MAKE WELFARE A CASHLESS SYSTEM

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

Mr. FRANKS of Connecticut. Mr. Speaker, we must take cash out of our current welfare system and replace it with a debit card. Welfare dollars are taxpayers' dollars, and we need and deserve to have a proper accounting of these funds.

A Columbia University study claimed that 25 percent of welfare recipients are drug abusers. If you have high unemployment, high drug trafficking, and high welfare use in our cities, where is the money coming from? It is obvious that we, as taxpayers, are inadvertently fueling our criminal drug industry by welfare.

A picture debit card system will help solve this problem, since drug dealers do not take American Express or any other form of plastic. The proper dispensing of welfare funds by electronic transfer will improve our housing stock in our cities, lower our utility bills for our elderly, help make the banking industry more efficient, and, most importantly, allow our children to receive their due assistance. This could be the best form of eradicating welfare fraud.

INSTITUTIONAL AND POLITICAL DISCRIMINATION ALIVE AND WELL IN BUTLER, GA

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, while many people in this House feel that institutional and political discrimination are a thing of the past, I would like to draw their attention to the tiny town of Butler, GA. After 10 years of no elections, the town of Butler will finally have free and fair elections which do not exclude its 46 percent black population from being represented.

The Eleventh U.S. Circuit Court of Appeals had to order the town's all-white council to open its polls and put an end to rigging elections that kept African-Americans off the town council.

To my Republican colleagues who are anxious to repeal motor-voter, the Americans With Disabilities Act, and the voting rights acts, I say beware. We spend billions of dollars every year to protect and promote democracy abroad, and you want to spend billions more for a star wars defense of democracy at home.

Mr. Speaker, the bottom line is that we are yet to achieve democracy and equality right here at home, and the last thing we need is a bunch of politicians saying that inequality and injustice at home are all right with them.

□ 1150

REQUEST FOR ESTABLISHMENT OF PROCEDURES FOR CONSIDERATION OF A CERTAIN AMENDMENT TO H.R. 666, EXCLUSIONARY RULE REFORM ACT OF 1995

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that when the House resolves itself into the Committee of the Whole and takes up H.R. 666, there be a time limitation on my amendment of 50 minutes, divided equally between myself and an opponent to the amendment, and that no amendments be permitted to my amendment.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from Missouri?

Mr. DELAY. Mr. Speaker, reserving the right to object, and I do intend to object, mainly because I do not mind negotiating on limiting time on an amendment, but I do mind limiting the ability for Members to amend the gentleman's amendment.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I just want to bring up the fact that the gentleman from Missouri has raised two questions: A motion to limit time and a motion to make his own amendment unamendable. I wonder if the gentleman could explain why the second portion of that request is there.

Mr. DELAY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I had not planned to. When I first negotiated the time limit, I was going to make it in the Committee of the Whole. And it was only going to be basically on 45 minutes. And then I thought 50 minutes was easier to divide than 45.

But from that side of the aisle I heard that some member of the committee from that side of the aisle may even try to preempt me on this amendment or there may be amendments to my amendment or there may be other things to take away my amendment.

Now, I have worked up this amendment, and I would like to have the opportunity to offer it. I am just trying to preclude that and restate my stand on one issue, and that is the BATF. I would just talk about that and limit the time.

I am willing to limit the time as long as we can do that, but if we are going to be getting into a wrangle on this thing, then I am not going to agree to a time limit.

Does the gentleman understand that? We may be here 3 or 4 hours.

Mr. DELAY. Mr. Speaker, continuing my reservation of objection, I understand the gentleman's concern about the time limit. And I might concur and negotiate with the gentleman over a time limit, but if the gentleman would have consulted with the majority on his amendment, I think the majority could have worked with him.

There are many Members on our side that do not want to be limited in being able to amend the gentleman's amendment or even substitute for the gentleman's amendment, or in some cases members of the committee may want to offer the gentleman's amendment, members who are in agreement with the gentleman.

I think it is the privilege of the majority to ask for cooperation and ask for negotiation on unanimous-consent requests.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, several things the gentleman said made some sense to me, but then I thought I heard the gentleman say some members of the majority might want to offer the gentleman's amendment. That one seemed a little disturbing. The gentleman from Missouri has been working on this amendment. The gentleman is saying that some members of the majority have plans to sort of show the respect for intellectual property rights of the Chinese Government and steal the gentleman's amendment.

Mr. DELAY. Mr. Speaker, I would not characterize it, in responding to the gentleman, as stealing the gentleman's amendment. There are many on our side of the aisle that feel like they could support the gentleman's amendment if it was changed in certain ways. We want the opportunity to investigate that and to do that. To just arbitrarily say that we cannot amend the gentleman's amendment or substitute for it or do something else with it, we just cannot agree to that.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, then I misunderstood. There is no effort to try to preempt the gentleman's right to offer that amendment as his amendment since he is the one who came up with it.

Mr. DELAY. Mr. Speaker, I think those Members that are on the Committee on the Judiciary, by the rules and by tradition, have the right to be recognized before the gentleman from Missouri. And whether a Member from that committee offers whatever amendment that may pertain to the substance of the gentleman's amendment, we are not prepared right now to say whether that is going to happen or not.

Mr. FRANK of Massachusetts. So the gentleman would have to satisfy himself with that flattery which imitation is the sincerest form of?

Mr. DELAY. Mr. Speaker, I am not sure I understood the gentleman's question.

Mr. FRANK of Massachusetts. I apologize for being unclear. The gentleman from Missouri, having come up with this, the notion that he has to come up with the amendment, having

put it forward, and then loses it because somebody else decides to put his name on it, seems to me unfortunate. But if the gentleman insists that that is what the rules allow, I suppose that is what happens.

Mr. DELAY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I recognize that that is what the rules allow. If the gentleman wishes to object, let him object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. DELAY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

EXCLUSIONARY RULE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 61 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 666.

□ 1156

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 further consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, with Mr. RIGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, February 7, 1995, the amendment offered by the gentleman from North Carolina [Mr. WATT] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not rise at this time to offer an amendment. I rise to comment on apparently a news broadcast that occurred last night with respect to the bill, H.R. 666. I cannot tell my fellow Members where this news report took place. I did not see it. But I received some calls this morning which indicated that there was some rendition of what we were doing on the House floor yesterday and today with respect to this good faith exception to the exclusionary rule.

I think, Mr. Chairman, that it is just important to make a point here, and that is, we are proposing to make and broaden an exception to the exclusionary rule which already exists in law. Apparently, the reports were that we are trying to repeal legislatively the entire exclusionary rule, as it was enunciated by the U.S. Supreme Court, first in Federal cases in 1914 and, second, as applied to the States in 1961.

I certainly acknowledge, Mr. Chairman, that, and anyone could tell it from some of the remarks that were made, that there are Members on our side who feel that the entire exclusionary rule should be repealed. There may even be, though we have not heard from them, I would not be surprised if there are Members on the other side who believe that, too.

There is always the argument that no matter how evidence was seized that, if it points to guilt, it should be used. I do not personally share the view of repealing entirely the exclusionary rule. I think the point that the Supreme Court made in the Mapp versus Ohio opinion of 1961 was also important.

In that case of a total disregard of constitutional protections based upon search and seizure, the Supreme Court said, we have tried everything else, now we will try to suppress evidence as a means of encouraging law enforcement officers to comply with the fourth amendment, which we do place on them through the fourteenth amendment.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from New Mexico [Mr. SCHIFF] yield for a parliamentary inquiry?

Mr. SCHIFF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I thank the gentleman for yielding to me.

My inquiry, Mr. Chairman, is to get an understanding of what place we are in the procedure before the committee. Is it correct that any of us could now rise and seek recognition in order to speak on the overall issue of the exclusionary rule or the fourth amendment or the bill, H.R. 666, without dealing with an amendment? In other words, any of us could now rise and speak on the issue?

The CHAIRMAN. That is correct. The bill is open to amendment at any point under the 5-minute rule.

Mr. COLEMAN. But this is not an amendment.

The CHAIRMAN. The gentleman from New Mexico [Mr. SCHIFF] was recognized and was proceeding for 5 minutes.

Mr. COLEMAN. But not on an amendment, am I correct?

The CHAIRMAN. The gentleman from New Mexico has offered a pro forma amendment.

Mr. COLEMAN. I thank the Chair.

□ 1200

Mr. SCHIFF. Mr. Chairman, as indicated, I am not offering an amendment at this time. I have just sought recognition on the 5-minute rule, and I will conclude in a moment here.

Mr. Chairman, I just want to point out exactly where we are. I understand that there are Members who may still, because they so indicated, oppose this particular bill, H.R. 666. I just wanted to emphasize what this bill does and what this bill does not do.

This bill does not repeal legislatively the entire exclusionary rule, or anything even that comes close to it. Speaking for myself, I would not support a bill that would entirely repeal the exclusionary rule.

I think the Supreme Court had a logic in saying that there was a reason to exclude evidence in certain cases that they enunciated, I thought very well, in the Mapp versus Ohio decision of 1961. Rather, we are taking an exception to the exclusionary rule which already exists. It has already been stated by the Supreme Court in the Leon case.

In that case the Supreme Court said that where police officers make an honest error, a good-faith error, that in that particular case it made no sense under the theory of the exclusionary rule, under the theory of trying to motivate law enforcement logic, to suppress that evidence.

We take that a little bit further. In the area of searches without a search warrant, and there are legal searches without a search warrant, a search warrant is not required under constitutional law for every search, any more than it is required for every arrest. There can be arrests without a warrant.

My point is that we are making an extension of an exception that already exists, and I just want to conclude by saying that we are not repealing the entire exclusionary rule, and further, we are not broadening the exception that much.

I understand that Members, when we get to final passage, will vote yes or no as they see fit, but I just wanted to explain exactly what we were doing.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair would ask the gentleman, is this an amendment that has been printed in the RECORD?

Mr. CONYERS. This amendment has not been printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, line 14, strike the close quotation mark and the period which follows:

Page 3, after line 14, insert the following:

''(d) LIMITATION.—This section shall not apply with respect to a search or seizure carried out by, or under the authority of, the Bureau of Alcohol, Tobacco, and Firearms.''.

Mr. CONYERS. Mr. Chairman, this amendment is offered by myself, the gentleman from Missouri [Mr. VOLKMER], and the gentleman from Michigan [Mr. DINGELL].

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I wish to take this time to thank wholeheartedly the gentleman from Michigan [Mr. CONYERS] for offering this amendment on my behalf.