LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 728.

□ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 728

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 ''Local Government Law Enforcement Block Grants Act of 1995''.

SEC. 2. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''TITLE I—LAW ENFORCEMENT BLOCK GRANTS

''SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USE.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance, shall pay to each unit of local government which qualifies for a payment under this title an amount equal to the sum of any amounts allocated to such unit under this title for each payment period. The Director shall pay such amount from amounts appropriated to carry out this title.

''(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

''(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

''(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

''(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

''(B) Enhancing school security measures by—

''(i) providing increased law enforcement patrols in and around schools, whether through the hiring of additional law enforcement officers or paying overtime to presently employed officers;

''(ii) purchasing law enforcement equipment necessary to carry out normal law enforcement functions in and around schools;

''(iii) equipping schools with metal detectors, fences, closed circuit cameras, and other physical safety measures;

''(iv) gun hotlines designed to facilitate the reporting of weapons possession by students and other individuals in and around schools; and

''(v) preventing and suppressing violent youth gang activity.

''(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

''(D) Establishing or supporting drug courts.

''(E) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.

''(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'violent offender' means a person charged with committing a part I violent crime; and

''(B) the term 'drug courts' means a program that involves—

''(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

''(ii) the integrated administration of other sanctions and services, which shall include—

''(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(II) substance abuse treatment for each participant;

''(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

''(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this title to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate; or

''(5) yachts;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) TIMING OF PAYMENTS.—The Director shall pay each unit of local government that has submitted an application under this title not later than—

''(1) 90 days after the date that the amount is available, or

''(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 103(d),

whichever is later.

''(d) ADJUSTMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Director shall adjust a payment under this title to a unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

''(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

''(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

''(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government.

''(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.

''SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

''(1) $2,000,000,000 for fiscal year 1996;

''(2) $2,000,000,000 for fiscal year 1997;

''(3) $2,000,000,000 for fiscal year 1998;

''(4) $2,000,000,000 for fiscal year 1999; and

''(5) $2,000,000,000 for fiscal year 2000.

''(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Director for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

''SEC. 103. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this title.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this title.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this title for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the unit of local government has established a local advisory board that—

''(A) includes, but is not limited to, a representative from—

''(i) the local police department or local sheriff's department;

''(ii) the local prosecutor's office;

''(iii) the local court system;

''(iv) the local public school system; and

''(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

''(B) has reviewed the application; and

''(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this title;

''(2) the chief executive officer of the State has had not less than 45 days to review and comment on the application prior to submission to the Director;

''(3) the unit of local government will establish a trust fund in which the government will deposit all payments received under this title;

''(4) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(5) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(6) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

''(7) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

''(8) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this title; and

''(9) the unit of local government will spend the funds made available under this title only for the purposes set forth in section 101(a)(2).

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE SET-ASIDE.—

''(1) IN GENERAL.—Of the total amounts appropriated for this title for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

''(2) MINIMUM REQUIREMENT.—Each State shall receive not less than .25 percent of the total amounts appropriated under section 102 under this subsection for each payment period.

''(3) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (2) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—From the amount reserved for each State under subsection (a), the Director shall allocate—

''(A) among reporting units of local government the reporting units' share of such reserved amount, and

''(B) among nonreporting units of local government the nonreporting units' share of the reserved amount.

''(2) AMOUNTS.—

''(A) The reporting units' share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

''(B) The nonreporting units' share of the reserved amount is the reserved amount reduced by the reporting units' share of the reserved amount.

''(3) ALLOCATION TO EACH REPORTING UNIT.—From the reporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(4) ALLOCATION TO EACH NONREPORTING UNIT.—From the nonreporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

''(5) LIMITATION ON ALLOCATIONS.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit's expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit's expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) The term 'reporting unit of local government' means any unit of local government that reported part 1 violent crimes to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

''(B) The term 'nonreporting unit of local government' means any unit of local government which is not a reporting unit of local government.

''(C)(i) The term 'like governmental units' means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes, and means—

''(I) all counties are treated as like governmental units;

''(II) all cities are treated as like governmental units;

''(III) all townships are treated as like governmental units.

''(ii) Similar rules shall apply to other types of governmental units.

''(D) The term 'same population class' means a like unit within the same population category as another like unit with the categories determined as follows:

''(i) 0 through 9,999.

''(ii) 10,000 through 49,999.

''(iii) 50,000 through 149,999.

''(iv) 150,000 through 299,999.

''(v) 300,000 or more.

''(7) LOCAL GOVERNMENTS WITH ALLOCATIONS OF LESS THAN $10,000.—If under paragraph (3) or (4) a unit of local government is allotted less than $10,000 for the payment period, the amount allotted shall be transferred to the chief executive officer of the State who shall distribute such funds among units of local government whose allotment is less than such amount in a manner which reduces crime and improves public safety.

''(8) SPECIAL RULES.—

''(A) If a unit of local government in a State that has been incorporated since the date of the collection of the data used by the Director in making allocations pursuant to this section, such unit shall be treated as a nonreporting unit of local government for purposes of this subsection.

''(B) If a unit of local government in the State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this section, the Director shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this title.

''SEC. 105. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this title may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 101(a)(2).

''SEC. 106. PUBLIC PARTICIPATION.

''(a) IN GENERAL.—A unit of local government expending payments under this title shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

''(b) VIEWS.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment from the Director to the entire budget.

''(c) TIME AND PLACE.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

''SEC. 107. ADMINISTRATIVE PROVISIONS.

''The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this title and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this title.

''SEC. 108. DEFINITIONS.

''For the purposes of this title:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

''(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'payment period' means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''(6) The term 'Director' means the Director of the Bureau of Justice Assistance.''.

(b) CONFORMING AMENDMENTS.—

(1) Part Q of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed effective on September 30, 1995.

(2) Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with such part as in effect on the day preceding the date of the enactment of this Act.

(3) Effective on the date of the enactment of this Act, section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended—

(A) in paragraph (3), by striking ''Q,''; and

(B) by striking paragraph (11).

SEC. 3. CONFORMING AMENDMENTS.

(a) OUNCE OF PREVENTION COUNCIL.—

(1) IN GENERAL.—Subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(b) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(c) MODEL INTENSIVE BLOCK GRANT PROGRAMS.—Subtitle C of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.—

(1) IN GENERAL.—Subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance such subtitle as in effect on the day preceding the date of enactment of this Act.

(e) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(f) POLICE RETIREMENT.—Subtitle H of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(g) LOCAL PARTNERSHIP ACT.—

(1) SUBTITLE J.—Subtitle J of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FEDERAL PAYMENTS.—Chapter 67 of title 31, United States Code is repealed.

(3) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by striking the matter relating to chapter 67.

(4) FUNDING.—Notwithstanding the provisions of paragraph (2), any funds that remain available to an applicant under chapter 67 of title 31, United States Code, shall be used in accordance with such chapter as in effect on the day preceding the date of enactment of this Act.

(h) NATIONAL COMMUNITY ECONOMIC PARTNERSHIP.—Subtitle K of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(i) URBAN RECREATION AND AT-RISK YOUTH.—

(1) RECREATION.—Subtitle O of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) URBAN PARK AND RECREATION RECOVERY.—(A) Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) through (k) as (d) through (j), respectively.

(B) Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting ''and'' at the end of paragraph (6), by striking ''; and'' and inserting a period at the end of paragraph (7), and by striking paragraph (8).

(C) Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by striking the last 2 sentences.

(D) Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking ''(a) IN GENERAL.—'' after ''1013'' and by striking subsection (b).

(j) COMMUNITY-BASED JUSTICE GRANTS FOR PROSECUTORS.—Subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(k) FAMILY UNITY DEMONSTRATION PROJECT.—Subtitle S of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(l) GANG RESISTANCE AND EDUCATION TRAINING.—(1) Subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(m) CLERICAL AMENDMENTS.—

(1) The matter relating to title I in the table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''TITLE I—LAW ENFORCEMENT BLOCK GRANTS

''Sec. 101. Payments to local governments.
''Sec. 102. Authorization of appropriations.
''Sec. 103. Qualification for payment.
''Sec. 104. Allocation and distribution of funds.
''Sec. 105. Utilization of private sector.
''Sec. 106. Public participation.
''Sec. 107. Administrative provisions.
''Sec. 108. Definitions.''.

(2) The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitles A, B, C, D, G, H, J, K, O, Q, S, and X of title III.

(3) The table of contents of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the matter relating to part Q of title I.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

''(B) Enhancing security measures—

''(i) in and around schools; and

''(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

Mr. SCHIFF. Mr. Chairman, we take an approach in this bill that quite obviously one can see from the general debate not everyone is in accord with, and I strongly suspect that those Members who do not want our approach will vote no, virtually regardless of what amendments are and are not accepted here today.

Nevertheless, in accordance with our approach, I want to explain my amendment. Our amendment, as has been stated a number of times, is a block grant program to units of local government in which they can decide the best use of their funds. That may in fact be for more police. It may be for what we have come to call prevention programs. It may be for some combination of each. Our bill would leave that to the discretion of local government.

Nevertheless, we do in H.R. 728 provide several illustrations at least of what Congress has in mind for local governments to look at. These are not mandatory and they are not restrictive, just because we list several areas, such as hiring of police, is not totally restrictive on how local government should in fact use the funds. But it shows at least what Congress is considering. We then at that point defer to their discretion as local government officials elected essentially by the same constituencies that we have and that sent us here.

More particularly, Mr. Chairman, the bill states that the funds can be used, by way of illustration again, for the purpose of enhancing security, and the bill mentions as an illustration enhancing security of schools.

What I would do in this amendment is to keep the illustration of enhancing security at schools. I doubt that there is any State, probably no local government that does not have some problem in security somewhere in its schools. However, I would add in addition to that, and again we are illustrating here, units of local government can already use these funds to enhance security, they can already use it to enhance security at schools and anywhere else, but just to make that fact clear, to make clear that schools are not all-encompassing and that nothing is left out, I would add the words that the local governments could use the funds

to enhance security at schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

We had a debate in the Committee on the Judiciary about the fact that some communities have a special incidence of crime at reproductive clinics.

□ 1640

I want to say that I helped cosponsor and helped pass the Federal law we passed which made it a crime to use violence and otherwise illegally interfere with people's access to reproductive clinics.

That is indeed one problem that is faced in certain communities, but not all communities. In Albuquerque, NM, which I have the privilege of representing, in the last Christmas season holidays the Albuquerque police department put a substation in the parking lot of the largest shopping center. As we might expect, crime went down in that shopping center dramatically. It had been rather high up until then with attacks, shoplifting, break-ins and so forth. The subject is without limit.

There could be any number of special areas, locations, facilities that a unit of the local government feels needs enhanced security and my amendment would illustrate this could be used by the local government in any such place whether it is a reproductive clinic, a mall, a school, a neighborhood, any other place that the unit of local government feels has a special risk of being subject to crime.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from New Mexico would just stay a minute I would like to ask him a couple of questions about his amendment, if I may. As I read the bill, and correct me if I am wrong, the only limitations actually on any unit of local government is on line 21, page 2 of the bill where it says for reducing crime and improving public safety. Is there any other limitation?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I do not believe there are any other limitations as set out in the bill.

Mr. VOLKMER. After that it says including but not limited to. Included but not limited to is everything on page 3 where the gentleman is amending, is that correct?

Mr. SCHIFF. The gentleman is again correct.

Mr. VOLKMER. Yours is a limitation of the language on page 3; it is not a limiting amendment.

Mr. SCHIFF. If the gentleman will yield further, and I appreciate the gentleman yielding, all of the examples given in the bill as drafted are illustrations. The operative language, as the gentleman from Missouri pointed out a little bit earlier, is that the grants can be used for these ideas but not limited to these ideas.

I am merely in my amendment expanding the illustrations that we gave in terms of enhancing security, because it was suggested in the Committee on the Judiciary that a local government could not use such funds to enhance security at areas other than schools and particularly at reproductive clinics, and my amendment is intended simply to make clear by way of illustration that wherever a unit of government has a need for enhanced security they can provide it. I yield back to the gentleman.

Mr. VOLKMER. What the gentleman is saying to me and making clear is under the bill as it is written, if a unit of the local government feels it is necessary to have policemen around abortion clinics they can have all of the police around the abortion clinics that the Federal Government will fund them under this.

Mr. SCHIFF. If the gentleman will yield, the gentleman is exactly correct. They can use police to enhance security wherever they feel there is a special need to enhance security. My amendment is not absolutely authorization, it is an illustration.

Mr. VOLKMER. If they feel and the Attorney General would feel it is for reducing crime and improving public safety, that is the limitation. It does not make any difference what the gentleman's amendment says.

Mr. SCHIFF. Basically the gentleman is correct in that my amendment is an illustration and the local governments are free to make this choice. There were some who felt that was not clear enough, which is the reason for my amendment.

Mr. VOLKMER. The gentleman's amendment is to make it clear we can use moneys from these funds to have people that are picketing at abortion clinics go to jail.

Mr. SCHIFF. It could be used to help local law enforcement identify wherever they felt that a special incidence of crime, that is up to them to decide in their communities.

Mr. VOLKMER. Reclaiming my time, what the gentleman is telling me, this bill is really going to restrict pro-life people from picketing abortion clinics, and I am glad to hear about that.

One other thing that I noticed in here is that I remember I did not vote for that crime bill last time, I think the gentleman might remember that. I thought it was pretty lousy. In fact, I put a bill in this morning to repeal the whole thing and start brand new, because I think yours is lousy too and you do not do much better.

We had a big discussion on the same floor of the same House last August, ranting and raving about midnight basketball. I find midnight basketball and I find morning and afternoon and evening basketball in here. You want basketball, you name it, you can have it any time you want it. It is not even limited to midnight. Any kind of basketball, as long as local units of government feel it is necessary to reduce crime and improve public safety. That is what I find in this, and I find a lot of other things.

It is very interesting, and I yield to the gentleman from Illinois [Mr. HYDE] because earlier on during debate I was over in my office and doing some work around the office, and I listened to him and how he believes so strongly in local government and how great local government is; and local government, I agree, sometimes it is and sometimes it is not.

Mr. HYDE. Just like Washington.

Mr. VOLKMER. I am going to yield in a minute.

I remember the gentleman was here and I was here when we found out all of these things about LEAA and we were not happy. Then I find in this bill the local government may not be quite, may not just be quite the local government that the gentleman told us because right in here in the bill it says we do not want them buying tanks or armored personnel carriers, fixed-wing aircraft, limousines, real estate.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I find that and that tells me the gentleman does not trust local government, because surely his local government the way he described it in general debate would never do this.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. I hope the gentleman knows I supported LEAA. I voted for it. I had some concerns and they were good concerns because the LEAA was mismanaged. We correct that in our bill, but I supported LEAA. Did the gentleman know that? I do not think he did or he would not have brought it up.

Mr. VOLKMER. I do not think I would have supported something that even President Reagan, this House, and our Senate at that time found there was such gross abuses in by local units of government, using it for things it should not have been used for.

Mr. HYDE. We correct that here. We have ways of correcting that. We learned from LEAA, and we are building on that experience.

But would the gentleman yield on the Schiff amendment?

Mr. VOLKMER. Sure. I am glad to yield on any amendment.

Mr. HYDE. The gentleman knows how I feel about abortion and am very much opposed to killing unborn children. But I suggest to the gentleman that under the block grant concept wherever the public safety is at risk, and this is in the judgment of the local officials, they are permitted to employ policemen or security anywhere in

their community where they think the public safety is at risk.

Now this could be around abortion clinics, and I know the gentleman feels that is picking on the pro-life moment. I regret that. I do not want to pick on the pro-life movement, but if safety is jeopardized, then it seems to me the local community authorities have the right and ought to have the right to have policemen there protecting the public safety, and I do not see that as a violation of my commitment nor the gentleman's commitment to the pro-life cause.

Mr. VOLKMER. If I still have time remaining, I would just like to comment to the gentleman that a local unit of government, if it sees fit under this bill, can make a specific proposal to the Attorney General's office, to the Department of Justice, specifically asking for dollars to employ people in order to protect clinics because there are too many picketers around the clinics and proposals can come in for that specific purpose and be studied for that specific purpose under this bill the way it is written.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. Yes, I yield to the gentleman from Illinois.

Mr. HYDE. Only if in their judgment the public safety is endangered. Surely the gentleman does not want the public safety endangered by any group that is picketing.

Mr. VOLKMER. I do not want the public safety, but I think a lot of times the people that are out there picketing are not endangering anybody. We have had this discussion; I thought we were on the same side.

Mr. HYDE. We are on the same side. We are on the same side. But nobody has the right to violate and create a threat to public safety.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] again has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, I think I have tried to point out some of the things that are severely wrong with this bill, and I think it goes too broad, permits any and every thing that you can use your imagination for if you are a member of local government. And one thing it does not do, it does not let the chief of police in my local town make a decision about it. It lets all of the other people make that decision. It does not let my local sheriff decide, it lets other people make that decision.

It depends on who can persuade that unit of local government what they best need the money for. And if I remember, I doubt if there are very many communities to say that have all kinds of money laying around, and they do not need some money for a lot of things and they are the ones that are going to decide what their priorities are.

□ 1650

And if that priority is to have some more police or security at abortion clinics, then that is what they will make it for.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes legislative history is more interesting than other times. This particular amendment from my friend, and the gentleman from New Mexico, has such an interesting history that I feel compelled to share it with my colleagues, because I think it is a nice effort but ultimately an unsuccessful one, and I believe it will have to be improved upon tomorrow by our colleague from Colorado.

Let use even begin the education process now, because one of the major issues we now have before us is whether or not the constitutional right of women to get abortions, if they choose, will, in fact, be fully protected. That is under attack, it seems to me, with regard to the nomination of Dr. Foster, but there is also a collateral attack here in the House. What we have in this amendment is basically an effort to deflect our defense.

The bill came before us in the Committee on the Judiciary with the language that the gentleman from New Mexico has described, which says, under this bill, local governments can do pretty much what they think necessary for law enforcement. But that is not all it said. If that was all it said, I suppose that would have been the end of it. But it went on to give some illustrations. It went on to say in language of the legislation, including but not limited to, and it listed some things in the bill that the Republicans brought forward. Presumably these were favored programs, programs they wanted to highlight. They were not just wasting words. They were not legislatively binding on the local communities, but they felt it was important to highlight certain things, and then when we got to committee, two Republican members for the committee felt that even further highlighting was necessary.

The gentleman from New Mexico himself offered one regarding violence. I thought it was an excellent one. I thought it was a very good idea to highlight that these could be used for violence against women and domestic violence. The gentleman from North Carolina, a former police official, said well, wait a minute, some people think we are anti-drug courts; drug courts are a good idea, and I want to show that drug courts are possible under this. we thought both amendments were a good idea. We supported them. Then the gentlewoman from Colorado said,

> Look, we have a serious problem in this country with deadly violence being used against people who are trying to provide abortion or other health services for women, and we want to highlight that.

By the exact same logic that said you highlight drug courts and you highlight domestic violence and other things that were in the bill, we are afraid in some communities people will not understand that you can use these to protect clinics. This is a matter of great sensitivity to my district where two young women were killed in the town of Brookline only recently for doing nothing other than trying to provide these services. So the gentlewoman from Colorado, quite sensibly, said, ''This is what we should do.''

It seems to me from my distance some uncertainty from the other side of the aisle as to how they should respond. The gentlewoman from Colorado was simply following their lead and said, ''This is important. Let us not have any confusion at the local level. Let us highlight it.'' She accepted an amendment offered by the gentleman from Florida to her amendment. But the chairman of the committee said, ''This is a bad idea.'' He did not want you to appear to be sanctioning in some way what goes on at these clinics. He opposed it. It became clear the gentlewoman from Colorado would bring it up on the floor.

So my friends on the other side have a bit of a dilemma, because they are not men and women who like violence. They are men and women conscientiously opposed to it. Some of them had a problem appearing too specifically to be defending the right of these reproductive clinics to get safety. so what has emerged but the amendment from the gentleman from New Mexico. It was not in the original Republican bill. It was not presented when the gentleman had other amendments in the committee. It is proposed to try to deflect the gentlewoman from Colorado. I think it is a perfectly harmless amendment and have no objection to it. People should understand our friend from Colorado is harder to deflect than they may have thought. I am surprised they do not realize that.

Many of us still believe, given the violence that has been very specifically directed at abortion providers on an interstate basis, given the controversial nature of that protection unfortunately in some communities, it is still important to make it clear to people beyond doubt that police overtime and other facilities can be used under this bill to protect reproductive clinics and, therefore, I welcome the gentleman from New Mexico, and I appreciate his desire to shield some of his colleagues from having to take a tough vote.

I have to say it does not seem to me to work. I think that having adopted this amendment, it will still be relevant to have the amendment of the gentlewoman from Colorado.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for his recollection of the processes by which this amendment came to the floor. What this could be called is the big duck amendment, because

what we are going to try to do now is get around——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, I further yield to the gentleman from Michigan, the ranking minority member.

Mr. CONYERS. The gentlewoman from Colorado [Mrs. SCHROEDER] was clearly planning to offer an amendment that would specify that funds may be used to protect reproductive health clinics which have been targeted for violence lately around the country. This amendment appears to be a roundabout way of addressing that concern and a way for Republican Members to avoid a straight up-or-down vote on whether to provide special protection for our abortion clinics.

And it will not work, because it fails to specify that Congress recognizes the need to protect the reproductive health centers. That is what is in trouble now.

Mr. FRANK of Massachusetts. Let me say, reclaiming my time, we are talking not just about public buildings. We are talking about some facilities that might be private. In committee, the gentleman from Florida said, ''Well, wait a minute, you do not want to give public funds to private facilities to buy equipment with.'' We said, ''That is right.'' The gentlewoman accommodated that. It might be appropriate, however, to lend certain facilities to certain locations for certain time.

So this does not obviate the need to point it out. When you begin to look at the examples, if there is an example anywhere of violence in this country which is fairly widespread sadly, it is violence aimed at these clinics, and therefore, it is certainly, if they are going to single things out, something that ought to be singled out.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. I hope the gentlewoman will continue to offer the same provision she offered in the committee, because we need to have it clearly discussed and debated on the floor.

Mr. FRANK of Massachusetts. I do think the gentlewoman from Colorado is to be congratulated, because she got us started early. I do think that absent the gentlewoman from Colorado our friend from New Mexico would not have been up with the first amendment, and I thank our friend from Colorado for getting into this so early. As I said, I understand the motivation. I understand the notion it would be nice to avoid the issue, but I think the question of safety for reproductive clinics is too important to be folded into a kind of parliamentary sidestep.

Therefore, while I will vote for this, I will also vote with the gentlewoman tomorrow.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Let me thank the gentleman from Massachusetts for his recollection and let me thank the gentleman from New Mexico for his amendment.

But there are some questions that I have about the gentleman's amendment that I would like some clarifications on. The amendment I was planning to offer would allow Congress, or would allow local authorities, to pay overtime for law enforcement officers in protecting women's reproductive health care clinics.

Do you feel your amendment is broad enough to include that, the overtime issue?

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. In my opinion, my amendment, well, once again, I just have to back up to say again, we are talking about illustrations here. I think the operative authorization language is already there, and I think that authorization language would allow the payment of overtime for police officers to provide security at reproductive clinics if the unit of local government thought that was necessary.

I would just add, at least as an illustration, we are pointing out to the unit of local government they can provide security many other places.

Mrs. SCHROEDER. So then I kind of hear that as the answer is ''no.''

Let me say the one thing I worry about the gentleman's amendment not being inclusive enough also on is that the gentleman says in and around any facility or location considered by the unit of local government to have a special risk. Now, what I was trying to do in my amendment is say that lots of localities have been hesitant to enforce this right of women to have access to a health care clinic, and I think that that might be the big duck in which local communities could duck out from under this. They could say, ''Well, we do not consider it dangerous,'' because that is really the qualifier on it.

What I would like to ask the gentleman from New Mexico is, if this would be possible, because I think he is trying hard, and I appreciate what he is trying to do. What if we were to offer an amendment to the gentleman's amendment, first, you would have (i), ''in and around schools,'' which has no qualifiers in front of it.

□ 1700

What if you then had (ii), ''in and around women's reproductive health clinics,'' again with no qualifiers, like schools, and then you could do other facilities that have qualifications. We could draft that and make that an amendment to the gentleman's amendment. I think that would be clearer on point because the issue here being one of a constitutional right that we think has a much higher Federal level of calling than just random crime. I think that would then give this a little more status, and we would believe then it would be a little clearer to the communities that this is indeed what Congress intended by this amendment.

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentlewoman for yielding.

I just have to say, as an aside, and as a supporter of the law that passed in the last Congress making it a Federal offense to commit violence, to prevent people from entering reproductive clinics, not simply for picketing them, as was referred to by a previous speaker, perhaps is a matter for another hearing. The prosecutions with which I am familiar that the Federal Justice Department has brought under that act appear to me to be duplications of prosecutions brought under State law.

So the representations that the States are not enforcing the law, which is the representation I accepted when I supported that act, I would like examined perhaps at a hearing. I mention that because of the gentlewoman bringing up the subject.

Mrs. SCHROEDER. If I may reclaim my time, I do not think we are communicating. What I am saying is clearly what I want to do is send a strong message from this Congress to local officials that with this money comes the ability for them to then have no excuses for protecting women's constitutional rights because we spoke before on that very clearly when we passed the prior bill.

Now, there may be some ancillary issues. I understand what the gentleman is saying. But I do not think that message gets through with the gentleman's amendment, because he has that qualifier on it. That is why I am saying could he accept a substitute that would specifically list women's reproductive health facilities? Because then I think it is standing there clearly, saying we will not accept excuses to localities who get money and then do not use it.

Mr. SCHIFF. If the gentlewoman would yield further, I made the point at the point the gentlewoman reclaimed her time, just in response to the lady's point that there are localities that are reluctant to protect reproductive clinics, that is the representation on which I voted to make it a Federal offense to use violence to interfere with entrance to reproductive clinics.

I am merely pointing out——

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(On request of Mr. SCHIFF and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. I yield further to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I just want to say with respect to that issue that the gentlewoman has raised, I have not seen the Federal Justice Department prosecute cases primarily where local government or State government has not prosecuted. I have seen duplication of prosecution, the same individual prosecuted twice. I am again saying that that may be a matter of further inquiry.

Also I wanted to respond with respect to the gentlewoman's suggested amendment, I would oppose the additional amendment for this reason: As we discussed the matter in the Committee on the Judiciary, there was universal agreement, as I understand it, that in every State there are locations where schools have a security problem. There was no move by either side of the aisle to remove, as an illustration, enhancing security at schools. I feel past that point, that different localities have different threats to their security and different needs of law enforcement.

I think in a number of localities the gentlewoman's point is quite correct, there is a threat of violence at reproductive clinics. I do not think that has been shown to be all over the Nation.

I make it as clear as I can, in terms of Congress' intent, that my illustration even if it were operative, which it is not, would allow the communities to provide additional security support at reproductive clinics or anywhere else in their communities they felt it was needed.

Mrs. SCHROEDER. Reclaiming my time, I feel bad that we cannot get agreement to add it here as freestanding, because at that point I think we can prevent having an amendment later on.

The reason I feel that way is the gentleman from New Mexico and I seem to be agreeing that the reason we got into this in the clinic violence bill last year was that we were afraid localities were not doing their job in some places. Now, the gentleman feels like maybe there is duplication. I do not think that is the issue.

The issue is: Are we putting a qualifier on this so that localities can continue to refuse?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

I would also point out, Mr. Chairman, that many, many Americans would not have the benefit of having been on this floor when we had this debate. There would be uncertainty. There would be localities——

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(On request of Mr. FRANK of Massachusetts and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.

Mr. FRANK of Massachusetts. Will the gentlewoman continue to yield?

Mrs. SCHROEDER. I do yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman again for yielding.

The point is there will be differences about how to spend this money locally.

Local governments are not monolithic. Some people will say, ''Well, they list this and they list that, they list schools, they do not list the clinics. It is disfavored. It is not one of the things that they wanted us to do.''

We understand it is all optional locally, but if you did not think there was any point in listing things, you would not have listed things in your bill. You would not have added amendments listing things in committee.

We believe, to resolve any dispute because we know protecting reproductive clinics is an issue that is debated at local levels, whether you should or should not, unfortunately; therefore, since it is likely to be debatable, we think for you to have listed in your bill some issues and left this one out specifically by name would be a mistake. That is why, in addition to this, we think the gentlewoman's amendment would be necessary.

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentlewoman for continuing to yield.

Mr. Chairman, in response to the gentleman from Massachusetts [Mr. FRANK], again we are dealing with illustrative language. I was sensitive to the argument made in the Committee on the Judiciary that even where you were proceeding with illustrations, there could, by omission, be an implication that something is not intended by Congress. The amendment I am offering is as all-encompassing as I can make it, that the local government can select any location or facility where they think they have a security need to enhance security with a block grant under this bill.

Mrs. SCHROEDER. Reclaiming my time, that is precisely why I do not think the gentleman is getting where he wants to go without specifically listing health care clinics, because he does say, when it comes to any other facility, it is qualified ''as the local community's saying it is needed.'' And that qualification, as far as I am concerned, is the qualification that kills it and does not send the clear, resonating message that we think Federal funds should go to protect Federal constitutional rights.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

Mr. Chairman, if this did not separately say schools, there might be an argument. But it separately says schools and a lot of other things.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. HYDE. Mr. Chairman, we are going to revisit this debate when the gentlewoman offers her amendment. So we are in for a bit of a debate here.

Just in passing, I must say, if it were not so tragic, it would be amusing. The wordsmiths on the other side use euphemisms like reproductive rights when they are talking about abortion. Why do they not call it abortion? Let us be intellectually honest. Or is there something unpleasant about that word? There is nothing reproductive about killing an unborn child. The gentlewoman wants to elevate reproductive health clinics, anything but what she really means, which is abortion clinics, or abortion mills. She wants to elevate that to a very special place where the bill, the block grant program, will specify they get special protection.

Now, I am not against abortion clinics getting protection by the police if they reasonably expect violence or a threat to safety. I say that clearly.

The gentleman from Missouri may not agree with me, but threats to safety; it is the business of government to protect people from threats to safety. So I have no problem with that.

What I have a problem with is elevating abortion clinics to a special status over other places where an awful lot of killing really goes on.

In 1993 there were 1,946 people killed in New York. In the great District of Columbia there were 454 murders. In Chicago, my city, there were 845 murders. How many cab drivers have been murdered in their cabs?

We cannot specify every place, every location, every convenience store, every liquor store, every currency exchange that is going to be threatened by robbery and people with guns that are going to kill people. Communities where there are gangs that are armed; you cannot spell it all out, especially in the block grant program.

□ 1710

I agree with the gentleman from Massachusetts, when we start eroding the notion that this is within the call—it is the call of the local government, by suggesting drug courts and suggesting violence against women, we have ourselves eroded the concept of the block grant. I could not agree more; logic forces me to do that. However, because we did it two times does not mean we need to do it 20 times.

Now what we are doing here with the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] is we are broadening the concept that wherever the public safety is threatened, and that includes abortion clinics, if

the gentlewoman does not blanch at the term—it includes that, but to specify them gives them a status that I am, frankly, unwilling to yield, and that is where I come down.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. It will be very brief because, as my colleague knows, I am just amazed about the support for this bill in general because of what it does do as far as abortion clinics, and as my colleague knows, we have people out there that are picketing, taking their time, their youth, their adults, their grandfathers, their grandmothers, and everything. They are trying to save unborn babies. That is where the crime is. I say to my colleague, ''That's what's happening, and the way I read this bill, you're just going to help it happen.''

Mr. HYDE. Does the gentleman say they are entitled to freedom of speech?

Mr. VOLKMER. I say they are entitled to freedom of speech and freedom to walk down there, and what I am afraid of is that in the name in some localities they will get these Federal funds, and they will put people down there so they cannot do that——

Mr. HYDE. I appreciate what the gentleman says, and indeed the gentleman and I are on the same side.

I just want to say the reason the gentlewoman's subsequent amendment is flawed is it continues to erode the notion of block grants, which is that the call for where these policemen should go and with what equipment shall be made by the unit of local government, not us here in Washington. It is that simple.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. May I yield to the gentlewoman from Colorado and then to the gentleman from Massachusetts?

Mrs. SCHROEDER. First of all, let me explain to the gentleman from Illinois why these are called reproductive health care centers.

Mr. HYDE. Please do.

Mrs. SCHROEDER. That is because most women of reproductive age get their entire health care through their reproductive years through these clinics.

Mr. HYDE. If they just performed abortion, the gentlewoman would not want them protected?

Mrs. SCHROEDER. I am not afraid to say the word ''abortion.'' But I must tell the gentleman, if you look at most of these clinics——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(On request of Mrs. SCHROEDER and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. I say to the gentleman, if you look at these clinics, you will find that it is a very, very small percentage of what people are doing. Basically, they're going for family planning information, for mammograms, for breast checks, for Pap smears, for the whole range of services, and many even extend services to the children.

Mr. HYDE. And 1½ million abortions a year in this country.

Mrs. SCHROEDER. But their problem is that what has happened is, as the gentleman knows, is that this is a constitutionally protected right, but localities have been under seige because of people going beyond just passive—no one has any problem with free speech, but they are going on with a very aggressive type approach to it, and that is why I feel, if we do not put clinics in there free standing, then it will not override communities who were refusing to protect them, and I think Federal money ought to go for federally constitutional rights. I think that is a very important——

Mr. HYDE. Mr. Chairman, if I may reclaim my time, I think under the block grant concept it ought to be up to local government. If they want to send police there, they ought to send them, and, if they do not, they ought not, and we should not tell them how to deploy their policemen.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like it to be made clear that the debate going on now is whether the authority to send in protection should reside at the local level or not, and in the amendment offered by the gentleman from New Mexico it resides at the local level.

In the discussion with the gentlewoman from Colorado [Mrs. SCHROEDER], she does not want it to reside, the decision of whether police are to be provided or not for these clinics—she wants it to be specifically in this legislation that reproductive health centers shall be protected. Why? Because that is the focus of where the violence is occurring.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, the gentleman is absolutely right. What we do not want is localities to be able to use the resource scarce rule to protect women from a federally—from a Federal constitutional right, and if they are getting resources from the Federal Government, but then refusing to protect the Federal taxpayers, half of whom are women, and all of them pay exactly the same amount men do, I do not want them to be able to use some other criteria. So that is why I think it very important it be free standing rather than it be modified.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. As soon as I say this:

It has been made clear by the gentleman from Illinois that we are trying to duck whether there will be a direct authority to protect these clinics in this crime bill or whether it will be left in some discretionary pool with a lot of other problems in which they may or may be included.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, my friend from Illinois is one of the most intellectually honest people here, and he has just made clear why so many of us will be supporting the gentlewoman's amendment tomorrow. He is conscientiously, and firmly, and on principle opposed congresses legalized abortion, and he says he does not want abortion clinics or other reproductive clinics included in this bill by name because it would give them a status that he does not want them to have.

Yes, I want them to have the status. The status is as entities that are known as eligible for protection against murder and protection against criminals. Once we begin to list some things—there are two and a half pages of specific examples in the bill my Republican friends brought forward—if we list some things and do not list others, we put them—apparently the gentleman agrees—in a disfavored category.

There was not any controversy about a lot of what the police do in this country, but there has unfortunately been controversy about protecting Planned Parenthood and other clinics that provide these services, and at this point, having mentioned some of these things, if after the gentleman from Illinois has been honest enough to say he is opposed to mentioning abortion because he does not want to see them get that status, if tomorrow the gentlewoman's amendment is voted down, it will be correctly interpreted as one more step on the part of some people who want de facto to take away the legal protected status of abortion because they will have passed a bill in which some things have been mentioned, others will have not been mentioned, and my colleagues will have specifically repudiated, if my colleagues vote down that amendment, protection for abortion clinics.

There is some controversy, as I said, at the local level. What we are doing is saying this: ''We want to send a clear signal to people at the local level, without any debate about it, that it is possible for you to use your Federal funds this way,'' and the only reason to oppose the gentlewomen's amendment that makes any sense is the one conscientiously articulated by the gentleman from Illinois. He is so strongly opposed to abortion that he does not want us to call attention to the fact that they have this status where they are eligible for protection. That, to me, is a reason to pass it.

Mr. CONYERS. And so, even if we accept, or if the Schiff amendment passes, it does not change the underlying problem that has been raised in

committee about protecting reproductive health clinics. We cannot get around it, my colleagues. We have got to face it. We are the Congress. This is where the issue is going to be decided, the rubber hits the road. There is no way we can collapse it into some general language that will include anything and everything and then leave it to the discretion of local officials to pick it up.

I say to my colleagues, ''This is the big duck amendment. Whether you like it or don't, it doesn't change the problem that victims of the violence at health clinics need protection, and I urge that we keep this in mind as this debate moves on.''

□ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment, one that was not printed in the RECORD, the technology assistance amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER:

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Add (c) TECHNOLOGY ASSISTANCE.—(1) The Attorney General shall reserve 1% in FY 1996 through FY 1998 authorized to be appropriated under subsection (a) for use by the National Institute of Justice in assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Chairman, I think this should go fairly simply. This is about the National Institute of Justice, which many of us feel with this amendment we are going to be able to avoid many of the pitfalls that we saw with LEAA. This is basically a new group that has really started that is kind of like what the firemen have had all along. It is a group that tests the different equipment, that can tell you what works and what does not work. When you have got over 17,000 police entities and their average number of cops per police entity is like 12, you know they do not have their own R&D department. When they go to purchase stuff, the only people they are getting objective information from is the vendor, and we all know that might be a little slanted. Caveat emptor rings loudly.

So this is a group that has really gotten a terrific track record in doing R&D and transferring military technology to law enforcement and trying to get a much better deal for the taxpayer every way around. What they have done with bulletproof vests, with fingerprinting, with all sorts of standards, I think is long overdue. The firemen had this ages ago.

So I think if the gentleman from Florida can accept this?

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I think the gentlewoman from Colorado has worked up a fine amendment. What I understand it would do is it sets aside 1 percent per year for the National Institute of Justice for these purposes. That would amount to roughly $20 million a year for the life of the bill.

Mrs. SCHROEDER. The gentleman is absolutely correct. There are three people. When 17,000 entities come knocking at the doors, they are going to need a little more help.

Mr. MCCOLLUM. If the gentlewoman would continue to yield, while the subcommittee has not had the opportunity to hold the kind of hearings we would like to on the National Institute of Justice programs which the gentlewoman has represented and several members on the committee, including Mr. SCHIFF, are aware of, we want to put this in the bill because it is the suitable place to go to set aside the money. But after the time has passed here and we get off the floor, we are going to hold some hearings in our subcommittee before this bill winds up going to conference with the Senate and see what all we can learn to help further enhance this.

For right now, I think this is a very appropriate provision, I would like to do this, and I accept the amendment in the spirit in which it is offered.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Florida, because he has been wonderful on this, as has the gentleman from New Mexico, a cosponsor, and the gentleman from New York [Mr. SCHUMER]. We have a real bipartisan agreement on this one. I really appreciate the remarks of the gentleman from Florida.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, first of all, I want to commend the gentlewoman for drafting this amendment. We have discussed this at great length. We are pretty much in agreement, Mr. Chairman, that oftentimes modern law enforcement officers are Wyatt Earp in a car. Many of the attachments they have in terms of what they have available to them in the way of technology have not changed for many, many decades.

I am pleased to say it is starting to change around the country, from simply computer access within police automobiles, to research going into items such as smart guns, in this particular case a police officer having a weapon that cannot be fired unless he or she, that is that officer, is in fact holding that weapon. A large number of the police officers shot in the line of duty across the country are shot with their own weapons.

That technology goes even further than police officers. We could prevent some of the tragedies that happen when children get hold of firearms if we could simply keep applying that technology. So advancement in this area is very necessary.

Although our side has not from the committee entertained very well the idea of reserving and earmarking funds for various purposes, and I strongly support the fact that we will oppose some amendments coming later in that regard, I think that this is very appropriate for this reason: Small police and small sheriff departments cannot be expected to have the resources to do all of the analysis necessary to know what technology is presently on the shelf and available to them, and how it works and the cost and so forth. Therefore, a centralized department, in this case the NIJ at the Department of Justice, has been selected for that purpose.

I have to say, as the gentleman from Florida indicated, there is at least some reservation as to whether the NIJ is the right agency to do this right now, and that is a matter that we may have to discuss if that amendment is accepted and the matter goes to conference with the other body.

I want to say wholeheartedly the concept offered in this amendment is a great improvement in the bill, and will greatly benefit law enforcement.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, I thank both gentlemen for their support. It is one of the ways we will be spending the rest of the funds a lot smarter and will hopefully not repeat the LEAA problems we had before.

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I just want to say that I think that this is an excellent job done by the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from New Mexico [Mr. SCHIFF]. It is really essential that we take military technology and apply it so that we can have law enforcement and use it. And the amount of technology, when I was chairman of the subcommittee we explored this, is enormous. With a little bit of help, they can take that technology and convert it.

So I think this is an excellent, excellent amendment. I am delighted the other side will accept it. I know I have talked to the gentleman from Florida, and our subcommittee will have hearings and go further in terms of exploring. I have a particular interest, of course. I see my good friend from New York [Mr. BOEHLERT] is in the Chamber. Rone Laboratories, in upstate New York, is helping out here, and they are very able to do that.

So overall this is a very, very good idea, and I hope that all Members accept it. The technology, Mr. Chairman, is unbelievable. The idea that a police officer might be able to just point a ray in a certain direction and see who has

an armed weapon on him, the ballistics tracing types of technology, the ways of finding all these things out are just enormous, and we ought to be using them.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from New York, because I did mention his leadership too. The gentleman had some wonderful hearings. I always figure if you can get a double bang for the people's buck, which is what you are doing with this, it is great. Not only that, but our military is going to need that too, because they are looking more like law enforcement officers every day. This has been a very exciting program, and I thank the gentleman for his leadership.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this Schroeder amendment, and I am glad to hear the conversation ongoing here between the gentleman from New Mexico [Mr. SCHIFF], the author, the gentlewoman from Colorado, and my colleague from New York [Mr. SCHUMER].

Currently, H.R. 728 contains no money for research and development of law enforcement technologies, and this amendment would appropriate a mere fraction of the block grant authorizations for 3 years to focus on the development of technology assistance.

This is critical. Wyatt Earp would recognize much of today's police technology, and it has been a long time since Wyatt Earp was around. Law enforcement officers must be afforded the opportunity to take advantage of new technologies to take that proverbial bite out of crime and to prevent injury and alter the balance of powers criminals possess to control America's streets. I want the good guys to have all the technology they need on their side.

All over America we have outstanding research facilities. In my own congressional district, Rone Laboratories, one of the premier military laboratories anywhere in the world, with responsibility for command, control, communications, and computer technology, is working cooperatively with the National Institute of Justice to develop the type of technology that our law enforcement officials can effectively use to wage war on crime. It is an exciting concept. I applaud the initiative and effort of the gentlewoman from Colorado.

I once again thank my colleague from New Mexico, and the chair of the subcommittee, Mr. MCCOLLUM, for outstanding leadership in this area, and the chairman of the full committee, Mr. HYDE. We want the good guys to have what they need. All of us want to stop the bad guys, the guys we are after. With technology advancements that make them better able to do what they want to do, and when our guys try to get in there, they do not have the equipment they need.

□ 1730

There are all sorts of possibilities. One could hold something the size of a pack of cigarettes in their hand and point it at a crowd and be able to detect a weapon instantly. They could detect illegal substances under special circumstances. There are all sorts of exciting developments taking place in the marketplace out there.

The other thing that really thrills me and should thrill all of us is the fact that we are getting such magnificent cooperation from our military laboratories. They are reaching out. They are making available their expertise to work in sensitive areas like this.

So I rise in the strongest possible support of this amendment, and I urge my colleagues to give it the attention it deserves and to take advantage of it, because it is good for America.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in vigorous support of this amendment. The continuing episodes of violence directed against women's reproductive health care clinics across the Nation and the providers and patients that work at and utilize such facilities are an outrage. We must put an end to these growing attacks once and for all.

Last year Congress passed legislation containing provisions making it a Federal crime for a person to physically restrict or bar access to a medical facility for the sole purpose of dissuading or stopping someone from receiving reproductive health services. In addition, this legislation contained provisions not only to allow women and clinics the ability to obtain injunctions against protestors employing blockades, but also to permit victims of attacks by blockaders to sue for damages as a result of such brutality. However, more can and must be done. The Schroeder amendment greatly assists in this regard.

This amendment would allow H.R. 728's local law enforcement block grant funding to be used to improve security measures at women's reproductive health care clinics to protect patients and providers against violence directed at the free exercise of their constitutional rights. This funding could be used for overtime pay for law enforcement officers, security assessments, and the purchase of materials, such as bulletproof glass, to enhance the physical safety of clinics.

Mr. Chairman, the most recent shootings in Massachusetts and Virginia accentuate the urgent need for action to further protect the safety and privacy of all individuals who support a woman's constitutional right to choose. We must continue to grant all levels of government the necessary authority to act when abortion protestors go beyond the legitimate exercise of their opinions to acts of terrorism and violence against those who have made different decisions.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 9, strike lines 3 through 8, and insert the following

''(v) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provision of this title, and assuring compliance with the provisions of this title and for administrative costs to carry out the purposes of this title. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.''

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the question of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I am offering this amendment on behalf of the gentleman from Virginia [Mr. SCOTT] and myself. We both came up with almost the same idea and that was to provide funds to the Attorney General to oversee the compliance with this act by local units of government. And the idea of the gentleman from Virginia [Mr. SCOTT] was to make sure that the programs they were overseeing were effective. So we put them both together in one amendment, and this provides that funds will be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this title and assuring compliance with the provisions of this title and for administrative costs to carry out the purposes of this title.

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

Now, not more than 3 percent of the amounts that are appropriated is to go to this fund, but it can be as much as $60 million a year. That $60 million would be given to the Attorney General, as I have said, to assure compliance and the welcome addition of the gentleman from Virginia [Mr. SCOTT], effectiveness with the act and to carry out the purposes of the act.

The Attorney General must establish and execute an oversight plan, and I would say not because we do not trust local government but to ensure the success of the bill's intent.

I think this adds to the oversight requirement of this $10 billion. I think it is a very useful amendment.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. SCOTT] who is the cosponsor of this good amendment.

Mr. SCOTT. Mr. Chairman, I rise in support of this amendment and congratulate the gentleman from Illinois

for introducing it and working with me and others to have in it a provision that will review the effectiveness of these expenditures.

Mr. Chairman, we are going to spend $30 billion fighting crime in these various bills. This amendment will ensure that that money is well spent. It provides for the evaluation of programs, which is extremely important so that other localities may get the benefit of the experience from some programs that work, and unfortunately, some programs that do not work.

So with this amendment, Mr. Chairman, we will see that this money is well spent. Localities can benefit from each other's experience, and that the actual prevention programs will actually go to preventing crime.

I thank the gentleman from Illinois for introducing it.

Mr. HYDE. Mr. Chairman, I thank the gentleman for his valuable contribution.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, on our side, we are delighted that the cooperation has been worked out between the chairman and the gentleman from Virginia. We are delighted to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: Page 12, after line 7, add the following new paragraph:

''(10) PREFERENCE FOR FORMER MEMBERS OF THE ARMED FORCES.—The unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.''

Mr. ACKERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. ACKERMAN. Mr. Chairman, I am pleased to offer this amendment to H.R. 738, the Local Government Law Enforcement Block Grant Act. My amendment employs a very innovative approach to tackling two very critical problems currently facing our Nation.

My amendment would assist in the fight against violent crime while also helping to alleviate the unemployment that has resulted from the downsizing of our Nation's military. Since the end of the cold war, thousands of members of the military have been involuntarily separated or have been released from active duty as wide scale downsizing has forced cutbacks in military personnel.

This amendment simply requires that local law enforcement agencies, in applying for grants under this bill, provide a preference for veterans who are victims of our downsized military as a condition of receiving funds for additional law enforcement officers.

Providing these former soldiers, sailors, airmen, and marines with meaningful employment, our communities will benefit from the experience and dedication that they have already demonstrated in serving our country.

What a great way to recruit people for our local police enforcing agencies. People who are in shape, people who are well trained, people who have experience with the use of firearms, young men and women who have a great deal of discipline. Bringing these veterans in from the cold to fight our domestic war on crime will let the enemy know how serious we are about crime and will not let their wanton acts go unpunished and that crime does not pay.

I urge my colleagues to support this amendment. I think it makes good common sense.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the 5 minutes. I think the gentleman has offered a good amendment. I am prepared to accept it. I do want to make a couple of points about it, though.

First of all, as I read it, it provides that in order to get the funds, one of the qualifications that the unit of local government must have to give is that it has established procedures to give members of the Armed Forces that he has described, to give them a suitable preference in the employment of persons as additional law enforcement officers under the funds that are made available in this title.

The preference is going to be set forth as far as how it would work by the Department of Justice under the Attorney General and under the Secretary of Defense.

What I want to make clear is my reading of this does not indicate that the local units of government are required to hire armed services personnel who are retired, but if they come forward and they do apply and there is a notice provision in here for some notice to be given to those who are coming out of the services, that they will be given a suitable preference to be determined based upon what the Attorney General and the Secretary of Defense have worked out, as well as the nature of what the local unit of government has.

I would like to make sure that my interpretation of this is correct.

Mr. Chairman, I yield to the gentleman from New York [Mr. ACKERMAN], to confirm that what I am stating is indeed the sense of his amendment.

Mr. ACKERMAN. The gentleman's interpretation is absolutely correct. It does not require the hiring. It just creates a veterans' preference within the statute so that they would get a certain amount of points depending on the system that is used in the local municipality.

□ 1740

Mr. MCCOLLUM. Reclaiming my time, having gotten that assurance from the gentleman, Mr. Chairman, I have no desire to keep the time any longer. I will support the amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I compliment the gentleman from New York [Mr. ACKERMAN]. This is a provision that is used in other parts of the law already, and it tracks it. I think it is very important that we use this for giving suitable preference in the employment of persons as additional law enforcement officers, and for that reason, Mr. Chairman, I support the amendment and hope it will be unanimously agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. SCHUMER. I do not believe the amendment is printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 6, strike the word ''or'' on line 10, and insert the following after line 11:

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement.''

Mr. SCHUMER. Mr. Chairman, this amendment is a very simple one. This basically puts some limitations on the wide-open nature of the Republican bill, H.R. 728. The problem, of course, is that the bill as drafted is so broad and so wide open, while things could be spent for a noble and worthwhile purpose, such as police or prevention programs, it could also be spent on anything under the Sun, and what we are

trying to do here is prevent that from happening.

Very simply, Mr. Chairman, in committee, a majority of the committee, although not the majority of the other party, prohibited tanks, airplanes, limousines, and yachts from being used for these funds. Why did we come up with examples like that? Very simply, the reason we came up with examples like that is that these types of things had actually been used.

Mr. Chairman, the now-Speaker of the House, then when he was a Member of Congress, said, and let me quote, and this is quoting from Speaker GINGRICH only 6 months ago, he said ''If they say to me, in the name of fighting crime, will I send a $2 billion check to cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage, my answer is 'no.'''

The same day he said ''If we have to choose between paying for a directed purpose, such as building prisons, I can defend that. What I cannot defend,'' and this is Speaker GINGRICH, ''is sending a blank check to local politicians across the country for them to decide how to spend it.''

Mr. Chairman, if there was anything that rebutted the presumption from the other side that this bill is good for America, it is Speaker GINGRICH's words 6 months ago.

What has changed? Are things any different? Most of the very same mayors and county officials who were in office then are in office now. They are the same local politicians across the country, and we should not send them or give them a blank check; Speaker GINGRICH's words. Yet, that is just what the majority party seeks to do in its bill.

What is going on here, Mr. Chairman? Something that had more restrictions on it a while ago, now, even broader, is perfectly OK. It does not add up. It does not make sense.

Speaker GINGRICH knew what he was talking about. The old LEAA program, which had less money and more restrictions than the Republican bill, paid for this. If Members cannot see it, it is an armored personnel carrier, an M113–A3, bought in Louisiana.

It paid for this, an airplane that was used to fly the Governor of Indiana around the country. In fact in one of its most famous trips, it went to Washington, DC, to pick up Moon rocks, a great law enforcement purpose. The LEAA Program was rescinded in disgrace.

Speaker GINGRICH was right. To send local politicians across the country a blank check makes no sense. Then why, Mr. Chairman, in the bill before us is that just what the majority party seeks to do? It does not add up.

Therefore, Mr. Chairman, the amendment I have, and I could think of a long list of purposes that we should not spend this money on, but certainly consultants, why did I pick consultants? One-third, fully one-third of the LEAA money, the old law enforcement money that had more restrictions than H.R. 728, more restrictions than H.R. 728, a third of the money was spent on consultants.

These consultants did not wear badges, did not have guns, did not put their lives in danger. It was pork.

Mr. Chairman, I say to my colleagues, lots of other LEAA money was spent on vehicles for the emolument of local officials. That was pork. Let me say to my colleagues, Mr. Chairman, if we pass H.R. 728 without the amendments that the gentleman from Michigan [Mr. CONYERS] will offer this evening, and the gentleman from New York, I will offer tomorrow morning, we are looking for such trouble. We are looking for the kinds of pork that we have not seen for ages.

Mr. Chairman, the other side says ''Send it all to the local governments,'' but Speaker GINGRICH was right. There are lots of local politicians who will misspend the money just as well as Federal politicians might.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

(At the request of Mrs. SCHROEDER and by unanimous consent, Mr. SCHUMER was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Mr. Chairman, the gentleman is right. There are just as many local politicians who will waste and fritter away the taxpayers' money as there are Federal politicians.

What we seek to do in our proposals, Mr. Chairman, is simple. We say to the localities ''Yes, we want you to spend the money on 100,000 new cops on the beat. We want you to spend the money on things like drug courts, but we do not want to let you fritter away all these dollars for anything you want.''

I say to my colleagues who are thinking of voting for H.R. 728 without these amendments, take the wisdom of Speaker GINGRICH. He knew. He knew how bad it would be to put together a huge block grant with no, no restrictions on it. He knew in his wisdom that there would be planes that could be bought with this money.

Under the new Republican bill, until our amendment, planes could have still been bought; armored personnel carriers. Why some police officer in Louisiana needed an armored personnel carrier is beyond me, but much worse than that is the fact that the Federal Government let him buy it.

Under these provisions, they would be powerless to stop them. We could have the President, the Attorney General, the Speaker, the minority leader telling the locality ''You cannot buy these things,'' but they would still have the right to buy them under H.R. 728.

Mr. Chairman, this is one of the times where I agree with the Speaker. The Speaker is right. We should not be giving localities all the money they want for anything they want. He said it, not 10 years ago, not 5 years ago, but in June 1994, a mere 8 months ago.

Mr. Chairman, let us all listen to him. Let us not be so wedded to a bill that was quickly drafted in the heat of the campaign last year, and instead, improve it, build upon the crime law, but not rip it up, start all over, and then rue the day.

That is my concluding comment to my colleagues. I would say to anyone who votes for this wide-open blank check to the localities, 2 or 3 years from now, they will live to regret it, because the amount of waste that will occur will be enormous.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this amendment is perfectly fine. I welcome the effort of the gentleman from New York [Mr. SCHUMER] in improving our bill. He has put forward two areas which probably should be cordoned off, or at least it would improve it to do that, consultants or vehicles not primarily used for law enforcement, as areas where we would not want them to spend the money.

We probably could think of a whole litany of things out here if we kept working at it. For the most part, he has covered all of them that he could think of that the LEAA which is ever accused of violating.

My own judgment is that the word ''consultants'' could probably use a definition somewhere in the definitions section. I am sure the gentleman would not want that term to include what is in the bill right now, and that is the fact that we may utilize the contracts that local units of government may have with private, non-profit entities or community-based organizations to carry out the purposes funded, to prohibit that phrase, if we indeed go to the term ''consultant'', because obviously, non-profit entities or community-based organizations would not be people we would not want to receive money under this bill.

□ 1750

So I think the term consultant perhaps needs to be defined, but I understand what the gentleman is getting at.

What I would just like to comment on during the brief time I am up here on this amendment is that LEAA, the law enforcement assistance program of years past that the Democrats are so fond of saying is very similar to this, it is going to be abused again, we are going to be abused by this process, was quite different from what we are dealing with today.

First of all, that program was designed specifically for innovation and experimentation. In fact, the moneys that went to the states and not to the local communities in that case, though the States may have given some of that money to them, that money was specified by us to be used only for experimental or innovative practices. It was designed to require that the States

and the local communities in spending that for law enforcement purposes be creative. They could not spend it for routine law enforcement or tried-and-true law enforcement procedures and they could not spend it for what we would consider to be prevention programs today. That is quite a different matter from what we have got forward in this bill.

I would say that when you are charging them with coming up with new ideas and experimenting and putting a lot of money out there, maybe the past Congresses that passed it should have been wise enough to have foreseen that you were charging them with going off and trying to find new ways to spend money that would involve some things that would be pretty absurd at times because they could not spend it for normal law enforcement practices.

However, this bill today that we have before us is designed in just the opposite fashion. We do not have a problem with some creativity, but it is open-ended in the sense that local communities may spend this money for anything which will help them fight crime in their local communities. I would submit that since we have an advisory board specifically set up that include a broad range of local community to decide what is best for that community and we have elected local officials making these decisions as bodies, not individually, but we have the county commissions and the city commissions making them, it is far less likely that the moneys will be spent on absurd projects under this bill than may have been under the old LEAA program which is quite different.

Plus the fact under this legislation we have got all kinds of accounting checks and reporting requirements and oversight by the Comptroller General that is involved. So I would submit that it is highly improbable that this money will be misspent and that the program that we are seeking to accomplish here, the fighting of crime in the local communities, by its very nature requires giving this discretion to local governments, because Washington certainly does not know best how to fight crime which is 90 percent or better a local problem under local criminal laws.

I submit that what is good for any community on the West Coast is not necessarily good for one in the South or the Midwest, or who knows? Every community is different. It is absurd for us to try to dictate to those communities how to do it.

The very nature of providing flexibility contains within it the inherent risk that upon occasion, some local unit of government, some officials of government, elected by the people in their local communities, will act irresponsibly, will act in ways that you and I would not like them to do, and I fully expect that that is going to happen in a very tiny fraction of the cases where this money goes out. I would be remiss in not saying it is going to happen.

But I think that the risk of that happening and the occasional misdeeds that will occur because local elected officials are not responsible in some cases is going to be far outweighed by the good that is done, by the flexibility that is provided in this legislation as opposed to what was there in the last Congress.

What we had in the last Congress was far too narrow. It passed in a way that many local communities cannot take advantage of it. We had categorical grants saying, ''If you follow these things and do just this stuff, then you can get the money for these prevention programs, but you can't do it, for other prevention programs that might be better for your communities, you can't get any money for that.''

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. In the Cops on the Street Program, we said, ''Here is how you are going to go about it. If you have this matching grant program, 75 percent of the money will be paid for by the Federal Government for the first $20,000 or $25,000 to hire a new cop.'' Since the average cost of a new cop is about $60,000 a year to hire him and outfit him and put him out on the street, for 3 years we did pay a small fraction but not nearly as much as a cop costs for that period of time. Then after the 3 years, the local community had to pay 100 percent of it if they submitted for a grant. We have found that in the process of the first few months of this grant program under last year's Cops on the Street Program, a lot of communities are saying to us, ''We can't afford to do that. We're not going to take advantage of it.''

So our flexible approach is far better and the downsides to it are minuscule compared to the upsides and the positive approach the Republicans are offering today in this bill to let the local, county and city governments of this Nation spend $10 billion to fight crime at the highest crime rate level cities and communities around the country in the way that they best see fit and know how.

I, therefore, commend the gentleman for this amendment, it is a fine improvement, but I think his points other than that were not well-taken.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. MCCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is raising problems with LEAA. We agree it had problems. But what Speaker GINGRICH was referring to in these quotes was not the LEAA. It was the LPA, the Local Partnership Act which was in last year's bill which was virtually the same thing as the block grant proposed this year. So I would like to ask the gentleman, when the Speaker says, ''What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it,'' how is the program in H.R. 728 any different than that quote from the Speaker? Where is the difference?

Mr. MCCOLLUM. Reclaiming my time, I can say to the gentleman that first of all the Local Partnership Act grant is $1.5 billion to the highest tax rate cities, not the highest crime rate cities.

Second, I did not hear the Speaker say that, I do not know the context in which it was said, and I cannot defend him one way or the other today about that comment.

But I would say to you that whatever he said, the fact of the matter is that the broad programs we are offering today provide the widest latitude of flexibility and conform the most to Republican principles of letting that government govern best which governs closest to the people. That is the local, county, and city governments. Consequently, when it is spread out to all of the governments to participate in, not just a narrow few as were under that LPA grant for $1.5 billion who were the highest tax rate cities in the country, we have a far different scenario than what we had in that bill last Congress.

I think that whatever else is said about this, we are going to let every community in this country participate that has a crime rate problem, and it is a very positive improvement over last year's bill which was very narrow in scope with each of the categorical grant programs, as well as very narrow in scope of the conditions that were placed with regard to the cops on the street program which thousands of communities, including Oklahoma City for one, cannot participate in, say they cannot.

So I accept the gentleman's amendment but I do not accept his premise.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was going to give some more examples and make some more arguments, but at the conclusion of the comments of the gentleman from Florida, I am going to save them, because we are prepared to accept the amendment at this time.

I commend the gentleman. We already have several items included. It was thought that consultants ought to be added, and I think the gentleman may want to indicate how we might even qualify that further.

I yield to him at this point.

Mr. SCHUMER. I would be happy.

The gentleman from Florida makes a good suggestion. That is, that we make sure that consultants do not include nonprofit community organizations

that are involved in crime fighting itself, and I would suggest we do that in report language.

Mr. CONYERS. Mr. Chairman, I think it is a great idea. We will take care of that, because it is true that sometimes community organizations do end up in a consulting capacity, and that is the last thing in our minds to in any way limit or inhibit their working under the provisions of this bill.

With that, I indicate my support for the amendment.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield further?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding. I guess the gentleman from Florida is gone. But I would just say, everything he is talking about did not answer the question, in all due respect to him. He was talking about the Speaker's language saying you cannot send the localities a blank check.

□ 1800

The gentleman from Florida is saying it is correct to send the localities a blank check, and I do not see how to defend that in any way other than it is a 180 degree turn, and some of the frustration we on this side have is that it seems a lot of what is in the contract, particularly on the crime bill, was not really designed to improve the crime bill. Anyone who thought this so convincingly in June would not draft something that was a blank check. I would argue to my colleague that it was simply done as a way of saying well, I am different and it is a bad way to go, and let us forget that mistake and let us go forward and pass something that makes sense.

So I thank the gentleman for yielding. Again I stand by the fact that Speaker GINGRICH said open block grants to communities is a blank check, we should not to it. And now we have a complete reversal. I say he was right then, he is wrong now.

Mr. CONYERS. In addition, of course, this combines police grants, so what we are having now is a choice between every kind of prevention and nonprevention you ever imagined, plus the opportunity to not use police because there is not a separate category for community policing.

I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. WATT of North Carolina. It is not Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 21, after line 16, insert the following:

''(7) In no event shall the term 'improving public safety' be interpreted to allow the use of any funds appropriated under this title for the construction or improvement of highways, streets or roads.''

Mr. WATT of North Carolina. Mr. Chairman, a real problem I have with this bill has been illustrated by the last amendment which was adopted, and that is the question of how the bill is drafted.

It leaves the field wide open for interpretation of about anything at the local level to be eligible for funding under this bill.

The particular place which this amendment is designed to address is throughout the bill where amounts are to be paid to units of local government for improving public safety. There is no definition in the bill for what improving public safety means. In my congressional district there are some cities is that when we talk about public safety the first thing that they go to is not crime in the neighborhoods, police on the streets, or something of that kind, but public safety has the connotation of increased traffic, roads, streets, something that will help to improve the flow of traffic in and around the city.

Let me make it clear that I do not have any problem with improving subject safety by building more streets or improving highways or improving roads, but in this particular bill, which is a crime bill, there should be no question that these funds should not be eligible for being used in that way.

So I thought we better have something in the bill that gave some definition to this concept of improving public safety. I thought about trying to come up with a definition for improving public safety, and I really had some serious problems trying to draft the language that would cover that issue without creating more problems than I solved. So instead of trying to craft a definition for improving public safety, I at least thought we ought to back out this one element that could be interpreted as a means of improving public safety. In fact, it does improve public safety to improve the streets and roads and highways in a particular city. And I do not have any problem with that. But I could not come up with a crafted way, an ingenuous way to define improving public safety, which is really one of the problems that I have with this bill.

I do not think the local officials are going to be able to, we are not going to be able to tell the local officials at the local level what improving public safety means any more than we can define that term in the bill.

So, we have this broad, open, three words, ''improving public safety'' that we could about convert to any kind of construction or definition or interpretation that local government officials want to put it to, and that is a serious problem in this bill. At least if this amendment is adopted it will be clear that it is not a traffic bill that we are dealing with here, it is serious crime, or crime unrelated to traffic, even though there is nothing here in my amendment that would remove the funding from drunk driving or criminal activity other than traffic offenses.

But I would just say to my colleagues here that as the bill is drafted now, traffic offenses and trying to solve problems of traffic in cities could just as easily fall under the category of improving public safety as criminal conduct, and I encourage my colleagues to please support the amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have to say to the gentleman from North Carolina that I rise to oppose his amendment. The gentleman from Florida who is our subcommittee chairman I believe accepted the last amendment because there is or at least there was some demonstrated abuse of funds under the former law enforcement administration that dealt with grants for the purpose of fighting crime.

However, the fact of the matter is that we wanted to make that recognition, I will still take our approach in this bill of block grants over the micromanagement that is in the crime bill that passed last year. More specifically with respect to this amendment, when the gentleman said, ''in no event shall the term improving public safety be interpreted to allow the use of any funds under this title for construction or improvement of the highways, streets or roads,'' I would first of all say the reference to improving public safety is taken out of the paragraph that he says reduce crime and improve public safety as the purpose of the bill. And more specifically to roads, I would point out that one of the reasons to authorize the payment of funds in the crime bill that passed last year is increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots or garages, so that could be viewed under the gentleman's amendment as improving a road in such a way that would not be allowed.

We have already allowed in the crime bill that crime occurs in roads and streets, like highway robbery, if you will, carjacking and so forth, and there could be action taken towards a street or road which a community does believe is for the purpose of reducing crime and improving public safety.

For that reason I rise in opposition to the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I am surprised to hear the gentleman concede that funds under this bill could in fact be used to improve roads and highways and streets. I thought clearly that was not a purpose of this bill.

Is the gentleman sure that he wants to concede that point?

Mr. SCHIFF. Reclaiming my time, I do not think that is what I said to the gentleman from North Carolina. I pointed out that a provision of funding in the crime bill that passed last year allows increased lighting for roads, and under the gentleman's amendment that could be interpreted that the improvement in lighting is some kind of improvement to a road that is not allowed, when the improvement in lighting was found by its inclusion in this bill, last year's crime bill to be for the purpose of fighting crime.

I just want to say that the gentleman is taking this out of context. The purpose of grants, block grants are for the purpose of reducing crime and improving public safety, and we believe that local officials that do not use the funds for that purpose are not going to be local officials for much longer.

I yield again to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding, and I want to make three quick points in response. First of all, the one instance the gentleman has referred to where there is a reference to reducing crime and improving public safety is on page 2.

□ 1810

But I would point out to the gentleman that on page 6 there is a provision dealing with maintenance of public safety which is not connected with reducing crime in any way, and there are other examples in this bill where improving public safety is used. So I think the gentleman is mistaken in that respect.

Second, I have made no argument about lighting. My amendment goes to streets, roads, and highways, and if there is something in last year's bill about lighting at bus stops, I would not think that would related to either roads, highways, or streets, and if we are superseding last year's crime bill, then I am not sure why we would be debating that issue anyway. Because this language, I would think, goes beyond last year's crime bill.

Mr. SCHIFF. Reclaiming my time, I just want to point our again that improved lighting for a street could, under the gentleman's amendment, be determined to be improving that street and, therefore, not allowed under our bill.

But I want to steer back to the central idea of this bill, H.R. 728. We are going to trust the local communities. Nobody has denied on our side that not all of the past experiences have been perfect in that regard.

But when compared to the experience of Washington micromanagement, it is a whole lot better, and that is why I urge defeat of the gentleman's amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one of the problems with this whole process is it does not seem as if we fully understand what happens in the local municipalities and the local processes as it relates to budgeting, and that is even more important as we consider the fact that at every level there are reductions in budgets as various mayors try to find the best means of resolving their budget conflicts.

All over this country today there are those who are trying to bridge the gap that they might be able to provide a level of service but, at the same time, deal with the reality that they cannot tax themselves out of problems that are endemic to the cities. In so doing, a community, a block grant for police, a block grant for anything, represents the potential as a tool to be used in almost any way to be able to try to bridge those budget gaps.

I think a classic example may well be as we consider what has happened with community development block grants. They were intended for the purpose of insuring that many of these urban communities were rebuilt. In point of fact, in too many instances, those community block grants are nothing more than the difference between what it takes for a city to be able to not have to go out to the bond market and for it to balance its budget by the use of Federal resources. I think we all would have to agree that any local politician who is concerned about the next election, seeing the resources that are now available to them in a community block grant over which they have absolute control, with no direction from Washington, with no mandates in terms of how those funds would be spent, could easily provide justification that what they are spending the money for is, in fact, in the interest of public safety.

If you consider what we are talking about and the number of bills that are before us, the number of bills that will be before us in the next few days, when you talk about welfare reform, when you talk about not providing people a decent kind of wage on which to live, when you talk about all the conditions that are endemic to the schools and other circumstances in these communities, you are doing to drive more people onto the kind of census that makes up this ever growing prison population. While you are doing that, you could easily make arguments then that your justification for spending money in various areas that are not defined within the bill might well fit within the rubric of public safety.

I think what we are doing, in fact, is giving to those who are local representatives in government an opportunity to have before them resources that would not otherwise be available. They will do as they have done with the community development block grants, they will not use the money for policing issues, they will not use the money for public safety issues, they will use the money to be able to bridge that budget gap.

If you look farther at community development block grants in some major cities where they have taken those moneys not to create housing, not to be able to rebuild communities, not to economic development vehicles, rather, they have used those moneys so they might provide in some instances security, housing that is warehoused by the city, that would not be considered within the interest of development of housing. I could see likewise one can just as easily argue you could make those funds available for providing security in areas the city would otherwise have to do it, but now would not have to do it by virtue of the fact that they have the benefit of a community block grant.

These block grants are nothing more than a giveaway. It is a form of welfare. It is a form of a subsidy that allows for somebody who is in power who has the authority over a budget to say this is where I want the money to be targeted and, you know as well as I do, and I am a former educator, I can tell you if you give me a few minutes and you give me a lot of money and knowing that dollars are fungible, I will figure out a way to make those dollars usable for whatever I can justify them to be usable for. That is what we are making available for the cities, and we need to stand and be honest about that.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I wonder is the gentleman saying he opposes community development block grants?

Mr. FLAKE. I oppose community development block grants that are given to those who are in power who do not do what those community block grants are designated to do, and in too many instances, there is a history that community block grants do not do what we have historically designed them to do when we have made community block grants available from Washington.

Mr. SCHIFF. If the gentleman will yield further, either community development block grants exist or they do not. Is the gentleman in favor of repealing the whole issue of community development block grants?

Mr. FLAKE. I would not repeal the whole issue of community development block grants. What I would do though is set some specific mandates on how those funds are being used as is the case with the amendment that is before us right now where it says there are specific things you can do and specific things you cannot do, because as we try to solve a particular problem, the block grant is developed for that reason, for that reason alone.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we know the difference between improving lighting

and improving the roads, and improving the lighting would have a significant impact on crime in an area and could be supported.

I know many localities trying to build roads who would be praised for spending this money on road building rather than crime fighting. This funding is for crime prevention, and thankfully we did have some money put into the bill a few minutes ago which would have the effect of evaluating programs for their effectiveness in preventing crime. But road building is one where we would not have to wait for the evaluation.

Mr. Chairman, I would hope that we would adopt the amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to reemphasize the point that I simply do not understand why there would be opposition to this amendment. There is nobody, I think, on this floor or in this Congress who thinks that the purpose of this bill is to improve roads, highways, or streets. And yet the language in the bill, improving public safety, is clearly broad enough to cover that kind of activity.

For the life of me, I cannot understand why we make an issue of this simply to send a message to the public. I guess that we have crafted the perfect bill, and our language cannot be improved; surely, the proponents of this bill, the sponsors of this bill, do not believe they have crafted a perfect bill, and I just for the life of me cannot understand the opposition to this amendment.

I would ask my colleagues to, please, be sensible about this. Make this clear. There are enough loopholes and gaps in this bill without leaving this loophole and gap for local communities to drive through.

I can tell you that in some areas traffic is the major issue that is affecting the people, and there is no problem with addressing the issue of traffic.

But let us do it in a transportation bill, in a roads bill. Let us not leave open the opportunity to address that concern in what we are calling a crime bill in the name of just the sense that they have some perfect bill here. It is not a perfect bill. There are all kinds of problems with this bill, and this is just one of them.

We ought to at least close this one gap.

□ 1838

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 119]

ANSWERED ''PRESENT''—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1839

The CHAIRMAN. Four hundred seventeen Members have answered to their name, a quorum is present, and the Committee will resume its business.

□ 1840

RECORDED VOTE

The CHAIRMAN. The pending business before the House is the demand of the gentleman from New Mexico [Mr. SCHIFF], for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 230, not voting 10, as follows:

[Roll No. 120]

AYES—194

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)

Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoyer
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Laughlin
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—10

Becerra
Chapman
Crapo
Geren
Gibbons
Jefferson
Matsui
Meek
Tucker
Wilson

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1850

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the chairman for recognizing me for 5 minutes. I normally do not take a vote on an issue personally, but I think I need to say some things to this body.

Mr. Chairman, I came earlier today and offered the amendment that just failed to the leadership on the majority side in an effort to try to work with the majority leadership to improve this bill. There is not a person in this House who believes that this money should be used to build streets, roads or highways. There is not a Member of this House who believes that the funds under this bill ought to be used for highways, roads or streets. And I tried to offer this amendment in such a way just to clarify that issue. And I won the voice vote.

During the course of the debate on the rule, I pointed out to the Members of this body and to the American people that the time required to come over here and vote on an amendment is included in the 10 hours of public debate time that is allocated for this bill.

Immediately before I had offered my amendment, the other side had just agreed to an amendment similar to this. So I am beginning to wonder here what is going on in this body. We are marching in lockstep, doing things that make no sense in the context of public policy, denying Members that right to clarify the wording of a bill, maybe taking out personal animosities and concerns from last week on the content of this bill, because this vote makes no sense in the context of what we are doing here.

I want to just make it clear to my colleagues over here, if this vote is designed to send a message to MEL WATT, which I am inclined to think that it is, as I speak here, I will tell them that I will send a number of amendments that they will not like for their consideration. If they want to single me out and discipline me by calling for a vote on something that everybody in the House agrees to and tell their soldiers to march, contrary to public policy, contrary to what everybody in this House knows the intent of this bill is, then somebody have enough nerve to come to my face and tell me that. Because if they want to declare war, then I am up to it, and I will tell them that I am ready to start the war right here.

But I will not be personally insulted. I will not be personally singled out. And I will not have them march like toy soldiers on issues of public policy without exposing what they are doing to the American people.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, what the gentleman is saying is, maybe some of the Members did not quite understand, what I understand what he is saying is that an amendment that previously delineated what they meant was accepted by the other side; correct?

Mr. WATT of North Carolina. That is correct.

Mr. VOLKMER. And this amendment, which really, I think, is clear to everybody, I do not think, surely, maybe there is, maybe the gentleman is a little wrong, maybe they really want to use this money, crime fighting money, for roads and highways and streets. Maybe the gentleman missed the boat. Maybe that is really the way they want to use the money. But it does not appear that that would be a proper use of it. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, if that is not so, then the only purpose of them asking for the vote and taking all the time is because, the gentleman feels, it was he that offered the amendment. In other words, perhaps if it was someone else that offered the amendment, the amendment may have been accepted.

Mr. WATT of North Carolina. Perhaps I should let the gentleman offer the next amendment.

Mr. VOLKMER. I do not think I am in any better shape than the gentleman is.

Mr. WATT of North Carolina. Well, perhaps I should select somebody else of another hue to offer the amendment.

I thank the gentleman.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sorry that the gentleman from North Carolina, who offered the amendment, felt that my opposition to it was based in some way in some personal fashion. I would point out that in the last vote, 12 of my party voted with the gentleman and 14 Members of his party voted with me against it.

I want to make two points. First of all, if we have misjudged the situation, I cannot say, but we had received ideas that amendment after amendment after amendment was going to be offered. We have seen drafts that included no purchase of rocket launchers, no purchase of farm equipment.

Now the majority party in the Committee on the Judiciary helped to pass an amendment to this bill which provided several limitations such as the gentleman from North Carolina is talking about. We said things like no purchase of limousines and no fixed wing aircraft, and so forth.

Second of all, the gentleman from Florida, the chairman of our subcommittee, accepted an amendment offered by the gentleman from New York [Mr. SCHUMER], which said no use of consultants and no use of unconventional vehicles for the police department.

The point is, our belief was these amendments were going to come endlessly, not necessarily for their individual merit, but to make the general point that there are Members here who do not approve of the block grant approach and intend to oppose this bill no matter how many amendments are accepted.

We accepted some amendments as an acknowledgment that, in fact, there have been past problems with block grants. Most of us continue to support H.R. 728 because we think the block grant is still appropriate when compared to Washington and congressional micromanagement.

My point is that nothing here was designed or intended to be personal to the gentleman from North Carolina in any way. It was just to stop what we thought was a flurry of these amendments, duplicative in spirit, if not in letter.

Second, Mr. Chairman, I have to say, with the utmost regard to the gentleman from North Carolina, I want to say that this particular amendment was a mistake. When we say that no money can be used for roads, that could be no lighting to improve security, it could mean no rerouting of traffic to prevent gang attacks and to prevent carjackings.

I was given one example by the gentleman from California [Mr. BILBRAY] of a road built to a county jail.

Mr. Chairman, I yield to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I tried to discuss this item. I crossed over the aisle and discussed it with the gentleman from North Carolina. I did have a concern and I think that that kind of communication was nothing personal on my vote. I was not in lockstep.

The fact is that we built an $800 million facility trying to fight crime in the county of San Diego, and one of the major problems we had, too, is that we had to spend over a million dollars to get from the adjoining road to the site where we could build this facility.

Now, I am sure my colleague from North Carolina did not mean to create that kind of barrier from being able to utilize these resources for different types of crime activity, but this was one that was a good example of where there would have been a legitimate facility built, legitimate expense that would have been blocked by his amendment.

□ 1900

That is why I voted, not because I was in lockstep on this side of the aisle, but because, from practical application, I saw that this could be a barrier from doing what the bill wants us to accomplish, and that is fighting crime.

Mr. SCHIFF. Mr. Chairman, I just want to say in conclusion once again that it was our belief we would be debating these amendments for the entire 10 hours of this bill, which essentially made the same point over and over again, which we think we have recognized in accepting the amendments we have offered.

More importantly, Mr. Chairman, I believe this particular amendment offered by the gentleman from North Carolina [Mr. WATT] inadvertently, I am sure, would have precluded legitimate uses of law enforcement money.

Mr. SCHUMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentleman from California [Mr. BILBRAY] has made just the point that we on this side of the aisle wish to make, which is if there was a need for a road, even if the road would be used by law enforcement personnel, there are State funds to do that, there are Federal highway funds to do that, et cetera.

The very point is, Mr. Chairman, in this large block grant concept, we could stretch the definition so far that we could do almost anything, and the money would be so dissipated that the actual bang for the buck in law enforcement would be next to nothing. Therefore, Mr. Chairman, I think the amendment of the gentleman from North Carolina [Mr. WATT] was very well advised. I do not care if there is a road going from one prison to another. If you ask the American people ''Should the money in the crime bill, whether it be a Democratic crime bill, a Republican bill, or a bipartisan crime bill, go to building roads from one place to another, no matter what the purpose?'' they would overwhelmingly say no. That is the very reason the gentleman from California [Mr. BILBRAY] makes the point that we wish to make, the gentleman from North Carolina, myself, and all of us on this side of the aisle. That is that the block grant proposition, despite good intentions, it will pave the road, so to speak, for all sorts of kinds of things that will be built with this money that no one had any idea of, that have nothing to do with real law enforcement, and it will end up being a gigantic, big barrel of pork.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WISE: At page 4, after line 19, insert

(G) ''Enhance programs under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

Mr. WISE. Mr. Chairman, we have been talking to the majority. I believe it will be acceptable. This amendment is very simple. It simply says that for purposes of the block grant, that the local governments can use the block grant for the same purposes that they presently receive Byrne funds for. The Byrne grant is authorized under a separate law. The Byrne grant begins its appropriations, or its authorized amount begins to be reduced each of the next years up until the year 2000. What this simply says is that for those programs that local governments have found useful, and there are 22 of them that are permissible under the Byrne grant, for those programs that they can use the block grant moneys for those Byrne programs.

To give some examples, in West Virginia, for instance, one of the most successful programs has been the DARE, drug abuse resistance education programs. Byrne moneys can be used there. Police officers teach the DARE Program. Another one that has been very helpful, and I think goes right to the heart of what the majority bill hopes to do, is the multijurisdictional drug task force. Once again, Byrne moneys can be used to bring, in rural areas particularly, to bring the many county and local governments together, working with the State and Federal authorities in ways that they have not been able to do today to work on drugs.

Mr. Chairman, I would ask that this be approved and that the amendment be adopted which would permit the 22 purposes of the Byrne grant, that the local governments be able to use the block grant moneys here to implement those programs.

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

Mr. WISE. I am happy to yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman's program is excellent. We support it. We already have, as Members know, the Byrne grant programs. The fact of the matter is this was never intended, our bill, to in any way keep programs that have Byrne grant program funds from receiving additional moneys out of this bill. There is total flexibility for the States to do that.

The gentleman's amendment guarantees that. I support it.

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

Mr. WISE. I am happy to yield to the gentleman from Michigan, the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, this is an excellent amendment. The gentleman is attempting to reimpose some needed structure to the completely unmanageable and formless way the block grant programs are structured, so I commend the gentleman. I think we will accept it unanimously on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The amendment was agreed to.

The CHAIRMAN. The Chair wishes to inform the membership that it is the intention of the Chair, to the best of his ability, to rotate recognition for the purpose of offering amendments between Republican and Democrat.

It was the mistaken belief of the Chair that the gentleman from West Virginia [Mr. WISE] was seeking time to strike the requisite number of words. Obviously he was seeking time of offer an amendment. Therefore, the gentleman from New Jersey [Mr. MARTINI] should have been recognized first.

AMENDMENT OFFERED BY MR. MARTINI

Mr. MARTINI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTINI: Page 8, after line 19, insert the following new subsection:

''(h) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 90 percent of the costs of a program or proposal funded under this title.

Mr. MARTINI. Mr. Chairman, I rise today as a member of the Republican Task Force on Crime to offer an amendment that I believe is essential if this House wants to make sure the Local Government Law Enforcement Block Grants Act, H.R. 728, is a credible program to fight crime.

As written, Mr. Chairman, H.R. 728 is a good bill. Block grants will combine the extra resources our communities need to combat crime with the added flexibility to use that money in ways that best suit them.

I support the bill, Mr. Chairman, and believe it brings us a long way toward our goal. However, Mr. Chairman, we can make a good bill even better, in my opinion. The localities are being given the money without having to put up any of their own funds.

With no direct financial stake in the program, I fear many local governments will not officially use the money we offer them. If the program is a waste, they lose nothing. It is a classic case of easy come, easy go.

The amendment offered by my colleague, the gentleman from Delaware [Mr. CASTLE] and I seeks to address this problem by implementing a matching provision in which local governments will be required to put up 10 percent of the grant they receive. Even this small matching amount will protect the integrity of what we are attempting to do.

Mr. Chairman, as a former local official on both the county and municipal level, I know these kinds of matching provisions bring accountability to local units of government. It is accountability that this amendment seeks to do.

The 10 percent matching provision is not as large as those contained in last year's crime bill, and the amendment does not infringe at all upon the wise latitude given the localities that is the cornerstone of H.R. 728.

Mr. Chairman, this year this House has taken many actions to preserve for our constituents and to tell our constituents that we understand their money is a scarce resource, and we can no longer afford to spend it on wasteful projects.

It is not that I begrudge the amount of money in block grants this bill proposes; rather, fighting crime is one of the most important functions of our government, and I wish we could afford to spend more in this area.

What the Martini-Castle amendment does do is force localities to be as careful with their Federal money as we have committed ourselves to be with the Federal taxpayers' dollars. Even the smallest amount of investment made by a locality will give local officials a stake in the success or failure of a program, and help assure us that our block grants are being put to good use.

I urge my colleagues to support this amendment and strengthen what is already a very good bill.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MARTINI. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, under the gentleman's amendment, any community of any size would have to come up with 10 percent of any application or grant that they receive as a result of an application, is that right? Is that the way I understand it?

Mr. MARTINI. They would have to have a 10-percent matching provision for any grant that they would be eligible for under this program.

Mr. VOLKMER. Mr. Chairman, I would ask the gentleman, is that a cash 10 percent, or is that in kind 10 percent, or what is it? What is that 10 percent.

Mr. MARTINI. It would be a matching 10-percent cash. That would be the intention of the amendment.

Mr. VOLKMER. It would be in cash, Mr. Chairman, I would ask the gentleman, not in kind?

Mr. MARTINI. Preferably in cash.

□ 1910

Mr. VOLKMER. I just wanted to clarify it so I would know.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. MARTINI. I yield to the gentleman from Delaware.

Mr. CASTLE. The answer is it is a cash match. It is not an in-kind match in any way whatsoever.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, here we are again. After hearing that we were against block grants 4 months ago on the majority side, we are now enthusiastically for block grants.

All during the hearings and markup of this bill, you were against any matches in the Committee on the Judiciary, and now out of nowhere comes an amendment printed by the chairman of the subcommittee no less but offered by the distinguished gentleman from New Jersey, a 10-percent match.

Is there any rationale that we may employ to account for where this miraculous change of opinion has come about?

You have quite a few positions on these matters that seem to be changing the more we examine this bill.

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

Mr. CONYERS. I yield to the gentleman from Florida, the subcommittee chairman.

Mr. MCCOLLUM. I thank the gentleman for yielding.

The reason why is that we believed that we need to have a match in here. It is a better accountability proceeding.

Mr. CONYERS. So did we.

Mr. MCCOLLUM. We picked a 10-percent figure because after checking with the mayors, this seemed to be the reasonable amount. That amount would require the least discomfort, and a lot of the communities that could not afford larger matches would be able to afford this. We came up with a 10-percent figure, printed it in the RECORD, so it is not a big surprise to you. The task force of the gentleman from New Jersey [Mr. MARTINI] who worked with it on our side of the aisle is the one who has offered it today.

Mr. CONYERS. After hearing all your rhetoric against matching, I am glad that we at least have a point of agreement here. I guess that means that all of the discussion and debate against matching funds in the crime bill was not as important or valid as I thought you were making it.

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

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

Mr. MCCOLLUM. There may have been some Members who argued against matching on my side of the aisle but this one was not one of them. I argued against the fact that the police grant program, there was not nearly enough money out there because it cost $60,000 a year instead of $20,000 or $25,000 to be able to put a police officer on the street. But I never argued against a match.

Mr. CONYERS. You do not recall yourself saying somewhere along the line that communities could not afford the police grants because there was a matching requirement?

Mr. MCCOLLUM. If the gentleman will yield, I have argued all along they could not afford it partly because of the 25-percent matching requirement and partly because and mainly because that the total cost of putting a new police officer on the streets instead of being the base number figured by the Department of Justice for a new police officer's salary at $20,000 or $25,000 was more like $60,000 a year to get him out on the street. Plus the end of that program was down the road 3 years from then and the local communities had to pick up 100 percent of the grant program then. That is what I argued for.

Mr. CONYERS. That is why we have measures brought to the floor. We go through the committee hearings, we go through the markup, then we come to the floor and then you say, ''Well, perhaps there is something to matches and we'll put one in.

So, look, this is a new position you have arrived at. I am happy about it. I have no objection to it. I just wanted to point out that I had not heard about it before, and it was printed in the RECORD and offered by the gentleman from New Jersey. So, so be it. I think it is an appropriate time to do it. We probably will not have any other chance to debate.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

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

Mr. HOKE. I think this reflects two things. No. 1 is the compelling quality of your own persuasiveness in bringing these things forward. Second, is the good things that happen when we have an open rule. We are actually debating, we are listening.

This is an amendment that is brought to the floor, not least of which because there has been persuasion on both sides of the aisle. We have got better legislation as a result of it. I think we ought to all celebrate.

Mr. CONYERS. Would the gentleman need more time? I am happy to hear that. As a matter of fact, I was waiting for someone to realize that these were our arguments.

Mr. HOKE. We are very grateful.

Mr. CONYERS. Under those circumstances, I think that this is an amendment that we cannot resist.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

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

Mr. CASTLE. I think the gentleman from Nebraska [Mr. BEREUTER] in a moment will speak to perhaps a different percentage, but I thought it would be interesting to discuss a little bit how we got to the 10-percent figure because we did start looking at higher numbers.

The gentleman from New Jersey [Mr. MARTINI] has worked in local government and was very helpful in terms of working all this out. What we were trying to do basically was to get a threshold number that would make the local communities realize that they are buying into something. We have all seen the complete open-ended block grants for everybody——

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(At the request of Mr. CASTLE and by unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. I continue to yield to the gentleman from Delaware.

Mr. CASTLE. We attempted to find a number in which the local communities would be involved but would not be such a high hurdle that they could not do it. And after a lot of discussions with a lot of local officials, we came out with a number of 10 percent. That is how we got to that number.

We feel it does exactly what you have talked about and we should bring the local communities into it and we get rid of the extraneous and perhaps unnecessary and unwarranted applications that might be made.

Mr. CONYERS. I am sorry you did not put my name on the amendment when you offered it. I did not realize how effective we had been.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

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

Mr. CASTLE. I am sure the gentleman from New Jersey [Mr. MARTINI] would be glad to add your name to the amendment.

Mr. CONYERS. It is too late now.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Martini-Castle amendment. I think this bill must have some method of accountability in order to ensure that the grant money is not misused. A 10-percent match requirement would at least help ensure that local governments will have a financial interest in the success of the grant. Instead of local governments considering that grant money to be in effect free money, more care will be taken to ensure that the grants are not wasted. Oftentimes I think it can be shown that the degree of local concern will increase proportionately to the amount of matching grant.

Mostly I rise today, however, to tell my colleagues that I really thought a larger grant amount was appropriate. I have an amendment prepared to the amendment for a 20-percent grant, but in an abundance of caution and with some consultation with local officials and especially my colleagues, I am going to support the 10-percent matching grant requirement, insisting, as the gentleman from Delaware said, that it is a cash match.

My experience that leads me to the conclusion that we have to have a matching grant comes from serving on the State crime commission in the late 1960's and early 1970's when we had a number of excesses with the LEAA program. One of the excesses that came about, I think, related directly to the fact that we had no sufficient matching requirement.

In the existing crime bill, last year's bill that was enacted, there are matches that require 10 percent in some instances, in some cases as high as 40 percent. We have got some difficulty in local governments apparently with some of the higher matches. I think the 10-percent match is perhaps a bit minimal, but I believe that the will of the body would support a 10-percent amendment, and I am going to ask my colleagues to support on both sides of the aisle the initiative by the gentleman from New Jersey [Mr. MARTINI] and the gentleman from Delaware [Mr. CASTLE], and I want to associate myself with their effort and with the remarks of the gentleman from Michigan in support of the matching requirement.

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

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

Mr. MCCOLLUM. I want to thank very much the gentleman from Nebraska for his comments. It was partly because of his influence on me and discussing this over some time that we decided that a matching program was absolutely essential to accountability. I want to compliment him on coming out today just as I want to make sure on your time, I compliment appropriately the gentleman from New Jersey [Mr. MARTINI] and the gentleman from Delaware [Mr. CASTLE] who have worked so well, one in local government, the other in a State capacity in the past who have seen the need for something of this nature.

We did work very, very hard to come up with a right number. Not everybody is in agreement on that number, but it is one which is acceptable to the vast majority of our cities and county government officials.

I thank the gentleman for acquiescing in the 10 percent. I appreciate his yielding. Like him, I urge the support of this amendment.

Mr. BEREUTER. I thank the gentleman for his kind remarks. I would say that I appreciate the fact that the gentleman listened to some Members

on our side of the aisle and to the comments that we had in Republican conference on the need for a matching requirement. Our colleagues have taken the initiative. I urge my colleagues to support the Martini amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MARTINI].

The amendment was agreed to.

□ 1920

AMENDMENT OFFERED BY MR. MFUME

Mr. MFUME. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MFUME:

Add at the end the following new title:

TITLE II—DRUG COURTS

SEC. 201. DRUG COURTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

''PART V—DRUG COURTS

''SEC. 2201. GRANT AUTHORITY.

''The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

''(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

''(2) the integrated administration of other sanctions and services, which shall include—

''(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(B) substance abuse treatment for each participant;

''(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

''(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

''The Attorney General shall—

''(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

''(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

''SEC. 2203. DEFINITION.

''In this part, 'violent offender' means a person who—

''(1) is charged with or convicted of an offense, during the course of which offense or conduct—

''(A) the person carried, possessed, or used a firearm or dangerous weapon;

''(B) there occurred the death of or serious bodily injury to any person; or

''(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

''(2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

''SEC. 2204. ADMINISTRATION.

''(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

''(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines necessary to carry out this part.

''(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long-term strategy and detailed implementation plan;

''(2) explain the applicant's inability to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

''(8) describe the methodology that will be used in evaluating the program.

''SEC. 2205. APPLICATIONS.

''To request funds under this part, the chief executive or chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2206. FEDERAL SHARE.

''The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

''SEC. 2207. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

''SEC. 2208. REPORT.

''A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

''SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(b), is amended by striking the matter relating to part V and inserting the following:

''PART V—DRUG COURTS

''Sec. 2201. Grant authority.
''Sec. 2202. Prohibition of participation by violent offenders.
''Sec. 2203. Definition.
''Sec. 2204. Administration.
''Sec. 2205. Applications.
''Sec. 2206. Federal share.
''Sec. 2207. Geographic distribution.
''Sec. 2208. Report.
''Sec. 2209. Technical assistance, training, and evaluation.

''PART W—TRANSITION-EFFECTIVE DATE-REPEALER

''Sec. 2301. Continuation of rules, authorities, and proceedings.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking ''and U'' and inserting ''U, and V''; and

(2) by adding at the end the following new paragraph:

''(20) There are authorized to be appropriated to carry out part V—

''(A) $100,000,000 for fiscal year 1995;
''(B) $150,000,000 for fiscal year 1996;
''(C) $150,000,000 for fiscal year 1997;
''(D) $200,000,000 for fiscal year 1998;
''(E) $200,000,000 for fiscal year 1999; and
''(F) $200,000,000 for fiscal year 2000.''.

SEC. 202. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 50001(a) and report to Congress the results of the study on or before January 1, 1997.

(b) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under subsection (a), including the identities and criminal records of program participants.

(c) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by part V of the Omnibus Crime Control and Safe Streets Act of 1968, the Comptroller General shall consider, among other things—

(1) recidivism rates of program participants;

(2) completion rates among program participants;

(3) drug use by program participants; and
(4) the costs of the program to the criminal justice system.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order on the amendment.

Mr. MFUME. Mr. Chairman, I am particularly happy the distinguished gentleman from Florida has a concern because the amendment actually grew out of a program that found its genesis in Florida, and the distinguished Members of the Florida delegation I am sure will understand after I have an opportunity to discuss it, why it is so very important.

Mr. Chairman, I rise to offer this amendment to H.R. 728, an amendment that would continue the Drug Court Program as enacted by the Violent Crime and Prevention Act of 1994. The Drug Court Program included in the list of programs targeted for elimination under H.R. 728 is an effective and valuable crime fighting tool, with the kind of proven results that Democrats, Republicans, and Independents want.

Although lumped, and I think lumped inadvertently with the prevention programs that this bill tends to eliminate, drug courts really are not a prevention program. Drugs courts would better be classified as an alternative punishment measure that has the indirect benefit of preventing crime.

Drug courts began as an innovative program by the State of Maryland. The gentlemen from Florida, Mr. MCCOLLUM, Mr. STEARNS, the other distinguished members of the Florida delegation I am sure can attest to the effectiveness of it in the State of Florida.

The State of Florida utilized a formula grant funding approach under the Byrne Memorial State and Local Law Enforcement Assistance Act to fashion what eventually became an alternative punishment and drug rehabilitation program.

The program was very successful in providing first time drug offenders with a second chance. I am not talking about the hard core drug user, I am not talking about the weekend user. I am not even talking about the recreational user of drugs. I am talking about that first time drug offender, that young boy or that young girl who experiments with taking a drug and then gets caught.

In the city of Baltimore there are currently 130 people who have been diverted to the Drug Court Program and away from what conceivably could have been a life of crime, certainly a life of drug abuse.

Of almost 200 people that have been involved in the program since its inception almost a year ago, only 10 of that 200 have dropped out. That means that out of every 20 nonviolent drug offenders who have been brought into the program in Baltimore, 19 out of that 20 has remained sober and clean, a surprisingly pleasant success rate.

The basic program includes intensive supervision of the participants by the court through drug testing and treatment and the prompt application of a graduated number of sanctions for failure to comply with the conditions of the program.

The program can be administered on a pretrial basis, it can be administered as a post-conviction program or it can be administered as both. That is up to the locale.

The Drug Court Program as we know it in various States has been so successful in reducing recidivism and providing drug offenders with an alternative to drug use that the crime bill that we have been talking about over and over again funded this as a separate entity in the 1994 act.

The cost of drug courts is about one-twentieth what it costs to put people in prison, and again let me point out that the recidivism rate is so very low that we end up cutting crime by 80 percent.

In my State of Maryland a unique consortium has been forged with representatives of the public defender's office, State's attorney's office, probation department, and treatment facilities work together to ensure adequate monitoring of treatment and supervision for the department.

Drug courts in Maryland provide drug treatment on demand and serve as an alternative to incarceration, again for first time drug offenders, thereby saving prison beds for the most violent of offenders in our society.

The program also provides job placement, it provides job counseling, it provides educational services and it even provides relapse prevention, in an effort to treat the problem and to provide intense supervision.

The drug courts programs that divert first time drug offenders from prison and then ultimately places them under strict court-enforced supervision is necessary and it is responsible. And as I said before, it is not Democratic, it is not Republican, it is not independent. It is the right thing to do and it is not something that we do not know about. The results are all over this society, and they have been shown to reduce recidivism rates and to return first time drug offenders to society as productive, law-abiding citizens.

Building more prisons does not necessarily do that. It may not be a bad idea but it does not do the same thing. So I would argue as we look at the first time drug offender that a young man or young woman or who for whatever reason experiments and gets caught, that we ought to make sure we do not do away with drug courts as we have known them and as they have worked so well.

The CHAIRMAN. Does the gentleman from Florida insist on his point of order?

Mr. MCCOLLUM. Mr. Chairman, I do not insist on my point of order. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it does appear that since the gentleman is adding back in drug courts from last year's crime bill as a separate drug courts title to this bill, and in essence undoing the repealer of the money for that in the program, that indeed this is a germane amendment. But what it does do is add $1 billion in additional drug courts money and drug courts authorization to this bill, to the $10 billion that underlies the bill, and adds it specifically to the purposes of drug courts. It goes against the grain of the very essence of what we are attempting to do in this bill even though many of us, including the people here, support the general precepts of drug courts.

What it does is to set forth a specific categorical grant program for drug courts to protect them, to make sure that indeed the monies that are set aside go to drug courts and not to anything else. Drug courts I might add again, it is additional money separate and apart from the $10 billion that underlie this bill, so the way it is crafted, as I understand it, does not from my reading of it and my staff study of it, does not affect the underlying $10 billion, it simply authorizes another billion for drug courts.

But the thrust of the principle of this still violates the concept that we on our side of the aisle want, and that is to send back to the local communities a decision on what they want to do with money that we provide them under this bill. We would like for the cities and the county commissions of each local community to make their own decision as to whether they want a drug court or not. We set up a supervisory panel and require one be set up for all the cities and counties that get money under this bill that include officers or some person representing the local courts. In addition, of course, there is a local prosecutor's representative, a local police or sheriff's department representative, a local school system representative and a local representative of a prevention program of some type in the community who presumably, and I would assume in most communities the way it works on lots of things, get together, talk over what is best for this community with the resources that they get under this bill; and then they will say, OK, look, if we have the idea for a drug court, and I know there are a lot of judges and law enforcement community members, district attorneys and so on who get together and like this idea, if we think this is good for our community, then

let us use a portion of our money to supplement or to create drug courts.

□ 1930

In some communities, drug courts are thriving right now without any Federal assistance. They got created without it. It would be nice to be able to help them. We would like to encourage them, but to suggest they work in every community is to suggest something I do not think is our duty to do, nor do I think it is the responsible thing to do.

There are plenty of places where it would work fine. There are lots of communities where it may not. I would suggest we should provide the resources here to let Spokane, WA, Sacramento, CA, Madison, WI, New Brunswick, GA, Orlando, FL, each of the communities wherever they are around the country decide for themselves if they want drug courts with this money and to use some of it to support it, not our setting it aside and saying, ''Look, here is a certain amount of money. If you want that money, come get it, because we in Washington know what is best for you as a drug court. By golly, we want to get as many of these drug courts out there as possible.''

I am not convinced every community ought to have a drug court. I am convinced they do work in a lot of communities. I would encourage them.

Our bill does do that. Our bill uses drug courts as a specific example of those kinds of things that we would list in order for local communities to look to for guidance of how they might use this money.

It is one of those that we have as sort of preferentially treated by that example, but everything in this underlying bill is including, but not limited to, so it allows local communities to decide yes or no or not at all.

And so I must oppose this amendment reluctantly, because I do like the concept of drug courts, reluctantly because I know the gentleman from Maryland has offered this with good intent, and reluctantly because I know how important it is to a lot of communities to have drug courts. But it destroys the underlying fabric and concept of the local community grant program that is in this bill, and I am opposed to it, and I do oppose this amendment and urge its defeat.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and members, this is a measure that we should compliment the gentleman from Maryland [Mr. MFUME] for bringing to the crime bill.

The record is clear on this one. A study of 4,500 drug court participants between 1989 and 1993 showed that only 11 percent slipped back into criminal activity, which is a phenomenal accomplishment compared to the 60 percent recidivism rate for those who did not participate in the program.

Drug courts, which cost only $800 a participant, compared to $25,000 for incarceration, achieved these results through a tough court-supervised program of counseling, drug testing, and daily monitoring. Those who do not comply know the alternative is incarceration, and so it is more than a prevention program. It is really almost an alternative form that is very effective, and with our prisons facing massive overcrowding that has been mentioned constantly here, these courts offer an effective alternative for steering nonviolent first-time offenders away from crime toward a productive future as contributing members of society.

This is an important provision of last year's crime bill that I think many would welcome into the 1995 version.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

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

Mr. MFUME. Mr. Chairman, I thank the gentleman for yielding to me.

Let me correct something that was said earlier by my colleague on the other side. This does not add new money. This simply takes the $10 million that was already there for drug courts which has been taken out and puts it back in.

Let me get to the heart of this particular effort. We always say in this body that we want to look at those programs that work, and we want to eliminate those that do not. Well, in the State of the gentleman from Florida [Mr. MCCOLLUM], he and the other distinguished Members of that delegation know this is where it found its genesis. It worked so well there it became a model for other States, including my State of Maryland.

You have got to remember this program is for the first-time drug offender, not the hard-core addict, not the weekend user, not the recreational user, but somebody's son or daughter who is in school, who might experiment with drugs and get caught. We put them in a program where 19 out of every 20 young people that go into it all have proven results. Recidivism rates are at an all-time low.

I dare say there is not another program that has that kind of a success record. So what we are saying here today is do we really want to, in all that we are doing, despite the partisanship on both sides, want to embrace a program that does what Democrats want, does what Republicans want, does what Americans want, independence; it creates the kind of results that make us feel proud and says to us in the process that we are able to go out and help young people before they go back and become the second-time offender, third-time offender, or the fourth-time offender and they have got a gun to your head or my head.

We are talking about somebody's son or daughter. I am not here to talk about pie in the sky. This is not an Mfume creation. This was born in Florida. The good people in Florida had the sense to embrace it and nourish it. It became so much of a national model in Maryland and elsewhere. It is working fantastically.

Might I say also that it is not mandatory. It says the Attorney General may make grants to the States, and so if a State does not want to participate, then it does not have to, but those grants go to specific things that deal with recidivism, with treatment, relapse prevention, and making sure we get young people away from drugs.

So I would just simply urge those who watch this debate and who are on the floor now to recognize that of all the things that we have come to embrace or to reject or to examine, that when it comes to drug courts, there is not another example that Democrats, Republicans, and independents can point to that has the kind of success in just the few short years that this has had.

I would urge all of my colleagues to find a way to allow themselves on this vote to go back and to restore the $10 million that was taken out for this program. This is not the kind of prevention program that the bill intends to do away with. This is not really a prevention program.

The end direct result may be prevention. This is a program intended to help young people who are first-time offenders, and I would strongly urge its adoption.

Mr. CONYERS. I thank the gentleman. His explanation has been thorough and quite convincing.

The fact of the matter is that we have permitted this in the bill, and what we are doing is putting a money amount to it.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just rise in support of the amendment and to reassert what my colleague, the gentleman from Maryland [Mr. MFUME], has said about the extraordinary success of this program.

I cannot sit here and fail to talk about something that I have had an opportunity to witness firsthand.

I know Judge Goldstein, who was the father of this program, and no later than just this week I received a letter from Judge Robert Fogan in Fort Lauderdale who presides in the drug court inviting me for the second time to speak to the graduates of the program and talking about the enormous successes that it has had.

Our colleagues on the other side of the aisle are constantly about the business of trying to figure out some way to put somebody in jail. Rightly, criminals should be.

The serious question becomes: When we do have something that does work, should we not see to it that it is maintained?

I think that this program can be replicated throughout this Nation, and pretty obviously is one that all Members of this House ought to support.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Maryland.

Mr. MFUME. Could the gentleman again talk about the phenomenal success that the program experienced in Maryland? Actually it is phenomenal wherever it occurred. It began in that State.

Mr. HASTINGS of Florida. It did begin in Florida. The judge in Miami that originated the program is still presiding in it and has had hundreds of success stories.

What is remarkable is that they show a 90-percent success rate, and then in terms of recidivism, it increases. They have situations where as much as 95 percent of the graduates do not return to a life of crime.

Now, how best then can we work to try to help people? You know something else, too, my colleagues, most of these people who talk about crime have not been in a criminal courtroom, have not had to sentence somebody, have not had to stand with somebody that was sentenced. They have this notion that comes from this air-conditioned Capitol about what happens on the street.

These judges are in the trenches in Florida, and in Maryland and elsewhere in these drug courts, and they see these youngsters. They are not the hardened criminals, but they are the people that can become the hardened criminals.

Mr. MFUME. If the gentleman will yield, let me add also that of the 200 young people in Baltimore that entered the program, 190 never went back to drug use, never. They stayed away from crime and everything.

□ 1940

So again I would appeal to Members on both sides of the aisle to understand that we are trying to help someone by preventing a set of possibilities that nobody wants in this society. This is not for hard-time drug users, this is not for junkies out on the corner, this is not for crack and cocaine users, this is not for recreational users, for the weekend user; it is for the first-time drug offender, somebody's son or daughter in your district or mine who in school experiments with a drug and gets caught.

We have to find a way to make sure that this program that is so successful—every editorial, everything you read about it reeks success—that we not do away with it in our effort to try to reform this package.

Mr. HEINEMAN. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, in deference to the gentleman from Maryland [Mr. MFUME], let the record clearly indicate that in the committee—and the gentleman from Michigan can speak to that and others in the Committee on the Judiciary—this issue was brought up at that time, and this issue was voted on at that time by the entire committee. Now, I am not one of those who has never been in a courtroom; I have been in many courtrooms in 38 years. I do have a feel for victims as well as people would have been arrested and are victims. I did offer up an amendment to the crime bill relative to drug courts, and it was at first unanimously adopted by both sides of the aisle.

Then there was an order to recommit and another vote taken, at which time it passed 20 to 15. It was not unanimous on that motion to recommit. Those folks on the other side of the aisle voted ''no'' to that motion to accept drug courts in the crime bill and those on this side of the aisle voted in the affirmative. That is how it made its way into the crime bill.

We are not insensitive. It was in inadvertently not given the standing in the crime bill that I thought it needed to have, and at that point we did pass it onto the floor.

So we are not unfamiliar with courtrooms and with this issue.

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

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

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman for refreshing the memories of the members on the committee and the Members in the House because he is absolutely correct. I am hoping that the gentleman from Maryland has persuasively convinced him now to take the next step to create not only the permissive use that was accepted on the gentleman's own amendment, which was convincingly put to the Committee on the Judiciary, but that we carve out this modest sum of money to create an authorization for the same program that the gentleman in his career of police work has so long enforced.

Mr. HEINEMAN. I thank the gentleman.

I think what we are really talking about is what separates the philosophy on both sides of the aisle, on letting that be a grant whereby it is voluntary on the parts of those folks at the local level to use it as they see fit. And the gentleman from Maryland is putting a dollar figure on it.

Mr. CONYERS. If the gentleman would yield further, we persuaded the gentleman about block grants, we persuaded him about matching funds, and now we have to convince him of the wisdom of moving in support of the drug courts from a permissive use to an authorization. It is a small step.

Mr. HEINEMAN. Reclaiming my time, I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

I would point out that the gentleman is correct. I was a member of the majority that voted to put the gentleman's language into the bill to make it perfectly clear that drug courts are an important part of this legislation, and the funding is available. In fact, any community that wants to use all of the funding made available to that community for drug courts can do so under their bill, and, in fact, we have almost $2 billion per year made available so conceivably, if drug courts are the preference of each locality in the country, all of the money could be spent on drug courts.

I think they are a fine program. Some of the localities in my district are starting them and want to have this money available. Other communities in my district do not feel they need drug courts, and I think, as a result, we should make it plain that this program does have it available, the bill does that, but it does not sequester any funds in this program for any specific program.

I think if we are going to give the localities the flexibility to handle fighting crime at the local level in the manner they see best fit, we should leave the bill as it is with the specific language allowing drug courts, but nothing more.

Mr. CONYERS. Mr. Chairman, will the gentleman yield further?

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

Mr. CONYERS. I thank the gentleman for yielding again.

Of course, the gentleman understands the difference between leaving this in a block grant where it competes against an infinite number of others; the question is whether he feels convinced of the importance of this so as to lift it out of this infinite multitude of permissible items in the block grant to give it a life of its own. It would still, I say to the gentleman from Virginia [Mr. GOODLATTE], still be optional; it would still not be mandatory to anybody. But it would be rewarding a program that works. And that to me is the important comments that were made by the gentleman from Maryland [Mr. MFUME] and the gentleman from Florida [Mr. HASTINGS] that make it so important that we pass this amendment.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I just want to indicate that in a conversation with the head of our Office of Drug Policy just a couple of days ago, it was very clear that the utilization or the usage of drugs is now increasing. So I rise to support the request of the gentleman from Maryland [Mr. MFUME], his very succinct request, very frank and honest request, that not only do we applaud the fact that we use allocated dollars for drug courts but we isolate the language in the legislation and it is specific.

I simply want to say we have a drug problem in this country, the gentleman has highlighted the problem; I think it is one that should be addressed as it relates to first-time offenders.

Mr. MFUME. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Maryland.

Mr. MFUME. I thank the gentlewoman for yielding.

Let me say directly to the distinguished gentleman from North Carolina [Mr. HEINEMAN] that I am heartened to hear his remarks. The fact that he tried in committee to do essentially the same thing is commendable, and I appreciate his courage in this effort here tonight, which was not successful and maybe because someone on my side of the aisle did not join with him.

Let me just say, though, that no one in this body has a license on purity on either side of the aisle. I would strongly say to the gentleman that I can empathize with his agony over having lost on something like that, and that is why I am so tremendously bent on trying to provide it myself.

Well, the gentleman won, but he did not make it this far. That is why we are trying to win again with it.

Let me just say one thing about block grants, which is important. If we are talking about block granting a basketball program that is one thing. That is an easy thing to do. Or block granting something else, it may be easy to do.

Drug courts are very specific. My fear is, if we do that, that what you will have is a drug court type A in this State, B in this State, and C in this. It will not be the same thing. It will not produce the same results, because there are no guidelines mandated in this instance that the Attorney General would carry out.

For instance, it says these courts shall provide mandatory periodic testing for the young person, first-time offender, for the use of controlled substances or other addictive substances, but substance abuse for each participant would be measured. There would be diversion, probation, and supervised training, and even the possibility of prosecution and confinement or incarceration, based on noncompliance with program requirements or, for that matter, failing to show satisfactory progress.

It goes on further: Programmatic, offender management, and after-care services, such as relapse prevention, would be there, that the Attorney General would issue further guidelines. You are not going to get that in block grant. What you are going to get with the States who are saying: ''Oh, drug courts, they work, let's go try one.'' That will not be the same thing.

So, since we have a program that works, and again I challenge Members of this body, anyone, to show me any program that works as well as this Nation in terms of recidivism rates, keeping them down, and success rates in helping the first-time young person who is abusing drugs. To say if you will just embrace this language, let us put back the money for drugs courts that we have taken out and do the right thing so that somebody's son or daughter whom we represent, whom they love, will not be in a position of believing that the Congress had an opportunity to act but did not.

□ 1950

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from North Carolina won. It is here establishing or supporting drug courts in law enforcement block grants. I say to the gentleman, ''What we want to do, sir, is promote you. You have done a great job. You deserve this. And what you're doing is isolating this out, putting a lot more language around it.''

Remember, this is not a raw experiment any more. It is proven. Attorney General Reno tried it in Florida. Judges tried it in Florida. In Maryland it is working. I want to get this into Michigan.

So, what we are trying to say in our own stumbling way is, ''You did great. You have done well. Please accept our promotion on this side of the aisle.''

Mr. HEINEMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from North Carolina.

Mr. HEINEMAN. Mr. Chairman, I say to the gentleman, ''Thank you. You did it as well tonight as you did it in committee; I have to say that.''

But, for the gentleman from Maryland, I believe that language that he read as it relates to the punishment and the sanctions are getting off track as it relates to the drug court sanctions within the language of the bill as it related to what came out of committee.

Ms. JACKSON-LEE. Mr. Chairman, I conclude my remarks by saying that drug usage is increasing. We need to do this in a bipartisan way and to respond to the needs of all of our States. I think effective drug courts will be part of the solution and not part of the problem.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words, and I will not use the 5 minutes in full.

Mr. Chairman, the only point that I want to make is I think we all agree here that drug courts can be very effective. In my community, the city of Cincinnati in Hamilton County, we are just getting under way with the drug court. I fully support the drug court. I supported the gentleman from North Carolina's proposal that we make, clearly in the language in this bill, the drug courts, the money can be used for drug courts; we all agree on that. Where we differ is that the gentleman from Maryland would like to put another billion dollars of tax dollars to be spent.

If we are going to actually move toward a balanced budget amendment, we have to be very careful, and for that reason I oppose an additional billion dollars.

I also think that we should not earmark for particular programs. I think the local communities know best what works in those communities.

For that reason, Mr. Chairman, I think we ought to give the flexibility to the local governments to decide how to spend those dollars, whether it is police officers, additional police officers, whether it is drug courts or whatever. Let us leave it up to the localities. I think they know better than the Federal Government does.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to be as concise as possible. The National Justice Institute, which was the subject of some of the discussion earlier, did a study a number of years ago where they sought to identify the correlation between crime, street crime, and drug use and found that in some of our Nation's largest cities that upward of 90 percent of the street crime over the course of their analysis was drug-driven. I think we all understand how the problem of drugs drives up some of the crime issues that we are trying to get at in this legislation and that there is no debate on either side of the aisle about the effectiveness of drug courts, and I would not want us to miss the opportunity.

I served on a panel appointed by our State court, along with the bar association, the defenders and others in Pennsylvania, to look at this issue and to move forward on drug court as an alternative to how we have been proceeding. Given the concern that the previous gentleman spoke about in terms of a balanced budget, if we look at the costs of prison construction, law enforcement, we can see that on the prevention side drug courts could actually save us money, and the only thing that I would hasten to add, as I conclude, is that one of the points we have to understand as a body is that on the issue of crime we do not want to have to create a circumstance in which one needs a victim in order for us to do anything, and if we work on the prevention side, we alleviate a great deal of pain, not just for the first-time drug offender, but for all of the victims of what could become a hardened drug user.

So, I would ask the house to sincerely and favorably consider the amendment offered by the gentleman from Maryland [Mr. MFUME].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. MFUME].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MFUME. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 266, not voting 8, as follows:

[Roll No 121]

AYES—160

Abercrombie	Barrett (WI)	Berman
Ackerman	Beilenson	Bishop
Barcia	Bentsen	Bonior

Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Becerra
Chapman
Crapo
Gibbons
Jefferson
Matsui
Tucker
Williams

□ 2012

Mr. PETERSON of Florida and Mr. RICHARDSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT: Page 18, after line 22, insert the following:

''(9) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this title, if—

''(i) the attorney general of a State certifies that a unit of local government under the jurisdiction of the State bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government, and

(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 200 percent of the amount allocated to the unit of local government certified pursuant to clause (i), or

''(II) more than one such specified geographically constituent unit of local government (excluding units of local government referred to subclause I and in paragraph (7)), exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i) and the attorney general of the State determines that such allocation is likely to threaten the efficient administration of justice,

then in order to qualify for payment under this title, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Director a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term ''geographically constituent unit of local government'' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

Mr. CHABOT. Mr. Chairman, in the spirit of bipartisanship and cooperation, this amendment is also offered by the gentlewoman from California [Ms. LOFGREN], who will also address the House.

Mr. Chairman, this amendment addresses a concern raised in our Committee on the Judiciary markup, and I have been working with the gentlewoman from California [Ms. LOFGREN]. Many counties are responsible for administering the criminal justice system for all the other jurisdictions within their territory. They bear the costs of pretrial detention. They provide the county jails. They pay the prosecutors and the public defenders. And they are responsible for maintaining the courts and paying for the judges.

Clearly, arrests made by jurisdictions within these counties have significant implications for county budgets. What this amendment does, Mr. Chairman, is say that where the attorney general of a State, in his discretion, sees fit to certify that a county bears the bulk of prosecution or incarceration costs associated with violent crimes committed in a city within that county, and where the formula in this bill, nonetheless, allocates to one city government at least twice as much of the grant money, then the city and the county have to get together and agree on the ways that their combined grant money should be spent.

The same situation would obtain where a number of cities within a county added together would be eligible for a total grant amount exceeding 400 percent of what the county would get. If the state attorney general determines that such a situation threatens the efficient administration of justice, then the cities and the counties would be required to work together.

We do not change the allocation formula at all. But we do require that cities and counties work together when the allocation formula creates a real anomaly, which has occurred in a number of instances.

These allocation anomalies can arise, Mr. Chairman, because while the bill

quite properly allocates money largely on the basis of part 1 violent crimes occurring within the different jurisdictions, some regions of the country report at the county level crimes that in other regions are reported at the city level.

Thus, in some states, such as in Florida, the allocations between counties and cities appear roughly proportionate. Whereas in other states, such as my State, Ohio, there are some significant disparities between the jurisdictions that make the arrests and the jurisdictions that administer the justice after the arrests are made.

Where such disparities occur, the common sense solution is that the affected cities and counties work together to ensure that proper coordination occurs.

This amendment provides that cities and counties in this situation will apply jointly for the sums of money allocated them under the bill. And to that end, the amendment permits them to establish a joint local advisory board in satisfaction of the requirements of the bill.

In keeping with the guiding principle of this legislation, we do not tell these localities how they must coordinate their efforts. We leave them to do that, and each affected area may establish such mechanisms and policies as their local officials see.

Again, Mr. Chairman, this amendment leaves the bill's allocation formula in place and does not affect the amount of grant monies that will go to any given state. It only applies to require county-city coordination when, first, the county pays the majority of the costs associated with prosecution or incarceration, and, second, the city, on the basis of these crimes, is allocated at least 200 percent of the amount allocated to the county or a group of cities allocates 400 percent of what their county allocates.

I understand that this amendment has support of the chairman of the subcommittee, who along with the chairman of the subcommittee has done such an outstanding job working, quite frankly, night and day to get this legislation passed, to allow us to consider the criminal law reforms we have taken up over the last week.

I urge its adoption, and I understand at this point that it does have bipartisan support, that both the leadership on our side of the aisle and also the leadership on the other side of the aisle is in agreement.

□ 2020

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief. I have made no secret that I have philosophical problems with this bill overall. I did not agree with taking the $2.5 billion out of the local grant program and putting it in prisons. I think we ought to do a minimum setaside for prevention programs. Those are philosophical disputes that I have.

Nevertheless, to the extent that this bill passes, I think it is very important that this be a workable bill. I very much enjoyed working with the gentleman from Ohio [Mr. CHABOT] to make sure this does work well.

The issue that is really pertinent is when a city or cities gets a very large amount of money and the county gets comparatively less, the administration of justice will be defeated. We all know that it is important to arrest people who have committed crimes and who threaten our neighborhoods, but if the funds are not available to prosecute those individuals and to move forward in the process, ultimately the act of arresting somebody is not good enough.

We need to make sure that the entire system works, from arrest to prosecution to local incarceration, and ultimately, to prison, if that is the end result of the prosecution and conviction.

Therefore, Mr. Chairman, this remedy outlined by the gentleman from Ohio [Mr. CHABOT] and myself I believe will resolve this issue. I do not think it is controversial. It has been devised on a bipartisan basis, and I would recommend it to my colleagues on both sides of the aisle.

The CHAIRMAN. The Chair has been advised that the pending amendment was not printed in the RECORD.

Without objection, the amendment offered by the gentleman from Ohio [Mr. CHABOT] is considered as having been read.

There was no objection.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the more I briefly examine this amendment, the more difficulty I have with it, because it is not clear. Even though we like cities and counties to work together, I began thinking about how in the real world this is going to happen, I mean by us putting an amendment of this kind in.

It seems to me that in areas where a city has a large allocation of funds coming by virtue of the fact that there is activity that requires more funding under this bill, and the county has less, forcing the city and county together is going to operate to the detriment of the city.

It may be, I would say to the gentlewoman from California [Ms. LOFGREN], who herself is a former county official, better to let them work these differences out themselves, because it is not clear what we are ordering them to do in the amendment.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio, to give us a little more detail about the language contained.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, Mr. Chairman, let me preface my remarks by saying that I spent half of my political career prior to being here in Congress as a city official, being a Cincinnati city councilman. I spent the other half being a county commissioner, so I have seen both sides.

What we have done in this bill, working with the gentleman's colleague, the gentlewoman from California [Ms. LOFGREN], is to come up with a formula here which sets out what we felt was a fair and equitable way for the parties to come up with a reasonable solution.

We are not dictating to those jurisdictions what the exact formula should be. We are saying they should get together and work it out among themselves, if they come up with a situation where there is really an anomaly.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, I would say to the gentleman, are they not going to work it out anyway? I mean, if the gentleman is not giving them any specific direction, if this is just a hortatory couple of paragraphs, no problem.

If there is nothing specific driving them into an agreement, Mr. Chairman, then I feel less reluctant about it.

However, Mr. Chairman, what is it we are doing? Are we inviting them to cooperate?

Mr. CHABOT. If the gentleman will continue to yield, Mr. Chairman, the thing that will drive them to cooperate is they would not get the money if they did not cooperate, so they would be receiving Federal dollars here for law enforcement that would benefit both the city and the county.

It would be up to the city and the county to work together to come up with an agreement, because otherwise, Mr. Chairman, neither would get the money, so it is definitely to their advantage to come up with an agreement. We do not want to dictate exactly what that agreement needs to be, but it is in both of their interests.

Mr. CONYERS. Mr. Chairman, I would ask the gentleman, which entity would not get the money if they did not agree? Would they not all be eligible for a certain amount of money anyway?

Mr. CHABOT. If the gentleman will continue to yield, neither.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Very briefly, although in a sense this is analogous to the plan in last year's bill that provides for a comprehensive plan as a condition precedent to receive the funds, but only in the limited circumstance where a city gets a disproportionate amount of money compared to a county, the intent is for those two entities to work it out as they would have in last year's crime bill, in a comprehensive plan, to make sure that the system works. I will give the gentleman an example.

Mr. Chairman, I understand that under this formula, Chicago would get in the neighborhood of $60 million, and Cook County would get $700,000. Cook

County is not going to be able to prosecute all the people that Chicago arrests unless they get together and figure out what they are going to do as a unit, so that is in the city's interest, it is in the county's interest, it is in the citizens' interests, and I think the precedent was really set last year.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

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

Mr. VOLKMER. I was listening to this and I was curious about what the gentleman just said, Mr. Chairman. If we have a county in which we have a major city that is predominant in the county, and what this amendment, the way I am understanding this, listening to it, is, if that city is not able to persuade the county to work with them and make an application, nobody gets any money.

What it means to me, Mr. Chairman, is that the county can say ''OK, we want half the money. we get half, or we are not going to get any.'' Now wait a minute, Mr. Chairman. Is that really what the members want to do?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Mr. Chairman, I continue to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, at first when I heard that everybody was in harmony about this amendment and everything, I was not paying much attention, but as I listened and listened I got more concerned about it all along.

That concerns me, to where I know not every city and county government get along; that not every city within a county and that county government get along. It is not like everybody is really happy with what is going on.

As a result of this, Mr. Chairman, what I am afraid may happen is that we are going to find local jurisdictions fighting with each other as to how much money they are going to get out of the total application.

To be honest with the Members, I will tell the gentleman, the chairman of the committee, I really do not care about this amendment, and I do not care about the bill, anyway. But I am afraid if it did become law that it is really going to bring strife out there more than anything else. I have serious concerns, also.

I would just say this, Mr. Chairman. What we are doing here is putting the political subdivision that has a large area, a large population and small eligibility into the driver's seat in terms of an accord being worked out at the peril of municipality not receiving anything. That, I think, would be a position we would not want to write into the bill, because it would put every city, particularly every major city, at a horrendous disadvantage.

Mr. Chairman, if we did not have the provision in, I think that agreement would have to come about anyway, but it might come about on parts where the county would not be involved.

□ 2030

After all, we have been working on crime grants, block grants, direct grants all along and we have been doing it without the sense that is implied in this particular amendment.

What I am saying is that at best I would like my two friends to withdraw this amendment, so that overnight we can give it a little bit more support, or else I would probably have to oppose it at this point.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak very much in support of this essential amendment. There is an anomaly where you have a high crime rate city that is within the confines of a county and a shared responsibility for the administration of justice. Cook County is a perfect example, where the city of Chicago under the formula in the bill gets some $30 million, as I understand it, and that is because the crime rate in Chicago is high. However, the housing of the prisoners, the prosecution of the prisoners and all that administration costs belongs to Cook County. So Cook County gets $200,000 and the city of Chicago gets $30 million. Now, justice is served if both Cook County, and I might add the administration of Cook County and the administration of Chicago are very friendly, if both the county and the city apply together and the State attorney general determines that this anomaly exists so there is that protection, then the money is more evenly distributed and appropriately distributed as agreed to between the parties.

So this recognizes an anomaly. It is an effort to establish some equity and balance. This situation in Chicago and Cook County obtains in many other places around the country. Frankly, it just makes a more equitable, fair distribution of these essential funds.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, the gentleman very articulately spelled out the reasons why this amendment is important.

To use another example, in my community, the city of Cincinnati, when the city police officers make arrests, the criminals are basically then turned over to the county. The county prosecutes them, there are county judges and they are incarcerated at county expenses. So what we want to occur is some fairness and reasonableness, and for the city and the county to work together, and I think they will. I think the counties and the cities all across this country are very reasonable and will do that.

Mr. HYDE. The State attorney general makes that determination of this anomalous situation.

Mr. CHABOT. The gentleman is correct.

Mr. HYDE. This is an important amendment, it is not really that controversial, and I hope we will all support it.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California and the gentleman from Ohio. Both of these Members of the House are members of the Committee on the Judiciary and brought up at the earliest possible moment the fact that defining any formula for allocation of grants can be difficult, and in particular, the bill selects the part 1 violent crimes as determined by the FBI as the method to makes grants to various localities.

Using part 1 violent crimes, again as defined by the FBI, is probably the best overall way that anyone can come up with for such an allocation, but it is by no means perfect, and it may omit certain kinds of situations, in particular the one that is being addressed in this amendment right now where the higher number of crimes are in one jurisdiction and, therefore, the criminal activity is there and presumably the police department or sheriff's department is most active there, but another unit of government has responsibilities for those criminal cases generated by arrests that might occur, either housing in a county jail before trial or prosecuting the cases.

I think that while no formula is perfect, the amendment being offered here jointly is a very good attempt to solve a portion of the problem that exists in using part 1 as the system for awarding grants.

Ms. LOFGREN. Mr. Chairman, will gentleman yield?

Mr. SCHIFF. I yield to the gentlewoman from California.

Ms. LOFGREN. Just briefly, frankly I would have preferred that in every case localities would have to get together and put together a comprehensive plan in order to get any money. But that is not what this amendment does. It is a very narrow amendment that I actually wish would go further, that basically says when the city gets more than 200 percent of what the county has, you are going to have a problem. If those cities utilize that for police, the administration of justice will be impaired. In the case of smaller cities, it would be 400 percent. So I think this is targeted to a problem.

Perhaps it is not the perfect solution, but it is the solution we were able to come up with. It is only when the counties bear the cost of prosecution and incarceration. So I still think it resolves a problem that will be created by the bill absent this or something like this, because in the end both the cities, the counties and the citizens

want the bad guys to be arrested and then prosecuted, and unless we have something like this, the prosecution then may suffer.

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

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

Mr. CONYERS. Mr. Chairman, I think we have had a sufficient discussion on the issue. I wanted to flag this problem. I am going to see if it is tracked in the old crime bill. I want to make it clear that this may come back up in conference. I withdraw any of my own personal feelings about it, but let me remind you, relations are not as harmonious as they are reported to be in Cook County and Chicago between the city and the county. I am delighted to hear how well the local governments work together. Unfortunately, I know better across the Nation that there are a lot of places where that is not the case. Also remember, please, that Chicago is not getting the money because they are Chicago. They are getting the money because that is where the crime is. That is where the problem is. The county does have to lock them up and have some prosecutorial responsibility, but Chicago is getting the bulk of the money because the way we have derived the formulas, they are entitled to it.

So I want everyone to know that, stay tuned on this. I will withdraw my reluctance about this amendment, because we have one more we would like to get through tonight before we conclude.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 4, after line 19, insert the following:

''(G) Establishing the programs described in the following subtitles of title III of the Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

''(i) Ounce of Prevention Council under subtitle A.

''(ii) Local Crime Prevention Block Grant Program under subtitle B.

''(iii) Model Intensive Grant Program under subtitle C.

''(iv) Family and Community Endeavor Schools Grant Program under subtitle D.

''(v) Assistance for Delinquent and At-Risk Youth under subtitle G.

''(vi) Police Retirement under subtitle H.

''(vii) Local Partnership Act under subtitle J which made amendments to chapter 67 to title 31, United States Code.

''(viii) National Community Economic Partnership under subtitle K.

''(ix) Urban Recreation and At-Risk Youth subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

''(x) Community-Based Justice Grants under subtitle Q.

''(xi) Family Unity Demonstration Project under subtitle S.

''(xii) Gang Resistance and Education Training under subtitle X''.

Page 9, after line 8, insert the following (and redesignate any subsequent subsections accordingly):

''(c) SET-ASIDE FOR PREVENTION.—Of the amounts authorized to be appropriated under subsection (a), the Attorney General shall allocate $1,000,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (G) of section 101(a)(2).

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I reserve a point of order for one moment to just read the amendment since it was not printed and we were just handed a copy.

The CHAIRMAN. The gentleman reserves a point of order.

□ 2040

Mr. CONYERS. Mr. Chairman, because of the lateness of the hour, I ask unanimous consent that each side be given 15 minutes on this amendment, for and against.

The CHAIRMAN. On this amendment and any amendments to this amendment?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SCHIFF. Mr. Chairman, reserving the right to object, would the gentleman consider 10 and 10, as it is 20 minutes to 9 at the present time?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, this amendment is pretty large.

Mr. SCHIFF. Mr. Chairman, I do not object to the gentleman from Michigan's request to 15 and 15.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes in support of his amendment, and the gentleman from New Mexico [Mr. SCHIFF] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

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

Mr. Chairman, this amendment merely sets aside $5 billion in a separate block grant for the prevention programs formerly authorized in the 1949 crime bill but does not specify funding levels for each program. Local governments can choose which program is best for them.

Only 20 percent of last year's crime bill, that is $6 billion of the $30 billion total went for prevention programs. But the new majority cut $2½ billion here in favor of more prisons.

So what we are doing is creating a prevention program worth $5 billion in a separate block grant restoring each and every one of those that were struck in the 1994 crime bill.

This is a more cost effective approach because the prevention programs are essential to dealing with crime on the front end of the problem, nourishing the health growth of communities, and study after study shows that this dose of prevention will now avoid the most costly police courts and prisons that later come on.

Let us look at the data of just a few of them. The drug treatment program: A July 1994 study of the cost of treating 150,000 participants in drug treatment programs in California found benefits in a ratio of $7 in benefits for every $1 spent. Criminal activity declined by two-thirds, alcohol and drug use by two-fifths and health care costs by one-third. Recreational programs in Phoenix, AZ, crime was cut in half by keeping recreation centers open until 2 a.m. In Fort Myers, FL, juvenile arrests dropped 28 percent when the city built a new recreational center in a low-income area.

The costs of these programs is often as low as an amazing 60 cents per participant. President Bush selected one of the programs, midnight basketball in College Park, MD for one of the 1,000 Points of Light Program.

Gang intervention programs in Spokane, WA helped steer juveniles away from gangs while offering constructive alternatives.

The list goes on and on, but we want to eliminate once and for all the simplistic notion that all prevention programs are wasteful. We repeal them in favor of a no-strings block grant that we think will effectively reach some accommodation between the 1994 crime bill and the 1995 proposal that is before us in this bill.

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

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Does the gentleman from New Mexico withdraw his reservation on the point of order?

Mr. SCHIFF. I do withdraw my reservation, Mr. Chairman.

The CHAIRMAN. The reservation of the point of order is withdrawn.

Mr. SCHIFF. Mr. Chairman, I rise in opposition to this amendment by the gentleman from Michigan, and the reason is not the sincerity of the gentleman from Michigan wishing to promote the fight against crime as he best sees it, but because I believe this amendment goes against the very nature of the purpose of H.R. 728.

It seems to me, Mr. Chairman, with the utmost respect, that those who do not agree with the philosophy of those of us who are advancing H.R. 728

should, when the time comes, simply vote against it, but not to change H.R. 728 in a way that changes its fundamental approach.

I believe that the gentleman's amendment makes those changes in two separate ways. The first change is the gentleman's amendment does more than simply reserve funds specifically for prevention programs as a general concept. The gentleman's amendment preserves certain programs that are found in the crime bill that passed in 1994, as I read his amendment word for word, as they appear in the crime bill of 1994.

One of the problems with that crime bill is after many programs there is page after page after page of restrictions and conditions, not simply illustrations but actually Washington dictating how the programs have to function.

This was somewhat lessened as we considered the crime bill twice last year, but I believe it is still present, and the idea of copying in H.R. 728 with all of the restrictive language and then micromanagement from the Congress and Justice Department is against the very grain of H.R. 728.

Second of all, Mr. Chairman, I have to acknowledge that even if that problem were not there, even if this were an amendment that simply said let us set aside a certain amount of funds for prevention programs and did not otherwise specify the prevention programs, and that is not what this amendment says, but even if it did, I would oppose it because, again, the philosophy we are advancing in H.R. 728 is to let communities decide what they need best for their communities.

It may well be that some communities feel the need to use all of their funds or almost all of their funds for more police officers, and that is fine with us. It may be that some communities decide that they must use all of their funds or almost all of their funds for prevention programs. That is also fine with us. And we believe that setting aside amounts for certain purposes that take away that flexibility from local governments is contrary, even without the other specifications, by copying word for word prevention from the crime bill into this amendment is a mistake and, therefore, I oppose the amendment.

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

Mr. CONYERS. Mr. Chairman I yield myself 30 seconds.

Mr. Chairman, No. 1, these programs are all grant programs that are utterly voluntary. Nobody has to choose them. They are not mandated into them. They are optional programs. They are programs that, incidentally, the Congress, including the Senate, the other body, agreed to in last year's law. So these are not new programs, and that is why if they sound familiar to the gentleman, they are.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan not only for yielding me the time but also for his leadership on this important prevention issue.

Let me say, ladies and gentlemen, that I feel that we do have to have a broad and comprehensive approach to this bill. We need tough punishment, and I supported more funding for prisons, and we need more cops on the beat, and we may have an amendment tomorrow on that.

But we also need prevention funds because we do not want to be in a situation in our society where we incarcerate and incarcerate and incarcerate, as we sadly must, when there are violent criminals and there is no hope.

If Members believe there is no hope at all, or if they believe Government should play no role in bringing hope so that young men and young women who are 12 and 13 and 14 are inevitably going to be criminals, then vote against this amendment.

But I do not think most people believe that. I think most people believe, yes, there are a few who are so damaged that they will become criminals no matter what we do. But there are many who have not been given the opportunities and the parenting and everything else, who, if a reaching hand could come out through a mentoring program or through a drug treatment program or through even a place where they get to congregate and play in a constructive way, that many might be turned.

□ 2050

The cost of these programs per individual is a heck of a lot cheaper than incarcerating them. Now, that should not be an excuse that we should not incarcerate. We must.

But there is no reason why we should not do both, and I would say to my colleagues I have seen program after program that works.

Drug courts take tens of thousands of young men and get them off the life of drugs before they become hardened criminals, mentoring programs where an adult, the only adult in these young people's lives, oftentimes spends an hour a day with an individual and sets him or her straight, sets the person straight.

In Roosevelt, LI, they have a program where every junior high school and high school student, and it is a very poor area, spends 1 hour a day with an adult, and the dropout rate plunged. The criminal rate plunged.

I would say to my colleagues there are prevention programs that work, that we have seen them, tested time and time again.

One of the lowest points in my public life was when every program was brandished as pork because it did not go to the right people or the right district or sounded the right way. This is not an issue of not punishing. This is not an either-or situation. This is for many people in this country and for many communities and many neighborhoods the only hope that there is. We should not turn away from it.

And so I would urge my colleagues in all sincerity to look at this provision and to try and pass it. Every program in this bill has model after model that has worked and saved the lives of the young.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I think that this vote on this amendment is the most important vote that we have faced this year.

You know, I have two small children. They go to a little inner-city elementary school, and none of the reasons why I ran for Congress was to make a difference in what they are facing and what their classmates are facing.

A watershed moment for me was a year ago October when I took my third-grader to school and they had found a dead body across the street, and the perpetrator was still loose, and I knew that if we did not do something different in this country that my children would not be safe and the other children would not be safe.

I knew something then, and I know it today, that part of the answer is prevention. As my mother used to tell me, and as our mothers told us all, an ounce of prevention is worth a pound of cure. We know that there is a Federal interest in safety or else we would not be doing this crime bill at all, and I think it is important that prevention of crime be part of this package throughout the country.

You know, when children get off on the wrong track early, we know they are going to get in trouble. We know they are going to cause pain to victims and their families, and we know that there is something, sometimes very little things, that we can do with children when they are 5 or 6 or 7 so that they will get on the right track. Those are the investments to make.

I believe that every locality needs to make them. I am a firm believer in local government and, in fact, I am not offended by much of the block grant nature of this bill and said so during the Committee on the Judiciary hearings. Nevertheless, I think we ought to let localities know who are going to participate in this Federal program that some section of that must be used for prevention. Let them use their own creativity. Let them meet local needs. But we need to prevent crime, because a child who is going to become a monster in Nebraska today could be in San Jose, CA, tomorrow, threatening my children.

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I agree with the need for crime prevention programs. I have to say that, as a career criminal prosecutor and also a defense attorney for

2 years, I have found it hard to identify specifically what does prevent crime.

During one period of my career I was a specialist in the prosecuting of what we call white-collar crimes, frauds, embezzlements, and so forth. I prosecuted individual after individual who dressed well, spoke well, was well educated, had a job, had a good income, but was greedy for more. As a result, they defrauded the public, they embezzled from their employer, they committed all kinds of crimes, not necessarily as crude as robbing a convenience store at gunpoint, but the intent to steal was just as glaring.

The problem is this amendment does not allow, in the words of the gentlewoman from Virginia, the ingenuity of local government. We tell them in this amendment what programs they have to have at the local level and the nature of crime prevention; that is one of the serious things wrong with this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE], a member of the committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, because it will defeat the purpose of this legislation, which is to create the kind of flexibility for State and local governments to fight crime that this legislation is all about, and I would say to the proponents of the amendment that, quite frankly, we right now have in this bill $2 billion a year, all of which can be used for prevention programs.

The bill itself specifically specifies, and I will read it, establishing crime prevention programs that may, though not exclusively, involve law enforcement officials that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime, establishing or supporting drug courts, establishing early intervention and prevention programs for juveniles, to reduce or eliminate crime.

There are, in point of fact, hundreds of crime prevention programs all across this country that will effectively fight crime. The problem with this amendment is it only recognizes 10 of them and hands them over to the States and localities with all manner of strings attached to those programs with very specific guidelines that might be just fine in New York City but might not apply at all in Highland County, VA, in my district which has 2,500 people.

There is not a single community in my district with more than 100,000 people in it, and the way crime must be fought in different jurisdictions varies from jurisdiction to jurisdiction. That is also why we have taken the money from the Cops on the Beat Program and put it into this same block grant, because the fact of the matter is not every community wants to or can qualify for the funding for the Cops on the Beat Program.

The President says we are going to get 100,000 new cops on the beat. If you divide that by 435 congressional districts, that comes to 230 per district. My district has received 15 new police officers in 8 of the 20 jurisdictions. Sixty percent of the jurisdictions in my district have either not applied for or not received funding under that program, and I have been talking to police chiefs and others in those communities and found out why. Some of them do not want to get dependent upon the Federal Government for a police officer and then have the funding end. Some of them do not feel a need for a police officer, but may feel a need for a crime prevention program, may feel a need for a drug court, may feel a need to have some form of equipment made available in fighting crime, computers or patrol cars or other things that can be made available to them.

All of these things should be left to the localities. Flexibility is needed. When we tie their hands with specific programs that are not needed in specific communities, we are doing absolutely nothing to fight crime in those communities, and this will tie the hands of those communities and, therefore, I urge the rejection of this amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I want to reassure the gentleman from Virginia that localities will have the opportunity, if that is his major gripe about this, to use the funds the way they want, because it includes the Local Partnership Act, so that that provision is included.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wonder, how much is too much for our children? When we begin to look at what occurred with LEAA block grants, where there was no direction, we look at the purchase of $140,000 aircraft , we look at $27,000 to do some Xeroxing, we look at $265,000 to give us a 2-page report, and then we look at $200,000 to buy some land.

□ 2100

I wonder how much is too much for our children. All we are simply asking is to recognize that we have the responsibility to focus our local jurisdictions, not direct or restrict, but to focus them on the value and needs of prevention.

I would simply say to you, coming from local government, they welcome this. The cities, by and large, en masse, supported the 1994 bill that included the provisions for prevention. They want it. They know what happens in our inner-city housing developments, what happens in our communities. What is too much for our children?

I ask for bipartisan support of the Conyers-Schumer amendment.

We need to have prevention programs.

Mr. SCHIFF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment before us tonight does not give the flexibility that H.R. 728 will do. H.R. 728, without this amendment, will in fact give each community the right to establish law enforcement block grants, the right to have such programs as community policing, which has worked so well in Pennsylvania, where the police are tied in closely with community leaders and each person on each block. Our town watch programs, where each community works with either walking patrols or walking operations where they keep in touch with law enforcement officials. Or drug courts, which specialize in prosecutions that deal with violent crime and those that are drug-oriented. Or crimes against the elderly and the programs that work with our senior citizen organizations. Or even the child-lure program, the ones that prevent the exploitation and abduction of children in our communities.

All the law enforcement officers that I have spoken to in Pennsylvania feel that the block grant approach will give us the kind of flexibility that we need to truly fight the war against crime.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, before I got elected to Congress, I was the first assistant district attorney in Middlesex county. We had 13,000 criminal cases a year. Fighting crime is serious business. It requires a two pronged approach: One is priority prosecution to remove those individuals, the worst offenders, from society and put them away for as long as you can get them away. The challenge we face in law enforcement is what are we going to do with the majority of the people who remain?

There are countless examples from all over the country of priority prosecution programs. When they mix prevention programs and get police officers involved with thee school and open up schools for kids to provide prevention programs, it works.

It is working in the city of Lowell, where crime prevention programs have resulted in dramatically lowering gang violence in that city. Crime prevention programs have worked in Summerville, MA, dramatically decreasing the rates of crime.

Fighting crime is not a political issue, it should not be partisan. It

should not be Republican versus Democrat. Let us keep what we passed 4 months ago. It was the best crime initiative that ever came from this Congress. And now we are getting involved in partisan politics.

It works. Let us keep it.

Mr. SCHIFF. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to say that the Local Partnership Act, which will be continued under the amendment of the gentleman from Michigan [Mr. CONYERS], is, as we see it, one of the problems in the crime bill of 1994. The Local Partnership Act runs for 24 pages, and this is pages in the crime bill that are typed in very, very small print, as to what localities have to do to qualify for the money. That is exactly the reason why we are presenting H.R. 728 in the first place.

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

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to advise the gentleman that the Local Partnership Act was the single most popular program by the cities that was in the crime bill of 1994, and that this is the flexibility that the gentleman from Virginia did not know was there, that would allow people to make these choices.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. I thank the gentleman for yielding this time to me.

Mr. Chairman, our goal is to reduce crime. Studies show the effective way to do this is through crime prevention programs, education, recreation, job training programs, all of which have been studied, have been shown to reduce crime 10, 20, as much as 80 percent.

Not only have fewer victims, but you also save money. We have heard of the drug courts, one-twentieth of the cost, 80 percent reduction in crime.

If your goal is to reduce crime, Mr. Chairman, properly designed prevention programs work. Without the Conyers amendment, it is going to be business-as-usual; no prevention, wait for the crimes to occur, and then deal with the consequences. It is simply a matter of pay now or pay a lot more later.

Prevent crime. It works. Support the Conyers amendment.

Mr. SCHIFF. Mr. Chairman, I yield 2 minutes to the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I think the bottom line of all of this is simple and straightforward; that is that many of us on this side of the aisle simply do not agree with that side on the idea that we know best about how to do prevention programs around the country. There are thousands of options. The gentleman from Michigan is once again reiterating a laundry list of those things he thinks are best, including this Partnership Act, that, as far as I can determine, is based upon the highest tax-rate cities in the country, not the highest crime-rate cities. I find this approach to be abhorrent. I think it is the wrong kind of approach. I know he means well by it. What we need is maximum flexibility to let every community participate and determine whether they want one program or the other. There are hundreds of cities around this country that might differ with the gentleman on how they would spend the money. They might not want to spend it on one of these particular programs that the gentleman has offered about a billion dollars a year. Hannibal, MO, might not like what Paducah, KY, wants to have. Certainly they are not going to agree with San Francisco or Detroit or some of our larger cities.

This is the reason why last year's crime bill is so wrong and why this year's crime bill on local block grants for the communities of our country that decide for themselves on whether to spend it on cops or prevention is so right.

So I urge, with all due respect to the gentleman, a ''no'' vote on this amendment and to keep the bill as it is.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, in the Committee on the Judiciary today members of the majority, who are talking now about the absolute wisdom of the States, were talking about a piece of legislation dealing with product liability which would take away from the State powers that they have had since the Union was created. I have never seen a sharper degree of inconsistency than we get from the other side on the question of State versus Federal.

Last week they were for Federal dictation on prisons. This week they are for States' rights here, but they are for Federal dictation when business is involved with product liability changes.

There is one thread of consistency: They are frustrated that last year we were able to get together on a good crime bill. If we were in fact starting from scratch, this might be a better argument to have. We are well along in the process of getting the money out and getting the people to work under last year's crime bill.

This is a disruption, for partisan purposes, of a program that has begun to work because the people who want to argue that Government can never work hate nothing more than the sight of government working well.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this legislation and want to voice my concern with the argument that somehow we are allowing flexibility. We took away flexibility, in my judgment, when we said we know what is best for States: They have to have prisons, but they cannot have more money for cops on the beat and what I think are prevention programs.

If we want flexibility, if we on our side are saying we are going to let everyone decide, then why did we not put the prison money in with prevention and enforcement?

My problem is I think this is a direct assault on the prevention programs. Maybe I am one of the few Members on this side of the aisle who represents an urban area, where in my areas police chiefs in Stamford, Norwalk, and Bridgeport put more weight on prevention than they do on cops on the beat.

Candidly, I have seen cops on the beat go to some of my wealthiest suburban communities that do not need them. We need programs that will help young people not go through a life of crime. In Fairfield, CT, which I represent, the people now have so many programs after school and during school and on weekends, they do not have a hard time not doing something, their challenge is what don't they do.

In Bridgeport, CT, when school is out, they are left on their own, in most cases in a latchkey environment with no parent, no adult supervision. We have an after-school program, we have weekend school programs. These kids are hungry for preventive programs. I do not buy for a minute that we are saying we want flexibility. If we wanted flexibility, we would have put prison money in this package.

□ 2110

Instead we took money out of the police, out of enforcement, out of prevention, and gave it to prisons. My State does not need to build more prisons. It needs to decide who better should be in the prisons.

I support this amendment. I urge its passage. I say to my colleagues, If you represented an urban area, you would know prevention programs are more important than anything else we could do.

Mr. SCHIFF. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has no time remaining. The gentleman from New Mexico [Mr. SCHIFF] has 5 minutes remaining.

Mr. SCHIFF. Mr. Chairman, I yield myself 2 minutes to close.

Mr. Chairman, I want to respond first to the gentleman from Connecticut [Mr. SHAYS], my friend, on the view that having a prison funding grant is inconsistent with supporting flexibility. The argument was also made by the gentleman from Massachusetts. The fact of the matter is that might be true if no State used prisons, but every State, unfortunately as it may be, has found the need to have prisons. What we did in the bill that offered grants for prisons is to simply recognize that those States that increase the amount of time to be served by violent criminals would incur automatically greater

costs for that, and, since money is not unlimited, we thought the best use of prison funds was to help those States which are incurring the greater costs through their determination to protect their citizens.

More importantly, Mr. Chairman, on the subject of prevention we agree that there ought to be prevention programs. We agree that there ought to be police. Our bill gives the maximum flexibility to communities to decide what they need best. The gentleman from Connecticut said that some communities in this State did not need more police. Some others might decide they do not need more police. We leave it to them, and if in fact we are going to block off any amounts of money, which I do not support, we should not do it by word-for-word simply incorporating the bureaucratic programs that are found in the crime bill of last year, in which Washington dictates step-by-step and page-by-page: ''Here are your prevention programs, you must use these programs, and here is how you're going to do it.''

Mr. Chairman, I urge a no vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

Mr. FILNER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. CONYERS and Mr. SCHUMER.

As a former City Council member, I have been fighting throughout my career to demand that local governments get direct funding and flexibility. But in this case, I seriously question whether H.R. 728 will give local governments the true flexibility they want.

Although H.R. 728 claims it will allow cities to spend money on whatever they want, the bill does not supply enough funds to sufficiently support the comprehensive crime-fighting initiatives of our cities.

In practice, H.R. 728 would result in cities sacrificing prevention programs, without guaranteeing that any police officers would be added.

This is a decision no city wants to make-because locally-elected officials know that crime prevention works.

The City of Chula Vista in my district has urged Congress not to cut funding for the successful prevention programs they have initiated. And the National League of Cities recently stated that any anti-crime legislation must include support for anti-drug abuse, crime and violence prevention programs.

But up here in Congress, supporters of today's bill clearly do not see crime prevention as important. And these Washingtonians are imposing that belief onto our local governments by refusing to supply cities with the funds they need to truly fight crime in a comprehensive way.

H.R. 728 would eliminate the desperately needed community policing and crime prevention programs of last year's crime bill, and without this amendment, cut nearly $2.5 billion from the money intended to go to local crime fighting. This would destroy the crime bill's wise and reasonable balance between enforcement, punishment, and prevention.

We need stiffer penalties and we need to keep criminals off our streets, but we also need crime prevention programs to stop crime before it starts.

Crime prevention works. It works when school and community-based programs give kids a place to go after school and give them something positive to do. It works when police officers forge relationships with at-risk youth and teach them how to stay from crime. And it works when drug abuse programs rehabilitate individuals and get them back into the work force.

In San Diego, a program called Safe Haven has been particularly successful, and I would like to read a bit about that program from an article recently printed in the San Diego Union Tribune.

Until Anthony Majadi established a Safe Haven program in Southcrest Park a year ago, prostitution flourished in the parking lot, basketball players brought booze to the gym and the drug trade dominated.

The park is now a different place.

With a budget of $160,000, Safe Haven helped hundreds of children and adults through its myriad activities, including instruction in martial arts and computers, homework assistance, summer day camp and other programs.

Safe Haven is part of a national program and federal government established to complement seeding efforts in the Weed and Seed target areas. Safe Haven is held out as an example of what weed and seed can do—benefit a community beyond drug raids and gang sweeps.

Programs like Safe haven make our neighborhoods safer, they improve the lives of our children, and they bring tremendous cost savings to our criminal justice system.

In the words of a concerned citizen in my district: ''Killing funding for crime prevention programs demonstrates a disheartedly short-sighted, simplistic and self-defeating approach to the Nation's crime problems.''

This debate should not pit prevention against enforcement. We need them both. We need to combine them in a comprehensive approach to fighting crime. And it is irresponsible for Federal lawmakers to make local governments choose between the two.

We have to address the causes of crime—not just the symptoms. I ask my colleagues to join me in supporting this amendment—and to join me in continuing the long-term strategy to crime control that we started last year.

Mr. SCHIFF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MENENDEZ: Page 13, after line 4, insert the following:

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this title for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

The CHAIRMAN. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes in support of his amendment.

Mr. MENENDEZ. Mr. Chairman, I am going to be brief.

Mr. Chairman, my amendment seeks to clarify and strengthen language in the bill requiring that Federal funds granted to local governments supplement, not supplant, local spending on law enforcement.

I understand that the chairman of the subcommittee has had an opportunity to review the amendment.

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

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

Mr. MCCOLLUM. Mr. Chairman, I am ready to accept the amendment. It is a good amendment. It makes it very, very clear that we are not supplementing funds the way we want to. We want to make that protection, and I would agree with the gentleman in accepting the amendment.

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

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

Mr. CONYERS. Mr. Chairman, we are happy to accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 12, after line 7, add the following:

''(10) the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service if such unit uses funds received under this title to increase the number of law enforcement officers as described under subparagraph (A), (B), (C) of section 101(a)(2).''.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment says that there shall be a net gain of non-administrative police officers as a result of funding under this bill, which basically means that there will be a few more Indians around. We do a lot of talking about cops on the beat, and I am not even sure the last crime bill did that. This will ensure that with any police officers hired under this bill, there would be a net gain of Indians on the street.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I strongly support this amendment. The gentleman is correct. It is an excellent proposal that makes sure that we are really going to get the net gain in police we want. It is better, as the gentleman says, than anything that we had even in the last year's bill relative to this kind of restriction, so I thank him for offering it. I accept the amendment and encourage its adoption.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I reluctantly accept the amendment.

Mr. TRAFICANT. Mr. Chairman, with that I wholeheartedly support the amendment and ask that it be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 748) to control crime by providing law enforcement block grants, had come to no resolution thereon.

PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW AND THE BALANCE OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves: that all Committees of the House and their subcommittees have permission to sit tomorrow, February 14, and for the balance of the week while the House is meeting under the five-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I yield myself 5 minutes.

I do not intend to take the full hour allotted to me.

Mr. Speaker, before I yield to my friend, the gentleman from Michigan [Mr. BONIOR], I would say that the hour is late, and I hope we will be able to adjourn shortly.

In the meantime, all Members should be advised that we are very likely to have one more vote before this evening is over.

Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. BONIOR], and I reserve the balance of my time.

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

Mr. Speaker, the Committee on Rules today approved an outrageous gag rule for the National Security Act. It cuts off debate. It blocks important amendments.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, to be clear for the RECORD, I yielded this time to the gentleman from Michigan for purposes of debate only.

Mr. SABO. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] has yielded for purposes of debate only. There is nothing to object to at this point.

Mr. SABO. Mr. Speaker, I think the gentleman yielded 30 minutes without reservations.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] clarified his yielding, and this is for purposes of debate only.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

□ 2120

Mr. BONIOR. Mr. Speaker, this rule that was put out this afternoon by the Republican leadership on the Committee on Rules is a gag rule for our National Security Act. It cuts off debate, it blocks important amendments, and it does so under a 10-hour time limit.

Mr. Speaker, this legislation is too important. It is one of the most important pieces of legislation we will consider in this session of Congress or in this Congress.

The Republicans want to completely rewrite the foreign policy of the United States in 10 hours. They want to reconstruct the entire defense policy and return to the days of star wars in 10 hours. They want to restrict the military's ability to respond to emergencies around the world in 10 hours. They want to completely rethink our relationship with our NATO allies in 10 hours.

Mr. Speaker, this does not make any sense. We have tried throughout the day to negotiate without colleagues on this side of the aisle to give us adequate debate so we can take on these important issues which affect the national security of our country in a reasonable amount of time where Members of this floor can get up and express themselves with amendments that make sense for this country. And we find ourselves in a situation tonight where we have to object.

Mr. Speaker, this is one of the most important pieces of foreign policy legislation to be considered by Congress in years.

Mr. Speaker, if you talk to the distinguished ranking Members on our side of the aisle, the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. DELLUMS], and others who have labored in these areas for years and decades, they will tell you it is an outrage we are going to consider this piece of legislation for only 10 hours.

Why do my Republican colleagues feel that they need to rush this bill through without adequate debate, without an opportunity for Members to offer amendments? I will tell you why. Because they want to punch another little hole in their Contract With America. They want to check off another item on the list.

Well, Mr. Speaker, you do not write good laws by punching little cards, and you do not write good laws by rushing to judgment on issues that concern the national security of this country.

That is not the way to protect this Nation. We ask for a reasonable amount of time, and we have been told 10 hours is all you are going to get, for foreign policy, for defense policy, for policy that deals with our most important allies in the North Atlantic Treaty Organization.

It just will not do. You could spend 10 hours on the debate alone between troop readiness and star wars, which is a piece of the debate we are about to have in this bill as we approach it in the next couple of days.

So, Mr. Speaker, I want to say as strongly as I can on behalf of myself and the rest of the Democratic leadership, we feel this is an injustice and we will not stand for it, and we want to make our voices heard this evening on this issue.

Mr. Speaker, I yield such time as he may consume to my dear colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this urge to measure legislation by sheer volume of bills passed has really now come up against reality. This 10-hour limitation was perfectly sensible for some of the bills we have been doing this week. They were single issue bills. We did 10 hours on prisons, 10 hours on the prevention police. We bump up against it a little bit, but they are reasonable.

This 10-hour model now is applying to an omnibus bill that takes in vast areas of national security, of foreign policy, and of defense. Remember out of the 10 hours comes rollcalls. If you have four or five rollcalls, you have eaten up a couple of hours by the amount of time they will take. We will debate what our relationship should be with NATO, what new nations will come into NATO, do we go back to star wars, what is our relationship to peacekeeping, what are our requirements when the United States participates in multinational peacekeeping, all in 10 hours.

By the way, the hard working majority plans to leave town at 3 o'clock on Thursday. This is 10 hours compressing the most important issues this Nation faces, so we can get out of town early.

Well, let us wait until next week, if the vacation is irresistible. Frankly, for those who are prepared simply to take marching and voting orders, 10