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.

□ 2100

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

tax rate increase does not violate the constitutional requirements that a majority must be present to do business.

The bottom line is this: A majority of the House, under the Constitution, may determine the rules of the proceedings including a requirement that a larger majority may be required to do certain things. For instance, for 125 years in this body we have required a two-thirds vote to suspend House rules and pass legislation under this procedure. No one has ever challenged that rule.

This House has also adopted a rule that says it does not even want to have introduced, let alone considered, certain commemorative bills. We banned bills by the rules of this House, and it was a very good rule which I helped to put in.

So long as no basic constitutional principle or rights are being violated, which they are not in any of these rules, a House majority may adopt the rules of its proceedings regarding the introduction, consideration, or passage of legislation.

So, Mr. Speaker, that is something which, according to the Supreme Court, cannot be challenged in any other body or any other tribunal. A court challenge to our new rules will be dismissed on these very grounds, and thank goodness for the American taxpayer.

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

[Mr. LAFALCE 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 Maryland [Mr. HOYER] is recognized for 5 minutes.

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

POSSIBLE EFFECTS OF THE PERSONAL RESPONSIBILITY ACT ON THE STATE OF TEXAS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GENE GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I take the floor to discuss again the possible effects of the Personal Responsibility Act, the PRA, on the State of Texas. This measure reforms welfare in many ways. Unfortunately, it also repeals a number of nutrition programs such as the school nutrition program and also the senior citizens lunches which, for Texas, would be disastrous.

A recent USDA study says this PRA reveals Texas would lose over a billion dollars in fiscal year 1996 alone. The reduction in funding for Texas represents a 30-percent reduction in funding for school lunches and senior citizens lunches.

Under the block grant arrangement, Federal funds would first be awarded to the State and then allocated to the programs throughout the State. However, many nutrition programs, such as the school lunch, already go directly to the school districts.

Adding an additional bureaucracy to funnel funds appears contradictory to the premise of the block grants, when everyone agrees we need to cut the layer of bureaucracy not increase, but this Personal Responsibility Act is another layer to take away funding directly to the school children and seniors.

Local school districts could take deep cuts in funding. The Aldine Independent School District, where my children went to school, will have their food budget reduced by over $2 million and require a lunch costing $1.35 now to be increased to $1.75 and maybe even more. This could mean thousands of students in the Aldine area might not to be able to afford a nutritious lunch.

The Pasadena School District in Harris County that I also represent part of, 50 percent of their meals are served this year by a free or reduced price of lunches. The number of free meals have tripled in the past 6 years.

The Houston Independent School District provides 118,797 free or reduced meals every year, and they would be reduced.

Tufts University Center for Hunger states that iron deficiency anemia affects nearly 25 percent of the poor children in the United States and impairs their cognitive development.

The Tufts study further states that the longer a child's nutritional and emotional and educational needs go unmet there is a greater overall cognitive deficit.

While I think we can all agree that reforming welfare is needed, the needs of the school children are of paramount importance. This may not be how the people of Texas thought how welfare reform would begin, but it currently is written into this Personal Responsibility Act and will increase the hunger for Texas children and senior citizens.

I would like to paraphrase a letter from the Aldine Independent School District from our executive director of Food Services that says, ''We are proud of what we do. Last year we received $7,900,000 from the Federal Government for reimbursement for free and reduced, prepaid mails and food commodity programs.''

□ 2110

They serve an average of 12,000 breakfasts a day and 24,000 lunches a day to Aldine children. They are proud of what they do, and many students in Aldine get their nutrition from the school cafeteria which enables them to perform better academically in the classroom. The food served at the schools goes directly to that child. It does not go to their parent. It goes to that child, and a hungry child cannot learn. These children are already here, so we need to nurture them and educate them so they can become healthy and productive members of society. We do not need to turn our backs on society's most least fortunate, our children, our senior citizens. Mr. Speaker, I ask that the House change this Personal Responsibility Act to reflect the needs that are reflected in our children.

FEBRUARY 8, 1995.

The Hon. GENE GREEN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GREEN: Aldine ISD provides an excellent education to children in middle to lower income families. There are 46,000 students enrolled in Aldine ISD. The Aldine Food Service department received $7,947,557.71 from the federal government in reimbursements for free, reduced-price, and paid meals and food commodity value in the 1993–94 school year. We serve an average of 12,000 breakfasts a day, and 24,000 lunches a day to Aldine children.

If the block grant proposal is passed as is, with a 30% reduction in the funds provided to Texas, impact on the Aldine Food Service department would be a loss of $2,384,267.30. This reduction in funds would mean a large increase in breakfast and lunch prices, reduction in labor, and reduction in spending to businesses in this area. Many children in Aldine would not be able to afford the increase in price for lunch and breakfast. Our department has always operated in the black with all excess funds being reinvested into the Child Nutrition Program to benefit students. These cuts would most likely throw us into the red.

We are proud of what we do. Many of the students in Aldine get their best nutrition in the school cafeteria which enables them to perform their best academically in the classroom. The food served at schools goes directly to the child, not through a parent or guardian. A hungry child cannot learn!

These children are already here, so we need to nurture and educate them so that they become healthy, productive members of society. Your support in our endeavor will benefit us all.

Thank you!

Sincerely,

JOYCE H. LYONS,
Executive Director of Food Services Aldine ISD.

MELANIE B. KONARIK,
Assistant Director of Food Services Aldine ISD.

UNDER THE CONTRACT WITH AMERICA WORK IS A PENALTY RATHER THAN A PRIZE

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Contract With America proposes to put 1.5 million welfare recipients to work by the year 2001.

On its face, that proposal is appealing. Many of us support welfare reform.

The current system does not encourage self-sufficiency and does not always work well.