ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, 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 is concluded on all motions to suspend the rules, but not before 5 p.m. today.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, as amended.

The Clerk read as follows:

H.R. 3166

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 ''Government Accountability Act of 1996''.

SEC. 2. RESTORATION OF FALSE STATEMENT PENALTIES.

Section 1001 of title 18, United States Code, is amended to read as follows:

''§ 1001. Statements or entries generally

''(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of Government of the United States, knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(2) makes any materially false, fictitious, or fraudulent statement or representation; or

''(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years or both.

''(b) Subsection (a) does not apply—

''(1) to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge in that proceeding; or

''(2) to—

''(A) any non-administrative matter; or

''(B) any investigative matter, other than with respect to a person furnishing information pursuant to a duly authorized investigation;

within the jurisdiction of an entity within the legislative branch.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

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

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

Mr. Speaker, for decades, section 1001 of title 18 of the United States Code has been a powerful tool in the hands of prosecutors seeking to address the willful misleading of the executive, judicial, and legislative branches. Over the years, section 1001 has been used to prosecute a wide variety of misconduct. Notable prosecutions under section 1001 include those of Colonel North and Admiral Poindexter, and more recently, the case against former Congressman Rostenkowski.

On May 15, 1995, the U.S. Supreme Court dramatically changed Federal criminal law dealing with the offense of willfully misleading a branch of Government. In the case Hubbard versus United States, the Supreme Court limited the application of section 1001 to only the executive branch, leaving the offenses of misleading Congress and the courts outside its scope.

On June 30, 1995, the crime subcommittee held a hearing to examine how section 1001 could be amended to ensure that those who willfully mislead any branch of the Government are held accountable. At that hearing, all of the witnesses agreed that law enforcement must have the ability to punish those who willfully mislead the Government. But they further agreed that such an ability must be weighed against our commitment to free speech, a balanced adversarial system of justice, and a genuine separation of power between the three branches of Government. The witnesses also counseled that we proceed with care. Certain legislative fixes may be unintentionally problematic over the long run.

H.R. 3166 is responsive to the concerns raised at our June hearing. The bill provides us with the means of punishing those who willfully mislead the executive, legislative and judicial branches, while at the same time avoiding unintended consequences.

The bill applies section 1001 to all three branches of the U.S. Government, with two exceptions. First, the bill has a judicial function exception, which provides that section 1001 does not apply to a party to a judicial proceeding or that party's counsel, for statements, representations, writings, or documents submitted by such party or counsel to a judge in that proceeding. This exception applies the criminal penalties of section 1001 to those representations made to a court when it is acting in its administrative function, and exempts those representations that are part of a judicial proceeding from the scope of section 1001. I believe that the failure to establish such a judicial function exception would chill vigorous advocacy, and, as such, would have a substantial detrimental effect on the adversarial process. I am pleased to note that the Department of Justice supports the bill's judicial advocacy exception.

The second exception is the legislative advocacy exception. This exception, which I introduced at the Judiciary Committee markup, and which was agreed to without opposition, is the result of much work by Members on both sides of the aisle.

Without such an exception section 1001 would be a blanket application to all communications made to Congress, including unsworn testimony and constituent mail. Such an unlimited application would create an intimidating atmosphere in which all communications would be made with the threat of section 1001's criminal penalties constantly at hand. Such an atmosphere would undermine the free flow of information that is so vital to the legislative process.

This bill's legislative function exception limits section 1001's application in a legislative context to administrative and duly authorized investigative matters, thereby avoiding the creation of such a counterproductive atmosphere.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars. That is the result accomplished by this amendment.

Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who willfully mislead Congress when they knowingly and willfully mislead Congress.

I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution for misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution. H.R. 3166 avoids creating such an atmosphere.

I would like to thank my friend from New Jersey, Congressman MARTINI, for his leadership and hard work on this bill. He has been out front on this issue since the Supreme Court handed down Hubbard, and has worked with parties on both sides of the aisle to make sure that we moved a good bill through this House. I want to congratulate Mr. MARTINI on a job well done.

□ 1230

Mr. Speaker, when I yield again I am going to yield to the gentleman from New Jersey [Mr. MARTINI] to let him describe this legislative work he has done.

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

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

Mr. Speaker, I support the provisions in the bill. Could I inquire of my good friend, the chairman of the Subcommittee on Crime, why this bill has no report?

Mr. MCCOLLUM. Mr. Speaker, will the gentleman yield?

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

Mr. MCCOLLUM. Mr. Speaker, it has no report because we were trying to get it out here on time. It should be. There is a report that is coming with it, but it has none at the present time.

Mr. CONYERS. Could I ask my good friend if he would withdraw this bill until such time there is a report for all of the Members?

Mr. MCCOLLUM. If the gentleman will yield further, there will be a report filed before the vote on this bill.

Mr. CONYERS. I said will he withdraw this bill now? We are asking everyone to get a report sometime in the future, sir. That is not according to the rules of the House?

Mr. MCCOLLUM. If the gentleman will yield further to me, it is according to the rules that we have a report out here before the bill is voted on and it will be out here before it is voted on, before we actually have a vote.

Mr. CONYERS. Is someone supposed to trust the gentleman in the meantime?

Mr. MCCOLLUM. If the gentleman will yield further, no one has to vote on it until they get a report to read.

Mr. CONYERS. Mr. Speaker, I am not going to yield to the gentleman any more. I think his answer should have been ''no'' about 2 minutes ago.

Mr. Speaker, I object to the procedure that is going on now. I object to this bill being brought up until, according to the rules, Mr. Parliamentarian, there is a report accompanying it. Therefore, I ask that this measure be withdrawn from the floor of the House of Representatives.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair is advised that that is up to the gentleman from Florida [Mr. MCCOLLUM].

Mr. CONYERS. It is up to the gentleman from Florida [Mr. MCCOLLUM]. That is what I thought.

I would like to appeal to the gentleman from Florida again, a distinguished and able member of Judiciary with whom I have worked ever since his first day in the House of Representatives. Would the gentleman please take the bill off of the floor until such time as he gets a report?

Mr. Speaker, I yield to the gentleman to say yes or no.

Mr. MCCOLLUM. No, I will not do that.

Mr. CONYERS. I did not ask for the rest. I just wanted a yes or no.

Mr. Speaker, I object to the procedure on the floor, and I would like to press my objection to the Speaker.

The SPEAKER pro tempore. The gentleman has 20 minutes. He may debate the question. This is a motion to suspend the rules, which will require a two-thirds vote. Does the gentleman raise a specific point of order?

Mr. CONYERS. Mr. Speaker, my point of order is that we are acting out of order even on a suspension of the rules here. This is not a club meeting, Mr. Speaker. The least that the subcommittee chairman could have done was advise us that he did not have a report, which would have led me to some form of my usual generosity, but just to say we don't have a report, we'll get one later this is under suspension of the rules, nobody needs to read the report. What would 400 other Members want to know about the report for? Just listen to the debate and vote for it when it passes. What is the difference? Why do we need reports here, anyway, by the way?

Has the gentleman not learned anything in the course of all the years we have been trying to be legislators, responsible? What is this? I think it is extremely inappropriate for the Committee on the Judiciary, of all committees, that we would be proceeding this way. Are we going to just continue to have informed debate around here without reports? Because it will be here shortly, it's on the way, it's at the printer? The truck is pulling it up to the Capitol any minute. I don't know what you need a report for.

Then to have the unmitigated gall to say, ''Well, so what? I'm not going to withdraw it, I'm not going to apologize, I'm not going to do anything because we're in control here. We don't need reports, the majority. If you don't like it without the report, vote against it, I guess.''

Mr. Speaker, there is nothing we can do here but be subject to the gentleman from Florida's arbitrary, uncooperative decision that we will not have a report accompanying his bill.

How come? Well, I do not know. He just felt like it today.

Well, I say to the gentleman from Florida [Mr. MCCOLLUM], the House of Representatives does not work like this, and the gentleman as a committee chairman, I know he has not been a subcommittee chairman long, but it seems to me that he should check the procedure, maybe with the Parliamentarian, maybe with the counsel for the committee, maybe with even our people if he would like. We would be delighted to do that. But just to say ''We're bringing a measure on the floor, a very important measure, by the way. But we don't need reports around here, gang. Check with us this evening, tomorrow, whenever. But let's have some informed debate that nobody but the Members of the Committee on the Judiciary know anything about, and then let's hold it over for a vote and then we'll decide whether you want to pass a law into the United States Code Annotated.''

Oh, is it unimportant? Is it a technical amendment? No; it is very serious. It modifies a U.S. Supreme Court decision. It would seem that lawyers, of all people, would have some kind of civil consideration for the way we pass things in the House of Representatives.

If the Committee on the Judiciary does not care about the rules and procedure of the House, should anybody else? We are the ones that try to set the rules and procedure for the Committee on the Judiciary, for the Congress. We are the ones that are able to modify the Supreme Court's decisions, as we are doing.

And so we come in here, dragging in on Tuesday afternoon, the first measure up, and the first thing we say is, ''Well, there's no report, Ranking Member of Judiciary. What do you need a report for?''

''Well, would you please consider getting one?'' ''No; I will not. Anybody that wants to read the report can read it when we get it.''

''Well, when will you get it?''

''We'll get it this afternoon. I guess we will get it this afternoon. Read it after the debate if you really want to find out what happened, because we don't have to do that around here. Don't you understand? Republicans run the House. So it's OK. You don't like it? Vote no. You don't like it? Appeal to the Speaker. You don't like the Speaker's ruling? He says see the subcommittee chairman.''

And so this is what it is like in 1996 in the people's body, in the House of Representatives, where we have a bunch of my wonderful friends over here looking at each other saying, ''I wonder why we don't just go ahead and pass this bill and forget the report.''

But what about the next bill, I would ask the gentleman from Florida [Mr. MCCOLLUM]? Does that one need a report? Or does the subcommittee chairman of that measure have the same option that you do to tell everybody, ''You don't need a report. It's on the way. Get it later. We'll debate this some other time. Or if you don't understand the debate, get a copy when it's printed.''

But the rules of the House require this elemental courtesy to every single Member of the House of Representatives, and the gentleman is refusing to go along with the rules. I think that is very unseemly, I think it is very inappropriate, particularly coming from the committee that we both serve on.

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

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

Mr. Speaker, the gentleman from Michigan, of course, is a very distinguished Member of this body and I know that he intends to characterize the situation as it accurately should be characterized, but the truth be that the rules of the House of Representatives in this Congress are no different than they were in the last on this point, and, that is, that when we have a bill under suspension, there is no requirement that any report be filed whatsoever by any committee on a bill under suspension, which is what we have today with this bill that is before us. It is customary for Judiciary bills to get a report because that is something we would like to do, that is something that Judiciary members like you and I like to produce. We like to have those filed with bills. And if a report is going to be filed, because we

want to do that, we like to do that, to explain the bill in the record, then that has to be done technically before the bill is formally voted on. We are going to request a recorded vote, I am, and I suspect we will get one based on the number of people here today, and there will be a delay of a vote, so that a report can be filed and will be. But there is absolutely no requirement that a report be filed.

I might also remind the gentleman from Michigan, my good colleague, that this bill is not controversial in its nature, it passed without a single vote in opposition in both the subcommittee and the full committee, it was worked out in a fully bipartisan sense, as the gentleman knows, and there is no intent whatsoever on our part to pass a bill with any kind of pulling the wool over somebody's eyes with not having some technical whatever. We are abiding by those rules on a very noncontroversial, though a very important bill.

Last but not least I might add why we do not actually have the report we would like to file out here today and fully intend to do so is because the leadership had initially scheduled this bill for next week and did not give us sufficient notice that it would be out here this week. We would like to get this bill passed as soon as possible, as I am sure the gentleman from Michigan would, and this is the window of opportunity, this week, to pass it. If we do not do it today, if we waited around to voluntarily do the report we do not have to do before we brought it out here and debated it, we would not get it accomplished.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 12½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey [Mr. MARTINI], who is the author of this legislation. I congratulate him again. It is a fine bill and it does something that has been needed to be done for a long time.

□ 1245

Mr. MARTINI. Mr. Speaker, I thank the gentleman for yielding.

Before I begin, I want to take a moment to thank Chairman MCCOLLUM as well and the crime subcommittee counsel, Paul McNulty and Dan Bryant, for their hard work and efforts in bringing this important legislation to the floor today.

Mr. Speaker, the question facing the House of Representatives is whether or not individuals who knowingly and intentionally issue a materially fraudulent or false statement to the legislative or judicial branch of the Federal Government should be subject to criminal prosecution under title 18, section 1001 of the United States Code.

The Government Accountability Act, H.R. 3166, is intended to amend section 1001 of 18 United States Code in a manner that would make its application consistent with the legal precedents established prior to the Supreme Court's May 15, 1995, decision in Hubbard versus United States.

As a result of the Court's action in Hubbard, this year, for the first time in over 15 years, Members of Congress filed their financial disclosure statement without fear of prosecution or penalty for issuing fraudulent or false statements on these forms.

Mr. Speaker, I believe that is wrong and I also believe that the public has a right to know that congressional financial disclosure forms are filled out truthfully and accurately. The requirement to do so is one of the many applications of section 1001 of 18 United States Code that need to be addressed. That is why I introduced the Government Accountability Act.

I am pleased to say that this bipartisan legislation enjoys cosponsorship and support from by both the chairman and ranking member of the crime subcommittee.

My legislation closes a loophole in Federal law that was created by the Supreme Court's ruling in Hubbard versus United States.

As a result of this decision, section 1001 of 18 United States Code is now only applicable to individuals who knowingly and willfully issue a materially false statement to the executive branch of the Federal Government.

Individuals who issue false statements to the legislative or judicial branch of Government can no longer be prosecuted under section 1001.

In Hubbard, the Supreme Court held that, ''a court is neither a department nor an agency within the meaning of section 1001.'' This clearly infers that Congress is certainly not an agency or department of the executive branch. In fact, Federal courts have recently used Hubbard to overturn the conviction of a former Member of Congress and a former HUD official who lied to Congress.

Federal prosecutors have also been forced to drop key indictments or counts in criminal proceedings against several former Members of Congress as a result of this decision.

As a former assistant U.S. attorney in Newark, NJ, I know firsthand the importance of section 1001 of 18 United States Code. In my opinion, this is a critical provision of the law which protects the Federal Government from false or fraudulent statements.

Mr. Speaker, quite simply, this is an issue of parity. I can think of no reason why we would hold false statements issued to Congress or the Judiciary with any less severity then those issued to the executive branch.

In the past, section 1001 of 18 United States Code has been used to successfully prosecute Members of Congress who have lied on their financial disclosure form, initiated ghost employee schemes, knowingly submitted false vouchers, and purchased personal goods and services with taxpayer dollars.

Without a viable false statement statute these crimes could very well go unpunished.

Mr. Speaker, I want to make it abundantly clear that the intention of my legislation is not to create a tidal wave of special prosecutor and independent counsel investigations into this Administration or any future administrations.

Rather, H.R. 3166 is meant to restore and clarify the Federal False Statement Statute to its pre-Hubbard application.

Much of the initial attention surrounding congressional efforts to restore the Federal false statement statute focused on applicability of section 1001 to the judicial branch.

My legislation applies section 1001 to the judicial, as well as the legislative branch, however it specifically exempts formal courtroom proceedings.

Federal law enforcement officials must have the ability to bring charges against those who willfully and knowingly mislead the Federal Government. However, I felt that statements made to a judge in a courtroom setting should be exempted from the scope section 1001.

Accordingly, H.R. 3166 includes language drafted by the Department of Justice to address this concern in a manner that will not have an adversarial effect on the judicial process, a negative effect on the judicial process, but also remains consistent with Federal case-law precedents stemming from the Morgan and Mayer decisions, which were decisions which followed Hubbard.

An attorney should not be exposed to a criminal indictment for simply defending an unscrupulous client who is advancing a false or fraudulent defense.

The goal in applying section 1001 to the judicial branch should be to provide a penalty for individuals who may lie or issue false statements in the context of the administrative duties of the judiciary branch, not its litigation proceedings.

Further, during the House Subcommittee on Crime markup of H.R. 3166, some of my colleagues also expressed concern that the Government Accountability Act did not contain a congressional advocacy exception that would exempt certain types of legislative advocacy from the scope of section 1001.

These individuals were concerned that by codifying 1001's applicability to Congress we may inadvertently chill legislative advocacy.

Congress has always been the arena in which the American people have come to express their ideas and beliefs. We must ensure that we do not stifle public debate on the issues before this body.

While I believe that H.R. 3166 as originally drafted would afford protection to those individuals who engage in advocacy of the legislative branch, I am supportive of the bipartisan amendment, the gentleman from Florida, chairman MCCOLLUM, offered in Committee that exempts the application of section 1001 from nonadministrative matters before the Congress.

By limiting the application of section 1001 in a congressional setting to administrative matters and exempting legislative advocacy from its scope, we avoid the stifling of public debate before this great body.

The McCollum language will apply section 1001 to administrative matters like the Member's Financial Disclosure Form and duly authorized investigations of the congress.

Prior to the Hubbard decision, an uncertainty or vagueness existed among the various Federal courts concerning the applicability of section 1001 to Congress. Accordingly, Federal prosecutors pursued indictments under the Federal false statement statute with extreme caution in matters pertaining to Congress.

Enactment of legislation like H.R. 3166 would leave no doubt about the application of section 1001 to Congress. That is why this bill now contains a so-called legislative advocacy exception in order to avoid unintended consequences of codifying 1001's applicability to the legislative branch.

Mr. Speaker, the American people have demanded a Federal Government that is not above the law. Without an applicable Federal false statement statute, we will seriously jeopardize the ability of this institution to protect itself from both internal and external fraud.

I am pleased that the leadership has recognized the importance of this legislation and has brought it to the floor today.

In closing, I want to again thank Chairman MCCOLLUM and his capable staff, and I urge my colleagues to support this bipartisan reform bill.

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

Ladies and gentleman of the House of Representatives, we are in the process of amending a U.S. Supreme Court decision whose ruling applies to Members of the House of Representatives, applies to witnesses that may come before the House of Representatives and there are Members in broad daylight alleging that this is a minor provision, amending the Supreme Court's decision and we are talking about how minimal this is. The distinguished subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], alleges that there is no objection. How on Earth would he know? Nobody has ever seen the report. Nobody would even know about the bill if my colleague was not on the Committee on the Judiciary. What in the world is going on around here that makes this matter so important that without a report, we would ask on a suspension calendar that a matter changing the Supreme Court, the law of the land, that it be sent without a report. Well, I do not know why. What is the rush? Question: How can we have an informed debate without a report? The gentleman from New Jersey [Mr. MARTINI], author of the measure, is familiar with this. The gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime, is familiar with this. But what about the 400 other Members of Congress that may not have attended the Committee on the Judiciary meetings? What do they get? Well, they get nothing. They get the response that customarily we give Members a report, but today, because Republican leadership has indicated that this bill goes today, it is not going at all. Question: Why not?

Another inquiry that I may have, is are we saying here that the Republican leadership, or may I speak more personally, the Speaker of the House saying that we will not allow a vote on this bill if it does not come up today or that it will not be brought forward? And by the way, where is this matter in the Senate? Does anybody happen to know or care? Are they waiting for us to send it over to them so that they can send it out? Do you know if it is marked up or not? Well, look, the House takes care of its own business and the Senate takes care of its.

So we are in a very embarrassing situation, because if that is the way this House is going to be run, this is one Member that is going to take exception to this. I think it is unseemly. I think that it completely misses the point of a very important law that is in the process of being made. Someone said it will be—not someone, I am sorry, the chairman of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM], said it would be printed in form and would be sent to the Members today. Well, what time today, I ask the gentleman from Florida [Mr. MCCOLLUM]? Will it be before the vote or after the vote? And how much time would the Members have to read the report before they vote on it? Or does it matter, really? I mean, if you like it, we are putting it on suspension, we are rushing it through. No one can amend this, and now we do not have a report because we only supplied it customarily, we do not have to supply. So if you like this law or do not like it, just listen to the debate, listen to the author, and as far as we know, everybody should go along with this and that is the way we make laws in the United States now under the Gingrich regime. I take exception to this, sir, and I am ashamed of my subcommittee chairman who would allow himself to get drug into this ridiculous and embarrassing process.

Now, both parties usually send out a whip package which gives us a heads-up on what is coming up on the legislation. Usually for Members that would like a detail, they include the report that it can be referred to, but there is no report here. Members can read the brief summary. I do not know what Republicans put in their whip packages, but we put a brief outline of the measure. Why, the gentleman from New Jersey [Mr. MARTINI], with a bill which he deserves full credit for, would he allow this measure to come up in such a haphazard way? Does the gentleman not have any respect for the law or the process? Does the gentleman not understand how the House of Representatives customarily works? Does he not want Members to at least vaguely understand what in the world he is doing that changes a U.S. Supreme Court standing decision? Does it not reach that level of seriousness that the other 400 Members might at least, if they chose to be informed, would have a report available to them? Does the gentleman have no respect for the process of this great House of Representatives? What do we want to turn this into, a club, a political club where the biggest gang gets up and says, well, this is it, there is not objection? How do we know there is no objection? How do we know there are not reservations? My colleague does not, and neither do I. But I have enough respect for the rest of my colleagues to object as strenuously as I can to this very shabby process.

□ 1300

This is a very important piece of legislation. It is not a simple bill. The changes that the gentleman has grafted on to the Supreme Court decision and the existing law are very important and are very serious. I only wish that the gentleman and the Members on his side of the aisle would take it as seriously as we do on ours.

We think it is a good measure, but that does not mean that I can arbitrarily cut off the debate from everybody else in this body because they have not seen the report. Do we not have any pride about this House of Representatives in which we serve? Do we not want to really make the House a democratic forum for all of us so that the American people can understand how we make process? Maybe the gentleman does. I think deep down in our hearts all the Members do.

I think we are very serious about the business that brings us here to Washington, DC. I am looking into the faces of some very serious Members. But what about the process? What if there was one Member in the House that wanted to take exception, maybe even wanted to ask a question, where would he or she go to get the information? Does that not concern the gentleman at all? Does he not want to say that this bill was passed in broad daylight with the acquiescence and full understanding in the customary manner that we pass legislation around here?

The gentleman has already bumped it up to the Suspension Calendar. We cannot amend it now. We only have limited debate, and still we cannot do it right. I think this is disgraceful. And then to refuse to take it off the floor for no good explanation whatsoever insults not just the Members of Congress, I say to the gentleman from Florida [Mr. MCCOLLUM], but everybody in America that is expecting that we will pass legislation, especially from the lawyers in the Congress, in a fair and decent bipartisan manner. And that is not what is happening here today.

So with all deference to all of my colleagues and for all my colleagues who are pleased that at least one Member would have the temerity to raise his voice and say, ''Process, fellas. Process.'' That is what tests whether a House is working fairly or not.

It is not that, oh, we customarily send out reports but we were in a hurry today; we did not need it today. If Members do not like it, they can catch the report when it is printed. If they have a question, they can see me off the floor or check with staff and they will give that Member a response. But we are pushing this baby through Tuesday afternoon, first up, whether we are ready or not, whether people have had a chance to study it or not. Who cares. We are going to do it our way. It is unanimous anyway, which we do not know about at all. It is simple. It is not; it is very complex.

So I ask the gentleman from Florida [Mr. MCCOLLUM] again, with all the fairness of which I am able to muster at this time, please withdraw this measure from the floor and have it rescheduled.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 1 minute.

First of all, I happen to know this is a very serious matter, and the gentleman from Michigan [Mr. CONYERS] and I agree on that point.

Second, I am not in the least bit embarrassed or disgraced or feel ridiculous about bringing this out here without a report, because the rules of this Congress, as have been the rules for many years, do not require a report on a bill that comes under suspension.

This is a special procedure for those bills that are considered noncontroversial. Those are bills that are scheduled only once a week, normally, sometimes in the late sessions, once or twice more frequently, so that we can expedite the process of handling them within the scheduled confines the House has for deliberating on those bills that will take more time on the floor, hours and hours of amendments.

The Justice Department just recently has endorsed even the amendments to this bill and fully supports it. There is nobody that I know of, though maybe somebody is opposed to this bill, but the point is that the reason for the report is not to prepare people on a Suspension Calendar bill to vote on a bill, but to provide legislative history. However, this report is ready. It will be filed here sometime today before we have the vote, and anybody who wants to read the report, scan it or otherwise before they vote, will have that opportunity.

I am sorry the gentleman feels inconvenienced, but the gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, had full notice that we did not have the report, would not have it ready, well before we brought it out here today.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding me this time. This is a corrections bill, it is necessary, and it is necessary now.

Mr. Speaker, a stunning decision by the Supreme Court last spring once again leaves this institution above the law. In Hubbard versus United States, the Court held that section 1001 of 18 United States Code is only applicable to individuals who knowingly issue a false statement to the executive branch, implying that penalties for lying do not apply if the individual is lying to Congress. So, in effect, we have a law on the books that says individuals cannot lie to the executive branch, but it is OK to make false statements to the legislative branch of the Government. That is not good government. Think about what that means. It means individuals who do business with the Government or testify before congressional committees are not legally accountable for the accuracy of what they say and do, and that includes Members of Congress themselves. In fact, the Supreme Court's decision makes it very difficult, if not impossible, to prosecute Members of Congress who have been charged with kickback schemes, ghost employee schemes, check-kiting and falsifying financial disclosure reports. It also means that pending prosecution cases and prior convictions of Members of Congress are in jeopardy of being overturned.

Mr. Speaker, I serve on the Committee on Standards of Official Conduct. There are no rules for criminal behavior in the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct does not become a criminal enforcement committee.

Mr. Speaker, this institution cannot allow criminal activity to go unpunished—and unless all three branches of Government are included in the false statement statute that is exactly what may happen. H.R. 3166, the Government Accountability Act, will extend the false statement statute, clearly and incontrovertibly, to all three branches of the Government. If we are to restore some honor to this institution and hold all Members accountable for a breach of trust—then we must include ourselves in the false statement statute, and this is what we are doing. I support this measure and encourage my colleagues to do the same.

Mr. Speaker, I congratulate the gentleman from Florida [Mr. MCCOLLUM] on the way he has handled this, and the gentleman from New Jersey [Mr. MARTINI] for his insistence on bringing it to this stage.

Mr. MCCOLLUM. Mr. Speaker, I would inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining, and the time of the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would ask the gentleman if there is a way for a Member to file a dissenting view on this report if the report is already being printed?

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time. If the gentleman can get it to us on time, we will be glad to give him a dissenting view and put it in. We are going to be doing a report and putting it in before we have a recorded vote later on today. So if the gentleman has a few minutes to do it, we will get it in.

Mr. CONYERS. Mr. Speaker, if the gentleman will continue to yield, how much time is the gentleman giving any Member that might want to file a dissenting view?

Mr. MCCOLLUM. Well, Mr. Speaker, reclaiming my time, again I might add, to anybody that wants to know, the rules are there is no report required at all in a suspension bill. We are not doing anything unusual today.

I think the most unusual thing is that there has been not one whit of discussion on that side of the aisle about the merits of this bill, about the substance of it. We are today talking about restoring the False Claims Act of the U.S. Congress to all three branches of the U.S. Government, executive, legislative, and judicial, and it is remarkable in its nature. It should be aired and debated fully, I agree.

We have, on our side of the aisle, discussed it in great detail. The report will give the technical information for legislative history, and I would encourage the gentleman and all participants on both sides of the aisle to vote for this bill. It is a very positive bill, supported by the administration, one that is needed to correct an error, in my judgment, of what the Supreme Court has said to us about how the law reads now, and I will again urge a very favorable and a strong vote in support of passage of this bill under suspension of the rules today.

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

The SPEAKER pro tempore. 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. 3166, 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.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

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

There was no objection.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3458) to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read as follows:

H.R. 3458

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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 1996''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1996, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1996. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increased made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3458.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, this bill increases the rates of compensation for veterans with service connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The increase would be effective on December 1, 1996, and would be the same percentage increase as applied to Social Security benefits.

The bill also rounds down to the next lower dollar amount, all compensation and DIC benefit payments when not a whole dollar amount.

Mr. Speaker, this is a clean COLA bill without any other provisions attached to it.

In the past, additional provisions on veterans' COLA bills have become controversial, so we have avoided that potential and I urge all Members to support the bill.

I want to thank my good friend, SONNY MONTGOMERY, the ranking minority member of the full committee, for his hard work and guidance on this measure.

Before yielding to him, I also want to thank TERRY EVERETT, chairman of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs and LANE EVANS, the ranking minority member on the subcommittee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, H.R. 3458 will provide a cost of living allowance increase for those who receive compensation and pension as well as other related benefits. The COLA will be in an amount equal to the COLA given to Social Security recipients, and is currently estimated at 2.8 percent. The bill will also round the COLA down to the next lower dollar.

Mr. Speaker, I am pleased we can give a full COLA this year to help our most deserving and neediest veterans and their survivors. I urge my colleagues to support the bill.

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

Mr. Speaker, this is a bill that increases the compensation for service-connected veterans, their survivors, and certain disabled veterans. This bill is one that millions of veterans and spouses of veterans who died of a service-connected cause depend on the Congress to enact. Each time we do so we reaffirm our commitment to disabled veterans and the survivors of veterans. Many of these beneficiaries depend on their monthly VA check, Mr. Speaker, to pay their rent and to feed their families.

□ 1315

The married veteran with no other dependents who is rated totally disabled, 100 percent disabled, is currently eligible for $1,975 per month in VA disability payments.

In most cities and communities this amount is enough to allow the veteran and his family to live in some comfort, but it does not allow for many frills or luxuries. My colleagues can understand that even modest increases in food and housing costs must be addressed by providing cost of living increases to these veterans.

Mr. Speaker, I want to thank the gentleman from Arizona, Chairman STUMP, for his cooperation. I think we probably have the most nonpartisan committee in the Congress of the United States. We are very proud of that. I want to commend on my side of the aisle the gentleman from Illinois, LANE EVANS, for his work on this subcommittee and also to the gentleman from Alabama, Mr. EVERETT, chairman of that subcommittee.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I rise in support of this legislation and to commend Chairman STUMP, Subcommittee Chairman TERRY EVERETT, and all of the members who have supported providing adequate compensation to veterans with service-connected disabilities and to spouses of veterans who die of service-connected causes.

This legislation which we are considering today is a small token of our esteem for those who left the service with disabilities. It provides for an increase estimated to be 2.8 percent for veterans drawing disability compensation as well as the spouses of veterans who die of a service-connected cause. There are other measures that we will