

Lewis (GA)	Packard	Skelton
Lewis (KY)	Pastor	Smith (MI)
Lightfoot	Paxon	Smith (NJ)
Linder	Payne (VA)	Smith (TX)
Livingston	Pelosi	Smith (WA)
LoBiondo	Petri	Solomon
Longley	Pickett	Souder
Lucas	Pombo	Spence
Maloney	Porter	Stenholm
Manton	Portman	Stockman
Manzullo	Pryce	Studds
Markey	Quillen	Stump
Martini	Quinn	Talent
Matsui	Radanovich	Tate
McCarthy	Ramstad	Tejeda
McColum	Regula	Thomas
McCrery	Reynolds	Thornberry
McDade	Richardson	Thornton
McHugh	Riggs	Tiahrt
McInnis	Roberts	Torkildsen
McIntosh	Rogers	Torres
McKeon	Ros-Lehtinen	Torricelli
Meehan	Roth	Upton
Metcalfe	Roukema	Vento
Meyers	Roybal-Allard	Volkmer
Mfume	Royce	Vucanovich
Mica	Rush	Waldholtz
Miller (FL)	Salmon	Walker
Mineta	Sanford	Walsh
Moakley	Sawyer	Wamp
Molinari	Saxton	Ward
Moorhead	Scarborough	Waters
Moran	Schaefer	Watts (OK)
Morella	Schiff	Waxman
Myrick	Schumer	Weldon (FL)
Neal	Seastrand	Weller
Nethercutt	Sensenbrenner	White
Neumann	Serrano	Wicker
Ney	Shadegg	Williams
Norwood	Shaw	Wolf
Nussle	Shays	Young (AK)
Olver	Shuster	Young (FL)
Ortiz	Skaggs	Zeliff
Oxley	Skeen	Zimmer

NAYS—143

Abercrombie	Gonzalez	Obey
Ackerman	Gordon	Orton
Andrews	Hall (OH)	Owens
Baelsler	Hall (TX)	Pallone
Barcia	Harman	Parker
Barrett (WI)	Hastings (FL)	Payne (NJ)
Bevill	Hayes	Peterson (FL)
Billbray	Hefner	Peterson (MN)
Bishop	Hilliard	Pomeroy
Borski	Hinchey	Poshard
Brewster	Holden	Rahall
Browder	Hoyer	Rangel
Brown (CA)	Hunter	Reed
Brown (FL)	Istook	Rivers
Brown (OH)	Jacobs	Roemer
Bryant (TX)	Johnson (SD)	Rohrabacher
Chapman	Johnson, E. B.	Rose
Clay	Kanjorski	Sabo
Clayton	Kaptur	Sanders
Clement	Kennedy (RI)	Schroeder
Clyburn	Kildee	Scott
Coble	Klecza	Sisisky
Collins (IL)	Klink	Slaughter
Collins (MI)	Klug	Spratt
Condit	Lantos	Stark
Conyers	Largent	Stearns
Costello	Lincoln	Stokes
Coyne	Lipinski	Stupak
Cramer	Lofgren	Tanner
Danner	Lowe	Tauzin
Deal	Luther	Taylor (MS)
DeFazio	Martinez	Taylor (NC)
Dellums	Mascara	Thompson
Deutsch	McDermott	Thurman
Dingell	McHale	Towns
Doyle	McKinney	Trafficant
Duncan	McNulty	Tucker
Durbin	Meeke	Velazquez
Engel	Menendez	Visclosky
English	Miller (CA)	Watt (NC)
Eshoo	Minge	Weldon (PA)
Evans	Mink	Whitfield
Farr	Mollohan	Wilson
Fattah	Montgomery	Wise
Fields (LA)	Murtha	Woolsey
Filner	Myers	Wyden
Furse	Nadler	Wynn
Gibbons	Oberstar	

NOT VOTING—3

Dornan	Frost	Yates
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So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶21.8 PROVIDING FOR THE CONSIDERATION OF H.R. 665

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 60):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 665) to control crime by mandatory victim restitution. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

When said resolution was considered. After debate,

On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶21.9 VICTIM RESTITUTION

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to House Resolution 60 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution.

The SPEAKER pro tempore, Mr. HEFLEY, by unanimous consent, designated Mr. RIGGS as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mrs. VUCANOVICH, assumed the Chair.

When Mr. RIGGS, Chairman, pursuant to House Resolution 60, reported

the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victim Restitution Act of 1995".

SEC. 2. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law" and inserting "shall order"; and

(ii) by adding at the end the following: "The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.";

(B) by adding at the end the following:

"(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(B) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the court decides to order restitution under this section, the" and inserting "The";

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

“(B) projected earnings and other income of the offender; and

“(C) any financial obligations of the offender, including obligations to dependents.

“(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

“(4) An in-kind payment described in paragraph (3) may be in the form of—

“(A) return of property;

“(B) replacement of property; or

“(C) services rendered to the victim or to a person or organization other than the victim.

“(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

“(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

“(g) (1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

“(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

“(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

“(A) any Federal civil proceeding; and

“(B) any State civil proceeding, to the extent provided by the law of the State.

“(h) A restitution order shall provide that—

“(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

“(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

“(A) log all transfers in a manner that tracks the offender’s obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

“(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

“(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender’s address during the term of the restitution order.

“(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

“(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant’s employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant’s ability to comply with the restitution order.

“(k) An order of restitution may be enforced—

“(1) by the United States—

“(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

“(B) in the same manner as a judgment in a civil action; and

“(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

“(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.”.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

“(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant’s dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.”; and

(4) by adding at the end thereof the following new subsection:

“(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. VUCANOVICH, announced that the yeas had it.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 431
Nays 0

¶21.10

[Roll No. 97]

YEAS—431

Abercrombie	Cubin	Hastert
Ackerman	Cunningham	Hastings (FL)
Allard	Danner	Hastings (WA)
Andrews	Davis	Hayes
Archer	de la Garza	Hayworth
Armey	Deal	Hefley
Bachus	DeFazio	Hefner
Baesler	DeLauro	Heineman
Baker (CA)	DeLay	Herger
Baker (LA)	Dellums	Hilleary
Baldacci	Deutsch	Hilliard
Ballenger	Diaz-Balart	Hinchey
Barcia	Dickey	Hobson
Barr	Dicks	Hoekstra
Barrett (NE)	Dingell	Hoke
Barrett (WI)	Dixon	Holden
Bartlett	Doggett	Horn
Barton	Dooley	Hosettler
Bass	Doolittle	Houghton
Bateman	Dornan	Hoyer
Becerra	Doyle	Hunter
Beilenson	Dreier	Hutchinson
Bentsen	Duncan	Hyde
Bereuter	Dunn	Inglis
Berman	Durbin	Istook
Bevill	Edwards	Jackson-Lee
Bilbray	Ehlers	Jacobs
Bilirakis	Ehrlich	Jefferson
Bishop	Emerson	Johnson (CT)
Bliley	Engel	Johnson (SD)
Blute	English	Johnson, E. B.
Boehlert	Ensign	Johnson, Sam
Boehner	Eshoo	Johnston
Bonilla	Evans	Jones
Bonior	Everett	Kanjorski
Bono	Ewing	Kaptur
Borski	Farr	Kasich
Boucher	Fattah	Kelly
Brewster	Fawell	Kennedy (MA)
Browder	Fazio	Kennedy (RI)
Brown (CA)	Fields (LA)	Kennelly
Brown (FL)	Fields (TX)	Kildee
Brown (OH)	Filner	Kim
Brownback	Flake	King
Bryant (TN)	Flanagan	Kingston
Bryant (TX)	Foglietta	Kleccka
Bunn	Foley	Klink
Bunning	Forbes	Klug
Burr	Ford	Knollenberg
Burton	Fowler	Kolbe
Buyer	Fox	LaFalce
Callahan	Frank (MA)	LaHood
Calvert	Franks (CT)	Lantos
Camp	Franks (NJ)	Largent
Canady	Frelinghuysen	Latham
Cardin	Frisa	LaTourette
Castle	Funderburk	Laughlin
Chabot	Furse	Lazio
Chambliss	Gallegly	Leach
Chapman	Ganske	Levin
Chenoweth	Gejdenson	Lewis (CA)
Christensen	Gekas	Lewis (GA)
Chrysler	Gephardt	Lewis (KY)
Clay	Geren	Lightfoot
Clayton	Gibbons	Lincoln
Clement	Gilchrest	Linder
Clinger	Gillmor	Lipinski
Clyburn	Gilman	Livingston
Coble	Gonzalez	LoBiondo
Coburn	Goodlatte	Lofgren
Coleman	Goodling	Longley
Collins (GA)	Gordon	Lowe
Collins (IL)	Goss	Lucas
Collins (MI)	Graham	Luther
Combest	Green	Maloney
Condit	Greenwood	Manton
Conyers	Gunderson	Manzullo
Cooley	Gutierrez	Markey
Costello	Gutknecht	Martinez
Cox	Hall (OH)	Martini
Coyne	Hall (TX)	Mascara
Cramer	Hamilton	Matsui
Crane	Hancock	McCarthy
Crapo	Hansen	McCollum
Cremeans	Harman	McCrery