CONGRESSIONAL RECORD—HOUSE

December 6, 1995

LIVNATION), and in fact the entire Committee on Appropriations on Appropriations bill and your cooperation and full support in securing the $1 billion to protect women from abuse.

As we have recently seen, domestic abuse and other assaults on women do not discriminate based on social status. We already know the numbers. Each year over 4 million women are abused by their partners. During their lifetime three out of four women will be victims of violent crime. The number of domestic crimes in our Nation today is twice that of robberies. Unfortunately, Mr. Speaker, the reality in America today is that a woman will be raped and 14 will be severely beaten by their husbands or boyfriends.

And while we have heard these statistics over and over again, we have many who have not been heard on the past, because what we have failed to concentrate on up until today are the names and the faces and the bodies and souls that are destroyed every 95 seconds in America.

In 1990 Congress enacted the Violence Against Women Act to reduce these numbers and increase protection for women. Republicans and Democrats stood up and enacted a crime bill that protected them. It has been a long fight, first to authorize the Violence Against Women Act, and today now finally funding it. Today we show the rest of the country that this Congress is committed to stopping crime and helping the victims of crime. We would also like to thank the gentlewoman from New Jersey, Ms. Nita Lowey, for her leadership.

Let me just conclude. At a time when the Nation's awareness of domestic violence has never been greater, it is essential that we in Congress stop talking about doing something about this crime and start putting our money behind it by fully funding the Violence Against Women Act in this conference report. This section of the bill is once again standing up for women and against criminals.

Mr. MOLLOHAN, Mr. Speaker, I am pleased to yield 2 minutes to the hardworking slash dedicated andslash distinguished fiorn Colorado (Mr. SKAGGS), a member of the subcommittee.

Mr. SKAGGS. Mr. Speaker, let me start by congratulating and paying my respects to the gentleman from Kentucky (Mr. ROGERS) and our colleagues on the subcommittee. Given the incredible parameters within which they had to work, they have done a decent job. The staff given the incredible parameters within which they had to work, they have done a decent job. I want to congratulate and pay my respects to the gentleman from California (Mr. BACH), a member of the subcommittee.

Mr. MOLLOHAN. Mr. Speaker, let me start by congratulating and paying my respects to the gentleman from Kentucky (Mr. ROGERS) and our colleagues on the subcommittee. As Mr. SKAGGS stated, the staff given the incredible parameters within which they had to work, they have done a decent job. Given any decency here, it is not Hal's doing. But there are some serious failings.

Let me just start off by returning to the question of the block grants versus the COPS program. I will be offering the motion to recommit when we finish debate on this to transfer or to specify that portion of the funding in this bill that was going to block grants will be restored to funding the COPS program.

Mr. Speaker, this is, as many of my colleagues have already pointed out, a success already. It is focused, it is effective. It is putting money on task on the streets of America to improve safety and law enforcement. We are all, I think appropriately forewarned, given the bad experience back in the Law Enforcement Assistance Administration days of the 80s, the difficulty of a funded, no-accountable block grant environment. I hope my colleagues will support the motion to recommit.

Beyond that problem, Mr. Speaker, there are other problems with this bill: the underfunding of our technology investments in the NIST accounts, the incredible intrusion into the operations of the Legal Services Corporation, the huge shortfall in funding for peacekeeping operations at the United Nations that is going to put us in a fiscal corner for years; the incredible, idiotic waste of money on the TV Marti program; and several extraneous legislative provisions that have no business within this bill. This leaves me, with reluctance, to urge my colleagues, if the motion to recommit fails, to vote 'no' on final passage.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO asked and was given permission to revise and extend his remarks.

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of the prison reform bill contained in the conference report on H.R. 2076, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act. Earlier this year the House passed H.R. 667, the Violent Crime Incarceration Act. This bill contained many provisions designed to address the problems associated with inmate complaints. One area that was not included in that legislation was the many so-called Bivens actions that are filed by Federal prisoners in Federal court every year. These suits are based on any statutory authority from Congress. In Bivens v. Six Unknown Federal Narcotics Agents, 453 U.S. 386 (1971), the Supreme Court created a so-called 'constitutional tort' that allows inmates to circumvent the constitutionally created Federal Tort Claims Act and sue the Federal Government for alleged violations of their constitutional rights due to prison conditions and/or treatment.

The real problem with these cases came with the Court's decision in 1992 that an inmate need not exhaust the administrative remedies available prior to proceeding with a Bivens action for money damages only. McCarthy v. Madigan, 112 S.C.T. 1061 (1992). This decision was made without the benefit of any legislative guidance and the Court made that point very clearly in its opinion, almost to the point of asking that Congress do something. Since 1993 there has been a total of 1,250 new Bivens cases filed in Federal court, amounting to $150 million, implying up the time of Federal judges and lawyers for the Bureau of Prisons at a time when we already have cases in backlog.

In order to address the problem of Bivens actions, I introduced H.R. 2468, the Prisoner Law and Efficiency Act (PLEA) to be considered prior to the introduction of this legislation, in the Senate and the House.

Mr. Speaker, this is, as many of my colleagues have already pointed out, a success already. It is focused, it is effective. It is putting money on task on the streets of America to improve safety and law enforcement. We are all, I think appropriately forewarned, given the bad experience back in the Law Enforcement Assistance Administration days of the 80s, the difficulty of a funded, no-accountable block grant environment. I hope my colleagues will support the motion to recommit.

Beyond that problem, Mr. Speaker, there are other problems with this bill: the underfunding of our technology investments in the NIST accounts, the incredible intrusion into the operations of the Legal Services Corporation, the huge shortfall in funding for peacekeeping operations at the United Nations that is going to put us in a fiscal corner for years; the incredible, idiotic waste of money on the TV Marti program; and several extraneous legislative provisions that have no business within this bill. This leaves me, with reluctance, to urge my colleagues, if the motion to recommit fails, to vote 'no' on final passage.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO)...

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker...