alternatives. H.R. 400 creates no opportunity to steal the contents of a published application.

Our opponents believe that the patent system should serve only the selfish interests of those applicants wishing to abuse the process by suing American inventors who develop technology and create jobs. In contrast, the Constitution charges the Congress with the responsibility of creating a system that balances the legitimate needs.

COMBAT BOOTS FROM CHINA?

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

Mr. TRAFICANT. Mr. Speaker, last week the Pentagon denied that combat boots made in China were issued to our troops. The Pentagon said they awarded four contracts to American companies. It was impossible for that to happen.

Mr. Speaker, it is evident that the Pentagon's left foot does not know what their right foot is wearing. I have Nighthawk combat boots in my possession, made in China, that were issued to a sergeant of the Air Force Reserve.

Now, let us tell it like it is. The Pentagon has always told us in debates, if they could not buy those cheaper imports, they could not keep their costs down. You know what I tell Congress to do? Tell the Pentagon that we can hire generals and admirals a lot cheaper from Korea, too, and we could keep the cost down.

I am asking my colleagues to join me in investigating this matter, why military combat boots were issued to our troops.

HOW COMP TIME WORKS

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I come to the floor today to give an example of how comp time would work under H.R. 1, the Working Families Flexibility Act.

Let us say an employee works 10 hours of overtime, 50 hours total in a week in January. She chooses comp time in compensation for the overtime hours. Her paycheck for the week reflects pay for 40 hours at her regular hourly rate. She puts 15 hours, one and a half hours for every hour of overtime, into her comp time bank. She decides to use her comp time during a week in May to visit a friend. During the week in May she works 25 hours, uses 15 hours of comp time, and her paycheck for the week is 40 hours. She pays taxes, and is credited with wages when she is paid for the comp time in May.

This is what public sector employees have been able to do for years. H.R. 1 would give private sector employees the same choice. H.R. 1 does not require employers to offer comp time. It protects the employee's voluntary choice whether or not to take time off as compensation for working overtime hours.

H.R. 1, the Working Families Flexibility Act, is commonsense legislation, and as we look at the public sector, we know it works. I urge my colleagues to support it. It is family friendly.

REPUBLICANS NEED TO OFFER BUDGET PROPOSAL OF THEIR OWN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday Speaker GINGRICH stood in the well of the Chamber and he reiterated the 13 points of the Republican agenda. One of these priorities, balancing the Federal budget, is one both Democrats and Republicans share.

But, Mr. Speaker, actions speak louder than words. We can all talk about the importance of balancing the budget, but it is only the Democrats who have put a balanced budget on the table. The Republicans have yet to offer a budget proposal of their own.

Every day American families find a way to balance their own household budgets. They expect Congress to do the same. We cannot let down these families. We must find a way to balance the Federal budget.

The Democrats have produced a balanced budget proposal. Now it is time for the Republicans to quit talking, to start acting. It is time for them to produce a budget proposal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. CAMP). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

VICTIM RIGHTS CLARIFICATION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 924) to amend title 18, Untied States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime, as amended.

The Clerk read as follows:

H.R. 924

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 Rights Clarification Act of 1997''.

SEC. 2. RIGHTS OF VICTIMS TO ATTEND AND OBSERVE TRIAL.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3510. Rights of victims to attend and observe trial

''(a) NON-CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, make a statement or present any information in relation to the sentence.

''(b) CAPITAL CASES.—Notwithstanding any statute, rule, or other provision of law, a United States district court shall not order any victim of an offense excluded from the trial of a defendant accused of that offense because such victim may, during the sentencing hearing, testify as to the effect of the offense on the victim and the victim's family or as to any other factor for which notice is required under section 3593(a).

''(c) DEFINITION.—As used in this section, the term 'victim' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following new item:

''3510. Rights of victims to attend and observe trial.''.

(c) CLARIFICATION OF GROUNDS FOR EXCLUSION.—Section 3593(c) of title 18, United States Code, is amended by inserting ''For the purposes of the preceding sentence, the fact that a victim, as defined in section 3510, attended or observed the trial shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury.'' after ''misleading the jury.''.

(d) EFFECT ON PENDING CASES.—The amendments made by this section shall apply in cases pending on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Florida [Mr. WEXLER], each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Victims and their families often describe great frustration at the witnessing of the judicial process. Often this frustration comes from their feeling the process is not about them or their loss but all about the defendant. And while we all understand that the guilt or innocence of the defendant must be of primary concern to the Judiciary process, we become increasingly sensitive of the need to include the victim and victims' families in the criminal justice process in appropriate ways that they too can feel that justice has been done for them.

In 1990, Congress passed a law requiring that Federal prosecutors and others make their best efforts to ensure that victims of crime were accorded a number of rights, including the right to be notified of court proceedings, the right to confer with the attorney for the Government in the case, the right for information about the convictions,

sentencing, imprisonment, and release of the offender, and the right to be present at all public proceedings related to the offense.

In 1994, the crime bill of that Congress amended the Federal Rules of Criminal Procedure to provide that victims would have the right to make statements to the court in noncapital cases at the time of sentencing, in order to better ensure that the interests of the victims of crime would be known to the sentencing judges.

Also in that bill Congress authorized the Government, in capital cases, after the guilty verdict is returned, to call victim and victims' family members to testify during the postverdict sentencing hearing. This testimony may be in connection with any aggravating factors that the Government wishes to prove or to rebut evidence of mitigating factors that the convicted defendant is attempting to prove.

This so-called victim impact testimony often describes the effect of the crime on the victim or the victim's family. The Supreme Court has upheld the Government's right to present victim impact testimony against constitutional challenge.

Mr. Speaker, a recent ruling in the Oklahoma City bombing case has caused concern that it may be possible for trial judges to exclude victims and their family members from attending the guilt phase of a criminal trial solely for the reason that these persons desire to make victim impact statements during the sentencing phase of the trial.

While one of the Federal rules of evidence does allow judges to exclude witnesses from trial, this rule was formulated to prevent potential fact witnesses from changing their testimony after hearing the testimony of other fact witnesses during the guilt phase of the trial.

The ruling in the Oklahoma City bombing case, which will prevent many of the victims of the crime from attending or observing the trial, is a situation that has never before occurred in a Federal court, to my knowledge. It is important for Members to understand that the victims affected by the ruling are not fact witnesses. They seek only the right that already exists in law to give the victim impact testimony at such time as the guilt of the defendants may be adjudicated. As such, the risk of the testimony somehow being tainted by merely listening to the fact witnesses during the guilt phase of the trial is minimal, if not nonexistent.

□ 1415

The bill I have introduced on behalf of myself, the ranking minority member of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], and the gentleman from Oklahoma [Mr. LUCAS] is intended to make it clear that victims and their family members are not excluded from attending a criminal trial in Federal court as an audience member simply because they may exercise their rights that currently exist under Federal law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Mr. Speaker, I want to point out to my colleagues that this bill will not amend those provisions now in law that allow judges to sequester fact witnesses, including victims and victim family members who testify during the guilt phase of trials. This bill applies only to persons who may make statements during the sentencing hearing of a Federal trial, which always occurs after the defendant is found guilty beyond a reasonable doubt.

Mr. Speaker, this bill is an important clarification of the rights that victims have in Federal criminal trials. I believe that it achieves a balance between ensuring that fact witnesses are not influenced by other testimony at trial while also helping to ensure, when appropriate, that every opportunity is given to victims and their families to see firsthand that our system is providing justice for them.

I want to thank the ranking minority member of the Subcommittee on Crime, the gentleman from New York [Mr. SCHUMER], for his assistance in moving this bill. I also want to thank the other cosponsor of this bill, the gentleman from Oklahoma [Mr. LUCAS], who represents the victims of the Oklahoma City bombing.

At this time as well I would like to comment that I have a letter from the office of the attorney general of the State of Oklahoma, signed by attorneys general from a number of States, including Massachusetts, Minnesota, Louisiana, Idaho, et cetera, my home State of Florida. This letter supports the legislation we have today and explains why it is very important that it become law.

Mr. Speaker, the letter referred to is as follows:

OFFICE OF ATTORNEY GENERAL,
STATE OF OKLAHOMA,
March 18, 1997.

Re Legislation on victim impact witnesses observing trial.

Sen. DON NICKLES,
U.S. Senate,
Washington, DC.

Congressman FRANK LUCAS,
U.S. House of Representatives,
Washington, DC.

Congressman BILL MCCOLLUM,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR NICKLES AND CONGRESSMEN LUCAS AND MCCOLLUM: On the even of the trial in the Oklahoma City bombing case, as Oklahoma's Attorney General, I join the undersigned Attorneys General from across America in urging your support of legislation to guarantee that surviving family members of all homicide victims can attend the federal criminal trial of an accused murder as well as provide victim impact testimony at sentencing.

Such legislation is desperately needed because of a ruling in the Oklahoma City bombing case affirmed by the 10th Circuit Court of Appeals. These courts have ruled that current federal law permits the trial judge to exclude family members who lost loved ones in the bombing from watching the trial if they will provide ''victim impact'' testimony at sentencing. Moreover, these courts held that current federal law precludes either the government or victims from even appealing such a ruling before the trial. This new interpretation of federal law, if left uncorrected, will deprive numerous family members of victims the chance to observe the trial and learn the facts surrounding the bombing, or worse, force them to forgo the right to testify in the event of a penalty hearing of the impact of this horrendous crime and the value of their loved ones.

There is no legitimate ground for the ruling. The traditional rationale behind sequestering witnesses—that a witness might ''tailor'' his testimony to that of other witnesses—has no application to surviving family members—they will not testify about issues pertaining to the guilt of the defendants, but will only provide the jury with sentencing information about the devastating effects of the crime.

In our states, family members who will only provide impact testimony are routinely admitted to watch the trial. Indeed, in many of our states, a constitutional amendment or other victims rights legislation guarantees victims the right to observe court hearings without sacrificing the opportunity to provide victim impact testimony. Such an approach fully protects defendants' rights, because defendants have no legitimate interest in excluding from public court proceedings those who have the most vital interest in attending.

The federal government needs to join the states and put in place these protections for victims. Congress has the power to set the rules for federal cases. The Tenth Circuit Court of Appeals acknowledged that its ruling ''may be seen as overly technical and unduly severe by those focused only on this particular controversy,'' however, the Court explained it must defer to the Constitutional authority of Congress, concluding that ''[i]t is only through legislative resolution'' that this painful result can be changed. Accordingly, Congress should act quickly to make sure justice is done in the Oklahoma City bombing case—and in the many other federal capital cases to be tried in the future.

Sincerely,

Bruce Botelho, Attorney General of Alaska; W.A. Drew Edmondson, Attorney General; Daniel E. Lungren, Attorney General of California; M. Jane Brady, Attorney General of Delaware; Margery S. Bronster, Attorney General of Hawaii; Carla J. Stovall, Attorney General of Kansas; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Tom Udall, Attorney General of New Mexico; Robert A. Butterworth, Attorney General of Florida; Alan G. Lance, Attorney General of Idaho; Richard P. Ieyoub, Attorney General of Louisiana; Hubert H. Humphrey III, Attorney General of Minnesota; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Michael F. Easley, Attorney General of North Carolina; Heidi Heitkamp, Attorney General of North Dakota; Jeffrey B. Pine, Attorney General of Rhode Island; Jan Graham, Attorney General of Utah; Christine O. Gregoire, Attorney General of Washington; Betty D. Montgomery, Attorney General of Ohio; Dan Morales, Attorney General of Texas; J. Wallace Malley, Jr., Acting Attorney General of Vermont; William U. Hill, Attorney General of Wyoming.

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

Mr. WEXLER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the amendment of the gentleman from Florida [Mr. MCCOLLUM] to H.R. 924. The purpose of this bill is to permit victims of a violent crime, or those whose loved ones have been victimized, to watch the trial of the person accused of committing the crime.

Traditionally, a criminal trial is viewed as being a confrontation between the State and the defendant. The victims of crime were left out of the picture. We need to make sure that victims are treated fairly by the justice system, especially when allowing greater victim participation will have no prejudicial impact on the trial and will not in any way compromise the defendant's rights.

In recent years, the Congress, like many States, has allowed victims in certain circumstances to make victim impact statements at the sentencing phase of the trial. This bill does not expand or affect the right under existing law to make such statements. However, in the case of the Oklahoma City bombing trial, the judge recently held that people who will make victim impact statements, if the defendant or defendants are convicted, cannot watch the trial.

Mr. Speaker, I believe the judge's ruling in the Oklahoma City case was a misinterpretation of Federal Rule of Evidence 615, and we must now clarify that rule to make it absolutely clear that the intent is not to exclude victims from trials.

The judge's ruling was apparently based on the evidentiary rule that in most cases people who are witnesses at a criminal trial cannot watch the testimony of other witnesses. The purpose for this rule is that we do not want one witness' recollections to be influenced by another witness' testimony. But that rationale simply does not apply to people making victim impact statements. The facts and issues they are addressing are totally different from the facts addressed by the other witnesses at trial. The idea that their testimony will be affected by watching the trial just does not make sense.

As one of the Oklahoma City survivors put it, a man who lost one eye in the explosion, ''It's not going to affect our testimony at all. I have a hole in my head that's covered with titanium. I nearly lost my hand. I think about it every minute of the day.''

That man, incidentally, is choosing to watch the trial and to forfeit his right to make a victim impact statement. Victims should not have to make that choice.

Mr. Speaker, this bill was reported out of committee on voice vote. The manager's amendment makes a number of changes to the bill as reported, but they do not substantively change the bill, with one exception. The exception is that the manager's amendment adds a new, unrelated provision that would make a technical correction to a provision of the Foreign Sovereign Immunities Act that Congress changed last year. This correction is uncontroversial.

Finally, I would like to note that the gentleman from Michigan [Mr. CONYERS], the ranking minority member on the Committee on the Judiciary, and the gentleman from New York [Mr. SCHUMER], the ranking minority member on the Subcommittee on Crime, have asked me to note their support on this bill for the RECORD.

Mr. Speaker, I urge support of this amendment and this bill.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. LUCAS], a prime sponsor of this bill.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today in support of H.R. 924, the Victim Allocution Clarification Act of 1997. On behalf of the victims of the bombing of the Alfred P. Murrah Building, and all victims and survivors, I call upon the Members of this body to support this legislation.

I want first to thank the gentleman from Florida [Mr. MCCOLLUM] and his staff for their tireless efforts in bringing this bill to the floor. They heard the cry of the victims in Oklahoma and have responded. On behalf of the victims and survivors of the Oklahoma City bombing, thank you.

H.R. 924 addresses an important area of victims rights protections which has been overlooked before now. At stake is the right of victims to watch the trial proceedings and provide victim impact testimony.

In many States, family members who will only provide impact testimony are routinely admitted to watch trials. Many States have constitutional amendments or other victims rights legislation guaranteeing the right to observe court hearings without sacrificing the opportunity to provide victim impact testimony.

It is time that the Federal courts provide the same protections for victims. H.R. 924 guarantees the rights of surviving family members of all homicide victims to attend the Federal criminal trial of an accused murderer as well as provide victim impact testimony at sentencing. In 1990, Congress passed the Victim's Bill of Rights, and today, we are simply clarifying the protections which are currently in law.

Passing this legislation today will ensure that victims of the Oklahoma City bombing will be able to watch the trial proceedings and testify at any subsequent sentencing hearing. Many of these victims are my constituents, and I have seen firsthand the pain and devastation this bombing has brought. For many victims, the healing process is twofold. These men and women desperately want to know what activities led to this terrorist attack. In the words of one victim, ''When I saw my husband's body, I began a quest for information as to exactly what happened. The culmination of that quest, I hope and pray, will be hearing the evidence at trial.''

This woman, and many others like her also, want the opportunity to express the pain and devastation this act has brought to their lives. They want the chance for their story to be heard; to know they played an important part in ensuring a punishment equal to the crime. They want, and need, to express their loss in their own words.

The time has come for Congress to make its voice known on this issue, and protecting the rights of victims to both watch the trial and testify at sentencing is that needed statement. I ask all Members of this body to join me today and pass this legislation.

Mr. WEXLER. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, our Constitution created a government which is premised on checks and balances through a separation of powers among independent branches of government. The legislative branch is empowered to make laws subject to certain limitations such as constitutional prohibitions against bills of attainder, that special legislation, and ex post facto laws, those that are retroactively applied. The function of the legislative branch is to enforce the laws. The judiciary interprets the laws and adjudicates cases and controversies arising under them. In 1803, the Supreme Court said in the landmark Marbury versus Madison, ''One branch is not permitted to encroach on the domain of another.''

H.R. 924 violates the constitutional framework of separation of powers and its undue retroactive interference with a ruling in a pending criminal case. It is an obvious attempt to obtain legislatively a ruling in the Oklahoma bombing case different from the one already entered into by a Federal judge according to the law and according to the facts in the particular case and twice sustained on appellate review.

The constitutional prohibitions against the enactment of ex post facto laws and bills of attainder reflect the constitutional concern that the political process might be abused to unduly punish the unpopular or impose by legislation a special penalty against specific persons or classes of persons. As James Madison put it, retroactive legislation of this kind abusively affords special opportunities for the politically popular and powerful to obtain improper legislative benefits. Mr. Speaker, it is, therefore, unseemly for someone in the middle of a trial to seek congressional assistance to affect the outcome of that case.

Mr. Speaker, the judge in this case has determined that such sequestration of the impact witnesses was necessary to ensure that their testimony will remain in fact crime impact statements and not trial process impact statements. Whether or not Congress agrees with this ruling, the judge should have the ability to render it according to

the law and the facts before him in this particular case. He is in the best position to make such a difficult determination. The judge should be allowed to run his courtroom and conduct these trials without Congress grabbing the gavel from him after a ruling not to our political liking.

Intervention by Congress in a pending case is not only a blatant intrusion upon the constitutional principles of separation of powers, it also exposes a criminal trial to problematic publicity because the U.S. Congress has obviously weighed in on one side of a pending case. Due to the enormous pretrial publicity surrounding the Oklahoma bombing case, the trial of the case has already been removed not just from Oklahoma City, but entirely outside the State of Oklahoma. Additional complaints of prejudicial and pretrial publicity are under consideration in connection with alleged breaches of attorney-client confidentiality privileges. And so this highly politicized intervention in the case by Congress will only add to the possible case infirmities and, while addressing the understandable concerns of victims, may jeopardize the Government's case altogether.

H.R. 924 requires the court to allow victim impact witnesses to observe court proceedings, including viewing trial exhibits and the defendants and their lawyers over several months. This requirement stays in effect whether or not the judge determines that such viewing will prejudicially taint their testimony. While prejudicially tainted testimony is a problem in any case, it is especially problematic in a Federal death penalty case, and the legislation before us fails to consider the stark differences between the trial of a capital and noncapital case. In noncapital cases, the victims' crime impact statements are made directly to the judge alone during the sentencing phase of the trial. The judge has the experience in properly weighing emotional, inflammatory rhetoric and separating that which is relevant and irrelevant. In capital cases, however, the crime impact statements are made directly to a jury and may well include emotional, inflammatory and irrelevant testimony.

Unfortunately, an amendment to limit the application of this bill to noncapital cases was defeated in committee, and therefore all pending and future capital cases will be exposed to new challenges because of the passage of this bill.

Mr. Speaker, this is not the first time in recent years that Congress has acted as a super appellate court by intervening in a pending case to impose a politically popular ruling different from the results achieved through court deliberations. In the Morgan-Foretich custody case, Congress served as a super Supreme Court to overturn court decisions Members did not like. Just last week, the House served as an adviser to the Alabama Supreme Court in a pending case involving the Ten Commandments.

Furthermore, this is not even the first time that Congress has acted to control a court determination in the Oklahoma bombing case itself. Last year Congress added a special provision to the antiterrorism bill directing that in any trial where a venue is changed by ''more than 350 miles'' the court shall ''order closed circuit televising of the proceedings.''

□ 1430

Mr. Speaker, the Oklahoma bombing case is the only one which fits that description.

Mr. Speaker, this legislation violates the fundamental constitutional principle of separation of powers. It also risks further prejudicing the outcome of the pending criminal case which has already been moved out of State due to extensive pretrial publicity, and it fails to differentiate between the potential impact of inflammatory testimony in a capital case and a noncapital case. Finally, it creates the unseemly spectacle of Congress intervening to affect the outcome of a pending capital case.

Mr. Speaker, high profile cases are the truest test of the American Constitution. Congress should not act as an interlocutory court of appeals. In such cases, tinkering with the judicial process to affect the outcome of a particular pending case holds the entire process up to ridicule.

Mr. Speaker, I therefore ask that our colleagues vote no on this motion.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to point out to the Members that while I have great respect for the gentleman from Virginia that this particular matter is one where nobody is going to be negatively impacted that I can see, the Oklahoma City bombing case is an ongoing, in progress trial, but we have not yet had it proceed. We are talking about the sentencing phase in this bill, we are not talking about the guilt or fact-finding phase, and there is no way I can conceive of anyone being prejudiced or any lawsuit or any of the criminal trial process being biased by allowing this bill to go through and become law.

Mr. Speaker, what it does is simply say that victims and their family members who want to testify under the law that we now have in the sentencing phase will be allowed to do that while at the same time being permitted to sit in and observe and watch the regular trial process on the guilt and innocence phase where they have no role whatsoever. So I really do not see any harm in doing this, and I do not think there is any harm doing it to affect the situation at hand. In fact, I cannot imagine that we would pass this bill for the future and not take care of it in terms of the ongoing criminal trial, particularly one as prominent as Oklahoma City.

For the benefit of the other Members, I would like to also take an opportunity to explain the manager's amendment that is part of this bill that I offer today. I will not be very long with that, but the changes made to 924 have been requested by the representatives of the victims of the Oklahoma City bombing and by Members of the other body on both sides of the aisle who support similar bills pending in that body. The sponsors of the bill in the House have agreed to these changes to improve it, and I believe that it will be very good and will get this bill passed, I hope, in both bodies before the President has an opportunity to sign it tomorrow when he leaves for his trip to Helsinki. So we are all hopeful we can get this legislation through both bodies and signed into law.

The amendment makes these changes:

First, the language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or provision of law, and while I believe the rules of statutory construction would have required the courts to interpret the bill in this manner without the language, I have agreed to put this in to make it less contentious.

Second, we have added the definition of victim to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990.

Third, we have restructured the operative portion of the bill in order to make it easier to read but without making any changes in the result that the bill will accomplish, and we have also added subheadings to these new sections to help people understand exactly how it fits into the situation. In addition, we have added a provision to the bill to make it clear that once a victim or family members have attended the trial, the fact that they have done so may not allow a judge to disqualify such individual from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after the guilty verdict is returned, which is another way of saying we have added clarifying language because that is the trust of the bill.

And finally we have amended the short title of the bill to read the Victim Rights Clarification Act of 1997 in order to make it more clear what the purpose of the bill is.

I believe Mr. Speaker, these amendments strengthen the bill. It was favorably reported by the Committee on the Judiciary by a voice vote and will not change the result that was intended. In fact it will, I think, clarify it. I know the gentleman from New York [Mr. SCHUMER] and the gentleman from Oklahoma [Mr. LUCAS] reported the amendment, and that is why it is part of the bill here today.

Mr. Speaker, for the benefit of the other Members, I wish to explain the changes made by the manager's amendment that I have offered to the bill, H.R. 924. The changes made by the manager's amendment have been requested by representatives of the victims of

the Oklahoma City bombing and by Members of the other body, on both sides of the aisle, who support a similar bill pending in that body. The sponsors of the bill on the House side have agreed to these changes in order to improve the bill before it becomes law and to help ensure passage of the House bill in the other body. It is the hope of those of us on the House side that the other body will act on the House bill tomorrow, and that the President will sign the bill before he leaves for his trip to Helsinki tomorrow night.

The manager's amendment makes the following changes: First, language has been added to make it clear that the provisions of this bill are to control over any other statute, rule, or other provision of law. While I believe that the rules of statutory construction would have required courts to interpret the bill in this manner without this language, I have agreed to specifically state this in the bill so that there is no doubt as to the intent of the Congress.

Second, we have added a definition of ''victim'' to the bill by making reference to the definition of victim in the Victims' Rights and Restitution Act of 1990. Third, we have restructured the operative portion of the bill in order to make it easier to read, but without making any change in the result the bill will accomplish. We have also added subheadings to these new sections to help reinforce the fact that this bill will benefit both those persons who are allowed by existing law—18 United States Code section 3593(a)—to testify as to ''the effect of the offense on the victim and the victim's family'' and other factors during the sentencing hearing of a capital case, and those persons who are allowed by existing law—Federal Rules of Criminal Procedure 32(c)(3)(E)—to ''make a statement or present any information in relation to the sentence'' during the sentencing hearing of a noncapital case.

Additionally, we have added a provision to the bill to make it clear that once a victim or family members have attended a trial, that fact may not allow a judge to disqualify such individuals from exercising the rights that presently exist under the law to make statements during the sentencing hearing that takes place after a guilty verdict is returned.

Finally, we have amended the short title of the bill to the Victims' Rights Clarification Act of 1997 in order to make more clear the purpose of the bill.

Mr. Speaker, I believe that these amendments strengthen the bill that was favorably reported by the Judiciary Committee by voice vote, and will not change the result that was intended by the bill as it was introduced. I want to again note that these changes are made at the request of victims' groups and the supporters of a similar bill in the other body. And I want to note that the changes have been agreed to by the two other sponsors of this bill—Mr. SCHUMER and Mr. LUCAS.

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

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill. From the extraordinary dispatch with which this measure has been rushed, one might suppose it to be an uncontroversial piece of consensus legislation. We marked it up in the Committee on the Judiciary without so much as a hearing, and now it is being considered under suspension of the rules. Not only that, but this morning I was informed that the text that the House would be considering is a Senate version of that which never came before our committee at all.

What is the reason for such haste? And the proponents are quite honest about their intentions. They want the bill to become law in time to apply to a pending case, the Oklahoma City bombing case, because they wish to overturn a pretrial ruling made by the trial justice. The ruling that should be noted, and my friend from Virginia alluded to that, was affirmed by the 10th Circuit Court of Appeals. Now I do not necessarily dispute the merits of the bill as to future cases, but we have not had a sufficient time nor opportunity to properly evaluate this proposal's merits. However, I oppose the bill because I believe its efforts to influence a case now before the court strikes at the integrity of the judicial process and threatens the separation of powers doctrine on which our constitutional system is in fact based.

Congress should not be changing the rules in the middle of a trial; yet this is the second time that Congress has sought to create a special rule to govern this particular case.

Now I share the deep sympathy of every Member of this Chamber for the victims of the Oklahoma tragedy and their family. But we have a system in this country that, however imperfect, is still the best means yet devised for reaching a just result. We can all cite judicial decisions of which we personally disapprove, but there is nothing that qualifies us sitting in this House to substitute our judgment for that of the presiding judge. It is one thing for us to change the rules prospectively, but to interject ourselves into an ongoing trial is a dangerous and possibly unconstitutional assault on the judicial process itself.

Perhaps it is not surprising that we should be considering such a measure, given recent comments that we should consider impeaching judges who render unpopular decisions. Such talk should be deeply troubling to everyone who values the rule of law and this bill should be no less so. The irony is that our intervention may ultimately do far more harm than benefit. Judges are there to see that the trial is fair and impartial. This is just as important to those seeking a conviction as to those who seek an acquittal.

As a former district attorney, I know it does no good to secure a guilty verdict that is vulnerable to reversal on appeal. Defense attorneys have already announced their intention to challenge congressional action in this case. Whether or not their challenge succeeds, why would we go out of our way to increase the Government's burden and put a possible guilty verdict at risk?

While I am sure that this legislation is genuinely well intentioned, the proponents may ultimately do a disservice to the very victims to whom they purport to give voice. It would be truly unfortunate were our actions to create the possibility of a retrial, further compounding the terrible trauma suffered by both the victims and their families.

So let us think again, Mr. Speaker, before we take a step we may come to regret.

Mr. WEXLER. Mr. Speaker, I yield back the remainder of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and I do not intend to consume much, Mr. Speaker.

Mr. Speaker, I just want to point out to the gentleman from Massachusetts that I respect his views. I know he has had a prosecutorial background that in my judgment and I think in all the judgment of all of these attorneys general to support this bill there is no real risk at all in this, and the only conceivable way if any court were to return a decision based upon what we are doing today, the only conceivable effect would be on the sentencing phase, not on the actual fact determination of guilt or innocence.

But in any event I do not believe, nor do any of the experts I have consulted, that this matter would in any way or could in any way affect the outcome or the possibility of having to have a retrial or be successful in any motion to contest a pending trial where the new law comes into play.

In any event, Mr. Speaker, I encourage a ''yes'' favorable vote on this bill.

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

The SPEAKER pro tempore (Mr. CAMP). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 924, as amended.

The question was taken.

Mr. MCCOLLUM. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 927) to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Attorney General.

The Clerk read as follows:

H.R. 927

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 ''United States Marshals Service Improvement Act of 1997''.