

If you are concerned about the ability of the Navy and our sailors to be militarily ready, then you will support the continuation of the President's deal in conference because it represents the quickest way for us to resume a full spread of training activities which can include live fire exercises.

The bottom line is that we have already negotiated a deal that is supported by all sides in this debate. But without the Skelton Amendment we would have had no deal. And so whether you are coming at this debate from a military or Puerto Rican perspective you can be sure that supporting the President's deal is the right thing to do.

REMEMBERING LANCE CORPORAL  
KEOKI P. SANTOS AND LANCE  
CORPORAL SETH JONES

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, on April 8, 2000 nineteen U.S. Marines were killed in the Arizona desert when their MV-22 Osprey crashed during a training exercise.

Two of those Marines, Lance Corporal Keoki Santos and Lance Corporal Seth Jones, were citizens of Oregon.

Lance Corporal Santos—who was only 24 years old—was a native of Grande Ronde, a Native American confederation which I have the good fortune of representing here in Congress.

He was an outstanding Marine. Keoki was also deeply loved by his mother, Mrs. Christina Mercier.

Lance Corporal Jones, who was only 19 years old, was an equally outstanding Marine.

He too left behind grieving relatives—his mother, Ms. Michele Tytlar, lives in Portland, Oregon and his father, Mr. Daniel Jones, lives in Bend, Oregon.

Mr. Speaker, this Monday is Memorial Day. Most, if not every Member of Congress, will return home to participate in official remembrance ceremonies.

Yesterday, three flags were flown over the Capitol of the United States commemorating the bravery of Lance Corporal Santos and Lance Corporal Jones.

This Memorial Day, I will present these flags to the families of these two Marines at Willamette National Cemetery.

I will also read aloud and present each family a letter from the Commandant of the Marine Corps, General James L. Jones.

This letter shares the Commandant's thoughts on the service and loss of not just these men, but all nineteen of the Marines killed in this tragic accident.

We owe an enormous debt to every American soldier, sailor, flyer, and Marine.

As we all return home this weekend to observe Memorial Day, we must remember those who served our Nation in uniform and now lie in eternal rest.

EXPRESSING SUPPORT FOR INCREASED APPROPRIATIONS FOR THE INS OMAHA DISTRICT OFFICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BEREUTER. Mr. Speaker, this Member would commend to his colleagues the following editorial from the May 12, 2000, edition of the Omaha World-Herald.

As the editorial correctly notes, the Omaha District Office of the Immigration and Naturalization Service (INS), which serves Nebraska and Iowa, has experienced a dramatic increase in demand for the services it provides. Despite the on-going efforts of the Nebraska and Iowa Congressional Delegations, on behalf of their constituents, to bring attention to this untenable situation and also to the lack of resources committed to the enforcement of immigration laws in this country's interior states, INS officials at the Federal and regional levels remain unresponsive. This Member and several of his colleagues from Nebraska and Iowa feel that the problems must now be addressed through the appropriations process.

This Member hopes that his colleagues in the House of Representatives will favorably review the requests outlined in the editorial and that they will increase assistance to INS operations not only in Nebraska and Iowa but in this country's interior region as a whole.

[From the Omaha World-Herald, May 12, 2000]

SHOW THEM THE MONEY

The figures are as solid as they are daunting: The Omaha office of the Immigration and Naturalization Service has a backlog of more than 5,000 cases. Over the last five years, it has seen a 400 percent increase in the number of documents processed. Workloads like that can't be handled with smoke and mirrors. Warm bodies must be in place, and that place needs to be safe and efficient. Some members of Congress clearly understand the problem, and they are commendably committed to solving it.

Last week the entire Nebraska congressional delegation, joined by Rep. Jim Leach of Iowa, wrote to colleagues whose committees oversee spending for the INS. The request was for them to earmark enough money (about \$119,000 yearly) to add two immigration information officers and two clerical positions to the local office.

This request for a direct appropriation wouldn't have been necessary if Mark Reed, director of the INS Central Region, had responded to these officials' 1999 request to flesh out the office's ability to respond to public needs. It's hard to fathom why he didn't.

Now, Nebraska's three House members have approached the chair of the appropriate subcommittee about getting a one-time injection of \$2 million to relocate the Omaha INS branch to new quarters, possibly near Eppley Airfield.

If the lawmakers are successful in these efforts, that will address the local agency's two biggest problems: a personnel shortage and an inadequate physical plant. It's about time something was done. The modern-day trend toward more and more newcomers argues that from an operational standpoint, things are likely to get worse before they get better.

For years, the local INS has operated piecemeal out of four buildings, the main one being at 3736 South 132nd St. Until last fall, clients had to wait outside in all kinds of weather. That was addressed when the local INS officials leased a 2,400-square-foot waiting area, but even that was a stopgap measure. Getting the 65,000-square-foot building envisioned by the local officials and community activists, along with an adequate number of people to staff it, would be the right thing to do.

What the lawmakers are attempting amounts to a fiscal end-run, asking for improvements the INS should already have requested on its own. There's no telling it will work, but let's hope so. Certainly, the intentions are honorable. The INS overload here has gone beyond embarrassing and is edging toward intolerable.

IT'S TIME THAT CONGRESS LOOK INTO THE FEDERALIZATION OF CRIMES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. MANZULLO. Mr. Speaker, its high time that Congress takes a serious look at the federalization of crimes in the United States. The State and Federal Courts together comprise an intertwined system for the administration of justice in the United States. The two courts systems have played different but equally significant roles in the Federal system. However, the State courts have served as the primary tribunals for trials of criminal law cases.

The Federal Courts have a more limited jurisdiction than the State Courts with respect to criminal matters because of the fundamental constitutional principle that the Federal government is a government of delegated power in which the residual power remains with the States. In criminal matters, the jurisdiction of the Federal Courts should complement, not supplant, that of the State Courts.

The 1999 Year-End Report on the Federal Judiciary shows how its caseload has grown:

One hundred years ago, there were 108 authorized federal judgeships in the federal judiciary, consisting of 71 district judgeships, 28 appellate judgeships, and 9 Supreme Court Justices. Today, there are 852—including 655 district judgeships, 179 appellate judgeships and 9 Supreme Court Justices. In 1900, 13,605 cases were filed in federal district courts, and 1,093 in courts of appeals. This past year, over 320,194 cases were filed in federal district courts, over 546,000 in courts of appeals, and over 1,300,000 filings were made in bankruptcy courts alone.

It is apparent that some growth of the federal court system should occur over time due to increases in population. But what also has grown substantially is the scope of federal jurisdiction. Federalization of the states' criminal codes is something that politicians, especially here at the federal level, cannot seem to help but engage in from time to time. It has been over time, in response to criminal concerns nationwide, that Congress has again and again federalized crimes in the name of fighting crime and protecting the nation's populace. But, is the federalization of crime really an antidote for our nation's crime problems? Is it really proper to federalize crime so politicians can "prove" their effectiveness? These are important questions that must be asked. We all

must look in the mirror and ask ourselves whether there is a sound justification for having two parallel justice systems.

Americans should not be subject to different, competing law enforcement systems, different penalties depending on which system brings them to trial, and an ever-lengthening possibility that they might be tried for the same offense more than once.

Mr. Speaker, much of what I just stated is contained in the findings of the bill I introduced today—the Federalization of Crimes Uniform Standards (FOCUS) Act of 2000.

The bill is simple. It lays out what the appropriate Federal activity—response—is an offense against the Federal Government. Under the bill, section 6, an offense, or federal crime, is an activity with respect to which a clear need for uniform Federal law enforcement exists. This includes an activity that involves conduct of an interstate or international nature, or of such magnitude or complexity that a State acting alone cannot carry out effective law enforcement with respect to that conduct; or that involves conduct of overriding national interest, such as interference with the exercise of constitutional rights. The criminal conduct must be an offense directly against the Federal Government, including an offense directly against an officer, employee, agency, or instrumentality of the Federal Government. Seems pretty basic.

The idea behind this section is to set a standard definition to what constitutes a federal crime. The current method seems to be that a federal crime is whatever Congress deems it to be, without any true consideration of the constitutional issues involved. Therefore, under the current methods, political will is the only thing that keeps us from federalizing crime. Political weakness in the face of media sound bite criticisms force Congress to act again and again to federalize crime—even when there is nothing but rhetoric to suggest that “something must be done!” to fight crime.

Sometimes less is better. In 1999, the Senate Governmental Affairs Committee held hearings on the issue of “controlling the federalization of crimes that are better left to state laws and courts to handle.” The hearings were held in part as a response to questions raised by Supreme Court Chief Justice William Rehnquist regarding the federalization of criminal law. The hearings also focused on the American Bar Association’s Task Force on the same issue. The Task Force, which was chaired by former Attorney General Edwin Meese, concluded that in order to maintain balance in our Constitutional system of justice, there must be a “principled recognition by Congress for the long-range damage to real crime control and to the nation’s structure caused by inappropriate federalization.”

Inappropriate federalization. Now, some will say that this is a Republican’s attempt to weaken the laws of the land. My reply is simply that federalization of crime does not make anyone safer. Simply adding more laws to the federal code will not necessarily help the citizenry. On the contrary, it could end up hurting those we want to help.

Consider that increased federalization has caused a significant case backlog in our federal courts. Those people with cases pending in the federal system for things other than criminal purposes are impacted. Their rights to due process for fair hearings on their issues are delayed. The rights of those who are

criminal victims are often delayed, too, due to the length of time it takes at the federal level to hear a criminal case. The backlogs are real. The delays are frustrating. Justice is not being served.

Some say, let’s add more money so we can get these cases to trial. Again, my response to that is, why should we have two entirely parallel systems of justice in our country? Money is not the answer. Better utilization of our constitutional system of federalism and separation of powers is a good place to begin.

Let the states work their will. The Federal Government doesn’t always have the best answers. We effectively have 50 different constitutional republics that can and do serve as policy laboratories. The electorate in these states are the very same people that elect us all to Congress. They can take control of what is happening in their states and compare outcomes with 49 other state jurisdictions (not to mention the District of Columbia and the territories). With a federal system, will we ultimately move to a single federal criminal code? It would appear that way. It may not happen this year, this decade or even this century. However, over the course of time, the trend indeed is moving that way.

This bill is a common sense approach to checking the Congress’ penchant for federalizing crimes. It sets guidelines for Congress, which will certainly debate crime again in the legislative branch. The standards state that no federal criminal legislation shall be enacted unless and until certain criteria are met: the legislation must center on the core functions discussed earlier; the States must be inadequately addressing the perceived need; the Federal Judiciary is able to meet the needs without restructuring and without affecting efficiency; and, the bill includes a federal law enforcement impact statement. We pass bills all the time to address certain needs. Let’s put the rhetoric to a test.

Finally, the bill sets up a Commission to Review the Federal Criminal Code. This commission will review, ascertain, report, and recommend action to the Congress on the following matters: the Federal criminal code (Title 18) and any other federal crimes as to compliance with the standards in this Act; recommend changes, either through amendment or repeal, to the President and Congress where appropriate to the offenses set forth in said criminal code (Title 18) or otherwise; and such other related matters as the Commission deems appropriate.

Finally, for each piece of legislation passed out of congressional committees of jurisdiction that modify or add to federal criminal code, the commission must submit a report to Congress. This report will be called a Federal Crimes Impact Statement that shall be included in the reports filed prior to consideration by the House and Senate.

The membership of the commission is important to consider. The bill calls for 5 appointed members—1 each from both sides of the aisle in the House and Senate, and one appointed by the Chief Justice of the United States, who shall chair the Commission. This will bring a new, and much needed, dimension to the debate. Under the bill, the commission would be charged with obtaining official data directly from any department or agency of the United States necessary for it to carry out this section—unless doing so would threaten the national security, the health or safety of

any individual, or the integrity of an ongoing investigation.

Finally, the bill would subject certain legislation to a point of order—if it has not met the conditions set out in the legislation. This would provide additional time for Congress to debate the merits of legislation being considered.

In effect, this bill is about considered and appropriate debate for federalizing crime. It will help educate Congress to make more informed decisions that impact the daily lives of all of our constituents. It will help take some of the politics out of the important issues that we face with regard to protecting people from crime.

Mr. Speaker, we need to act. The Judiciary has made subtle and not so subtle pleas for Congress to refrain from and restrain its penchant to federalize the criminal code. Most recently, in a decision concerning the Violence Against Women Act, the Chief Justice writes,

[t]he Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate non-economic, violent criminal conduct based solely on the conducts’ aggregate effect on interstate commerce. [*U.S. v. Morrison et al. decided May 15, 2000 (Syllabus)*]

Clearly, there is a message in those words about the federalization of crime. It is time that Congress heeds it.

#### MEMORIAL DAY 2000

#### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BOYD. Mr. Speaker, every year on Memorial Day, small replicas of our Star-Spangled Banner appear in cemeteries across our Nation. They mark the final resting places of those who gave their lives to defend the helpless, to let democracy flower around the world, and to defend the freedoms and liberties we enjoy as Americans.

These honored dead have not died in vain, as Abraham Lincoln solemnly pledged during the most divisive, soul-rending war this nation had yet faced. We have a long, proud history of service and sacrifice given by those men and women who quit the safety of everyday life and friends “to hazard all in freedom’s fight.” Today, we have such men and women deployed around the world, and we hold them and their families in our hearts and prayers.

That oath to defend the Constitution has been sworn by every soldier, sailor, flyer, and Marine, living and dead. On Memorial Day, we recall with bittersweet fondness, those who gave everything to preserve the security and liberty of those they loved and those they never knew. What wonderful people we have lost! What gifts might they have given the world, had war not shortened their lives! And yet they gave the dearest gifts they had, and now they lie beneath small flags of red, white and blue in grassy fields all around us.

We have honored their graves and their lives on Memorial Day since the end of our own Civil War. In 1866, spontaneous rites of remembrance were held in Carbondale, IL, in