

(4) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall be carried over and will be made available until expended.

SEC. . DEFINITIONS.

For purposes of this title—

(1) the term "violent crime" means—

(A) a felony offense that has an element the use, attempted use, or threatened use of physical force against the person of another, or

(B) any other offense that is a felony and that, by its nature, involves substantial risk that physical force against the person of another may be used in the course of committing the offense.;

(2) the term "serious drug offender" has the same meaning as that is used in section 924(e)(2)(A) of title 18, United States Code;

(3) the term "State" means any of the United States and the District of Columbia;

(4) the term "convicted" means convicted and sentenced to a term in a State corrections institution or a period of formal probation; and

(5) the term "Part I violent crimes" means murder, rape, robbery, and aggravated assault as those offenses are reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

It was decided in the affirmative { Yeas 377 Nays 50

35.27 [Roll No. 124] AYES—377

Table listing names of representatives under section 35.27, including Abercrombie, Ackerman, Allard, Andrews (ME), Andrews (TX), Applegate, Archer, Army, Bacchus (FL), Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barca, Barcia, Barlow, Barrett (NE), Barrett (WI), Bartlett, Barton, Bateman, Beilenson, Bentley, Bereuter, Berman, Bevill, Bilbray, Bilirakis, Bishop, Biiley, Blute, Boehlert, Boehner, Bonilla, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (OH), Bryant, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Carr, Castle, Chapman, Clayton, Clement

Table listing names of representatives in the middle column, including Johnson, E. B., Johnson, Sam, Johnston, Kasich, Kennedy, Kennelly, Kildee, Kim, King, Kingston, Kleczka, Klein, Klink, Klug, Knollenberg, Kolbe, Kopetski, Kreidler, Kyl, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lazio, Leach, Lehman, Levin, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Livingston, Lloyd, Long, Lowey, Machtley, Maloney, Mann, Manton, Manzullo, Margolies-Mezvinsky, Markey, Martinez, Matsui, Mazzoli, McCandless, McCloskey, McCollum, McCrery, McCurdy, McDade, McHale, McHugh, McInnis, McKeon, McMillan, McNulty, Meehan, Meek, Menendez, Meyers, Mica, Michel, Miller (FL), Mineta, Mink, Moakley, Molinari, Montgomery, Moorhead, Moran, Morella, Murphy, Murtha, Myers, Neal (MA), Neal (NC), Nussle, Ortiz, Orton, Oxley, Packard, Pallone, Parker, Pastor, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pickle, Pomo, Pomeroy, Porter, Portman, Poshard, Price (NC), Pryce (OH), Quillen, Quinn, Rahall, Ramstad, Ravenel, Reed, Regula, Reynolds, Richardson, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Romero-Barcelo (PR), Ros-Lehtinen, Rose, Rostenkowski, Roth, Roukema, Rowland, Roybal-Allard, Royce, Sanders, Sangmeister, Santorum, Sarpalius, Sawyer, Saxton, Schaefer, Schenck, Schiff, Schroeder, Schumer, Sensenbrenner, Sharp, Shaw, Shays, Shepherd, Shuster, Sisisky, Siskie, Skee, Skelton, Slattery, Slaughter, Smith (IA), Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Spratt, Stearns, Stenholm, Strickland, Studds, Stump, Stupak, Sundquist, Swett, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas (CA), Thomas (WY), Thompson, Thornton, Thurman, Torkildsen, Torres, Torricelli, Traficant, Unsoeld, Upton, Valentine, Vento, Visclosky, Volkmer, Vucanovich, Walker, Walsh, Waxman, Weldon, Wheat, Whitten, Williams, Wilson, Wise, Wolf, Woolsey, Wyden, Wynn, Young (AK), Young (FL), Zeliff, Zimmer

NOES—50

Table listing names of representatives under NOES—50, including Becerra, Blackwell, Brown (FL), Cardin, Clay, Collins (MI), Conyers, Dellums, Dixon, Ehlers, Fields (LA), Flake, Foglietta, Ford (MI), Frank (MA), Hilliard, Kanjorski, Lewis (GA), McDermott, McKinney, Mfume, Miller (CA), Minge, Mollohan, Nadler, Norton (DC), Oberstar, Obey, Olver, Owens, Payne (NJ), Pelosi, Penny, Rangel, Rush, Sabo, Scott, Serrano, Skaggs, Stokes, Swift, Synar, Towns, Tucker, Underwood (GU), Velazquez, Washington, Waters, Watt, Yates

NOT VOTING—10

Table listing names of representatives under NOT VOTING—10, including Andrews (NJ), Collins (IL), Faleomavaega (AS), Fish, Gallo, Grandy, Johnson (CT), Kaptur, Peterson (FL), Stark

So the amendment was agreed to. After some further time,

35.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHIFF:

Page 33, strike line 14 and all that follows through line 3 on page 34.

It was decided in the negative { Yeas 205 Nays 216

35.29 [Roll No. 125] AYES—205

Table listing names of representatives under section 35.29, including Allard, Andrews (TX), Archer, Army, Bacchus (FL), Bachus (AL), Baker (CA), Baker (LA), Ballenger, Barrett (NE), Bartlett, Barton, Bateman, Bentley, Bevill, Bilirakis, Bishler, Blute, Boehlert, Boehner, Bonilla, Browder, Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Carr, Castle, Coble, Collins (GA), Combust, Condit, Cooper, Cox, Cramer, Crane, Crapo, Cunningham, Darden, DeLay, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Emerson, Everett, Ewing, Fawell, Fields (TX), Ford (TN), Fowler, Franks (CT), Gallegly, Gekas, Geren, Gibbons, Gilchrist, Gillmor, Gingrich, Goodlatte, Goodling, Gordon, Goss, Grams, Kasich, Kim, King, Kingston, Kleczka, Klug, Knollenberg, Kolbe, Kyl, Lazio, Leach, Lehman, Levy, Lewis (CA), Lewis (FL), Lightfoot, Livingston, Lloyd, Machtley, Manzullo, McCandless, McCollum, McCrery, McDade, McHugh, McInnis, McKeon, McMillan, Meyers, Michel, Miller (FL), Molinari, Moran, Murphy, Myers, Nussle, Ortiz, Orton, Oxley, Packard, Paxon, Payne (VA), Peterson (MN), Petri, Pickle, Pombo, Porter, Portman, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Richardson, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Rowland, Royce, Santorum, Saxton, Schaefer, Schiff, Sensenbrenner, Shaw, Shays, Shuster, Sisisky, Skaggs, Skee, Skelton, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Swett, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas (CA), Thomas (WY), Thurman, Torkildsen, Valentine, Vucanovich, Walker, Walsh, Weldon, Young (AK), Young (FL), Zeliff, Zimmer

NOES—216

Table listing names of representatives under NOES—216, including Abercrombie, Ackerman, Andrews (ME), Applegate, Baesler, Barca, Barcia, Barlow, Barrett (WI), Becerra, Beilenson, Bereuter, Berman, Bilbray, Blackwell, Bonior, Borski, Boucher, Brooks, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Cantwell, Cardin, Chapman, Clay, Clayton, Clement, Clinger, Clyburn, Coleman, Collins (MI), Conyers, Coppersmith, Costello, Coyne

Danner	Kildee	Poshard
de la Garza	Klein	Price (NC)
de Lugo (VI)	Klink	Rahall
Deal	Kopetski	Reed
DeFazio	Kreidler	Reynolds
DeLauro	LaFalce	Romero-Barcelo
Dellums	Lambert	(PR)
Derrick	Lancaster	Rostenkowski
Dicks	Lantos	Roybal-Allard
Dingell	LaRocco	Rush
Dixon	Laughlin	Sabo
Durbin	Levin	Sanders
Edwards (CA)	Lewis (GA)	Sangmeister
Edwards (TX)	Lipinski	Sarpaluis
Ehlers	Long	Sawyer
Engel	Lowe	Schenk
English	Maloney	Schroeder
Eshoo	Mann	Schumer
Evans	Manton	Scott
Farr	Margolies-	Serrano
Fazio	Mezvinsky	Shepherd
Fields (LA)	Markey	Slattery
Filner	Martinez	Slaughter
Fingerhut	Matsui	Smith (IA)
Flake	Mazzoli	Spratt
Foglietta	McCloskey	Stokes
Frank (MA)	McCurdy	Strickland
Frost	McDermott	Studds
Furse	McHale	Stupak
Gejdenson	McKinney	Swift
Gephardt	McNulty	Synar
Gilman	Meehan	Thompson
Glickman	Meeke	Thornton
Gonzalez	Menendez	Torres
Green	Mfume	Torricelli
Greenwood	Miller (CA)	Towns
Gutierrez	Mineta	Trafficant
Hall (OH)	Minge	Tucker
Hamburg	Mink	Underwood (GU)
Hamilton	Moakley	Unsoeld
Harman	Mollohan	Upton
Hastings	Montgomery	Velazquez
Hefner	Morella	Vento
Hilliard	Murtha	Visclosky
Hinchey	Nadler	Volkmer
Hoagland	Neal (MA)	Washington
Hochbrueckner	Neal (NC)	Waters
Horn	Norton (DC)	Watt
Hoyer	Oberstar	Waxman
Hughes	Obey	Wheat
Inslee	Olver	Whitten
Jacobs	Owens	Williams
Jefferson	Pallone	Wilson
Johnson (GA)	Parker	Wise
Johnson (SD)	Pastor	Wolf
Johnson, E. B.	Payne (NJ)	Woolsey
Johnston	Pelosi	Wyden
Kanjorski	Penny	Wynn
Kennedy	Pickett	Yates
Kennelly	Pomeroy	

NOT VOTING—16

Andrews (NJ)	Ford (MI)	Peterson (FL)
Brewster	Franks (NJ)	Rangel
Collins (IL)	Gallo	Rose
Faleomavaega	Grandy	Sharp
(AS)	Kaptur	Stark
Fish	Linder	

So the amendment was not agreed to. After some further time,

35.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. HUGHES for the amendment submitted by Mr. MCCOLLUM:

Substitute amendment submitted by Mr. HUGHES:

Strike title VI and insert the following:

TITLE VI—VIOLENT OFFENDER INCARCERATION

SEC. 601. GRANTS FOR CORRECTIONAL FACILITIES.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States, organized as multi-State compacts, to develop, expand, modify, or improve correctional facilities and programs to ensure that prison cell space is available for the confinement of violent offenders.

(b) ELIGIBILITY.—To be eligible to receive a grant under this title a State or States, or-

ganized as multi-State compacts, shall submit an application to the Attorney General which includes—

(1) assurances that the State or States, have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

(3) assurances that funds received under this section will be used to develop, expand, modify, or improve correctional facilities and programs to ensure that prison cell space is available for the confinement of violent offenders;

(4) assurances that the State or States have a comprehensive correctional plan which represents an integrated approach to the management and operation of correctional facilities and programs and which includes diversional programs, particularly drug diversion programs, community corrections programs, a prisoner screening and security classification system, prisoner rehabilitation and treatment programs, prisoner work activities (including, to the extent practicable, activities relating to the development, expansion, modification, or improvement of correctional facilities), and job skills programs, a pre-release prisoner assessment to provide risk reduction management, post-release assistance, and an assessment of recidivism rates;

(5) assurances that the State or States have involved counties and other units of local government, when appropriate, in the development, expansion, modification, or improvement of correctional facilities and programs designed to ensure the incarceration of violent offenders;

(6) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds; and

(7) documentation of the multi-State compact agreement that specifies the development, expansion, modification, or improvement of correctional facilities and programs.

(c) CONSIDERATION.—The Attorney General, in making such grants shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

(d) MATCHING REQUIREMENT.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of a proposal described in an application approved under this title.

SEC. 602. RULES AND REGULATIONS.

The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this title not later than 90 days after the date of the enactment of this title.

SEC. 603. TECHNICAL ASSISTANCE AND TRAINING.

The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this title to achieve the purposes of this title.

SEC. 604. EVALUATION.

The Attorney General may request the Director of the National Institute of Correc-

tions to assist with an evaluation of programs established with funds under this title.

SEC. 605. DEFINITION.

For purposes of this title, the term "State or States" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$600,000,000 for each of the fiscal years 1995 through 1999 to carry out the purposes of this title.

Amendment submitted by Mr. MCCOLLUM:

Strike title VI and insert the following:

SEC 601. SHORT TITLE.

This title may be cited as the "Violent Offender Incarceration Act".

SEC 602. GRANTS FOR CORRECTIONAL FACILITIES.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual eligible States and to eligible States, organized as regional compacts—

(1) to develop, construct, expand and operate correctional facilities to ensure that prison space is available for the confinement of persons convicted of a serious violent felony, and

(2) to develop, construct, expand, and operate temporary or permanent correctional facilities, including facilities on military bases, for the confinement of convicted non-violent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony.

(b) ELIGIBILITY.—To be eligible to receive a grant under this title a State or States, organized as regional compacts, shall submit an application to the Attorney General which includes—

(1) a plan consistent with section 2(b)(2)(A) to incarcerate all criminals convicted of a serious violent felony over the next 5 years with Federal assistance;

(2) a certification that the State or States—

(A) have established a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced with respect to conviction of a serious violent felony after having been convicted of a prior serious violent felony or a serious drug offense;

(B) have established pretrial detention similar to and at least as restrictive as that provided in the Federal system under section 3142 of title 18, United States Code;

(C) have established provisions which require that a person who is convicted of a serious violent felony shall be sentenced to life imprisonment if—

(i) the person has been convicted (and those convictions have become final) on 2 or more prior occasions in a court of the United States or of a State of a serious violent felony, or of 1 or more serious violent felonies and 1 or more serious drug offenses; and

(ii) each serious violent felony or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent felony or serious drug offense;

(D) have established provisions which require the sentencing authority to allow defendant's victims (limited to the victims of defendants convicted of a serious violent felony) or the family of victims the opportunity to be heard regarding the issue of sentencing, and provide that the victim and victims family is notified whenever such defendant is to be released;