

Add at the end the following new title:
TITLE —INMATE REHABILITATION
SEC. . EDUCATION REQUIREMENT FOR EARLY RELEASE.

Section 3624(b) of title 18, United States Code, is amended—

- (1) by inserting "(1)' after "behavior.—";
(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted," and inserting "Credit that has not been earned may not later be granted."; and
(3) by adding at the end the following:
"(2) Credit toward a prisoner's service of sentence shall not be vested unless the prisoner has earned a high school diploma or an equivalent degree.

(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent."

(4) Exemptions to the General Educational Development requirement may be made as deemed necessary by the Director of the Federal Bureau of Prisons."

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

Mr. McCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike title IX and insert the following:
TITLE IX—EQUAL JUSTICE ACT

SEC. 901. SHORT TITLE.

This Act may be cited as the "Equal Justice Act".

Sec. 902. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULES.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this Act—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 541 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 903. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 904. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

(c) KILLINGS IN VIOLATION OF CIVIL RIGHTS STATUTES.—Sections 241, 242, and 245(b) of title 18, United States Code, are each amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

SEC. 905. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241 AMENDMENT.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242 AMENDMENT.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting in lieu thereof "person in", and by striking "such inhabitant" and inserting "such person".

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mrs. KENNELLY, announced that the nays had it.

Mr. McCOLLUM demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas 192 Nays 235

37.11 [Roll No. 143]
AYES—192

Table listing names of members voting AYES, organized in three columns: Allard, Archer, Army, Bachus (AL), Baker (CA), Baker (LA), Ballenger, Barcia, Barrett (NE), Bartlett, Barton, Bateman, Bentley, Bereuter, Bilbray, Bilirakis, Biiley, Blute, Boehner, Bonilla, Browder, Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Clinger, Coble, Collins (GA), Combest, Condit, Cox, Crane, Crapo, Cunningham, Darden, Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Ehlers, Emerson, Everett, Ewing, Fawell, Fields (TX), Fowler, Franks (CT), Franks (NJ), Gallegly, Gekas, Geren, Gilchrist, Gillmor, Gilman, Gingrich, Goodlatte, Goodling, Goss, Grams, Greenwood, Gunderson, Hall (TX), Hancock, Hansen, Hastert, Hefley, Herger, Hobson, Hoekstra, Hoke, Holden, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Istook, Johnson (CT), Johnson, Sam, Kasich, Kim, King, Kingston, Klink, Klug, Knollenberg, Kolbe, Kyl, Lancaster, Lazio, Leach, Lehman, Levy, Lewis (FL), Lightfoot, Linder, Lipinski, Livingston, Lloyd, Machtley, Manzullo, Margolies-Mezvinsky, McCandless, McCollum, McCrery, McDade, McHugh, McInnis, McKeon, McMillan, Meyers, Mica, Michel, Miller (FL), Molinari, Moorhead, Myers, Nussle, Orton, Oxley, Packard, Paxon, Petri, Pickett, Pombo, Porter, Portman, Pryce (OH), Quillen, Ramstad, Ravenel, Regula, Ridge, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Rowland, Royce, Santorum, Sarpaluis, Saxton, Schaefer, Schiff, Sensenbrenner, Shaw, Shuster, Siskisky, Skeen, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (WY), Torkildsen, Upton, Vucanovich, Walker, Weldon, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOES—235

Table listing names of members voting NOES, organized in three columns: Abercrombie, Ackerman, Andrews (ME), Andrews (TX), Applegate, Bacchus (FL), Baesler, Barca, Barlow, Barrett (WI), Becerra, Beilenson, Berman, Bevill, Bishop, Blackwell, Boehlert, Bonior, Borski, Boucher, Brewster, Brooks, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Cantwell, Cardin, Carr, Chapman, Clay, Clayton, Clement, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Cooper, Coppersmith, Costello, Coyne, Cramer, Danner, de la Garza, DeFazio, DeLauro, Dellums, Derrick, Deutsch, Dicks, Dingell, Dixon, Dooley, Durbin, Edwards (CA), Edwards (TX), Engel, English, Eshoo, Evans, Farr, Fazio, Fields (LA), Filner, Fingerhut, Flake, Foglietta, Ford (MI), Ford (TN), Frank (MA)

Frost	McCloskey	Sangmeister	Coppersmith	Kasich	Quillen	Hancock	McInnis	Scott
Furse	McCurdy	Sawyer	Costello	Kennedy	Quinn	Hansen	McKeon	Sensenbrenner
Gejdenson	McDermott	Schenk	Coyne	Kennelly	Rahall	Hastings	McMillan	Serrano
Gephardt	McHale	Schroeder	Cramer	Kildee	Ramstad	Hefley	Michel	Shuster
Gibbons	McKinney	Schumer	Cunningham	Klecicka	Ravenel	Herger	Miller (FL)	Skeen
Glickman	McNulty	Scott	Danner	Klein	Reed	Hilliard	Mollohan	Smith (MI)
Gonzalez	Meehan	Serrano	Darden	Klink	Regula	Hoekstra	Moorhead	Smith (OR)
Gordon	Meek	Sharp	de la Garza	Klug	Reynolds	Hoke	Myers	Smith (TX)
Green	Menendez	Shays	DeFazio	Kreidler	Richardson	Hutchinson	Nussle	Solomon
Gutierrez	Mfume	Shepherd	DeLauro	LaFalce	Ridge	Hyde	Oberstar	Stearns
Hall (OH)	Miller (CA)	Skaggs	Derrick	Lambert	Roemer	Inglis	Owens	Stenholm
Hamburg	Mineta	Skelton	Deutsch	Lancaster	Rogers	Inhofe	Oxley	Stokes
Hamilton	Minge	Slattery	Diaz-Balart	Lantos	Ros-Lehtinen	Istook	Packard	Stump
Harman	Mink	Slaughter	Dicks	LaRocco	Rose	Johnson, Sam	Paxon	Tauzin
Hastings	Moakley	Smith (IA)	Dingell	Laughlin	Rostenkowski	Kim	Payne (NJ)	Taylor (NC)
Hayes	Mollohan	Spratt	Dixon	Lazio	Roth	King	Penny	Thomas (CA)
Hefner	Montgomery	Stark	Dooley	Leach	Roukema	Kingston	Petri	Thomas (WY)
Hilliard	Moran	Stokes	Durbin	Lehman	Royland	Knollenberg	Pombo	Velazquez
Hinchee	Morella	Strickland	Edwards (CA)	Levin	Roybal-Allard	Kolbe	Porter	Vucanovich
Hoagland	Murphy	Studds	Edwards (TX)	Levy	Royce	Kopetski	Portman	Walker
Hochbrueckner	Murtha	Stupak	Engel	Lipinski	Sanders	Kyl	Rangel	Washington
Hoyer	Nadler	Swett	English	Lloyd	Sangmeister	Lewis (FL)	Roberts	Waters
Hughes	Neal (MA)	Swift	Eshoo	Long	Santorum	Lewis (GA)	Rohrabacher	Watt
Insliee	Neal (NC)	Synar	Evans	Lowey	Sawyer	Lightfoot	Rush	Waxman
Jacobs	Oberstar	Tejeda	Ewing	Machtley	Schenk	Linder	Sabo	Wolf
Jefferson	Obey	Thompson	Farr	Maloney	Schroeder	Livingston	Sarpalious	Yates
Johnson (GA)	Olver	Thornton	Fazio	Mann	Schumer	Manzullo	Saxton	Young (AK)
Johnson (SD)	Ortiz	Thurman	Fields (LA)	Manton	Sharp	McCollum	Schaefer	Zeliff
Johnson, E. B.	Owens	Torres	Filner	Margolies-	Shaw	McCrery	Schiff	Zimmer
Johnston	Pallone	Torricelli	Fingerhut	Mezvinsky	Shays			
Kanjorski	Parker	Towns	Flake	Markey	Shepherd			
Kaptur	Pastor	Traficant	Foglietta	Martinez	Sisisky	Andrews (NJ)	Gallo	Slattery
Kennedy	Payne (NJ)	Tucker	Foley	Matsui	Skaggs	Fish	Grandy	
Kennelly	Payne (VA)	Unsoeld	Ford (TN)	Mazzoli	Skelton	Furse	Lewis (CA)	
Kildee	Pelosi	Valentine	Fowler	McCandless	Slaughter			
Klecicka	Penny	Velazquez	Frank (MA)	McCloskey	Smith (IA)			
Klein	Peterson (FL)	Vento	Franks (CT)	McCurdy	Smith (NJ)			
Kopetski	Peterson (MN)	Visclosky	Franks (NJ)	McDade	Snowe			
Kreidler	Pickle	Volkmer	Frost	McDermott	Spence			
LaFalce	Pomeroy	Walsh	Galleghy	McHale	Spratt			
Lambert	Poshard	Washington	Gejdenson	McHugh	Stark			
Lantos	Price (NC)	Waters	Gephardt	McKinney	Strickland			
LaRocco	Quinn	Watt	Gibbons	McNulty	Studds			
Laughlin	Rahall	Waxman	Gilchrest	Meehan	Stupak			
Levin	Rangel	Wheat	Gillmor	Meek	Sundquist			
Lewis (GA)	Reed	Whitten	Gilman	Menendez	Swett			
Long	Reynolds	Williams	Glickman	Meyers	Swift			
Lowey	Richardson	Wilson	Gordon	Mfume	Synar			
Maloney	Roemer	Wise	Green	Mica	Talent			
Mann	Rose	Woolsey	Greenwood	Miller (CA)	Tanner			
Manton	Rostenkowski	Wyden	Gutierrez	Mineta	Taylor (MS)			
Markey	Roybal-Allard	Wynn	Hall (OH)	Minge	Tejeda			
Martinez	Rush	Yates	Hamburg	Mink	Thompson			
Matsui	Sabo		Hamilton	Moakley	Thornton			
Mazzoli	Sanders		Harman	Molinari	Thurman			

NOT VOTING—7

Andrews (NJ)	Gallo	Lewis (CA)
Fish	Grandy	

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*, Will the House pass said bill?

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

Mr. McCOLLUM demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative

Yeas 285
Nays 141

37.12

[Roll No. 144]
AYES—285

Abercrombie	Bilirakis	Buyer
Ackerman	Bishop	Byrne
Andrews (TX)	Blackwell	Calvert
Applegate	Blute	Camp
Bacchus (FL)	Boehlert	Canady
Baesler	Bonilla	Cantwell
Barca	Bonior	Cardin
Barcia	Borski	Carr
Barlow	Boucher	Chapman
Barrett (WI)	Brewster	Clayton
Becerra	Brooks	Clement
Beilenson	Browder	Clyburn
Bentley	Brown (CA)	Coleman
Berman	Brown (FL)	Condit
Bevill	Brown (OH)	Conyers
Bilbray	Bryant	Cooper

Allard
Andrews (ME)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilely
Boehner
Bunning
Burton
Callahan

NOES—141

Castle	Duncan
Clay	Dunn
Clinger	Ehlers
Coble	Emerson
Collins (GA)	Everett
Collins (IL)	Fawell
Collins (MI)	Fields (TX)
Combest	Ford (MI)
Cox	Gekas
Crane	Geren
Crapo	Gingrich
Deal	Gonzalez
DeLay	Goodlatte
Dellums	Goodling
Dickey	Goss
Doolittle	Grams
Dornan	Gunderson
Dreier	Hall (TX)

So the bill was passed.

On motion of Mr. BROOKS, pursuant to House Resolution 401, the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; together with the amendment of the Senate thereto, was taken from the Speaker's table.

On motion of Mr. BROOKS, pursuant to House Resolution 401, said Senate amendment was agreed to with an amendment inserting the text of H.R. 4092 as passed by the House in lieu of the matter proposed to be inserted by the Senate.

On motion of Mr. BROOKS, by unanimous consent, the title of H.R. 3355 was amended so as to read: "The Violent Crime Control and Law Enforcement Act of 1994."

A motion to reconsider the votes whereby said Senate amendment to H.R. 3355 was agreed to with amendments of the House and the amendment to the title of the bill were agreed to was, by unanimous consent, laid on the table.

On motion of Mr. BROOKS, pursuant to House Resolution 401, it was,

Resolved, That the House insist upon its amendments to the amendment of the Senate to H.R. 3355 and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

37.13 MOTION TO INSTRUCT
CONFEREES—H.R. 3355

Mr. McCOLLUM moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on House amendments to the Senate amendment to the bill H.R. 3355, be instructed to insist on