

Johnson, Sam	Molinari	Serrano
Johnston	Moorhead	Shadegg
Jones	Moran	Shaw
Kasich	Morella	Shays
Kelly	Myrick	Shuster
Kennedy (MA)	Neal	Skaggs
Kennelly	Nethercutt	Skeen
Kim	Neumann	Skelton
King	Ney	Smith (MI)
Kingston	Norwood	Smith (NJ)
Knollenberg	Nussle	Smith (TX)
Kolbe	Olver	Smith (WA)
LaFalce	Ortiz	Solomon
LaHood	Oxley	Souder
Latham	Packard	Spence
LaTourette	Pastor	Stenholm
Laughlin	Paxon	Stockman
Lazio	Payne (VA)	Studds
Leach	Pelosi	Stump
Levin	Petri	Talent
Lewis (CA)	Pickett	Tate
Lewis (GA)	Pombo	Tejeda
Lewis (KY)	Porter	Thomas
Lightfoot	Portman	Thornberry
Linder	Pryce	Thornton
Livingston	Quillen	Tiahrt
LoBiondo	Quinn	Torkildsen
Longley	Radanovich	Torres
Lucas	Ramstad	Torricelli
Maloney	Regula	Upton
Manton	Reynolds	Vento
Manzullo	Richardson	Volkmer
Markey	Riggs	Vucanovich
Martini	Roberts	Waldholtz
Matsui	Rogers	Walker
McCarthy	Ros-Lehtinen	Walsh
McCollum	Roth	Wamp
McCrery	Roukema	Ward
McDade	Roybal-Allard	Waters
McHugh	Royce	Watts (OK)
McInnis	Rush	Waxman
McIntosh	Salmon	Weldon (FL)
McKeon	Sanford	Weller
Meehan	Sawyer	White
Metcalf	Saxton	Wicker
Meyers	Scarborough	Williams
Mfume	Schaefer	Wolf
Mica	Schiff	Young (AK)
Miller (FL)	Schumer	Young (FL)
Mineta	Seastrand	Zeliff
Moakley	Sensenbrenner	Zimmer

Whitfield	Wise	Wyden
Wilson	Woolsey	Wynn
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, DICK-EY, FUNDERBURK, KENNEDY of Massachusetts, and OLVER, Ms. ROY-BAL-ALLARD, Mrs. SMITH of Wash-ington, Mr. TORRES, and Mr. SAN-FORD 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 CON-CERNING THE MEXICAN BAILOUT

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

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 co-sponsors 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 order-ly 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 re-spect to the effort taken by the gen-tleman 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 gentleman from Ohio [Ms. KAP-TUR].

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 ex-tremely 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 en-courage you on your efforts in the com-mittees. 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 his-toric move of the House to silence the Membership on the largest use of unap-propriated dollars in the history of this Nation.

Mr. ARMEY. Let me just say I do ap-preciate the gentlewoman's disappoint-ment. I have felt it myself many times. But it was, in fact, the correct ruling of the Chair.

Mr. BURTON of Indiana. Mr. Speak-er, 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 gentle-woman from Ohio. We will hold exten-sive hearings on this subject, how it will impact on the United States, Mex-ico and other Latin American coun-tries. It will not be just window dress-ing. We are going to hold extensive hearings. The gentlewoman will be in-cluded in the discussion at the hearing.

VICTIM RESTITUTION ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direc-tion of the Committee on Rules, I call up House Resolution 60 and ask for its immediate consideration.

The clerk read the resolution, as fol-lows:

H. RES. 60

Resolved, That at any time after the adop-tion of this resolution the Speaker may, pur-suant 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 di-vided 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 rec-ommended by the Committee on the Judi-ciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consid-eration of the bill for amendment, the Chair-man of the Committee of the Whole may ac-cord 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. Amend-ments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and

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Abercrombie	Furse	Murtha
Ackerman	Gibbons	Myers
Andrews	Gonzalez	Nadler
Baesler	Gordon	Oberstar
Barcia	Hall (OH)	Obey
Barrett (WI)	Hall (TX)	Orton
Bevill	Harman	Owens
Bilbray	Hastings (FL)	Pallone
Bishop	Hayes	Parker
Borski	Hefner	Payne (NJ)
Brewster	Hilliard	Peterson (FL)
Browder	Hinchey	Peterson (MN)
Brown (CA)	Holden	Pomeroy
Brown (FL)	Hoyer	Poshard
Brown (OH)	Hunter	Rahall
Bryant (TX)	Istook	Rangel
Chapman	Jacobs	Reed
Clay	Johnson (SD)	Rivers
Clayton	Johnson, E. B.	Roemer
Clement	Kanjorski	Rohrabacher
Clyburn	Kaptur	Rose
Coble	Kennedy (RI)	Sabo
Collins (IL)	Kildee	Sanders
Collins (MI)	Kleczka	Schroeder
Condit	Klink	Scott
Conyers	Klug	Sisisky
Costello	Lantos	Slaughter
Coyne	Largent	Spratt
Cramer	Lincoln	Stark
Danner	Lipinski	Stearns
Deal	Lofgren	Stokes
DeFazio	Lowey	Stupak
Dellums	Luther	Tanner
Deutsch	Martinez	Tauzin
Dingell	Mascara	Taylor (MS)
Doyle	McDermott	Taylor (NC)
Duncan	McHale	Thompson
Durbin	McKinney	Thurman
Engel	McNulty	Towns
English	Meek	Trafficant
Eshoo	Menendez	Tucker
Evans	Miller (CA)	Velazquez
Farr	Minge	Visclosky
Fattah	Mink	Watt (NC)
Fields (LA)	Mollohan	Weldon (PA)
Filner	Montgomery	

□ 1250

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.

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 delib-

eration 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. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. 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 asked and was given permission to revise and extend his remarks.)

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 dif-

ference 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 non-controversial. 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 be 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 asked and was given permission to revise and extend his remarks.)

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

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. CONYERS asked and was given permission to revise and extend his remarks.)

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

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 asked and was given permission to revise and extend her remarks.)

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

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 vic-

tims 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.

□ 1350

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.

□ 1400

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 of 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 no-

tified. 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	Creameans	Hansen
Ackerman	Cubin	Harman
Allard	Cunningham	Hartert
Andrews	Danner	Hastings (FL)
Archer	Davis	Hastings (WA)
Army	de la Garza	Hayes
Bachus	Deal	Hayworth
Baesler	DeFazio	Hefley
Baker (CA)	DeLauro	Hefner
Baker (LA)	DeLay	Heineman
Baldacci	Dellums	Herger
Ballenger	Deutsch	Hilleary
Barcia	Diaz-Balart	Hilliard
Barr	Dickey	Hinchey
Barrett (NE)	Dicks	Hobson
Barrett (WI)	Dingell	Hoekstra
Bartlett	Dixon	Hoke
Barton	Doggett	Holden
Bass	Dooley	Horn
Bateman	Doolittle	Hostettler
Becerra	Dornan	Houghton
Beilenson	Doyle	Hoyer
Bentsen	Dreier	Hunter
Bereuter	Duncan	Hutchinson
Berman	Dunn	Hyde
Bevill	Durbin	Inglis
Bilbray	Edwards	Istook
Bilirakis	Ehlers	Jackson-Lee
Bishop	Ehrlich	Jacobs
Bliley	Emerson	Jefferson
Blute	Engel	Johnson (CT)
Boehlert	English	Johnson (SD)
Boehner	Ensign	Johnson, E. B.
Bonilla	Eshoo	Johnson, Sam
Bonior	Evans	Johnston
Bono	Everett	Jones
Borski	Ewing	Kanjorski
Boucher	Farr	Kaptur
Brewster	Fattah	Kasich
Browder	Fawell	Kelly
Brown (CA)	Fazio	Kennedy (MA)
Brown (FL)	Fields (LA)	Kennedy (RI)
Brown (OH)	Fields (TX)	Kennelly
Brownback	Filner	Kildee
Bryant (TN)	Flake	Kim
Bryant (TX)	Flanagan	King
Bunn	Foglietta	Kingston
Bunning	Foley	Klecicka
Burr	Forbes	Klink
Burton	Ford	Klug
Buyer	Fowler	Knollenberg
Callahan	Fox	Kolbe
Calvert	Frank (MA)	LaFalce
Camp	Franks (CT)	LaHood
Canady	Franks (NJ)	Lantos
Cardin	Frelinghuysen	Largent
Castle	Frisa	Latham
Chabot	Funderburk	LaTourette
Chambliss	Furse	Laughlin
Chapman	Gallegly	Lazio
Chenoweth	Ganske	Leach
Christensen	Gejdenson	Levin
Chrysler	Gekas	Lewis (CA)
Clay	Gephardt	Lewis (GA)
Clayton	Geren	Lewis (KY)
Clement	Gibbons	Lightfoot
Clinger	Gilchrest	Lincoln
Clyburn	Gillmor	Linder
Coble	Gilman	Lipinski
Coburn	Gonzalez	Livingston
Coleman	Goodlatte	LoBiondo
Collins (GA)	Goodling	Lofgren
Collins (IL)	Gordon	Longley
Collins (MI)	Goss	Lowe
Combest	Graham	Lucas
Condit	Green	Luther
Conyers	Greenwood	Maloney
Cooley	Gunderson	Manton
Costello	Gutierrez	Manzullo
Cox	Gutknecht	Markey
Coyne	Hall (OH)	Martinez
Cramer	Hall (TX)	Martini
Crane	Hamilton	Mascara
Crapo	Hancock	Matsui

McCarthy	Pombo	Spratt
McCollum	Pomeroy	Stark
McCreary	Porter	Stearns
McDade	Portman	Stenholm
McDermott	Poshard	Stockman
McHale	Pryce	Stokes
McHugh	Quillen	Studds
McInnis	Quinn	Stump
McIntosh	Radanovich	Stupak
McKeon	Rahall	Talent
McKinney	Ramstad	Tanner
McNulty	Rangel	Tate
Meahan	Reed	Tauzin
Meek	Regula	Taylor (MS)
Menendez	Reynolds	Taylor (NC)
Metcalfe	Richardson	Tejeda
Meyers	Riggs	Thomas
Mfume	Rivers	Thompson
Mica	Roberts	Thornberry
Miller (CA)	Roemer	Thornton
Miller (FL)	Rogers	Thurman
Mineta	Rohrabacher	Tiahrt
Minge	Ros-Lehtinen	Torkildsen
Mink	Rose	Torres
Moakley	Roth	Torricelli
Molinari	Roukema	Towns
Mollohan	Roybal-Allard	Trafficant
Diaz-Balart	Royce	Tucker
Montgomery	Rush	Upton
Moorhead	Moran	Velazquez
Moran	Salmon	Vento
Morella	Salmon	Visclosky
Murtha	Sanders	Volkmmer
Myers	Sanford	Vucanovich
Myrick	Sawyer	Waldholtz
Nadler	Saxton	Walker
Neal	Scarborough	Walsh
Nethercutt	Schaefer	Wamp
Neumann	Schiff	Ward
Ney	Schroeder	Waters
Norwood	Schumer	Watt (NC)
Nussle	Scott	Watts (OK)
Oberstar	Seastrand	Waxman
Obey	Sensenbrenner	Weldon (FL)
Olver	Serrano	Weldon (PA)
Ortiz	Shadegg	Weller
Orton	Shaw	White
Owens	Shays	Whitfield
Oxley	Shuster	Wicker
Packard	Sisisky	Williams
Pallone	Skaggs	Wise
Parker	Skeen	Wolf
Pastor	Skelton	Woolsey
Paxon	Slaughter	Wyden
Payne (NJ)	Smith (MI)	Wynn
Payne (VA)	Smith (NJ)	Young (AK)
Pelosi	Smith (TX)	Young (FL)
Peterson (FL)	Smith (WA)	Zeliff
Peterson (MN)	Solomon	Zimmer
Petri	Souder	
Pickett	Spence	

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. BEILENSEN] 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. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. 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