H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for FY 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for FY 1996.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, the leader responsible for the Committee on Rules bringing forth this great number and percentage of open rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in support of this rule providing for the consideration of the Crimes Against Children and Elderly Persons Increased Punishment Act.

According to the report of the Judiciary Committee on this bill, there was a 90 percent increase in personal crimes committed against senior citizens from 1985 to 1991.

As the number of senior citizens continues to increase in this country, this is a problem that has the potential to get worse unless some action is taken.

And it is a particularly disturbing trend, because it shows that criminals are increasingly willing to go after the most vulnerable members of society.

And at the other end of the age spectrum, there is a similar problem with attacks against vulnerable children. For example, the Judiciary Committee report points out that in 1992, one out of every six rape victims was a female under the age of 12.

The elderly and the children are the members of society least able to defend themselves. They need our help.

In 1994, the last Congress tried a gentler approach to get the U.S. Sentencing Commission to toughen penalties for crimes against the elderly.

There was a provision in the Violent Crime Control and Law Enforcement Act which directed the U.S. Sentencing Commission to ''ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.''

The Sentencing Commission determined to make no amendment to the guidelines in response to the 1994 congressional language.

This bill takes a more direct approach. It tells the Sentencing Commission exactly what to do.

This bill directs the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, elderly person, or other vulnerable person.

Congress retains the right to assert itself in the matter of sentencing, and this is one area where Congress needs to be more assertive.

This bill was introduced by a freshman Member of this body, the able gentleman from Michigan [Mr. CHRYSLER]. I commend him for taking the lead to protect those members of society least able to defend themselves. I am proud to join him as a cosponsor of this bill.

Mr. Speaker, the most vulnerable members of our society are under attack. It is time for law-abiding citizens to fight back.

This bill is an opportunity to come down harder on some of the cowardly punks who attack our elderly, our children, and our most vulnerable citizens.

Vote ''yes'' on this rule and on the bill it makes in order.

□ 1654

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on this important resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3120 REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

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. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from Utah [Ms. Greene] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 provides for consideration of H.R. 3120, a bill to prevent jury and witness tampering, and witness retaliation. House Resolution 422 provides for an open rule, with priority recognition given to Members who have had their amendments preprinted in the CONGRESSIONAL RECORD. The rule provides for 1 hour of general debate, and one motion to recommit with or without instructions.

Congress has a fundamental responsibility to help ensure that Americans feel safe in their homes, their neighborhoods, and at work. As part of our efforts to crack down on violent crime, criminal sentences have been increased in recent years to help ensure that we keep these criminal elements off the streets. However, as sentences for many violent crimes have increased, sentences for witness and jury tampering have not kept pace. Current law provides for a maximum penalty of only 10 years for persons convicted of that crime. Consequently, a defendant facing a Federal criminal sentence of more than 10 years may feel it is in their interest to attempt to intimidate a witness, or tamper with a jury, since the penalty for that crime is less than the underlying offense. H.R. 3120 will help to correct this situation by increasing the penalty for witness and jury tampering and retaliation.

Recognizing the need to address this issue, H.R. 3120 was reported out of committee with broad, bipartisan support. During consideration of a rule for H.R. 3120 in the Rules Committee, we learned that there are some Members who are concerned that the bill, as drafted, may be open to incorrect interpretations or applications. Consequently, the Rules Committee has reported out an open rule in order to give these Members an opportunity to offer amendments to attempt to clarify these points.

Mr. Speaker, this is an open rule, providing for fair consideration of a bill that sends a clear message to criminals that we will not tolerate witness intimidation or jury tampering. I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentlewoman from Utah [Ms. GREENE] for yielding the customary half hour of debate time to me and I yield myself such time as I may consume.

We support—we welcome—this open rule for the consideration of H.R. 3120, legislation that would increase penalties for witness retaliation and jury tampering.

This is one in a series of popular, and relatively modest, anticrime bills reported by the Judiciary Committee, two of which the Rules Committee granted open rules for last week.

We congratulate the majority for finding bills they are willing to bring to the floor without restrictions-even though we do wish that some of these open rules had been provided for bills that are more substantial than the two narrowly drawn pieces of legislation we shall be debating today.

Some Members are concerned about the provisions of the bill the rule makes in order. As several members of the Judiciary Committee noted in dissenting views, they do not oppose severe penalties for those who intimidate, tamper with or retaliate against witnesses or jurors.

They do, however, believe current law may be adequate, and question the need for these enhanced penalties. There is also a fear that the severe penalties may be disproportionate to the crime and could lead to results that are unjust.

In any event, Mr. Speaker, we support this open rule for H.R. 3120. I urge my colleagues to approve the rule so that we can move on to the debate over the specific provisions of this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, we have no additional 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.

CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 421 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. 2974.

1654

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. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, with Mr. LATOURETTE 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, I yield myself such time as I may consume.

Mr. Chairman, this bill, introduced by Mr. CHRYSLER of Michigan, would increase the length of the sentence for violent crimes against children 14 years of age and younger, seniors 65 years and older, and vulnerable persons. I would do so by directing the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, an elderly person, or an otherwise vulnerable person. The term ''crime of violence'' was amended at the subcommittee markup by Ms. LOFGREN, and broadened to have the same meaning as that given in section 16 of title 18 of the United States Code, which is:

> An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense:

Mr. CHRYSLER introduced this bill to provide additional deterrence and punishment for those who victimize the most vulnerable in society. The impetus for this legislation also arises from the Sentencing Commission's failure to provide any sentencing enhancement in response to a directive in the 1994 Crime Act. The act directed the Commission to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, and to reflect the heinous nature of such an offense. The Commission determined to make no sentencing enhancement in response to this directive. I believe that H.R. 2974 is an appropriate and measured attempt to ensure that the guideline penalty accomplished the goals Congress established in its 1994 directive.

While the bill applies only to Federal crimes, another purpose of this legislation is to establish a model for State criminal justice systems. Only a uniform approach which communicates society's intolerance for these heinous crimes will provide sufficient deterrence.

I am pleased that it received the bipartisan support of the Crime Subcommittee, and the full Judiciary Committee. I want to thank Mr. CHRYSLER for his leadership in this area.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Chairman, no person should be a victim of crime particularly a crime of violence. But we are particularly offended when a victim is especially vulnerable, when that victim of violence crime is a child, when that victim is a frail person or another person who is particularly unable to protect themselves.

I think this bill speaks to that and says that as a society we are going to make sure that we have raised the standard of protection for the most vulnerable among us. Although criminal law serves many purposes, one of the functions of criminal law, be it at the State or Federal level, is to set the standards for what society expects of each of us.

Mr. Chairman, I am pleased that I was able to work on a bipartisan basis with members of the committee to strengthen the bill, to broaden the definition of violent crimes as suggested by the Justice Department, to raise the definition of the child from 11 to 14 so it would include those up to but not including 15-year-olds, as well as to add a provision about other vulnerable persons. Mr. Chairman, I think this bill is sound.

Mr. Chairman, I would also note that the Justice Department has just released a Bureau of Justice Statistics report on sentencing patterns in violent crime, and note that on average, offenders who commit violence against a child serve and are sentenced to shorter sentences than those who victimize adults, which is confusing and inexplicable. This bill would help remedy that anomaly.

Mr. Chairman, there will be at least two amendments that I am aware of that will strengthen the bill and are measures that I support wholeheartedly, but world not, I believe, have been germane in committee. But I did want to address the overall bill and congratulate those who have worked on it, and to urge my colleagues to support it.

□ 1700

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Chairman, today I rise in support of the gentleman from Michigan's bill, H.R. 2974, the Crimes Against Youth and Elderly Increased Punishment Act of 1995.