With Smith slam-dunking, Simpkins soaring, Booth blasting-off, Hipp hopping and Rhodes rising to the occasion, the Terps beat an equally impressive North Carolina team.

Under the amazing coaching of Gary Williams, the Terrapins beat the top-ranked team in the Nation for the first time since 1986. We play them at least two times every year. They beat a North Carolina team, coached by the legendary Dean Smith, who, year after year, has produced champion basketball players.

From last year's sweet sixteen team to this year's top ten rankings and a tie for first place in the Atlantic Coast Conference, there is only one word to describe Maryland basketball—awesome.

Michael Wilbon of the Washington Post called it a night to remember. If last night's caliber of play by the mighty Maryland Terrapins is any indication of what we will be seeing in the near future, there are going to be many nights to remember for the players and fans of Maryland basketball.

Mr. HAYES. Mr. Speaker, if the gentleman will yield, is this an apology to the District for redistricting Mr. McMillen out of Congress?

Mr. HOYER. Mr. McMillen has been redistricted out of Congress, but he was five seats from me cheering on the Terrapins.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I move that these slanderous words be immediately taken down.

Mr. Speaker, I withdraw my motion.

THE TRUTH ABOUT FEDERAL PAYMENTS TO ALABAMA

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

Mr. BROWDER. Mr. Speaker, I know it is difficult to correct a piece of misinformation once it is published, but I am going to try. Much attention has been directed in recent weeks to the impact of the balanced budget amendment on the finances of the various States. In that vein, several national publications have reported that my home State of Alabama led the nation, with 58 percent of its 1993 budget coming from the Federal Government.

That figure is amazing, but it is not true. The confusion results from a difference in Alabama's accounting system that was not adequately explained when the State's budget figures were reported in the national survey.

Mr. Speaker, I will include for the RECORD a letter from the Department of Finance of the State of Alabama showing that Federal funds accounted for 32 percent, not 58 percent, of Alabama's budget for fiscal year 1993.

STATE OF ALABAMA,
DEPARTMENT OF FINANCE,
Montgomery, AL, January 27, 1995.

Hon. GLEN BROWDER,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BROWDER: Recent news articles published by Newsweek and by Time on January 23, 1995, analyzed the Federal Balanced Budget Amendment and its effects on state finances. Both articles reflected that 58% of Alabama's Budget for fiscal year ending 1993 was received from the Federal Government. This information is not correct. Actual Federal revenues received by Alabama for the fiscal year ending in 1993 were $2.74 billion and compared to total revenues received (from all sources) of $8.52 billion is approximately 32 percent.

This confusion has been brought on by the data supplied to Newsweek and Time by the National Association of State Budget Officers in their ''NASBO 1994 State Expenditure Survey—Fiscal Years 1992–94.'' Alabama provided data for the referenced NASBO survey, but our data was not adequately explained. Alabama included in the section for Federal Funds, expenditures from Federal funds, local funds, state earmarked funds, tuition, fees, grants and, contracts with a footnote to that effect. This footnote was included because expenditures are made from fund accounts made up of these various revenue sources thus precluding actual identification of each expenditure by source of funding. A reasonable estimation of the Federal percentage can be made from the revenue perspective of Alabama's accounting system and for FY 1993 is approximately 32 percent.

I wanted to clarify this data for you, so you would not base your vote on this issue on incorrect data.

Sincerely,

BILL NEWTON,
Assistant Finance Director.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 5 minutes.

[Mr. KOLBE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. GUTIERREZ] is recognized for 5 minutes.

[Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MARTINI] is recognized for 5 minutes.

[Mr. MARTINI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, as a former prosecutor in Pennsylvania, I found today's discussions about addressing crime most illuminating. I have spent much of my life battling criminals in our courts and trying, in my own way to make the streets of my home—Montgomery County, PA—a little bit safer.

I have had the opportunity to witness the frustration of police officers, prosecutors, and judges as skillful defense attorneys have manipulated the system to place violent repeat criminals back on the streets despite overwhelming evidence against them.

I've seen families terrorized by the very memory of the unspeakable crimes against them and the reality that the perpetrators may be released by the system.

The bills considered by this body today will take a dramatic step forward to end the terror of victims and the frustration of law enforcement officials who are hamstrung by technicalities. H.R. 666, the Exclusionary Rule Reform Act is important and long-overdue legislation which will ensure that those guilty of violent crimes against other persons get exactly what they deserve, and that is time in prison.

Current law provides that a guilty defendant may be set free to again terrorize innocent victims based upon the exclusion of evidence seized by law enforcement officers who have acted in the good faith belief that their conduct did not violate the defendant's constitutional rights.

In such cases, the conduct of a police officer does not involve coercion of a confession or other wrongful conduct, but technical errors that have nothing to do with the defendant's guilt or innocence. The release of guilty defendants on technicalities makes a mockery of our society's laws. We need to place the rights of the victims above all else. When I served in the district attorney's office I prosecuted a case where a 12-year-old young lady was viciously and forcibly raped. She and her family were so traumatized by the violence of the crime that they never returned to that house.

My fellow members, I do believe that a person is innocent until found guilty but I don't believe in placing impediments to prosecution which have no basis in fact or law. H.R. 666 removes those impediments.

Finally, I would say the Effective Death Penalty Act H.R. 729 has been

strongly endorsed by the National District Attorneys Association. It will provide the kind of habeas corpus reform that will stop the endless appeals of capital cases where a defendant has been found guilty of murder, the death penalty sentence was issued, and there was no trial error or constitutional infirmity.

By passing this kind of tough anticrime legislation like the exclusionary rule modifications and habeas corpus reform we will send a clear message to those who would break our laws that crime does not pay, and the victims will find a measure of protection that can come from Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

[Mr. SKAGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

[Mr. HORN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, I rise today to address the issue of increasing the minimum wage.

We the Members of the United States Congress have a moral obligation simply to ensure that the working men and women of this country are granted the ability to live on the wages that they earn. We are speaking about Americans who have chosen to live and to work and to try to raise a family.

I tell my colleagues we are not talking about the wealthy, we are not talking about the corporate executives. We are talking about people who are common like I am, like you are, people who should have the opportunity to live the American dream.

The ones who end up losing, of course, when the minimum wage does not keep up with the rising costs of inflation are the real Americans. They are the people that make this country as strong as it is today. These are the men and women who have rejected welfare, who have rejected subsidies from this Government like the corporate executives and the farmers. These are men and women who work 8-hour shifts every day, 40 hours a week. These are men and women who truly are the real working poor, the real working Americans. These are the men and women who work sometimes two jobs in order to provide their children with an education. Yes, Mr. Speaker, sometimes they work two jobs in order to meet the minimum necessities of living. Yes, sometimes they work just to be able to put food on the table, to provide a comfortable place for their families. They work two jobs, 12 hours a day, sometimes 16 hours a day.

We must not forget these real Americans.

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They have committed themselves to work within the system, and they give all that they have to make sure that their families are taken care of. We should not penalize them.

But today's minimum wage is not sufficient for the needs of today's families. At the current rate, these families can barely make it. If the minimum wage had increased with inflation after the year 1970, the current rate would be $5.54 an hour. That is still low, but it is a long ways from where we are now. It would give them the opportunity to make sure that their children have the right, and perhaps have the opportunity, to live the American dream.

While the wages have lagged behind the times, minimum wage earners have decreased especially when you consider the erosion caused by inflation. Between the years 1979 and 1992, the number of working poor people have increased 44 percent. These are people who live below the poverty level, not because they are on welfare, not because they do not work, but because they do not earn a sufficient amount of money to be classified by this government above the level of poverty.

Yes, we recognize that they make enough money to live below the poverty level. That is a shame and a disgrace, especially for a country as wealthy as this. We must address these issues. We must raise the minimum wage to a livable level. We must index the rate for inflation so that we will take care of these injustices now and make sure that it will not occur ever again in the future, plus it will save us the choice of constantly coming back and trying to keep up with inflation for those real Americans who work every day.

All of the hard-working men and women of this country should be able to live without the woeful poverty on their doorsteps daily. We are talking about men and women who are gainfully employed. They are those who are trying to live and, yes, sometimes they barely make it.

Well, I say to those of you who criticize the welfare state, I say to those of you who criticize those who have not had the opportunity to live the American dream, that we must realize that we cause many of their problems. Since 1970, there have been constant increases in local taxes and, yes, in taxes that we in the United States Congress have passed. We have taken money from them.

Since 1990, we have taken more than $500 billion. The only way we can make up for it is for us to help the working Americans. Mr. Speaker, today we must commit ourselves to raise the minimum wage.

QUESTION ON CONSTITUTIONALITY OF THREE-FIFTHS VOTE FOR TAX RATE INCREASE BILLS

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, it is my understanding that a lawsuit is being filed by the former counselor to Presidents Jimmy Carter and Bill Clinton over the constitutionality of the new House rule that requires a three-fifths vote to pass tax rate increases, and I guess we know on whose behalf it is being brought, for the tax-and-spend Democrats of this Congress, no doubt.

Mr. Speaker, while I do not pretend to be a constitutional lawyer, as the chairman of the Committee on Rules, I do have enough understanding of the constitutional rulemaking authority of Congress to assert that this new rule is on all fours with the Constitution. I am not alone in that assertion. I am backed by the Supreme Court itself in previous decisions.

The constitutionality of such lies in article I, section 5, which states that each House may determine the rules of its proceedings. If the House majority decides to adopt rules requiring a super majority on certain classes of bills, it may do so. That same majority at any time can repeal or waive that same rule.

The Supreme Court in the case of the United States versus Ballin, in 1892, way back then, indicated that the only constraints on the rulemaking power of this Congress are that Congress may not ignore constitutional constraints or violate fundamental rights, but within these limitations, all matters of method are open to the determination of the House, that means this House of Representatives. The power to make rules is not one which, once exercised, is exhausted. It is a continuous power always subject to be exercised and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

Ironically, this case was about what constituted a quorum of the Congress for conducting business. The Court upheld a ruling of the Speaker that as long as a majority of the body was present, it did not matter whether the number of Members actually voted added up to a majority.

Some have used the Court's findings that a majority quorum must be present to assert that nothing more than a simple majority may be required to pass legislation. That is not what the Court said in that case. All the Court said was that the act of a majority of the quorum is the act of the body.

The requirement in the new House rule that a super majority of three-fifths must vote in favor of any income