerned about this historic move of the House to silence the Membership on the largest use of unappropriated dollars in the history of this Nation.

Mr. ARMEY. Let me just say I do appreciate the gentlewoman's disappointment. I have felt it myself many times.

But it was, in fact, the correct ruling of the Chair.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me just say I share the concern of the gentlewoman from Ohio. We will hold extensive hearings on this subject, how it will impact on the United States, Mexico and other Latin American countries. It will not be just window dressing. We are going to hold extensive hearings. The gentlewoman will be included in the discussion at the hearing.

VICTIM RESTITUTION ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 60 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 60

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 665) to control crime by mandatory victim restitution. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

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

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend and colleague, the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 60 is an open rule providing for the consideration of H.R. 665, a bill designed to ensure that criminals pay full restitution to their victims for all damages caused as a result of the crime committed and to any other persons who are harmed by an offender's unlawful conduct.

This legislation is the first in a series of anticrime measures which the House will consider this week. It is only fitting that the first bill, the one dealing most directly with the casualties of crime, the victims themselves, be considered under an open, wide open, rule, because each and every Member here brings to this debate a unique and personal perspective on this issue.

For, tragically, crime is so pervasive that no citizen escapes its reach.

This rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and makes in order the Committee on the Judiciary amendment in the nature of a substitute as the original bill for the purpose of amendment under the 5-minute rule

Finally, the rule provides for one motion to recommit with or without instructions. Under this rule, the Chairman of the Committee of the Whole may give priority and recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD.

Let me just emphasize once again to my colleagues that preprinting of amendments is not mandatory. It is purely optional. Members who have not published their amendments will still be permitted to offer them at the appropriate time.

The majority on the Committee on Rules continues to encourage Members to exercise this option in the future not only to receive priority status but also to inform our colleagues in advance of the number and type of amendments they are likely to be offering.

□ 1250

Mr. Speaker, throughout my years as a judge and prosecutor, I worked closely with victims of crime, and was very often moved by their plight. These individuals and their families did not ask to be victims, yet after experiencing crime firsthand, they bravely embarked on the process of trying to recover from unexpected, unwanted, and totally undeserved trauma.

The committee report accompanying H.R. 665 includes some very sobering statistics. For example, according to the Bureau of Justice Statistics, from 1973 to 1991, more than 36 million people in the United States were injured as a result of violent crime. In 1991 alone, crime resulted in an estimated $19.1 billion in losses. Clearly, there are tremendous costs associated with crime—emotional, physical, and financial—all of which must be borne by individuals, families, and ultimately, by this Nation.

After years of elevating the rights and needs of criminals, the American public is beginning to recognize that crime victims have very real needs as well. Their voices are finally being given a meaningful role in the public policy process, helping them turn their personal anguish into positive action. Despite this progress, crime victims' rights are still often overlooked, and additional reforms are needed to bring some balance into an often one-sided process. One of those reforms is the right to adequate restitution from the perpetrator for losses incurred as a result of the crime itself.

That is the purpose of H.R. 665—to mandate that restitution be awarded by the court in Federal proceedings, and that it also be considered for persons other than the victim who may have been harmed by the criminal's unlawful acts.

Although this legislation cannot erase the victims' suffering, it is an important step toward securing justice and ensuring greater accountability on the part of criminals themselves. H.R. 665, would require criminals to come face-to-face with the harm suffered by their victims and also just as important provide the victim with some small sense of satisfaction that the system addresses their needs as well.

Only one amendment was offered during the Judiciary Committee's markup of H.R. 665, and it was accepted by voice vote. The bill itself was reported favorably, as was this rule. Should there be any remaining concerns about the legislation, this open rule would give the House ample opportunity to discuss them.

Mr. Speaker, crime victims do not ask for our pity and do not ask for our sympathy. They simply ask to be treated with the respect and compassion their circumstances deserve. I strongly support the Victim Restitution Act of 1995, and urge adoption of this very open rule so that we may continue the spirit of openness and deliberation that is needed in the people's House.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague, the gentlewoman from Ohio [Ms. PRYCE], as well as my colleagues on the other side of the aisle for bringing this resolution to the floor. House Resolution 60 is essentially an open rule which will allow full and fair debate on the important issue of victims restitution. Under this rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House of Representatives. I am pleased that the

Rules Committee was able to report this rule without opposition and I plan to support it.

Although this rule is open it does include a provision allowing the Chair to give priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is unnecessary to the rule and sometimes confuses Members who are not sure whether the printing requirement is mandatory.

Mr. Speaker, House Resolution 60 allows the House to consider a very important piece of legislation, H.R. 665, the Victim Restitution Act. According to the Bureau of Justice Statistics, from 1973 to 1991, 36.6 million people in the United States were injured as a result of violent crime. In 1992, there were nearly 34 million victims of crime nationally. The purpose of this bill is to ensure that criminals pay full restitution to their victims for all damages caused as a result of a crime.

Since crimes against people and households have resulted in an estimated $19.1 billion in losses in 1991 alone, it is only fair that restitution be ordered. By requiring full financial restitution, the act requires an offender to face the victims of his crime, and the victims to receive some compensation for their emotional and physical harm resulting from the crime. I understand this bill does have bipartisan support and major amendments are not expected. I sincerely hope we will continue to see open rules on the more controversial crime bills coming down the pike as well.

As I indicated before, I support this open rule and I urge my colleagues to join me in supporting it.

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

Ms. PRYCE. Mr. Speaker, it is my pleasure to yield 3 minutes to the very distinguished gentleman from Florida [Mr. GOSS], our very able chairman of the Subcommittee on the Legislative Process of the Committee on Rules.

Mr. GOSS. I thank the distinguished gentlewoman from Columbus, OH, Judge PRYCE, for yielding this time to me and would like to say how happy we are to have her as a member of the Committee on Rules. It is already making a difference, as you have just heard.

Mr. Speaker, what a difference 7 months makes as well. Last August this House spent countless hours in an effort to pass a crime bill conference report that I do not think anybody was enthusiastic about. After keeping Members in town for an extra week and a half of sweet persuasion, as I think Speaker Foley used to call it—some others of us would call it arm-twisting—the Democratic leadership was able to eke out a very small majority to pass out the rule and the bill.

I had the privilege of managing the crime bill rules for the minority last August, and two things about that debate really stand out in my mind. The speech by Minority Leader Bob Michel preceding the original vote on the crime bill, I think, can now be seen as the turning point in 40 years of congressional history and, in some ways, the start of the 104th Congress.

An energized Republican minority at that time joined by dissatisfied Democrats defeated the rule, actually defeated the rule, signalling the beginning of the end, I think, for the old order. Republicans won a hard-fought battle for a seat at the bargaining table because of that vote, primarily, and many saw for the first time a light at the end of the permanent minority status tunnel that we were in.

However, despite that long bipartisan negotiation that followed, I think most Members of the House were underwhelmed by the final crime bill product, and so here we are today.

Our Members on this side in fact did make a promise then, we promised to revisit the crime bill and to address its many shortcomings if we were put in the majority. The American people listened, and we are here today as the majority. A short 7 months later, just over a month into the 104th Congress, we are fulfilling that promise. And we are doing so under an open rule.

Let us not forget that the original rules, there were several of them for consideration of last year's omnibus crime bill, were some of the most creative, I think you can read contrived for that, that we have seen, including special provisions to report and consider a rule on the same day, a multitude of waivers, including waivers for not having a report on the bill, a report on the bill, and for dispensing with the normal 3-day layover. In other words, Members did not necessarily know what was in the bill. And a closed amendment process that picked and chose among the scores of amendments that were actually filed. What a difference 7 months make, and what a difference a new majority makes. Today we have an open rule, as promised, to proceed under.

So I cheerfully urge my colleagues to support the rule and the bill. It is worth your vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. I thank my colleague from Ohio for yielding this time to me.

Mr. Speaker, like the other Democratic members of the Committee on Rules, I am very glad the bill is being brought up under an open rule, but I must say that I think it could just as easily have been brought up under suspension of the rules, especially given the great hurry to finish the Contract With America within 100 days.

Mr. Speaker, there is no controversy at all around this bill. It had one amendment in committee that passed by voice vote. The bill itself passed the committee on the Judiciary by a voice vote. The majority could have just as easily put this under the suspension calendar, and I do not know why they did not, unless they want to show all the open rules that they have amassed over the year.

□ 1300

Yesterday, in the Committee on Rules, the chairman of the Committee on the Judiciary said this bill was noncontroversial. So, an open rule for the bill is a good step, but not exactly a courageous one.

Mr. Speaker, what concerns me is what may happen when we get the more controversial parts of the crime bill to the floor. Last week the majority brought up three bills under open rules that passed last session under suspension. Well, I say to my colleagues, "You know, it's one thing to have a definition of what an open rule or closed rule is, and it's one to use open rules when you can and suspensions when you can, and especially when the chairman keeps prodding people, 'Hurry up, hurry up, we have only got a hundred days, and Ronald Reagan's birthday,' and so on, an I'm just afraid it might be somebody else's birthday Sunday and we might not even be able to go home."

But today my Republican colleagues are bringing up a bill that has few, if any, amendments under an open rule, but it looks like tomorrow or the next day they will bring up bills that do have amendments under a closed rule. In other words:

"You can have an open rule, if it doesn't look like you're going to use it."

Mr. Speaker, let us continue this trend of open rules on crime bills, whether Members have amendments or not.

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

Mr. MOAKLEY. I yield to the gentleman from upstate New York.

Mr. SOLOMON. Where it is about 30 below zero without the wind chill factor right now.

It just bothers me that here we are trying to be as open, and fair and accountable as we possibly can. I just want to inform the gentleman that we are right now entertaining a suggestion from his minority leader, the gentleman from Missouri [Mr. GEPHARDT], and other Democrat leaders on trying to do exactly what the gentleman is complaining about.

The SPEAKER pro tempore (Mr. HEFLEY). The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield an additional minute to the gentleman from Massachusetts.

Mr. SOLOMON. Mr. Speaker, I ask, "Why doesn't he yield him such time as he might consume?"

Mr. MOAKLEY. I say to the gentleman, "Mr. SOLOMON, we know you're all-powerful, but please let Mr. HALL do what he wants to do."

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

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Well, as I was saying, the Democrat minority would like to bring up on the floor, as early as maybe even this afternoon or tomorrow morning, the habeas corpus or the death penalty bill.

Mr. MOAKLEY. Under an open rule.

Mr. SOLOMON. We are trying to accommodate our colleagues; with no rule at all by unanimous consent, so the gentleman ought to, as my colleagues know, be cooperative. We are going to consult.

Mr. MOAKLEY. I will be very cooperative. All I want to do is show the rules, the definition of the rules, that we worked when I was chairman and the definition of the rules that the gentleman is working as the chairman. Last week, Mr. Speaker, we put three bills on open rules, when under my chairmanship they went through the Suspension Calendar.

Mr. SOLOMON. I do not want to belabor the point.

Ms. PRYCE. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. PRYCE] for yielding and would like to congratulate her on her superb management of this bill, and I would simply respond to the former chairman, the now distinguished minority ranking Member's position on suspensions versus open rules, and we need to recognize, Mr. Speaker, that under the suspension provisions amendments are not allowed, and the main reason that we have proceeded with this open amendment process is that we allow Members to have a chance to offer amendments, whereas in the past open rules were granted when there were virtually no amendments that were even being considered at all, and so our goal here is to allow Members that opportunity.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield.

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Well, there were no amendments offered in committee on the ones that went through suspension last year, and there was one amendment that was accepted by voice vote in the Committee on the Judiciary, and then after that was accepted, the entire bill was accepted on voice vote.

Mr. DREIER. Reclaiming my time, Mr. Speaker, under the open amendment process we did not announce here on the floor for Members to come upstairs, the reason being that we planned to have a completely open process. Two amendments were filed with the RECORD here, so there were amendments the gentleman from Vermont [Mr. SANDERS] offered, and we, in fact, have wanted to have free and fair debate and an open process.

We are not simply trying to run up the number of open rules we have, which tragically was the case in the 103d Congress, and so the Suspension Calendar actually does restrict Members from having the opportunity to participate——

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

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I ask the gentleman, would you and Mr. SOLOMON go back over the RECORD a couple of years, and take all the bills that we put under suspension, and make——

Mr. DREIER. Absolutely not because it is a completely different structure.

Mr. MOAKLEY. It is a completely different regime.

Mr. DREIER. That is true, too.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, can there by any doubt in the America of today that crime, that lawlessness, that violence that is afflicting our families and their homes and their businesses on streets and highways across this country is a No. 1 concern?

Indeed at the very moment of this debate, Mr. Speaker, there are honest, hard-working Americans who are out there being subject to violence to their life, to destruction of their property, from those who are lawless, who are the target of this legislation, and yet one would think that, knowing the enormity of this problem, our Republican colleagues, who have a commanding majority, would be here structuring a debate so that we could have an open and free-flowing discussion of the most effective way to fight crime in this country.

That is not occurring here.

In fact, the underlying agenda of what is occurring here today is not open and free-flowing debate. Rather it is the attempt to split, and to split asunder, the first truly comprehensive smart crime fighting measure that this Congress enacted within less than 9 months. That bill is not presented to us today in whole. It is split into itty-bitty parts.

And where do we begin in that debate? Do we begin up front in trying to prevent crime? Do we begin with the law enforcement officers, all of whom, all of the major law enforcement organizations, back this smart crime bill; do we begin with them? No, we begin at the tail end.

I can tell my colleagues that this debate is a classic case of the tail wagging the dog, and, as a fellow named DOGGETT, I am an expert on that subject. I can tell my colleagues, "When you begin at the tail end of crime instead of dealing with the dog, instead of dealing with the police, and with the crime fighting, and with the crime prevention, you begin at the wrong end."

So what do we find ourselves doing in this great building at a time that Americans are dying, at a time that Americans are having their property stolen? We are here talking about a bill that everybody agrees on, that there should be restitution. Of course there should be restitution.

As a State senator, I sponsored crime victims compensation strengthening amendments to ensure that criminals in our State of Texas did some restitution and did some repayment to victims. But, by golly, do my colleagues know a victim anywhere in this country who would not rather have the crime prevented? Who would not rather have the law enforcement officer there on the beat in the community instead of getting restitution?

Our Republican colleagues bring us a bill to fight crime that we agree with, and why do they do it this way, under this great open rule? Well, I will tell my colleagues why. Because somewhere among the splintered bills of this great crime bill that was passed by the last session of Congress, right at the tail end of the presentation is the measure concerning our police, concerning crime prevention.

Why is it that the police always have to come in last? Why is it that the crime prevention has to come in last? Because the Republican majority that claims to be against crime has structured a debate that does not allow for a free-flowing discussion of whether we ought to end the commitment to a hundred thousand police on American streets, end the Federal commitment to effective local crime prevention programs, and take all that money that the police would have gotten that have added 25 new police to my hometown in Austin, who are being trained right now, take that money and pour it into concrete, pour it into steel bars, and somehow think we can build prisons fast enough to house all these violent criminals if we do not do a better job of preventing crime in the first place.

□ 1310

Mr. Speaker, it is essential that in the course of this debate we recognize that if all that is accomplished out of these splintered bills is to take money away from our policemen, many of whom are here today as I speak covering a press conference defending the crime bill that was passed last week, if we take that money away from our law enforcement officers, that thin blue line that protects American communities, if we take away that commitment and if we destroy a Federal commitment to an effective local crime prevention program, which is exactly

what this series of bills does, if we take all that money and we pour it into concrete and we pour it into steel bars and we pour it into boondoggles, Mr. Speaker, there is no way we can build fast enough to replace what we have destroyed.

I support this victims restitution bill. I do not know of anyone who does not support it. But, by golly, we need to be on the side of our law enforcement officers. We need to keep adding more law enforcement officers and more prevention and then take care of restitution.

Ms. PRYCE. Mr. Speaker, I am very pleased to yield 3 minutes to one of our new colleagues, the distinguished gentleman from Florida [Mr. FOLEY]. The gentleman from Florida has already proven to be a very active and very effective Member of the House of Representatives, and we are very pleased to have him with us.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Ohio and, of course, my good friend, the gentleman from Florida [Mr. MCCOLLUM] for their leadership on the crime bill.

This is the Victim Restitution Act. "Victim"—let us say that word repeatedly—"victim." This is not about hurting the police officers. We want to help them, but we cannot help them unless we make the victims whole from their tragedies. Let me tell the Members about a personal experience I had.

My home was broken into. The perpetrator of the crime was a juvenile. He had been arrested 17 times. Each time the parents came into the courtroom and said, "Your Honor, we're trying. He's really a nice young man. We're doing our best."

Each time the judges would say, "O.K., go home. Probation."

When my home was robbed, the judge looked at the family when the parents started that same pablum about "My good child," and said, "You know, you must be proud of your son. Who wouldn't be proud of a child that had been arrested 17 times? I'll make a deal for you. Mr. FOLEY has lost 3,000 dollars' worth of valuable possessions from his home. If you're not in the courtroom, parent, at noontime tomorrow with a check made payable to the Clerk of Courts for $3,000, I will put in an arrest warrant for you and your son and you'll stay in jail until you decide who is going to be the boss of the family."

With that the father hit the kid in the head and said, "Look what you got me into."

It took money out of the parents' pockets to recognize that they are responsible for their children.

Let me tell the Members another story that happened in my district. Joe Dubeck, a young man in my district, was stabbed in the chest. After nearly dying on the way to the hospital, he was rushed into intensive care. While he was laying on the gurney, the assailant was bailed out with $3,000. Three thousand dollars, and he is out of jail. Joe Dubeck spent weeks in recovery, and thankfully, he is seeking recovery, and I am happy to say that he is now back with his wife and children. While he continues that recovery, however, his small business that he was building is undergoing serious challenges.

For far too long we have forgotten the innocent victims of crime. This House resolution and H.R. 665 are going to help prevent that. The bill restores common sense in the criminal justice system by holding criminals responsible for their actions.

I rise in support of this bill because of the Dubeck family and the many young families like them that have had to watch from the sidelines as our system coddles the villains and ignores those who abide by the laws of this Nation.

Mr. Speaker, I urge my colleagues to support this bill to get tough on the criminals, to support law enforcement officers who want this bill to pass because they are tired of arresting criminals who are released before their report ink is dry. They want this bill to pass because it will help them do their jobs to protect the members of their communities.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 60 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 665.

□ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution, with Mr. RIGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] 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 Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, to explain this victims restitution bill, I yield such time as he may consume to the chairman of the full Committee on the Judiciary, the honorable gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, the 1994 Omnibus Crime Control Act was not so omnibus. It did nothing for the victims of crime.

This bill remembers that crime has victims; this bill remembers that the victims for too long have been forgotten in the sentencing process; this bill remembers that the victims for too long have been without standing to address and advise sentencing judges of the economic harms visited upon them through the criminal actions of the offender.

This bill directs Federal judges to impose upon convicted defendants restitution orders to pay back their victims for the harm caused by virtue of their criminal activity. No longer will the defendant's financial situation take precedence over his victim's. Instead, consideration for the victim is a primary consideration in the sentencing process, just where it belongs. Today criminals know that crime pays. Now it will pay the victims. Defendants are financially responsible for physical, emotional, or monetary harm. Victims can be reimbursed for child care, transportation, and other reasonable expenses related to their participation in the prosecution of the offense.

The court under this legislation must consider the victim's financial circumstances when determining the manner and method of payment or restitution. The victim will be paid either a lump sum, in interval payments, or in kind. In-kind payments include return of the victim's property and replacement of the property or services rendered. The bill guarantees that the victim of criminal activity will not be overlooked at any point in the criminal justice proceedings.

Mr. Chairman, this is a restitution bill with teeth.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this may have been a bill that could have been a candidate for the Suspension Calendar, but I think it will move rapidly through the House under the procedure that now exists.

I rise in support of the Mandatory Victim Restitution Act of 1995. It is a good measure which has the broad support of Members on both sides of the aisle. In essence, the bill changes the current law which gives Federal judges the discretion to order restitution.

□ 1320

Now under H.R. 665, judges would be compelled to order convicted offenders to pay restitution to their victims. It is clear to me that this provision draws

upon the 1994 crime bill enacted into law which created a similar provision to enable women who had been victims of violence to recover damages from their attackers, another good measure that we all supported.

An innovative aspect of this legislation is the provision that restitution may also be ordered for any other person, that is, one who is not a victim, who has yet suffered physical, emotional, or monetary injury from the criminal act or conspiracy or pattern of unlawful activity.

For instance, in drug dealing and racketeering cases there are thousands of victims who now have a chance of meaningful economic recovery for the damages inflicted upon their communities. In neighborhoods where crack houses now spread destruction among young people and where businesses are afraid to operate, it is not enough to arrest of few low-level drug dealers who can easily be replaced.

Now, after a conviction, when the trial moves to the damages stage, all the victims will now be empowered to rise in unity against the hugely profitable drug dealers to seek restitution for their injuries.

But let us be candid: This provision should be a useful tool in white collar prosecutions as well. It is needed to combat environmental pollution by requiring corporate defendants who have been convicted of toxic discharges to pay homeowners whose property has been damaged or who have suffered emotional injury. It is needed to pay restitution to victims of price fixing or securities violations or for those who are victims of criminally negligent actions of manufacturers.

Of course, in many cases involving poor defendants, the chances of a victim recovering any restitution at all are about as good as getting blood from a turnip. In fact, only 18 percent of the current Federal defendants are under a restitution order, suggesting that this may be an impracticable idea in many ways.

However, given the broad possibilities of helping reduce fear in neighborhoods and holding corporate criminals accountable for their actions, I urge my colleagues to support this bill.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to have introduced H.R. 665, the Victim Restitution Act of 1995, and to speak in favor of its passage today. It is very fitting that we begin our floor consideration of crime legislation in the 104th Congress with a bill about victims. Perhaps no group has been more forgotten in our criminal judicial process than the victims of crime. Too often they are denied justice, but even more they must endure their losses without compensation.

Under current law Federal judges are merely authorized to order offenders to make restitution to their victims. While the restitution may be ordered in addition to any other penalty if the crime is a felony, it can only be ordered in lieu of any other penalty if the crime is a misdemeanor. There is no provision for restitution to be paid to anyone other than the immediate victim of the crime.

Under H.R. 665, however, Federal judges would now be required to order criminals to make restitution to their victims. The bill also would give the court the discretion to order the offender to make restitution to persons other than the victim, but who have also been harmed by the offender's unlawful conduct.

Specifically, H.R. 665 would ensure that offenders make restitution to their victims by mandating that restitution be paid to victims of crime, in addition to any other penalty authorized by law. Judges would be able to substitute restitution for other penalties only in the case of misdemeanor crimes. The bill would also help to ensure that all persons harmed by an offender's unlawful conduct receive restitution by giving judges the discretion to award restitution to all persons harmed by the offender's conduct, regardless of whether that harm was physical, emotional, or financial.

The bill would ensure that restitution is paid in full by requiring that restitution orders be calculated without regard to the offender's ability to pay or the fact that the victim has received or is entitled to receive compensation from some other source. But the bill does allow the judge to consider the offender's finances and assets, projected earnings, and other financial obligations when deciding how to schedule the offender's payments of the restitution actually awarded.

The bill's provisions ensure fairness by limiting the victim to one recovery through a provision which requires that the restitution award be set off from any damages that the victim may recover against the offender in a civil action relating to the crime. The bill also provides that insurers which pay compensation to victims will be entitled to receive the restitution payments once the victim is made whole.

The bill's provisions have teeth, so that offenders will comply with restitution orders. The bill provides that if the offender fails to live up to the terms of the restitution order, the court may revoke any probation or supervised release granted to the offender, hold the offender in contempt of court, enter a restraining order or injunction, or take any other action necessary to force the offender to comply with the restitution order. The bill also allows the Government and the offender to enforce the order as a civil judgment in Federal court.

The bill ensures that judges will have maximum flexibility in awarding restitution. Under the bill, judges may award restitution in the form of money payments or in-kind restitution such as the return of property, replacement of property, or services to be rendered to the victim or even to a person or organization other than the victim. It also allows both victims and offenders to petition the court to modify the restitution order if the offender's economic circumstances change at a later date.

I might make sure at this point, Mr. Chairman, that everybody is clear that this bill covers not only violent crimes that most people think of when they think of crimes, but whatever white-collar crimes you might conceive of, including Federal crimes involving fraud. Mail fraud in particular, I would point out, would be covered by this. If some elderly person in my home State of Florida were to be defrauded in the process of some hooligan coming through with mail fraud or some other Federal fraud crime, that certainly is covered. It also would cover any kind of situation involving a securities fraud or securities scam or any other crime of a Federal nature involving a pecuniary loss to an individual as well as those kinds of crimes involving physical harm, as has been pointed out in this previous discussion.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

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

Mr. CONYERS. Mr. Chairman, I want to commend the chairman of the subcommittee for making that clarification, because we raised this briefly in the full committee, and also in my remarks. So we are talking about the fact that corporate defendants and white collar criminals would all be caught under this, as well as those who commit street crime.

Mr. MCCOLLUM. They will be caught under this bill. Restitution would apply to all types of Federal crimes as far as the injuries are concerned. It is very clear we are talking about pecuniary as well as injuries to the person.

Mr. CONYERS. Mr. Chairman, I commend the gentleman, and thank him for that further detailed explanation.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would also point out that as we look through this restitution provision, you will note that there are other victims who might be not considered normally a victim who are going to get some kind of compensation. For example, let us assume that you have a single mother, a single parent, who is going to come to court to testify against a criminal defendant. That person may not be the victim in the sense of having been the person who was harmed, but perhaps she witnessed the activity, and she has to leave her child with a child care sitter

or somebody to care for that child and has to pay those costs.

Under this restitution bill, the court could order that the accused, who then becomes the convicted person once he is convicted of the crime, the judge could order him to pay restitution to this witness, the mother, who had to pay the child care fees and so on.

So it is a very broad restitution bill. It leaves a lot of discretion to the judge, but it mandates that he compensate, at least through the order of restitution, the actual victim of the crime.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY], who authored, I believe, the first one of these restitution proposals several years ago, and it is finally coming to fruition.

Mr. OXLEY. Mr. Chairman, I want to first commend the Committee on the Judiciary for bringing this crime victims restitution bill to the floor today. It is not I think an accident that this is the first of several crime bills in which the new majority attempts to rewrite the crime bill of 1994. I applaud them for their efforts and for their foresight.

□ 1330

Mr. Chairman, I obviously rise in support of H.R. 665, the Victim Restitution Act.

This has been a long time coming for this Member. Five years ago, in the 101st Congress, I introduced the first mandatory victims' restitution bill into the Congress. Then minority leader, Bob Michel, and I offered an amendment to the 1990 crime bill on the floor of the House, and with Bob Michel's strong support, we passed that crime victims' restitution bill on a voice vote.

Our good friend and colleague in the other body, Senator DON NICKLES from Oklahoma, introduced a similar bill that was passed in the Senate, so we had a crime victims' restitution bill that had passed in the House, in the 101st Congress, passed in the Senate, and then somehow disappeared from the conference committee report. Lo and behold, that was to set the pattern for crime victims' restitution bills during the last 5 years.

I think that is unfortunate, because this bill is essentially based on personal responsibility, saying to the bad guy, "Look, not only do you have to face jail and fines, but you also have to try to make that victim whole. That is, as a personal responsibility, you have violated not only the law of the land but you have violated some other individual or group of individuals and, therefore, you should have to be required to make that person whole."

That is really what this provision is all about. So we fought and fought. Last year in the 1994 crime bill, same old stuff, introduced a bill, had 150 some cosponsors, bipartisan in nature. Went to the Committee on Rules and asked that the amendment be made in order. Guess what? The Committee on Rules, about midnight, essentially stiffed us one more time. We were not able to bring up crime victims' restitution, even though I had, again, the strong support of Bob Michel, and though he is no longer with us and has retired, I am sure that this is a proud day for him as we finally see this legislation on the floor and ultimately going to be enacted into law.

This bill holds support for victims. It holds an offender accountable for his actions and strengthens some of his personal responsibilities, something that we have too little of today, society. I am just excited about the prospects for this bill.

Let me say also to my friend from Florida, who has shown great leadership on this issue, that all of the crime victims' restitution organizations, the crime victims' groups that are all over the country, and I know he has some in his district, I have got some in my district, all of them for numerous years, at least 5 years since I have been involved in this project, have strongly endorsed mandatory crime victims' restitution. I think we owe it to those folks who have worked long and hard for this day to pass this legislation. I commend it to my colleagues.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Victim Restitution Act of 1995. Let me add that none of us clearly can imagine or walk in the shoes, the footsteps, in the footprints of victims.

Clearly I believe that what we have done in a really bipartisan manner is to be able to say to the more than 36 million victims in this Nation that this House will stand with you. Many times victims have approached some of the systems that have been put together by States which in good faith have offered victims restitution. They have not been mandatory. They have not been required. Some victims have been confused as to how they access this compensation.

It is also important to note, as I stand here, that coming from the 18th congressional district in the State of Texas, that importantly victims come in all shapes and sizes, all races, male and female, children, families. We come now under this particular act to be able to say to these individuals that "we will now stand for you and with you. Restitution is not only offered but it is required. And we will not treat you like another litigant in the courtroom, asking you to show what other compensation you have received. But we will say to you that regardless of insurance and other sources, it is important for the person who did the crime, and was convicted to show the victim the deference and the respect of restitution for the emotional, financial and other kinds of loss that you have received."

I think that we are truly going in the right direction. This legislation gives the court the discretion to provide restitution to someone who is not just the crime victim, who in some manner has been harmed physically, emotionally, or financially by the criminal's acts. That speaks to some very tragic situations that have occurred in my district in Texas, where a grandmother now is taking care of the children of her deceased daughter, a loving daughter who stood by her children, who simply was going to the grocery store in order to provide them with the necessities of life and never, never came home.

Now we have that grandmother who is left to care and love and nurture those children. Oh, she does it in good spirit and love. She does it with enthusiasm. But yet she does it with great need, need for support, need for restitution from that particular criminal or that person who was the offender.

I think we are starting in the right place. And I think the place where we are starting is a bipartisan place, which offers to the American people a commitment to the victims of crime.

We should go further, of course, as we proceed with this bill. We certainly should look at prevention. We should look at expanded cops on the streets. All of those are parts of the aspects of making sure that we face crime in an intelligent manner, but a compassionate manner.

Mr. Chairman, I rise to support the Victim Restitution Act of 1995, because I know the victims in my community. I know the police in my community who have come to me to share in these many stories. As a lawyer, I have seen individuals, as victims, who have had various situations that have required assistance.

So I simply say that it is important that we stand for the victims and support the Victim Restitution Act of 1995.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the distinguished ranking member of the Subcommittee on Crime, of the Committee on the Judiciary, and the former chairman of that subcommittee.

□ 1340

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS], not only for the time but for his leadership on this important issue.

Mr. Chairman, I would like to make three points. The last one will be about the bill. I would like to talk about two other things first.

First is the timing of the whole six crime bills. I would say to my colleagues—and the gentleman from Florida [Mr. MCCOLLUM], who in all the years I have worked with him, including his brief tenure as chairman of the Subcommittee on Crime of the Committee on the Judiciary, he has been very fair—that today we only have one or possibly two bills on the floor.

I know that the majority leader and others are saying we have to meet certain deadlines on the crime bill and on the contract. There is a great deal to debate on the last three bills, the exclusionary rule, the prisons bill, and the police prevention bill.

What we had urged, Mr. Chairman, through our leadership, and I know they met with the Speaker this morning and late last week, was that we hurry up, we do these bills together, and give us more time Thursday, Friday, Monday, and Tuesday for exclusionary rule, prisons, and prevention. To just do this restitution bill, which is not controversial in the least and has broad bipartisan support, and then not do anything else today, and then rush us in on Monday and Tuesday to do both habeas and prevention would not make much sense.

I would just make that point: Mr. Chairman, let us use that time today.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from New York.

Mr. MCCOLLUM. Mr. Chairman, the gentleman may not be aware, but when this restitution bill is finished, and I do not believe it is going to take much time, we are going to move right into the exclusionary rule bill. We should complete that today.

In addition to that, as the gentleman may be aware from discussions yesterday, there are ongoing discussions with the ranking member of the gentleman's full committee in an effort to bring up some of these bills earlier, which we are more than happy to do if we can waive some of the technicalities involved in it.

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, I think that is a very worthwhile thing, to do the exclusionary rule today. That makes a good deal of sense. That was the main urgency I had. I would not have wanted to adjourn at 3 o'clock and be told we did not have time to debate.

The second point I would make is on a different point. It is on the general crime bills themselves; that is, what the American people want is this: They want us to do something real about crime.

They knew that we did something real last year. The tough on punishment, smart on prevention, hundred thousand cops formula had broad and wide public support from one end of America to the other. There may have been minor imperfections in those bills, most of which were cleared up by the time the bill reached the President's desk, but the basic concept was there.

Mr. Chairman, I am virtually certain—I have seen polling data, I have talked to people in law enforcement and everywhere else—that the American people do not want to rip up that bill and start all over. They certainly do not want to just make a few quick and rather cheap political points to say, "We had a better one than you had." They want us to work together on crime.

This bill, Mr. Chairman, that we are talking about is just what it is all about. If the new majority wants to build on our old crime bill, fine. Everything can be improved. That is what is happening in restitution. The very restitution measures that were in the Violence Against Women Act, this bill expands to all other victims. Good idea. It does not destroy what we did before; it builds on it.

However, I must say much of the rest of the bill, particularly on the police and the prevention side, as well as on the prisons, goes back. To rip up those bills and start all over does not make any sense to anyone in America, and it seems to me that we are making a big mistake.

Therefore, I would use this bill, the restitution bill, as a model of what we should do, working together, building on what was done last year, which was at least in the field of crime, quite epochal. It was the first time the Federal Government got involved.

However, we should not destroy for the sake of destroying, destroy for the sake of saying, "See, we did it better." It is almost like little kids in the schoolyard going, "Nyaa, nyaa, nyaa, nyaa, our bill is better than yours, and we are doing a new one." That does not make any sense. I would urge my colleagues on both sides of the aisle to do that.

Mr. Chairman, my third point is on the substance of this bill itself. This is a good bill. Members will not find much argument from many people on this side about that. It restores restitution to people who deserve it from those who have committed crimes. As I said, it builds on what we did in the Violence Against Women Act last year.

We are all for it. We do not expect a lot of debate. The gentleman from Vermont [Mr. SANDERS] has a couple of amendments. Other than that, we will move through it quickly.

I want to compliment the majority for coming up with this proposal. It is a good idea and I fully endorse it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a distinguished member of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, this bill will streamline the procedure by which victims can get restitution. Victims already have the right to sue and could go into civil court, but since everybody is right here in court to begin with, they can get the restitution that they deserve.

There is one problem. It does not provide extra money for the judges and the probation officers for the extra work they will do. However, on the whole, it will allow victims to get more justice while they are in court.

However, Mr. Chairman, I would believe that victims would appreciate more of a focus on preventing the crimes to begin with than what to do after they have been victimized. This bill focuses on what happens after the people have already been victimized. We are, in other crime bills, taking money away from prevention and police officers that could have prevented their crime to begin with.

Hopefully, Mr. Chairman, we will restore some of that money to crime prevention and community police officers. In the meanwhile, I guess we have to deal with the fact that victims will be out there victimized because we did not have the foresight to prevent the crimes before they occurred.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, when I first came to Congress, I had come from a State which had paid a great deal of attention to the rights of victims, and like many other States, had established crime victims compensation commissions and boards, with ample appropriations to cover some of the damages suffered by crime victims which could not have been recovered in court.

When I came to the Congress, President Reagan and President Bush and now President Clinton all paid their respects to victims of crimes in various ways, including Rose Garden ceremonies with anecdotes of heroic incidents involving victims of crimes, and the families of victims gathered for the proper respect that the public should have and the President did in each case pay to the victims of crime.

However, today, we elevate our consciousness and the awareness of the public to a new level of respect for the victims when we include, as we do in this bill, a feature of mandatory consideration by the judges of the most important aspect of crime victims; namely, restitution, to try to restore them to the position that they were in before the dastardly crime had occurred.

Therefore, Mr. Chairman, when we act today, what we are doing is sending a signal once and for all that the victims of crime who have for too long become a secondary feature in a criminal case in court now become equal to the

juries and to the judge and to the citizens who are witnesses, and to their families, when we accord them the ultimate satisfaction and the ultimate sense of justice when we make sure that restitution is ordered on their behalf against the very individual who caused the damages in the first place.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, on the old television show "Baretta", the detective used to say, "Do the crime, do the time."

Today we are telling the criminals they will owe more than time.

Crime is not restricted to large cities. Even in my district that includes many rural areas, threats to personal safety are a top concern.

Crime is not restricted to certain age or income categories but the sad fact is that the problem is even more severe among minorities and the poor.

Most alarming of all are the statistics regarding women and crime. A rape occurs every 5 minutes in our country and an aggravated assault every 29 seconds.

Last year, Congress passed a bill that spent billions of dollars on criminals. This year we are going to pass a bill that makes the criminals pay.

Today we are considering an important bill that does more than give criminals time, if forces them to pay their victims for what is really irreputable harm.

For too long, crime bills have been about criminals. Now, we are recognizing that crime is about the victims.

Mr. Chairman, this is an important bill. This is a bill we should pass today. I urge my colleagues to join me and vote for this measure.

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Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. Mr. Chairman, I thank the minority leader on this committee for yielding time to me.

I am not going to jump up and down about this bill, either for it or against it. I will probably vote for it, but I do think that we need to point out some things to the American people about this bill and some concerns that I have.

No. 1, there is a provision in this bill that talks about when a person is on probation or parole and is not able to meet the restitution schedule, that probation or parole can be revoked, and I think that gets us dangerously close to being back to the point of the old debtors prison, and I want the American people to be aware that that provision exists in the bill.

There is a process for going back into the court and getting the restitution order revised, but I think that process is going to be very, very difficult. So it causes me some concern.

The second point I want to raise is the matter of due process under this bill. There is really no detailed way drawn out in the bill for due process to be given to the defendant in this case. The probation officer goes out and finds certain information, brings it back to the court, there is no process for a hearing at the initial level to decide whether the restitution is just or how much restitution will be awarded, and there are some concerns that I have about that.

I simply thought that it behooved me to stand up and say that despite the fact that this bill generally moves in a good direction, there are some concerns. Those concerns were not addressed in committee because of the pace with which this bill was being moved, and I thought it would be remiss of me not to point out those concerns to the American public.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself so much time as I may consume to close the debate.

I simply want to point out the fact that as we move through this process, we are beginning to bring to the floor six bills that comprised the Contract With America crime legislation that the Republicans, when we took over as the majority in the House of Representatives, committed to bring out in the first 100 days.

There are six separate bills, but in the proposals we put forward, we did it in one complete crime process.

The second piece of legislation that will come out later today deals with the evidence rules in search and seizure cases to open up more avenues for the officers of our criminal justice system to get convictions.

The next bill that we have will deal with prison grants and prison construction in an effort to provide a better scheme in order to resolve the issue of what we think is most important, and that is, requiring those who have committed repeat violent felonies to serve at least 85 percent of their sentences.

Another bill that will be out here very shortly deals with expediting the process of deporting criminal aliens. Those are aliens who have committed crimes in this country and are sitting in our jails taking up jail space and oftentimes actually are released and go out into the public and get lost again to commit more crimes before they are deported.

Another bill that we are going to be bringing forward very shortly deals with the process of the issue of how we speed up carrying out death sentences in death row cases to try to end the seemingly endless appeals of death row inmates.

And the last of this series of six deals with the issue of the block grant programs that we think should be used in place of cops on the streets and the prevention programs that were passed in last year's crime bill.

The gentleman from New York referred to this latter bill when he said that he was perfectly happy with the restitution bill that we have out here today, but he did not really think we ought to be tinkering around the edges with what was done already.

I would suggest to him and to all others who may be observing this proceeding today of our Members here, that we are not going to be tinkering with that. We are going to be making a major overhaul when we get to it. We are going to be taking virtually all the grant programs that were proposed last year in the prevention area and the cops-on-the-street program which constituted together a combined amount of almost $16 billion and we are going to be putting these together in community block grants to the cities and to the counties of this country with the highest crime rates, according to those rates and their population. We are going to be giving them this money in the amount of about $10 billion in order that they may, in their pure exercise of their judgment, decide what is in the best interest of their communities in fighting crime, whether that be hiring a new police officer, paying overtime pay to existing police, or doing some prevention program, gosh knows what it may be. But it will be their decision. We will allow maximum flexibility to the local communities instead of having Washington dictate it.

I would just suggest that when we finish the six bills out here, including the one that the gentleman from New York referred to, we will have at that point in time actually made some very major revisions in the laws. We are not going to be tinkering with what was done last year. We are going to be making major revisions and we are going to be putting forth a general principle that Republicans believed at the time of that debate was important.

Mr. Chairman, I am not here to debate those bills, I am here to close the debate, but I felt because of the comments that were made I needed to explain that.

I close the debate on this restitution bill. It is not controversial. We do need to provide adequate restitution to those who are victims of crime. The bill before us today, H.R. 665, does that. It does go a long way to making victims whole again and making sure that those who have committed their crimes, be they violent crimes or be they white-collar crimes, pay not only in the sense of paying by punishment but paying in literal dollars and cents to those who are their victims and the

other people whom they have cost in some way through their crimes compensation that will at least in some small measure provide relief to those individuals who are the victims and others who have been harmed by this process.

It is a good bill and I urge the adoption of the bill today.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

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

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, if you would have noticed, our colleague from North Carolina raised a very sensitive point that troubles me and I would just like the gentleman to agree that we really need to look very carefully into the matter of someone on parole or probation who is brought back into the system for not meeting his restitution order, the suspicion being that he might be unemployed or unable to pay and that there ought to be some procedure that makes sure that we have not created a mini debtors prison in the process.

Mr. MCCOLLUM. If I could reclaim my time, Mr. Chairman, the court has the discretion, I might point out to the gentleman from Michigan, to make sure that he can change or modify the particular order of restitution at any time if the economic circumstances of the offender have changed, so that I do not believe the difficulty the gentleman from North Carolina raised is really present. I understand his concern. But we say here in one of the provisions of the bill, "A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender."

I really believe that that will remedy the problem that the gentleman is concerned about.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, the trouble I have with that provision, and that provision is fine and it contemplates a situation where the economic conditions of a defendant have changed and there is the time to do that, but I am not sure under this bill what court the defendant has the right to go back in front of immediately, before his probation is revoked, before his parole is revoked. There seems to be a disjoint between the process for raising that issue and the process of revocation of the parole and probation. That is the trouble I have with it.

Mr. MCCOLLUM. If I may reclaim my time, the revoking of probation when restitution is not paid is discretionary with the court. The word is "may." So presumably the court that is going to be revoking it is going to be the court that indeed handed out the restitution in the first place.

But I would submit to the gentleman that you could have different judges in the same court. We have that in many civil proceedings as well as criminal proceedings today in our courtrooms where for one reason or another, maybe a judge retires, maybe a judge is ill, maybe a particular judge is not there and he delegates it to a different one. But it is the same court.

I would submit to the gentleman that I would share his concern, but I really believe the language is very broad and I do not think his fears will come to any real truth is reality.

Nonetheless, I suppose we could always come back and address it. The gentleman would have a right, if he could find a better way of doing it in the amendment process, to deal with it in the amendments that we are about to offer.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 665, the Victim Restitution Act. This legislation represents title III of the Taking Back Our Streets Act, one of the 10 points of the Republican Contract With America, and begins our efforts here in the House to address our Nation's crime problem.

The bill before us today embodies one of the most fundamental tenants of our Nation's justice system—that criminals pay for the consequences of their crimes. H.R. 665 mandates that those convicted of a Federal crime provide full restitution to their victims for damages caused as a result of the crime. The court may determine the amount of restitution based on the victim's situation and regardless of the economic resources of the criminal.

Mr. Speaker, our Nation faces a crime problem of epidemic proportion. Each year, one in four U.S. households fall victim to violent or property crime. That translates into nearly 5 million victims of murder, rape, robbery, and assault, and 19 million victims of arson, theft, and burglary. According to the Department of Justice, in the past two decades more than 36 million people in the United States were injured as a result of violent crime.

In addition to the physical and emotional costs of these crimes there are substantial economic costs as well. In fact, in 1991 alone, crime against people and households cost an estimated $19 billion. Each year crime-related injuries force Americans to spend 700,000 days in the hospital. Today's legislation will help the victims of these crimes recoup the costs of these recoveries, and I strongly support its passage.

Mr. LAZIO. Mr. Chairman, every day, career criminals exact an untold cost on American societal and cultural life. When the perpetrator of a crime commits his illegal act, be it an environmental crime, a white collar crime, or a crime of violence, the effect on the victims goes far beyond what the newspaper headlines tell. If the person responsible for injuring the victims goes to prison, he may pay his debt to society. But the victims of the crime are not made whole. There are physical, emotional, and financial costs that are not compensated unless that person brings a civil suit, a long and unpredictable process. Sadly, these individuals are often not paid any monetary restitution for their loss.

Imagine this on a larger scale. Imagine this occurring in towns and cities across our Nation, all those victims of crimes whose lives have been dramatically disrupted by individual crimes. We as a society suffer. Indirectly we all pay these costs of crime in our Nation. "No [person] is an island * * * every [person] is a piece of the continent."

Presently, Federal courts have discretion to order restitution be paid to victims by offenders. Why not make this a requirement? This is not a radical notion. Although a small step, this measure will ensure that to some extent, there will be compensation for those victimized by Federal crimes. Steps will be taken to make those affected by crime whole again. This bill also prohibits double-dipping, so injured parties will not receive undue compensation. Passing this bill is the least we can do here in Congress to help repair the damage done to peoples' lives by this epidemic of crime.

Mrs. FOWLER. Mr. Chairman, I rise in support of the Victim Restitution Act.

H.R. 665 addresses a fundamental question of fairness. Should victims have to suffer the burden of damages caused by criminals, or should be criminals compensate the victims of their crimes? I believe we must send a clear message that those who commit crimes will not only have to pay their debt to society, but also to those they have wronged.

In Jacksonville, there are two facilities that offer assistance to victims: Hubbard House, which provides a full range of services to victims to domestic violence, and the Victims' Service Center, which provides services to victims of all types of crime. Both facilities are funded by private donations, businesses, and the city of Jacksonville.

I mention these programs because they are excellent examples of local government and business responding to the needs of crime victims. However, these kinds of initiatives are not enough—and it is time for Congress to join the fight and pass H.R. 665.

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of H.R. 665, the Victim Restitution Act. This bill, which is part of our Contract With America, will help to bring real justice to the millions of Americans victimized by crime each year.

Too often, our criminal justice system ignores the victims of crime. Americans are justifiably outraged by a system that guarantees cable television and other creature comforts to criminals, while leaving the victims of crime facing recuperation from injuries or massive financial loss. Insurance rates are increased by a need to provide health care for victims of crime or compensating victims for losses from theft. Meanwhile, no mechanism exists to insure that criminals bear a financial penalty for their actions. This bill will change Federal criminal proceedings to insure that the victims are compensated by their assailants.

The Bureau of Justice Statistics has reported that from 1973 through 1991, there were 36.6 million people injured as a result of violent crime. In 1992, almost 34 million Americans were victims of crime. Crime against people and households resulted in an estimated $19.1 billion in losses in 1991. Each

year, injuries from crime cause some 700,000 days of hospitalization. The human costs of crime are real and growing.

While we have seen a growing awareness of this problem in recent years, we still fail to adequately compensate the victims of crime. This bill requires full financial restitution.

H.R. 665 instructs Federal courts to award restitution to crime victims and allows courts to order restitution to people harmed by unlawful conduct. Although victims may receive temporary relief from insurance, the criminal must ultimately pay the amount. If a victim receives compensation from a civil suit, that amount must be reduced by the amount of the restitution order.

For the first time, we establish that criminals must comply with restitution orders made by the court as a condition of probation, parole, or supervised release. H.R. 665 gives judges the authority and leeway to take any action necessary to insure that victims receive proper compensation.

Under H.R. 665, Federal judges must order compensation when sentencing for convictions of Federal crimes. The judge may also order compensation to any other person who was physically, emotionally, or financially harmed by the unlawful conduct.

Judges are given the leeway to consider indirect costs to victims, such as lost income, child care, and other expenses arising from the need to be in court. The judge is not to consider the income or resources of the offender or victim when determining the amount of compensation.

Mr. Chairman, H.R. 665 is an important component in our battle to restore commonsense to our judicial system. It will act as a deterrent to crime and more importantly, shows that Congress is serious about recognizing and addressing the needs of the victims of crime. I urge passage by the House.

Mr. FAZIO. Mr. Chairman, from 1973 to 1991, over 36 million Americans were injured as a result of violent crime. In 1991, crime against people and households resulted in an estimated $19.1 billion in losses. Crime-related injuries typically account for more than 700,000 days of hospitalization annually.

Although current law requires restitution in Federal crimes of domestic violence, for most other Federal crimes, judges have the discretion to order restitution. However, H.R. 665, the Victim Restitution Act, makes such restitution mandatory. If H.R. 665 is enacted, those convicted of Federal crimes will have to pay full restitution to their victims for damages caused as a result of their crimes. Federal courts will also be able to order restitution for any person—not just the direct victim of the crime—who demonstrates, through a preponderance of evidence, that he or she was harmed physically, emotionally, or financially by the offense. If the defendant fails to comply with the restitution order, the court could revoke probation or parole, modify the conditions of probation or parole, hold the defendant in contempt of court, enter a restraining order or injunction against the defendant, order the sale of the defendant's property, or take any other action necessary to ensure compliance with the restitution order.

Whatever our views are on crime and how to deal with it, we are in agreement that the crime victim deserves respect and support from society. This is an issue that unites this country—support for victims of crime. I believe that H.R. 665 will provide crime victims and their families with this necessary protection and I therefore support its passage.

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Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 665

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victim Restitution Act of 1995".

SEC. 2. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law" and inserting "shall order"; and

(ii) by adding at the end the following: "The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.";

(B) by adding at the end the following:

"(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(B) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the court decides to order restitution under this section, the" and inserting "The";

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of

money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restriction order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

"(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, the amendment numbered 1, printed in the February 6 CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 4, line 24, after the period insert "A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution."

Mr. SANDERS. Mr. Chairman, this amendment is being offered by myself and members of the Progressive Caucus and I believe should not be controversial. In fact, I believe that it is consistent with the intent of the proposed legislation.

Mr. Chairman, there is no argument about the need for restitution for violent crimes, and I believe that the intent of this legislation is to cover white collar and corporate crime as well. The gentleman from Florida [Mr. MCCOLLUM] has made that quite clear. The amendment that I am offering simply requires that companies convicted of crimes must notify the victims of those crimes. Convicted companies should be required to notify as best as possible all of their victims.

Let me give an example if I might. Price fixing goes on in America and I think there is no debate about it. We have had circumstances where companies that deliver oil, heating fuel to people's homes are convicted of price fixing, they are charging their customers too much money. It seems to me to be appropriate that if that company is convicted of price fixing, all of the victims, people who have paid more money than they should have, should be notified of that conviction and then again do as they choose to do. And that essentially is what this amendment is about.

I have talked to the majority and I believe that they are not in disagreement with the intent of this amendment.

I yield to the gentleman for a response.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman please repeat the question?

Mr. SANDERS. I was suggesting that we had talked about this issue and that the gentleman is not in disagreement with the intent of the amendment.

Mr. MCCOLLUM. The gentleman is quite correct, I am not in disagreement, though I would suggest that we might be able to modify the gentleman's amendment to make it more palatable, because I think there is a question about how an offender would know under the broad language the gentleman has who all his victims are.

MODIFICATION OFFERED BY MR. MCCOLLUM TO THE AMENDMENT OFFERED BY MR. SANDERS

Mr. MCCOLLUM. Mr. Chairman, I would like at the appropriate time, if now is the appropriate time, to ask unanimous consent to modify the gentleman's amendment to add at the end the words, "and where the identity of such victims and other persons can be reasonably determined."

If the gentleman would concur in that, I ask unanimous consent, Mr. Chairman, that modification be made to this amendment.

Mr. SANDERS. I would concur, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, let me just raise the issue of whether that same shortcoming does not exist under the other language in the bill, that there is a lot to be desired in this bill on the issue of identifying who has been injured and who is entitled to have restitution made to them. If we are going to address it with respect to corporate defendants, it seems to me that we ought also to be making that language broad enough to cover others.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield on his own reservation?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. In the case of the victims being determined in the normal course of this, the burden is on the prosecutors in the case to bring forth the evidence and present it to the court. In the case of the Sanders amendment, it is requiring a burden on the offender to determine who his victims are and in some cases that will be very simple. But there is

no prosecutor involved here. This is after the fact, he has to notify them after the fact. So the court is not in the process at that juncture, the government is not in the process, and it is all left up to the individual. That is the reason why I believe it is appropriate to give some caveat of reasonableness here so that this person, whoever it may be, is not being asked to do the impossible. Whereas in a case again of the major part of this, if the government cannot show what it is supposed to show, nobody is going to be harmed, and there is no burden on any individual.

Mr. WATT of North Carolina. Further reserving the right to object, and I will not object if the sponsor of the amendment is satisfied, but it seems to me I cannot understand why we are putting corporate defendants in some separate section of the bill as opposed to putting them in with all of the other defendants.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. It is my understanding also they were being put in the bill someplace different from all other defendants.

Mr. MCCOLLUM. If the gentleman will yield, we are not. The gentleman from Vermont's proposal applies equally to noncorporate defendants as to corporate. He simply is providing, as I read it, a very broad interpretation. I think his intent is primarily to get at the corporate, but he actually gets at everybody in this case.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I think it is my time to begin with.

The CHAIRMAN. The gentleman from North Carolina controls the time now on his reservation.

Mr. WATT of North Carolina. I am reserving the right to object, and I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

My concern here is to make sure that in what would most likely be a corporate crime, multiple victims are notified. When somebody stabs somebody we know what is going on. If somebody rips off hundreds of people, it is very likely those hundreds of people will not know that they have been ripped off, will not be notified of that, will not have the opportunity to seek redress and that is the purpose of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from Vermont [Mr. SANDERS] desire his amendment be modified as proposed by the gentleman from Florida?

Mr. SANDERS. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. MCCOLLUM to the amendment offered by Mr. SANDERS: At the end include "and where the identity of such victims and other persons can be reasonably determined."

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. SANDERS, as modified: Page 4, line 24, after the period insert "A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution and where the identity of such victim and other persons can be reasonably determined.".

Mr. SANDERS. Mr. Chairman, I have nothing more to add to the discussion, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to make it clear that on our side we strongly support the amendment of the gentleman from Vermont and commend the chairman of the majority for accepting a commonsense provision that would make victims of corporate activity able to be notified of their right to appear in court and to state their claims for restitution. I am proud to join in support of this amendment.

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

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman—it was not long ago when we could go out in the streets and to the parks of our neighborhood and feel perfectly safe. Sadly, that is no longer the case. Now, it is virtually impossible for a day to go by without a headline detailing the newest criminal outrage.

It is time that criminals understand their behavior will not be tolerated. Punishment must be certain, swift, and severe. Until they fear the consequences of being caught, we do not have a chance to win the war on crime.

H.R. 665 the Victim Restitution Act, goes a long way in achieving this goal. It instructs Federal courts to award restitution to crime victims and allows those courts to order restitution to other people harmed by the criminal's unlawful conduct. Criminals who commit Federal crimes now know they will literally pay a price for their actions. Presently, such restitution is permitted, but not required.

I am especially supportive of this measure because victim restitution is widely considered one of the most effective weapons to help fight violence against women. By requiring full financial restitution, this act required the offender to directly face the harm suffered by his victim by his unlawful actions.

It also strives to provide crime victims with some means of recouping the personal and financial losses resulting from these terrible acts of violence.

I urge my colleagues to support H.R. 665.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS], as modified.

The amendment, as modified, was agreed to.

□ 1410

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. VUCANOVICH) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 665) to control crime by mandatory victim restitution, pursuant to House Resolution 60, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. CONYERS. 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 431, nays, 0, not voting 3, as follows:

[Roll No. 97]

YEAS—431

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

NOT VOTING—3

Frost	Wilson	Yates

□ 1432

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCLUSIONARY RULE REFORM ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 61 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 61

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 666) to control crime by exclusionary rule reform. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] 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.

Mr. Speaker, House Resolution 61 is an open rule providing for the consideration of H.R. 666, legislation to control crime by means of reforming the exclusionary rule.

This rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Judiciary Committee, after which time any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit, with or without instructions.

As with the rule for H.R. 665, which we recently debated, this rule also includes a provision allowing the Chairman of the Committee of the Whole to give priority in recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD prior to their consideration.

I feel that this option of pre-printing is a common courtesy that enables Members to see what amendments their colleagues may be offering. Any Member's amendment, pre-printed or not, will still have the opportunity to be offered and heard on its merits.

Mr. Speaker, the fourth amendment to the Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated * * *

The Founding Fathers did not provide that law enforcement officers could not rely on their common sense and reasonable judgment to fight crime. But, that is what has happened unfortunately in our society. Something is profoundly wrong when, in a State where 2 license plates on automobiles are required, a policeman stops a car with only one plate, finds 240 pounds of cocaine in the car, and the evidence is thrown out—excluded under

the "exclusionary rule"—because the judge says that the car was registered in a State that only issues one license plate. Who gets hurt when that drug dealer walks? The police officer? No, the children of that community, the people, society gets hurt.

In 1984, in United States versus Leon, the Supreme Court created the good faith exception to the exclusionary rule. In Leon, the Court held that even if a search warrant was ultimately held to be invalid, the evidence gathered by police using that warrant could be permitted at trial, so long as the prosecution could demonstrate that the police believed, in good faith, at the time of the search, that the warrant was valid. The Court stated that since the exclusionary rule had been created to deter law enforcement officials from violating the fourth amendment, excluding evidence gathered by those who believed in good faith that they were acting in accordance with the Constitution served no legitimate purpose.

H.R. 666 would limit the effect of the exclusionary rule, and give Federal judges more latitude to admit evidence seized from those accused of crimes, so long as the search and seizure in question took place under circumstances providing the law enforcement officer conducting the search with an objectively reasonable belief that his actions were in fact lawful and constitutional. Moreover, H.R. 666 establishes a shift in the burden of proof. If a search is conducted within the scope of a warrant, the defendant will have the burden of providing that the law enforcement officer could not have reasonably believed that he was acting in conformity with the fourth amendment.

H.R. 666 builds upon Leon by codifying its holding. A Federal judge may still suppress evidence if it was seized in knowing or negligent violation of the Constitution.

Evidence gathered in violation of any statute, administrative rule or regulation, or rule of procedure would be admissible unless a statute specifically authorizes exclusion of evidence. But, the good faith exception would apply and may render such evidence usable.

Mr. Speaker, I strongly support the Exclusionary Rule Reform Act of 1995 and urge adoption of this open rule for its consideration.

□ 1440

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

Mr. BEILENSON. Mr. Speaker, I appreciate my colleague, the gentleman from Florida [Mr. DIAZ-BALART], yielding the customary 30 minutes of debate time to me, and I yield myself such time as I may consume.

House Resolution 61, the provisions of which the gentleman from Florida has well explained, is an open rule. I support it, and I urge my colleagues to do the same.

I am, However, as are others, concerned about the wisdom of the provisions of H.R. 666, the bill for which this rule has been granted. As my colleagues on the Judiciary Committee have written, H.R. 666 "commits affirmative harm to the Constitution."

It breaks our Constitution's promise, as expressed in the fourth amendment, and which has been maintained for over 200 years, that all Americans have the right to be protected from arbitrary and unfounded governmental invasions of their homes.

The protections of the fourth amendment have been enforced through the exclusionary rule, which prohibits prosecutors from using evidence in criminal cases that has been obtained in violation of the constitutional guarantee against unreasonable searches and seizures.

We should not only question the provisions of H.R. 666 which allow the use of evidence obtained without a warrant as going beyond permissible police search and seizure powers, but we must also question whether Congress has the power to change the exclusionary rule by simple legislation rather than by a constitutional amendment. Along with many of my colleagues, Mr. Speaker, I am confident that the constitutionality of H.R. 666 will be challenged and, I suspect, successfully.

We have to be particularly careful when we deal with an issue as highly charged and emotional as crime to legislate with as much thoughtfulness and as much care as possible. That is especially true in cases such as this when changing the law necessarily raises questions of abridging constitutional protections that were adopted with good cause to protect the innocent.

I fear that in our desire to prove to our constituents that we are not soft on crime we have forgotten that certain procedures such as the exclusionary rule were instituted to protect the innocent—in this case, those who may be subjected to illegal searches and seizures.

Because of these very serious problems with the provisions of H.R. 666, I am pleased, as are Members on our side, that the majority on the Committee on Rules has recommended this open rule.

Mr. Speaker, to repeat, while I have strong and serious reservations about H.R. 666, and even about our considering it as written, I support the rule and urge my colleagues to do the same.

Mr. Speaker, we have no requests for time, and I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my good friend and colleague from the Committee on Rules, the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from Florida for yielding time to me so I may have the opportunity to address the floor for a couple of minutes.

First of all, I think it is appropriate once again to address the fact that this is going to be a very controversial bill. We are going to have some very interesting debate on both sides of the aisle, and I think it should be highlighted that the chairman of the Rules Committee chose that an open rule would be appropriate.

In the last couple of weeks I have heard some comments about "Gee, we see the open rule really when it is a noncontroversial bill." Well, today is a good example of when we have a controversial bill and we see an open rule through the Speaker of the House and through the chairman of the Rules Committee. I think that fact should be noted.

Let us talk about the substance of the bill. Obviously, the substance of the exclusionary rule, I think, has merit and will prove to be constitutional in a court of law. Every time we pass some kind of criminal statute in these chambers they are always challenged on a constitutional basis. A defense lawyer's job is to challenge it in any way he can. But I am confident that the constitutionality of the good faith exception to the exclusionary rule will be upheld.

What is the exclusionary rule? We have a lot of people today, perhaps some who are observing this action, who do not understand what we mean by an exclusionary rule. Very simply, let me explain it in this way:

I used to be a police officer, and let us say that I stopped someone incorrectly and in the process of that error in judgment in stopping, say, a motor vehicle, I confiscated or found evidence that led to charges being filed against a defendant. Then the court could come in and say that because of my error of judgment in stopping the person, they are going to exclude any evidence or any fruits of my search that resulted because of my improper stopping.

I think the gentleman from Florida gave an excellent example in that particular case. I do not want to be repetitive, but I think it is important. In that particular case a police officer stopped a car; the car only had to have one license plate. The police officer was in error. He thought the car required two license plates. So when he stopped the car, he was in error. But in the process of going up and checking the driver's license, he noticed in the back seat of the car a certain amount of cocaine. I think there were 240 pounds of cocaine there. The court threw out the cocaine as evidence in the criminal trial because the officer improperly stopped the person for missing a license plate.

Now, there is not a person on the Main Street of America who would agree with that finding, and there is not a person on the Main Street of

America, other than defense attorneys, who is not going to say that we should have a good faith exception to the exclusionary rule.

So, Mr. Speaker, I commend the gentleman from Florida for the open rule that he has helped to facilitate. I think the substance of the issue is on our side. I think we are going to have bipartisan support, and I predict the bill will pass.

Mr. BEILENSON. Mr. Speaker, we have no requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I grant such time as he may consume to the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I would like to congratulate him on his management of the rule. It is really quite easy to manage an open rule. It has always been somewhat of a challenge to take on what is known as a restrictive rule.

My friend from Woodland Hills raised some very valid questions about the exclusionary rule, and I think that as we look at this legislation, it is going to be considered under a process that will allow amendments to be offered and debated. We will be able to discuss it openly here, as was the case in the Committee on the Judiciary and as were the case when we heard testimony from the chairman and the ranking minority member of that committee.

So basically the institution will be able to work its will on this legislation. Some will vote for it, some will vote against it, and I hope very much we will be able to see the House overwhelmingly pass this open rule and move ahead with this critically important legislation.

□ 1450

Mr. DIAZ-BALART. Mr. Speaker, at this time, again commending Chairman SOLOMON and all of the members of the Committee on Rules for bringing forth this very important piece of legislation, with the opportunity of all Members of this House to bring forth all amendments they wish to be considered on behalf of their constituents, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CUNNINGHAM). Pursuant to House Resolution 61 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 666.

□ 1451

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, with Mr. HOBSON, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] 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 Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering the exclusionary rule exception called the good faith exception. It is perhaps of all of those things we are considering today the one that has as much import as any that we will consider in the whole series of crime legislation over the next week. It is one which will break down some of the barriers that many have been waiting for us to do for a long time and allow more evidence to come in in search and seizure cases in order that we may get more convictions and not have people get off on technicalities.

The public is tired of people getting off on technicalities. We want to see those who have committed the crimes that they have committed be prosecuted, convicted, sentenced and put away for a reasonable period of time; of course, in the case of violent crimes, for a very long period of time.

The problem has been in part because the courts a few years ago decided to carve out a so-called exclusionary rule to protect us as citizenry from unwarranted intrusions into our constitutional rights of privacy and freedom from search and seizure in terms of police officers committing those kinds of intrusions.

The court thought in its infinite wisdom in this process of creating this rule a few years ago of excluding evidence that is gotten from illegal searches and seizures by police that we could deter the police officers from making those kinds of decisions that would violate our rights, and the courts felt that this was the only way they could go about making sure that the constitutional protections were honored by the police around the country.

Well, obviously when the police do not intend to violate your rights, when it is done without any kind of malice or forethought on their part, there is no deterrent effect. The rule does not have any meaning in the sense that it was intended to be in those kinds of situations.

So a few years ago the U.S. Supreme Court said that in cases where there are search warrants, there can be certain exceptions called the good faith exception, in common parlance, to this rule of procedure and that we will then let evidence in and allow convictions to take place.

Unfortunately, the Court did not rule in the non-search-warrant cases where there are other rights that police have in those cases to go in and do certain searches and seizures, so we have had a lot of litigation going on around the country and many questions raised in various Federal circuits as to whether or not evidence in admissible with a good faith exception in non-search-warrant cases.

That is what brings us here today. The proposal before us would carve out this good faith exception and broaden it to include not just cases that involve search warrants, but involve all of the cases of search and seizure where the police officer acted as we call it in good faith.

Now, specifically the bill would provide for an exception to the rule in situations where law enforcement officers obtained evidence improperly, yet do so in the objectively reasonable belief that their actions comply with the protection of the fourth amendment to the Constitution.

It is the role of Congress to determine the rules of evidence and procedure that apply in Federal courts. In drafting these rules, we should strive to ensure that unreliable evidence is excluded from the finder of fact, but that trustworthy evidence is not excluded. It should be our guiding principle that evidence of truth should be admissible in a court of law as often as possible.

The exclusionary rule, as I stated earlier, is a judicially crafted rule of evidence that prevents evidence of the truth from being admitted into evidence at trial. The rationale of this rule is excluding truthful evidence obtained in violation of our Constitution will discourage law enforcement officials from acting improperly. Of course, in some cases application of this rule allows guilty persons to go free because truthful evidence is excluded from their trial.

In 1984, the U.S. Supreme Court decided in the Leon case that evidence gathered pursuant to a search warrant that proved to be invalid under the fourth amendment could nevertheless be used at trial if the prosecution demonstrated that the law enforcement officials who gathered the evidence did so under an objectively reasonable belief that their actions were proper. This bill codifies the so-called good faith exception of that case.

H.R. 666 also expands the good faith exception to situations where law enforcement officials improperly gather evidence without a warrant, yet still have acted with the objectively reasonable belief that their actions are proper.

Specifically H.R. 666 provides that evidence obtained through a search or seizure that is asserted to have been in violation of the fourth amendment will still be admissible in Federal Court if the persons gathering the evidence did so in the objectively reasonable belief that their actions were in conformity with the fourth amendment. The bill makes it clear that it is the Federal judge who will determine whether the persons who gathered the evidence were reasonable in believing that their actions were appropriate under the circumstances.

Mr. Chairman, I wish to point out that the standard that the judge is to apply is an objective one. It does not involve an inquiry into the subjective intent of the law enforcement officials. In other words, just because a law enforcement official thought he or she was acting in proper fashion is not enough. The bill requires that a detached Federal judge view that mistake to have been reasonable.

The bill also provides that the exclusionary rule shall not be used to exclude evidence that may have been gathered in violation of a statute, administrative rule or regulation, or a rule of procedure; that is, where no constitutional violation is asserted. Congress could still authorize exclusion of this type of evidence by passing a statute or procedural rule that specifically authorized the exclusion of that evidence. Even in that situation, however, the evidence in question would still not be admitted if the Court found that the persons who gathered the evidence did so in the objectively reasonable belief that their actions were proper.

Mr. Chairman, this bill does not limit the fourth amendment, nor does it reverse any Supreme Court precedent. This bill simply codifies the principles of the Leon holding and applies it to similar situations, ones that have yet to be presented to the Supreme Court for review. It is appropriate for Congress to determine by statute the evidentiary procedures that will be used in Federal courts. H.R. 666 does exactly that.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an exceedingly important debate, one that I feel very privileged to be the ranking member on the Democratic side to advance, because we are now talking about a part of the so-called Contract With America that now inflicts affirmative harm to the Constitution. This so-called Exclusionary Rule Reform Act of 1995 attempts to keep its promise made in the Contract With America by eradicating our Constitution's higher covenant with the American people that it has maintained for over 200 years.

□ 1500

Let us review the exclusionary rule. Started in 1914 by court decision that made no exceptions but applies only to the Federal jurisdiction, it rolled along without event until 1961, when Mapp versus Ohio then created another exception that included States as well as Federal in the application of the exclusionary rule. Then in the 1970's came two very, very important additional modifications: the plain-view doctrine, which allowed that evidence or activity going on in plain view of the officers was a reason that one would not have to go to the magistrate to get a warrant; then came the exigent-circumstances doctrine, which rationally concluded that evidence that was either in danger of being destroyed or eliminated or that put the officers at great bodily risk were also exceptions to the exclusionary rule that had been created.

Notice that all of these modifications were positive and supportable for those of us, like me, who view this constitutional protection to be absolutely important. And then in 1981 came Leon versus the United States that created yet another reception, in which it dictated through the Supreme Court majority, incidentally, a Republican Supreme Court, that if good faith was used by the officer in seeking a warrant and that for reasons unknown to him at that time the warrant was invalid or defective, that the exclusionary rule would not be obtained and the evidence would be admissible into court anyway.

And so today we meet here with our new majority, which are here to tell us that we are now going to codify the Leon case and make it merely a continuing part of the exclusions to the exclusionary rule that I have just recited.

Well, my colleagues, this is not a codification of Leon versus the United States. I want to repeat that one more time. This bill before us, H.R. 666, is not a codification of Leon versus United States. For anyone who looks at the case will find that in Leon the officers sought and were given a warrant. They went to a magistrate and got a warrant. It turned out later that it was not a good one, and Leon said that even so, if the officer in good faith went to get a warrant and got one that was subsequently invalid for any reason, then he would be held, the evidence would be admissible and he would be held to have been operating in good faith.

But the measure before us does not do that. The measure before us now permits the officer to declare on his own that he believes that he is operating in good faith, having not ever gone to a magistrate.

My friends in the Committee on the Judiciary are now suggesting that this is a codification of Leon. Well, I suggest that anyone in or out of law school examining the Leon case will quickly come to the conclusion that this is not the case at all, and I think it makes a very important argument.

What we are doing is going far, far beyond Leon and are moving now to dispense with the exclusionary rule in its entirety.

What we are saying now is that law officers, Federal or local, that operate on their perception that they are operating in good faith will now be let off beyond the purview of the exclusionary rule. I think that this is the most dangerous damage and harm that we could work to a rule that has been a part of our Constitution for 200 years. I suggest to my colleagues that the amendment that I will offer is the only codification of Leon.

What we will do is codify Leon by saying where a warrant turns out to be invalid or defective, given by a magistrate to a police officer who operates on the basis that he had a perfectly legal document, that he will be excused and his evidence will be allowed to be offered. Nothing more. And it is on that basis that I want everyone to realize that this is far more than codification. It is a complete wiping out of the exclusionary rule as we have known it throughout American history.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

I would just like to comment on the fact that this bill does not in any way, as the gentleman from Michigan, implied, allow for a court to look into the mind of the police officer and make a subjective determination or base its determination on the thought pattern of the police officer. It is an objectively reasonable standard.

We would never want to do what the gentleman suggested. I suppose that is the subject of the debate here, but is the way the wording of the statute is written.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding time to me.

I just want to disagree with my good friend, the gentleman from Michigan [Mr. CONYERS].

The exclusionary rule is not wiped out. It is changed from the way it is presently administered. But if the evidence is offered and an unreasonable search and seizure has been made that was not in good faith, I am sure the exclusionary rule in all its glory will be enforced. This does no violence to the fourth amendment.

The exclusionary rule is judge-made. It was not made by this Congress. It is a rule the judges thought up to deter the policeman from making unreasonable searches and seizures. And their idea of deterring that was just not to admit the evidence.

What happens is, the policeman is not punished. He walks out of the courtroom and the accused walks out of the courtroom. And the evidence of his or her guilt is suppressed. The people who lose on that one, the victims, still end up with the dirty end of the stick. So this does not codify Leon.

I agree with the gentleman from Michigan [Mr. CONYERS]. It codifies the principle of Leon, which applies to warrants and may well apply to warrantless searches.

If the search was done in good faith, as determined by the court, not by the policeman, by an objectively reasonable standard, then the evidence, the heroin that they got in the trunk of the car, gets admitted, not suppressed. And the judge makes that judgment.

Yes, this is a change in emphasis. Heretofore in criminal law, the rights of the criminal, the rights of the accused have been paramount. In the last bill we suddenly awoke to the fact that victims have rights and are entitled to restitution, regardless of the financial solvency or insolvency of the criminal.

Now we are saying, with Justice Cardozo, who famously pronounced that a trial should be a search for the guilt or innocence of the accused, not a determination as to whether the constable blundered, if constables are going to blunder, then punish the constables, but do not suppress the evidence.

The public out there is also an important factor in this equation. I hope this bill passes unmended, and I thank the gentleman again for yielding time to me.

□ 1510

Mr. CONYERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I am reminded by my colleagues on the other side not to worry about what we are doing here today, that we are merely changing law that was made by the courts.

However, Mr. Chairman, the Supreme Court can make the laws of the land unless we modify them. That is how the whole exclusionary rule came into the law. Therefore, let us not put some pejorative effect on Supreme Court law. Thank goodness they came up with the exclusion.

The gentleman from Illinois [Mr. HYDE] says "Don't worry, the courts will eventually catch up with illegal actions," but that, again, is not the point. What we are saying is that illegally seized evidence should not be part of a trial.

We are not saying that people should walk out of courts. If you can make a case legally, fine. If you cannot make a case legally, that is precisely why the fourth amendment has been here for 200 years.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I would like to make a few points about this.

Mr. Chairman, I rise in opposition to H.R. 666, which is appropriately numbered. Let me say, Mr. Chairman, that there are two points I guess I would make here. The first is, there have been many instances where judges, defense lawyers, and others have hung on technicalities, and it seems, when we hear the result, that the technical change is overruling common good sense and what is good for the people of this country. That has happened, basically, in search warrant cases.

However, I must say that the Supreme Court in the Leon case dealt with that issue and dealt with it well. They said "When you get a warrant and the warrant is technically deficient, for some reason that is no one's fault and there was no real attempt to make that warrant technically deficient, we will allow the evidence to be admitted, the seized evidence to be admitted."

That is a good decision. It was done by a very conservative court, and it makes a good deal of sense.

However, Mr. Chairman, what the other side wants us to do now is take the rule of good faith and extend it to warrantless searches. That is taking what Leon did, which was a change that was needed, and falsely extending that logic to an area where there is no place for it.

Most Americans, Mr. Chairman, feel very strongly that police officers should not be allowed, unless there are exceptions, emergencies, in plain view, and there are lots of exceptions to the exclusionary rule, should not be allowed to knock on the door of their house and enter and search and seize. That is one of our more fundamental rights, just like free speech and freedom of religion.

Mr. Chairman, to undo that when, first of all, the evidence is that there are very few cases where this would apply that this would make a difference, as I heard the two gentlemen from Florida get up and talk about cases with automobiles, I would remind my colleagues, we are not talking about automobiles here, because there is a much more lenient standard under the Terry case for automobiles. We are talking about people's homes. In that situation, we find almost no egregious cases.

Mr. Chairman, when we talk to law enforcement people, they indicate that they think that they can live with this.

I guess my first point, Mr. Chairman, and let me sum up that one here, to fix technicalities is one thing. To avoid getting a warrant altogether when there are none of the recognized exceptions, I think if that happens, Americans are going to shudder, including Americans like myself who are very much afraid of crime, and Americans like myself who think that in many instances the pendulum has swung too far for individual rights and against societal rights.

The second point, Mr. Chairman, that I would make, that is equally relevant, is that when I learned about the exclusionary rule in law school I scratched my head. I said "This doesn't quite fit." A law enforcement officer steps over the line, and we punish them by not allowing what might well be good evidence. It does not fit.

As I learned more and more about it, both in law school and afterwards, there was one major problem with the logic of those who say it does not fit and we should repeal it. They do not come up with a good alternative. That is the problem.

The only alternative I have seen proposed in the law books, et cetera, is to punish the police officer. That side is not going to vote for that. This side is not going to vote for that. Our police officers, God knows, have enough burdens on them that we are not going to punish them when they go over a line.

Mr. HYDE. Mr. Chairman, would the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, does the gentleman think suppressing the evidence punishes the policeman who had made an unreasonable search?

Mr. SCHUMER. No, Mr. Chairman, I do not.

Mr. HYDE. Mr. Chairman, if the gentleman will yield further, I am just saying the present exclusionary rule does not accomplish anything but let the accused go free.

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, what I would say to the gentleman, the one thing it does accomplish is that there is care before making a search of one's home. I would like there to be a better way to create that level of care, Mr. Chairman. I agree with the gentleman. However, the gentleman has not shown it.

What the gentleman has shown in his amendment, or what H.R. 666 does, which is not the gentleman's amendment, there is no alternative standard proposed. There is simply something that says "If you are in good faith, you do not need a warrant." To me that crosses the line we ought not to cross.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in support of H.R. 666.

First of all, Mr. Chairman, I have to point out, with respect to that statement that the exclusionary rule has applied within the courts of the United States of America as a congressional doctrine for all 200 years plus of our existence, that that is incorrect.

The exclusionary rule was first, I believe, announced in Federal court in Federal cases in 1914. It was not applied to the States, at least not through Federal doctrine, until all the way to 1961.

However, I want to say that I do support the broad purpose of the exclusionary rule. I think, as the Supreme Court said in Mapp versus Ohio, cited by the gentleman from Michigan, that the exclusionary rule was a necessary device to encourage police officers not to flagrantly disregard the Constitution of the United States, and in particular the 4th and 14th amendments to the Constitution of the United States, in terms of their search and seizure practices.

I think the exclusionary rule, even though it is opposed by some, I think implied in some of the remarks we have already heard, because it does represent a fact that evidence sometimes is not allowed in cases, is still an important device in terms of protecting constitutional rights. If there were a bill, if there were a bill that proposed to totally eliminate the exclusionary rule completely, I would not support it.

However, that is not what it does. What it does is broaden the exception already announced by the U.S. Supreme Court for a good-faith error in terms of search and seizure.

The whole purpose of the exclusionary rule, and it is a rule, it is not in the Constitution itself—one cannot find it in the Constitution—the whole purpose of this rule is to encourage officers to observe our rights under the fourth amendment in terms of their putting together criminal cases.

Again, I have said I agree with that. The penalty, of course, the deterrence intended, is evidence cannot be used if officers deliberately or for any reason, as of right now, violate the fourth amendment.

The point is, Mr. Chairman, this rule makes sense in terms of encouraging officers to comply with the fourth amendment to the best of their ability. It makes no sense—it makes no sense under the theory of the exclusionary rule—to exclude evidence from a court where an officer has acted in good faith; that is, has acted on an objectively reasonable standard and in the belief that the search was legal.

I can recall, Mr. Chairman, during the years when I was general counsel for the Albuquerque Police Department, and also when I was district attorney of the Albuquerque area, that certain areas of search and seizure without a warrant were changing so rapidly in court decisions that it was hard to even advise the police officers what the standards were.

□ 1520

It seems to me that it accomplishes nothing to exclude evidence in a particular case where an officer has seized that evidence and later a court says this was in fact a good faith error but was an error when that officer has to try to be a lawyer out on the street. It seems to me that the purpose of the exclusionary rule is not accomplished when an officer in good faith, under the standards announced here in objectively reasonable good faith, makes an error.

That is the reason why I support H.R. 666. It is true that "objectively reasonable" has to be determined in each case, but that is no different than the fact that probable cause has to be determined in each case. It is no different than the fact that the term "beyond a reasonable doubt" must be determined in each case. The legal system has handled that in the past on a case-by-case basis and, I am confident, is capable of doing so in the future.

For that reason, I urge passage of this bill.

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

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, to the gentleman from Illinois [Mr. HYDE], our chairman, I would have him remember that the exclusionary rule was put in place to make sure that the police behave rather than allowing "anything goes," and then we have years later a court decision that finds out that they did not conduct themselves in the manner that they should. That is the importance of the exclusionary rule.

Mr. Chairman, to my friend from Arizona who said we want an objectively reasonable standard, but not the police officer's objectively reasonable standard. We want the magistrate's objectively reasonable standard at the front end. We do not want policemen applying court doctrine unilaterally.

Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. I thank the gentleman for yielding me the time.

Mr. Chairman, I am beginning to wonder what happens when the Republicans' 1995 political contract comes into conflict with the people's 1791 contract with the American people, the Constitution.

I thought the conservative approach was to uphold the people's contract under all circumstances. What I have found recently is that the Republicans are not willing to be conservative in their approach. They talk about being conservative but when it comes time to be conservative, they throw the most conservative document in the world out the window.

When the Constitution conflicts with their beliefs, they are willing to either violate it or amend it, because they think they are smarter than the Founding Fathers of this country were.

The 1791 contract leaves no equivocation. It says the right of the people to be secure in their persons, houses, papers, and so on shall not be violated. it does not say if we find some objectively reasonable standard, we will violate it. It says "shall not be violated." "No warrant should issue but upon probable cause." It does not say probable cause if there is some objective belief that there was probable cause. It says "probable cause." Yet here we are trying to undermine that document.

Since 1791 when this fourth amendment was put into the Constitution, there has been litigation. Case after case after case we have litigated what this fourth amendment means. Notwithstanding that, what did they come back with? Some more language, objectively reasonable standard, that we will have to litigate for 200 more years before we find out what it means.

Mr. Chairman, this makes no sense. The gentleman from New Mexico [Mr. SCHIFF] says it is not in the Constitution. I beg to differ with him. My Constitution says, "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated."

Nobody can tell me that there is any objectively reasonable standard in this Constitution. It says "shall not be violated." And here we are, claiming that we are conservatives and all the while treading on the most conservative document we have in this country, treading on the rights of the people.

This document was not written for the protection of the guilty. This document was written for the protection of the innocent. They can tell me all they want that only 1 percent or 2 percent of the cases that come up under this amendment are won by the defendant. Those are the people that this language was designed to protect.

If we believe in the Constitution, we will leave it exactly like it is. In fact, we will vote for the amendment I plan to offer when the time for amendment comes on this bill.

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the exclusionary rule is what is not in the Constitution. It was not imposed upon the States as a mandatory Federal doctrine until the year 1961. And somehow the Republic made it all that way from the 18th century until 1961 without the exclusionary rule. Nevertheless, I support it as enunciated in the case Mapp versus Ohio and the circumstances they were talking about, an outrageous ignorance of following constitutional prescription, and the reason they imposed it on the States. But it makes no sense to impose it in a situation where an officer is in objective good faith.

Although the last speaker said we should not change anything, the Supreme Court has already made a modification in the exclusionary rule by allowing this very good faith exception

in the case where a warrant is obtained by police officers and the warrant is later held to be invalid, and that has not caused a wholesale violation of constitutional rights through that exception.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEINEMAN].

Mr. HEINEMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, we hear the talk about the exclusionary rule, and I do not think we have had much dialog about the warrant search, the search under the authority of a warrant, other than having Leon explain to us on two occasions. What we are really talking about is we are really talking about the warrantless search. Leon did not speak to the warrantless search, but warrantless search is basically what this exclusionary rules points up. Warrantless searches are searches performed by police officers at the scenes of a provocation, so to speak, a situation where the exigencies of the service require a police officer to act.

Police officers do not have with them the luxury of a law library to look up in the library as to what is legal and what is illegal. They have their own instincts, they have their own practices, and they have their own good common sense. Nor do they have a boardroom to caucus their contemplated actions before making an arrest or a search. They have to again rely on their experience and precedent.

Of course we can talk about officers in 1910 or we could talk about officers in 1995, the training and those that are not trained. I submit that officers in 1995 are better trained than officers at any other time in the history of law enforcement in this country.

□ 1530

But it all comes down to an arrest and evidence being seized and it all comes down to the courtroom where defendants have a right to an attorney present. Those attorneys, if they are worth their salt, and in Federal cases and I have great respect for Federal attorneys and people that ply their wares in Federal court and the judges, at that point the attorneys have an obligation to make a motion to suppress, a motion to suppress the evidence that was seized, and the attorney, and if he does not do that, then that is something else, then that is another motion to make to get rid of the attorney.

But the judges present, listening to the probable cause that was offered by the police officer that generated his action, will make a determination as to whether to suppress that evidence or not to suppress the evidence. And if that evidence was not seized under probable cause, then I am sure that the evidence will be suppressed.

If it was not, if the evidence, if the probable cause that was laid before the judge would have been probable cause to issue a warrant, then the judge has an obligation not to suppress that evidence, and I think that the Constitution, yes, the Constitution which gives the right of the people to be secure in their persons, protects the victim.

We are not talking about specifically protecting the criminal, we are talking about in this day and age protecting the victims of crime. And I as a citizen, and 2 months ago was a citizen, not a legislator, I want to know that the courts, I want to know that the Constitution, I want to know that law enforcement is out to protect me, because determination of the evidence seized and suppressed has to go to someplace. And if it is a pound of cocaine or if it is a gun in a room or whatever, it is going to come down to the citizens of this country one way or another.

I am for law enforcement officers and I urge the passage of the exclusionary rule, H.R. 666.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

The right of persons to be secure in houses, papers and effects against unreasonable searches and seizures shall not be violated, the fourth amendment to the Constitution of the United States.

Today we are told it is an inconvenience, it is in the way of the police, it did not apply to the States until 1961 anyway. It is the Bill of Rights, and every Member comes to this floor every day and pledges allegiance to that Constitution and has sworn an oath to it.

It is not always going to be convenient and sometimes it is going to cause problems. And yes, I say to the gentleman from New Mexico [Mr. SCHIFF], it did not apply to the States in these cases until 1961.

But the Supreme Court of the United States, the people of this country, had decided in each generation, in each decade to expand its powers, because for 200 years we have understood that the principal danger to the freedom of the people of this country was expanding Government power. For 200 years we have understood the very cause of our revolution, that we wanted to be secure in our homes, that we feared the criminal and lawlessness, but we also feared a government so content in its own powers that it would enter our own homes and violate our own rights.

It is a great irony that a new conservatism, believing that government robs people of their freedom, believing in the right and the sanctity of private property, would now cause a new exclusion, the exclusion of the right of the person to be free of government power.

It is, of course, worth noting that many of those things that we are told that need to be protected for law enforcement are already protected. A fleeing felon, the police can already enter under the fourth amendment. The destruction of evidence, the police can already enter under the fourth amendment. The possibility of escape, the police can already enter under the fourth amendment.

Indeed, the very things the police need for practical law enforcement for the dangers of our times are already protected. We achieve nothing but lowering the standard that we apply to law enforcement, a standard which will be lowered and lowered if this measure succeeds.

My colleagues, we must make compromises, but if today we violate the fourth amendment, then the criminals have already won. Our Constitution will have been compromised.

Mr. SCHIFF. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we are really talking here today not about thousands upon thousands of court decisions, not about tens of thousands of pages of court documents, but about two documents, the Constitution of the United States of America, and H.R. 666.

Is it not interesting, Mr. Chairman, that both of these documents talk about reasonableness? They complement each other, they are not antagonistic, they do not fight with each other as the other side would have us believe they are doing here today. We are simply taking that standard of reasonableness embodied in this document, the Constitution of the United States, which includes the word "reasonable," which many Members on the other side conveniently disregard in their quotings from the Constitution, the fourth amendment today as does H.R. 666.

We are not saying we do not believe in the Constitution. No Member on this side of the aisle needs to allow those on the other side of the aisle impugn our motives or with regard to the Constitution of the United States of America. What we are talking about here today, Mr. Chairman, is strengthening that document and saying we pay attention to the entire document, including that language which says in the preamble:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

Mr. Chairman, today that preamble, the ability of our Constitution is in danger, it is in danger because we have drifted, drifted through decisions over the years that do not pay attention to the specific wording of the fourth amendment.

This bill today, H.R. 666, gets us back to the root, the heart of what our Constitution was intended to do, and that is to apply a reasonable standard to protect all people, including those of us who may be victims of crime, those of us such as myself as a former U.S. attorney who seek to promote and protect the welfare as well as the rights of the accused.

Mr. Chairman, I rise today in strong support of H.R. 666 which supports our Constitution, which follows in recent cases and says that, yes, to the people of the United States, reasonableness, as embodied in our Constitution but has been forgotten in recent years, is there, should be there. And this proposed statute that we are debating today simply contradicts that and says to the people of this country who spoke very loudly on November 8 that yes, we want our Constitution, but we want it to apply with reasonableness to our police officers who are there to protect the good and to carry out this great document.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

□ 1540

Mr. VOLKMER. Mr. Chairman, I just want to alert the Members that I will be having an amendment to this bill that would exempt the Bureau of Alcohol, Tobacco and Firearms agencies from the provisions of this bill.

BATF has been the biggest rogue, Rambo outfit that has taken guns away from innocent people, and this will permit them to break into houses, break into businesses, without a warrant. It is bad enough now with a warrant.

The gentleman from Georgia talked a minute ago about the fourth amendment. Well, he had better start looking at the second amendment, because this bill, as it is written right now, lets BATF, if somebody tells somebody, "Hey, that guy has got an illegal gun down there in his house," they can go in and bust the door down and get it. If it is not there, they just say, "Tough luck, buddy," just like they have said to many people in this country. I have fought BATF since the 1970's since I first came here. What do you think happened at Waco? Who was that? What happened in Idaho? Who was that?

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

I just want to respond and point out that if any agency breaks down a door looking for evidence and it is not there and they say, "tough luck," that is true under the exclusionary rule today. The exclusionary rule only applies if something illegal is in fact found.

One of its detriments is the fact it offers by itself no protection in those situations where someone, an innocent's rights are transgressed.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Missouri.

Mr. VOLKMER. If they have a warrant; if they have a warrant. If they do not have a warrant, as your bill permits it, they do not have to have a warrant to break into that house, and if the warrant is defective, even under the Supreme Court, which I disagree with, the evidence can possibly be used.

Mr. SCHIFF. Reclaiming my time, the example given by the gentleman from Missouri was, if nothing illegal is found, tough luck. That is true under the exclusionary rule today. That is my point. The exclusionary rule, since it suppresses evidence that is found that the police officers seek to use has no effect if nothing is found.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I had not planned to speak on this matter. I sit with the gentleman from New Mexico and the gentleman from Michigan on the House Committee on the Judiciary, I am proud to say, but I heard other speakers come to the podium, and I feel obliged to insert my oars into the water, if you will.

Mr. Chairman, no one on this floor is trashing the Constitution, as far as I am concerned. I intend to vote in favor of H.R. 666. In doing so, am I guilty of trashing the fourth amendment? Indeed not.

The gentleman from Georgia, I believe, who preceded me here, he used a key word that many are either conveniently or unintentionally avoiding, "reasonableness," and "good faith." Those are words you do not hear kicked around too much.

Now, I am not suggesting that every police officer and every law enforcement officer in this country is a model citizen.

I am suggesting, however, Mr. Chairman, that most police officers and most law enforcement officers in this country are good people, and most of them do their jobs orderly and properly and most of them do their jobs, in my opinion, at least speaking for the law enforcement officials in my district, they do their jobs laced very generously with good faith.

I think it is a shame that we are hearing those of us who are speaking in favor of this piece of legislation as being guilty of trashing the Constitution. I resent such charges. They are not well founded.

I urge passage of H.R. 666.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, we all want to see criminals convicted and serve prison sentences for their crimes. No one wants to hinder the police in their dangerous and difficult effort to protect all of us and to combat crime.

However, this bill is not about merely eliminating legal technicalities. It is about removing the requirement for a warrant prior to a search and seizure, and the Founders of our country believed that our citizens should be free from unreasonable searches and seizures.

The words of the Constitution, the fourth amendment, "The right of the people to be secure in their persons, houses, and papers and effects against unreasonable searches and seizures shall not be violated." I am not talking about the rights of defendants or the rights of prosecutors. We are talking about a fundamental right of the people of this country, and that is what we want to protect here today.

I do not think we should chip away at that fundamental right. The warrant requirement is not a burden on law enforcement. Police can get a warrant by telephone. In fact, it takes sometimes only 2 minutes to get a warrant.

Warrantless searches are permissible under exigent circumstances. I do agree that officers who rely on a warrant that later turns out to be invalid should not be penalized. I support that part of the bill that codifies that good-faith exception.

I also support extending this exception to cases where the police relied upon a statute that later turned out to be unconstitutional.

However, I am reluctant to leave behind the presumption that in the ordinary course a police officer should obtain a warrant.

The majority would have you believe that this technicality results in many cases being thrown out. The evidence is contrary to that. The Comptroller General, in a report, indicated that suppression motions, those motions to eliminate evidence, succeed only in 1.3 percent of Federal cases. In fact, in those cases, 50 percent of the individuals are convicted anyway.

In fact, under the majority's formulation, more evidence may be thrown out as police officers have to justify after the fact their constitutional compliance.

I suggest we maintain the protections of the Constitution for the people.

Mr. CONYERS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I think we need to go back to exactly what we are talking about. What we are talking about in this discussion is illegal searches.

Legal searches are not affected by this legislation.

Oliver Wendell Holmes, Justice Oliver Wendell Holmes, said the fourth amendment protects an individual's legitimate expectation to privacy. "The