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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HOBSON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 1996.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

THANK YOU, BUSINESS WEEK

Mrs. SCHROEDER. Mr. Speaker, I take the floor today to talk about what is going on in this country vis-a-vis sexual harassment.

As you know, in the past it has been career suicide for a woman to come forward and make any allegation of sexual harassment. But today, I want to congratulate Business Week. Business Week has made their cover story about this issue.

Mr. Speaker, I do not normally take the floor to congratulate anyone, but I think when the business press of America takes this issue this seriously, we should really congratulate them, because rather than trying to paint over the issue, paint over the rust and try and deny it, they are saying it is time we get on with dealing with this.

The reason it is so important is how they name the article: ''Abuse of Power.'' That is what sexual harassment is all about. Abuse of power.

America hears all these jokes about, oh, we cannot joke with women. Yes, you can do that; for heavens sakes, we are all human beings. But where you cross the line legally is when someone who has power over you in the workplace, power over you, starts adding all sorts of things to your normal work day world that was not in the work contract. That abuse of power, that is what it is about.

In this article, they talk about what went on at Astra, the pharmaceutical where they found even the highest ranking CEO and officials, people who were to set the tone, and as you know, some of them have now been dismissed and moved on.

The Equal Employment Opportunity Commission tells us that in the last 4 years, from 1991 to 1995, there has been a 125 percent increase in the filings on sexual harassment.

Why this tremendous increase? Why this flood? Well, first of all, I think because we have not cracked the culture. We have not cracked the culture yet to explain why this is so important and why you cannot do this.

So, culture cracking becomes very critical, but secondly, Members of Congress, the Congresswomen, by taking the lead in 1991, passed a law that for the first time gave many more remedies to women who had suffered at the hands of sexual harassment, or men.

Obviously, there is a small percentage of men who may find themselves in this situation. I am not saying that women are pure. I guess there just are not as many women at the top. I hope when they got to the top CEO positions they will not do this, but who knows?

Nevertheless, it is wrong if it is done to a man; it is wrong if it is done to a woman. There is no place for this in the workplace, and it is all about power, power, power, power. I hope people pick up this magazine and read it because it is very serious.

And I hope in workplaces across America, as we close in on Mother's Day, people realize these are mothers, these are sisters, these are aunts. We do not want people treating people that way in the workplace as a condition of keeping their job. So often they need that job for the family, and yet they are asked to do things that are not at all family friendly in anybody's book, just because somebody has the power to make them do it.

Mr. Speaker, we used to see this out West where some newcomer came into the bar and everybody shot at their feet to make them tap dance. Well, that is exactly what this type of sexual harassment is. Thank goodness women now have a tool and men have a tool to be able to go into the Federal courts.

I am terribly sorry that the EEOC is backlogged with these, and the Congress, of course the response is to continue to try to choke the EEOC down. I think we ought to have hearings on this. If Business Week has the guts to take this on, this Congress ought to have the guts to take it on.

If we see the EEOC is resource-starved, then we ought to get the resources to them. We ought to be handling these cases expeditiously and moving forward because it appears there is a whole opening of the floodgates on this. If we get these cases solved, if we get the resources to begin to move it, we will crack the culture. Hopefully, this will be something that we can start the 21st century without even having it in our culture anymore.

So, Mr. Speaker, I call upon the Members on the other side of the aisle

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to look for the resources that the EEOC needs to deal with this terrific influx of new cases. I call upon people all across America to look at this very seriously, and realize what it must feel like to be someone who needs a job being asked at that job to do some things that go against their religion, their beliefs, their family, everything. It is outrageous and it must stop.

Thank you, Business Week.

CONCERNS ABOUT THE ETHICS PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Hampshire [Mr. BASS] is recognized during morning business for 5 minutes.

Mr. BASS. Mr. Speaker, I rise today to address an issue that has always been a priority of mine since I first served in the New Hampshire legislature back in 1982, and that issue is ethics. One of my first responsibilities back then was to serve on a task force to make recommendations on the establishment of a permanent ethics committee and guidelines for Members of the New Hampshire legislature and the State senate, by the way, who are only paid $100 a year.

As a result of this and subsequent efforts, I was pleased as a New Hampshire State Senator to author the law that established a permanent legislative ethics committee, and I served as chairman for 2 years. By the way, part of this process involved crafting the law. We studied other models in other States, including the model here in Washington that is used for Congress.

Because of the work I was able to do with Democrats and Republicans in New Hampshire, including now Governor Steve Merrill, many of the procedures that we used in New Hampshire are based on ethics standards rules that we follow here in Congress. We felt that it was critical that our ethics committee always work on a bipartisan basis and that the actions of its Members be totally above reproach. We adopted language which would require that any Member of our ethics committee recuse himself or herself from any deliberation if there was any possibility of a conflict of interest.

Last week I was surprised to read in the April 30, 1996 edition of the Washington Times an article about a possible conflict of interest involving the ranking minority member of the Committee on Standards of Official Conduct. At this time, Mr. Speaker, I ask unanimous consent that the article from the Washington Times be included along with my statement in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Speaker, the article reveals that the same individual who drafted several complaints filed against the Speaker also helped raise tens of thousands of dollars for the campaign of the ranking minority member of the Committee on Standards of Official Conduct. The article also revealed that the political consulting firm header by the individual in question, Mr. Steven J. Jost, also received over $14,000 in payments from the ranking minority member's campaign committee.

Mr. Speaker, in no way am I implying that the distinguished ranking minority member of the Committee on Standards of Official Conduct has acted in an unethical fashion, but in the same manner that questions were raised by the minority whip concerning Republican Members of the committee and alleged conflicts of interest, similar questions should also be raised regarding any connection between the ranking minority member of the committee and the individual who helped raise money for him and also drafted many of the complaints filed against the Speaker.

It is vital, Mr. Speaker, that the ethics process in Congress remain fair and above reproach, and that we retain the confidence of the American people for this important process. I hope that we will receive in the coming days a full and complete explanation of the ranking minority member's association with this fundraiser and this fundraiser's dealings with the ethics committee regarding filings made against the Speaker.

Mr. Speaker, I submit the following article for the RECORD.

[From the Washington Times, Apr. 30, 1996]

GINGRICH CRITIC AIDED ETHICS-PANEL DEMOCRAT

(By George Archibald)

The top Democrat on the House ethics committee received tens of thousands of dollars in political contributions raised by a firm whose senior partner spearheaded ethics complaints against House Speaker Newt Gingrich.

Rep. Jim McDermott, Washington Democrat, who says he knew nothing of the fund raising and therefore didn't violate committee conflict-of-interest rules raised more than $36,000 from political action committees at two receptions organized last year by Fraioli/Jost, a PAC money-raiser for congressional Democrats.

At the same time, Mr. McDermott was the point man pushing for the House ethics committee to appoint an outside counsel to investigate complaints against Mr. Gingrich.

The complaints were researched and legally drafted under the direction of Steven J. Jost of Fraioli/Jost.

Mr. Jost was the chief fundraiser for Ben Jones, the speaker's 1994 Democratic opponent, who launched the anti-Gingrich ethics complaints formally filed by House Minority Whip David E. Bonior of Michigan.

The complaints accused Mr. Gingrich of improperly commingling funds and activities of GOPAC, which helped achieve the GOP takeover of Congress, and a nationally televised political science course the speaker taught from a college in his home state, Georgia.

''We're stringing up the electric chair here, but we didn't make him guilty; he made himself guilty,'' Mr. Jost told the Wall Street Journal about Mr. Gingrich last year after the complaints were filed.

Documents purported to show ties between the college course and GOPAC were obtained by Mr. Jost in Georgia during Mr. Jones' 1994 campaign. ''Mr. Jost decided they would be useful as a campaign weapon,'' the Journal reported. ''So he hired a Democratic lawyer, Bob Bauer, to fashion them into an ethics complaint for $4,500.''

Mr. Bauer represents House Minority Leader Richard A. Gephardt of Missouri, another Fraioli/Jost client.

The Landmark Legal Foundation appraised the House Ethics Committee last year of ties between Mr. Jost and Democratic House leaders in the anti-Gingrich campaign. The panel, formally known as the Committee on Standards of Official Conduct, refused to look into the matter.

''Mr. McDermott had a duty to step aside when any complaint with Mr. Jost's fingerprints on it came before the ethics committee,'' said Mark R. Levin, Landmark's director of legal policy.

''Members of the ethics committee are supposed to consider all ethics complaints with a nonpartisan, unjaundiced eye. The record would appear to show that Mr. McDermott and Mr. Jost are joined at the hip,'' Mr. Levin said. ''We are reviewing this information and seriously considering filing a formal complaint.''

Mr. McDermott yesterday denied any conflict with committee rules requiring impartiality and lack of bias in the Gingrich case.

He also denied knowledge of filings by his political committee, Friends of Jim McDermott, listing payments of $14,160.61 to Fraioli/Jost for last year's PAC fundraising activities.

''I don't know who did the fund raising,'' Mr. McDermott told The Washington Times in an interview just off the House floor. He then walked back onto the floor, where reporters are barred, to avoid further questions about campaign committee filings by Charles M. Williams, his $106,044-a-year chief congressional aide.

Mr. Williams, who runs Mr. McDermott's Capitol office, serves as treasurer of Friends of Jim McDermott. Mr. Williams did not respond to inquiries yesterday.

Reports he filed for the campaign committee in December and February list contributions totaling $36,000 to Mr. McDermott from 52 PACs, each of which gave $500 or $1,000 at Capitol Hill fundraising receptions organized by Fraioli/Jost on April 5 and July 15, 1995.

Mr. Jost, who left partner Michael Fraioli in June to start his own fund-raising company, said Mr. McDermott ''first approached us'' to do his fund raising in the 1993–94 election cycle. ''As I recall, one of the other members of Congress referred us to him,'' Mr. Jost said.

Mr. Jost said his income from Fraioli/Jost, even after Mr. Jones ceased being a client of the firm, enabled him to spend time advancing the anti-Gingrich ethics campaign. ''I have never been compensated for any work by anybody on any of the Gingrich stuff, except for news organizations that have reimbursed me for photocopying expenses.'' he said

Mr. Jost said he saw no conflict in Mr. McDermott's reliance on Fraioli/Jost for fund raising are his own work in the Gingrich camp while Mr. McDermott was sitting in judgment of the speaker.

''It sounds like the worst thing you could accuse me or Jim McDermott of is being Democrat,'' Mr. Jost said. He said committee Republicans Porter J. Gross of Florida, Jim Bunning of Kentucky and Nancy L. Johnson of Connecticut, the panel's chairman had greater conflicts.

''Your're alleging . . . a conflict that is far less direct than, for instance, Mr. Goss' giving $5,000 to GOPAC at the time the ethics

complaint is before his committee, or that Mr. Bunning and Mrs. Johnson participated in GOPAC activities,'' Mr. Jost said.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that Members should not make references to members of the Committee on Standards of Official Conduct concerning pending investigations.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, I did not hear any references made by the gentleman from New Hampshire [Mr. BASS] as to pending matters. These are not matters before the Committee on Standards of Official Conduct; these are stories in the paper and not before the committee.

The SPEAKER pro tempore. The Chair is stating that as a general admonition from the Chair at this time.

SUPPORT THE ADOPTION PROMOTION AND STABILITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise to address an issue of great importance to everyone who cares about children. Today, there are hundreds of thousands of children who should be thriving in the love and care of adoptive parents. Tragically, they are not. Instead they are shuttling from foster family to foster family. In fact, this year a mere 10 percent of the 500,000 children in State foster care programs will move into permanent adoptive homes. This is not something out of Charles Dickens. It is happening today—in the United States of America.

We have come to this sorry state of affairs for many reasons, but two are paramount. First, the cost of adoption for many moderate-income families is prohibitive. Second, liberal social welfare policy has made interethnic adoption nearly impossible.

According to the National Council for Adoption, as many as 2 million families could be waiting for a child to adopt. But barriers like cost get in the way. Adoption expenses can total us to $20,000. This financial burden is a major disincentive for moderate-income families wishing to adopt children.

A second barrier to adoption is the Federal law that permits States to use race in the placement of children in foster care and adoption. This law has clearly backfired. The use of race-matching has delayed the adoption of minority children, who remain in foster care at least twice as long as nonminority children. Today, 49 percent of children in foster care are minorities. A third of foster children are black.

I ask my colleagues: Is it fair to these innocent children to trap them in the foster care system simply because of the color of their skin? The love of a family knows no race. It is unconscionable that any child needing the love and care of a family he can call his own would be denied that love and care simply because the prospective adoptive family is of a different race. That is a grave injustice to the child who needs a home and to the family who waits with open arms.

Mr. Speaker, the Congress can help remove these barriers to adoption through swift passage of H.R. 3236, the Adoption Promotion and Stability Act. This bill makes two important reforms.

First, the bill revises the Tax Code to make adoption more affordable for families. H.R. 3236 provides a $5,000 tax credit for adoption expenses. The bill also provides a $5,000 per child tax exclusion for employer-paid adoption assistance. I believe this provision will encourage more moderate-income families to adopt children.

Second, the bill removes barriers to interracial adoption. Currently, the law allows placement agencies to use the racial background of the child as a criterion in making placement decisions. This bill prohibits the use of race to delay or deny placement of a child into a foster or adoptive home. I believe this provision will go a long way to end the intolerable delay associated with race-matching. It will ensure that placement agencies make the best interests of children their top priority.

In addition, I must note that many American Indian children are suffering in the current foster care and adoption system. Currently, tribes can delay the adoption of a child of American Indian descent because of the Indian Child Welfare Act. This law was intended to protect the integrity and heritage of American Indian tribes. Yet the law allows tribes to interfere with adoption decisions due to its ambiguity and broad application. As a result, litigations out of control, and Indian children are not being adopted. A provision of H.R. 3286, which was stripped from the bill in committee, would have established safeguards against the arbitrary, retroactive designation of children as members of a tribe. This would prevent a tribe from invoking the Indian Child Welfare Act to interfere with legitimate, voluntary adoptions. Should an amendment be offered to restore this provision of the bill, I urge my colleagues to support it.

Children must be afforded every opportunity to live in a happy, safe, secure, and—perhaps most important—permanent family environment. The provisions of this bill help to achieve this goal. I want to thank Ms. MOLINARI and Mr. ARCHER for their leadership on this issue. I also commend Mr. BUNNING, Ms. PRYCE, Mr. SOLOMON, Mr. TIAHRT, and Mr. SHAW for their strong support of this legislation.

Mr. Speaker, we cannot take the hundreds of thousands of children languishing in foster care and match them with loving parents overnight. But with passage of the Adoption Promotion and Stability Act, we are taking an important step. I urge my colleagues to meet the needs of foster children across the country. I urge you to support this bill.

RENEWAL OF MFN FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, this Congress is about to enter its annual debate on the renewal of China's Most Favored Nation status. The need for renewal has existed since the United States first granted MFN to China back in 1980. It has been a difficult debate ever since 1989 and the events at Tiananmen Square. There is good reason to believe that the debate this year will be very difficult. This is because of two particularly large problems affecting the debate.

First, there are the policies of the Beijing Communist leadership. That government's disregard for international obligations on nonproliferation, intellectual property rights, trade, human rights, and on Taiwan mandate an effective response.

Second, there is a lack of leadership on the part of the administration. The policy has been ad hoc, dependent on domestic pressures, as Robert Zoellick testified before our committee last week when he said:

> In an effort to please all constituencies, the administration has squandered our strength, failed to achieve its aims, and demonstrated weakness to both China and to others in the region.

Because of these problems, I fear that Congress will lose sight of the critical point, and that critical point is just this: Our policy on MFN for China should take these problems into account, but it must not be determined by them.

Rather, our decision on MFN must be determined by one thing and that one thing is, what is best for the United States? It is my view, though, that there are four basic reasons why extending MFN is in the best interests of our country.

First, revoking MFN would harm U.S. workers, U.S. businesses, and U.S. investment. Changes made in China's MFN status will curtail assess to the Chinese market. Huge levels of trade and investment will still occur, but it will be other nations, not the United States, that will be making the investments, and we will lose all of our control and leverage. The effect will be losses of U.S. trade, U.S. investment and, quite frankly, many U.S. jobs.

The size of this potential hardship must be recognized by us in congress as

we debate this issue. This issue cannot be debated solely on emotion but must be based on reason.

United States companies have already committed to invest some $26 billion in approximately 20,000 projects in China. United States trade with China already supports over 200,000 high-wage American jobs. But this is just a start. Over the next 25 years, China's economy is projected to expand to almost $6 trillion That is almost 10 times the size of China's economy in 1994.

Now, China's modernization plans call for imports of equipment and technology of approximately $100 billion per year. Infrastructure expenditures amounting to as much as $250 billion are projected through the remainder of the 1990's.

China's biggest import markets are in the areas of United States strength. Consider this: In both quality and price, the United States is in the lead for these markets: areas in aircraft, electric power systems, telecommunications equipment, computers, agricultural chemicals, and medical equipment.

Politics, unfortunately, could stop the United States from gaining tens of billions of dollars of new exports and hundreds of thousands of new jobs. This is already happening. Just the other day, Airbus took a $2 billion contract from Boeing, based solely on politics. The president of China's aviation industries put it well when he said, and I quote:

> We'd like to make our decisions based on technical and commercial factors, but governments and statesmen are involved. We can't control that.

Mr. Speaker, the second reason why revoking MFN would harm United States security interest in the region, let me say this, China is the emerging great power in that region, both economically and politically. There is no reason to think that its government can be deposed or ignored or strong-armed. It must be dealt with as a belligerent but as a great power.

I ask, Mr. Speaker, that the rest of my statement be entered into the RECORD.

This means engagement.

To go the other way, to adopt a policy of confrontation with China—which is what removing MFN does—would isolate the United States in Asia rather than isolate China.

As Henry Kissenger recently wrote:

> In a confrontation with America, China would appeal to Asian nationalism and make the American military presence in Asia a bone of contention. And it would be able to enlist the economic cooperation of Japan as well as of the other industrial nations of Europe and the Western Hemisphere, all eager to seize the opportunities that we might abandon.

In addition, the futures of both Taiwan and Hong Kong are to be considered.

With Hong Kong to revert in a year, with Taiwan relying on China for $20 billion a year in trade, and with the Taiwanese having invested $25 billion in China, we need to treat these relationships carefully.

Reason 3: Revoking MFN will not improve human rights conditions or nonproliferation and trade policy in China.

As the Heritage Foundation recently wrote, history shows that China is far more oppressive against its people when isolated from the outside. This was clearly the case during the cultural revolution.

Human rights improvement is a long-term process that will require a long-term China policy.

The same is true on nonproliferation and trade. China needs to understand that it must meet its international responsibilities if it wants to attain international respectability.

The United States will have to use effective levers to achieve this.

A strong, clear, and coherent China policy is needed. Our goals will not be achieved in these areas otherwise.

MFN is simply the wrong lever. It was not designed for these goals, and it will fail miserably if used this way.

Reason 4: MFN is normal treatment that all our partners grant, and will continue to grant, to China without condition.

MFN is a misnomer. In reality it means that a country is treated in a nondiscriminatory manner on tariffs. It is the norm that rules.

In this respect, all our OECD partners grant such treatment to China. They do so without condition.

No official in any of those countries, to my knowledge, has suggested that this situation even be reviewed, much less altered.

The United States currently grants MFN to every country in the world except seven countries. These are Afghanistan, Cambodia, Cuba, Laos, North Korea, Vietnam, and the former Yugoslavia.

There are 17 others, including China, that currently receive MFN conditionally.

These 17 do not include Iran, Libya, Iraq, Syria, or Sudan. All these rogue states get MFN. Why is this?

This is because our MFN law is built on the cold war. The Jackson/Vanik amendment, enacted in 1974, was intended to pressure the former Soviet Union into allowing Jews to emigrate.

It was not designed to today's issues with China.

Mr. Chairman, I hope that my colleagues will find these reasons for extending MFN convincing. In conclusion, though, I urge that we consider two other needs during the coming debate.

First, that China is too important for today's United States policy.

This administration keeps drawing lines in the sand, and then backing off. They are running out of credibility, and pretty soon they will run out of beach.

We need a coherent, long-term, and bipartisan China policy.

Second, the world has changed dramatically since 1974. The law on MFN has not. We may need to reform this law.

Let's look at how it can be used for today's issues.

Why should rogue regimes supporting international terrorists be treated better than countries like the Ukraine, Armenia, Bulgaria, and Romania? Mr. Speaker, I think this needs review.

OIL COMPANY MISMANAGEMENT AND GASOLINE PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. MARKEY] is recognized during morning business for 5 minutes.

Mr. MARKEY. Mr. Speaker, the political party that once suggested that catsup should be counted as a vegetable in school lunch programs has given us a new plan to slash funding for public schools across America.

Over the weekend the Republican majority leader suggested that repealing the 4-cent tax on gasoline be paid for by cutting education for the children in the United States. He said if there is a place where we are getting a declining value for an increasing dollar it is in education.

That is right, the majority leader of the Republican Party wants to cut the education budget of our country. And to do what? Well, the Colombo-like, Dick Tracy-like investigations of the Republican Party have found that the 4-cent increase in gasoline tax in 1993 is somehow related to oil company executive speculation in the oil market in 1996, which has led to a 20-cent increase in the price of gasoline for consumers across this country.

Now, you are never going to hear a word from the Republican Party about the oil companies increasing gasoline by 20 cents a gallon in the last 3 months. Not a word. They are going to keep pointing back to a 4-cent gasoline tax in 1993 that actually led to a reduction in the price of oil over the next 2 years.

Why? Well, because they want to avoid some very simple facts. Fact No. 1: The central reason that oil prices are rising in America is that the oil company executives across the board, every one of them in 1995, decided that they were going to lower the inventories that they kept to hand in order to ensure against excessive cold weather or something else going on well below their average for the preceding 20 years.

Now, that is fine if it had not also been tied to a bet which they had, which was that Saddam Hussein would accept safeguards placed upon how he would use the profits from the sale of oil if the United Nations and the world community allowed has back into the marketplace for the sale of oil.

Surprisingly, Saddam Hussein refuses to accept the safeguards, which would ensure that the money, the profits which he would obtain would be used for humanitarian purposes within his country and not for a massive military buildup.

The oil company executives ran on empty. If we rode around in our automobile with the needle on the gas gauge down on empty and then ran into a traffic jam, we would blame ourselves. The oil companies ran on empty. There was plenty of oil in the world. The world was awash in oil all of last year and the beginning of this

year, but they decided not to go to the filing station to fill up because they thought they were going to go to Saddam Hussein's gas station.

Mr. Speaker, any other industry in the free market, if the Cherrios company forgets to put aside enough Cheerios, guess what? People go and buy corn flakes or raisin bran and they are the loser. Not the oil industry. They did not, through mismanagement, put aside sufficient reserves, and what happens? I tell my colleagues what happens: a 41-percent, on average, increase in profits in the last quarter for the oil companies. Forty-one percent profits.

What to hear something else? Seventy-four percent profits for the secondary oil companies, and a 799-percent increase in profits for the oil drilling companies, all in the last 3 months. The last 3 months. The Republicans want to blame the 1993 4-cent gasoline tax for your 20- or 30-percent increase at the pump this year, not pointing a finger at the oil companies' mismanagement. That is like a Red Sox fan blaming the trade of Babe Ruth for the fact that we are behind 10 games in the pennant race this year. The Republicans should be ashamed for talking about cutting the education budget instead of looking at the oil companies, where they should.

ICWA: A FORMULA FOR HEARTBREAK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Ohio [Ms. PRYCE] is recognized during morning business for 5 minutes.

Ms. PRYCE. Mr. Speaker, I want to talk about a formula for heartbreak. The Indian Child Welfare Act was never intended to cause countless stories of heartbreak and tragedy. It was intended to protect native American culture from State agencies and officials who were, back in the early 1970's, removing children from their natural homes and, in many cases without due process of law, placing them outside the Indian culture. This was shameful.

Mr. Speaker, the Congress acted in 1978. The legislation, the ICWA, was well-intended, but it has been applied in a twisting and inaccurate way by some courts throughout this country that is equally shameful. The result of these misguided applications of the ICWA has had a chilling effect on all adoptions.

I came to learn of the chilling effect from a couple in my district in Columbus, OH. Since then, I have come to learn of many, many more cases.

For example, Mr. Speaker, the Indian Child Welfare Act was never intended to rip a little girl from her family of almost 6 years, but this happened. Clara and Kenneth Siroky took custody of Jessica when she was just 22 months old. They have been trying to adopt her every since, but last January, a court ordered Jessica from the only family she has ever known and placed her with a single uncle of native American ancestry.

She is now 7½. She has celebrated 6 birthdays in the only home and with the only family she has ever known.

Jessica was born to a mother who was part Indian and a caucasian father, making her one-eight native American. Due to problems experienced by the birth parents, they lost custody of Jessica who was placed in foster care in the Siroky's home. Today, Jessica's biological mother is dead, murdered during a drug deal, and her biological father is in prison in Nebraska.

Mr. Speaker, Jessica wants to be adopted by the Siroky's. She wants to be with the only people she has every called mommy and daddy. She wants to be with her little sister, Susanna. As for 4-year-old Susanna, she is hurt and confused by the departure of her older sister, crying frequently and wondering where her best friend has gone.

During the court proceedings, the scared and panicked Jessica begged to speak to the judge, but he even refused her. In the end, she only had 3 days to say goodbye to her whole world.

Mr. Speaker, one can only wonder what long-term effects this emotional trauma will have on Jessica and all the other children who have been removed from their loving homes under this act. How can we, as a Congress, allow such a well-intentioned law to be interpreted in such a way?

It is hard to imagine how devastated this family is. It is hard to conceive how scared and lonely little Jessica is, being forced to move away to a new and strange home with a new and strange parent with no friends and an unfamiliar school.

This horrifying, traumatic story is but one example of the way the Indian Child Welfare Act has been abused and distorted. There are countless other children and families in this country that have been hurt by this flawed legislation.

Mr. Speaker, it is hard to understand how Congress can allow a law, that it passed with all good intentions, to continue to be doing such terrible damage to families without taking the initiative to correct what we did wrong.

Congress has an opportunity to remove a major obstruction to safe, loving adoptive homes for thousands of children. These minor changes to the Indian Child Welfare Act will go a long way toward protecting and preserving one of our Nation's most precious resources: Our children.

Mr. Speaker, I urge my colleagues to join me in taking this very important step for parents and children throughout our Nation by supporting this legislation.

TAX FREEDOM DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 2 minutes.

Mr. GOSS. Mr. Speaker, today is tax freedom day, the day that working Americans can finally stop toiling for the Government and begin to keep their earnings to provide for themselves and their families. By any measure, taxes are continuing to grow at a record pace, consuming an even greater portion of taxpayer income.

The average American family pays more in total taxes than it spends on food, clothing, and shelter combined. Put another way, the typical American now works nearly 3 hours out of every 8-hour workday just to pay taxes. These examples demonstrate what the American taxpayer already knows—all Americans are overtaxed.

A recent Reader's Digest poll underscores this fact. According to the poll, the maximum tax load Americans believe a family of four should bear is 25 percent—that's not just Federal income taxes but all levels of taxation—a far cry from the 38 percent that the average family actually pays today.

This Congress has responded by moving to repeal the fundamentals of the 1993 Clinton tax hike on working Americans—the tax hike on seniors' Social Security benefits and the increase in the gas tax that all Americans are feeling at the pump today. We have passed meaningful tax relief for families that would have erased the income tax burden entirely for 140,000 taxpayers in my State of Florida alone. While we have done our job, President Clinton has consistently opposed and obstructed our tax relief every step of the way.

Tax policy comes down to a basic choice: The failed status quo of ever-increasing taxation of lower taxes that allow Americans to earn more and keep more so they can do more for themselves, their families and their communities. For me and for this Congress, the choice is clear.

CHINA'S VIOLATIONS OF UNITED STATES INTELLECTUAL PROPERTY RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to call to the attention of our colleagues legislation which I plan to introduce this week to impose sanctions against China for violations of our intellectual property rights.

Mr. Speaker, regardless of where Members are in this body over the annual debate on most-favored-nation status for China, an issue separate from that but clearly about America's competitive advantage internationally, our intellectual property, is one where I think we will have agreement.

Mr. Speaker, over the last 7 years, the United States trade deficit with China has increased by over 1,000 percent. In 1988, the deficit was $3 million. In 1995, the deficit was $35 billion. It is

projected to grow to well over $40 billion for this year, and shortly will surpass Japan as the country with our largest trade deficit.

Mr. Speaker, much of this is due to lack of market access for United States products which are not allowed into China, products made in America. But today, I want to call to my colleagues' attention to the intellectual property violations and piracy. That figure of $2.5 billion lost in 1995 alone is over and above the trade deficit.

The deficit figure of $35 billion for last year does not include the loss to our economy from China's violations of United States intellectual property rights, including the piracy of compact discs, videos, and software, which cost the United States economy $2.3 billion in 1995, by industry figures.

My bill would impose increased tariffs on Chinese products to compensate for the loss to the United States economy resulting from China's intellectual property rights violations. It would leave the discretion to the President of the United States to determine the figure and the criteria for what the sanctions would be.

Since 1991, the United States Government has repeatedly tried to encourage the Chinese Government to halt the piracy and to provide market access for United States products. The efforts, which I will outline briefly, have not been successful.

In 1991, and 1992, the Bush administration initiated a special 301 investigation of China's intellectual property rights practices and published a list of Chinese products for possible sanction. Shortly thereafter, the Chinese Government, as a response to that, agreed to sign a memorandum of understanding designed to address piracy concerns.

Mr. Speaker, under the MOU they agreed to strengthen their patent, property rights and trade secret laws and to improve protection of U.S. intellectual property. None of this happened, and the piracy of U.S. IPR continued.

In 1994, the Clinton administration's United States Trade Representative initiated another special 301 investigation, noting that while China had implemented several new laws, they were not enforcing the laws. The United States Trade Representative added to his list of concerns trade barriers restricting access to China's markets for United States movies, videos, and sound recordings.

In 1995, the USTR issued a list of products once again which would be subject to increased tariffs as a result of China's lack of action on IPR and piracy.

Mr. Speaker, despite all of these efforts by United States officials, the Chinese Government is not abiding by the agreement, piracy is increasing, and market access to United States products is being denied. In addition, the Chinese Government today has castigated the United States for considering protecting its own intellectual property.

Mr. Speaker, this comes at a time that we are telling the workers of America that we live in a global economy, that many products which are labor intensive must be made in areas where labor is less costly, but that the comparative advantage of the United States is our intellectual property, our ideas, information, our software. If this is so, then all the more reason for this Congress and this administration, the Clinton administration, to call a halt to the theft of our intellectual property by China.

Mr. Speaker, we have tried year in and year out with memoranda of understanding and with agreements. Enough is enough. The theft of intellectual property hurts American workers, costs American jobs, and undermines our global economic competitiveness.

I hope that my colleagues will agree to cosponsor my bill to implement sanctions against China for its intellectual property violations. I hope Members will call my office to say they would like to be original cosponsors, before the bill is introduced this week for American workers, for American competitiveness.

CHANGES IN AMERICA'S EDUCATIONAL SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. HANCOCK] is recognized during morning business for 3 minutes.

Mr. HANCOCK. Mr. Speaker, on May 27, 1947, Central High School, Springfield, MO, graduated 563 students. On June 13 and 14, 1997, the class of 1947 will commemorate the 50th anniversary of this momentous and historical occasion. Rarely does a Member of the United States Congress have the opportunity to acknowledge the 50th anniversary of his own high school graduating class in the CONGRESSIONAL RECORD. Even I cannot do it because I will no longer be a Member of the U.S. Congress on the actual date next year.

Many of our class only remain in our memories. This pleasant memory of a group of 563, most of whom went on to become outstanding citizens and contributors to society, is a tribute to the educational system existing 50 years ago.

Mr. Speaker, I am going to take this opportunity for a few very brief remarks about the changes in our educational system in the past 50 years.

This class of 1947 attended school when sleeping or chewing gum in class and running in the halls were heinous crimes. The class of 1947 had student hall monitors instead of armed police officers and entrance metal detectors. Discipline was demanded and I do not know of any of the 563 students even confronting the school administration with their attorney concerning their Rights. Attention deficiency syndrome was treated with a failing grade. Now we give the parents a check and treat the kids with psychological evaluation to find out why they do not like their parents or themselves.

No, this was not a perfect time. Smoking tobacco and some alcohol use existed. However, marijuana and cocaine was not part of our vocabulary. This was when local school boards made decisions rather than the bureaucrats in the State and Federal Departments of Stupidity. The National Education Association was in its infancy. Too bad it survived and grew into the monster it now is.

Every one of us who graduated in 1947 should be thankful for having lived in the fastest growing economy the world has ever seen, in the greatest country ever envisioned by mankind.

If I could have one wish for future generations, it would be for our educational system to again teach that freedom is not free, it always requires sacrifice and that civil rights never should supersede our God given inalienable rights of life, liberty, and the pursuit of happiness.

On our 50th anniversary it is time to reflect and also to look foreword. Change is inevitable. Let us pray that the principles we were taught will some day again be in vogue.

I am looking foreword to June 13–14, 1997, in Springfield, MO, to seeing the senior high school class of 1947.

A RESPONSIBLE REPEAL OF THE GAS TAX

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. BENTSEN] is recognized during morning business for 5 minutes.

Mr. BENTSEN. Mr. Speaker, today I am introducing legislation to cut the gas tax by 4.3 cents per gallon through the end of 1996, and to offset the cost of repeal with an immediate elimination of the ethanol subsidy. We should repeal this additional gas tax and provide relief to American consumers as soon as possible, but we most do it in a way that is fiscally responsible, environmentally sensitive, and truly responsive to the needs of American taxpayers.

Over the last month, gasoline prices have increased to their highest level since the gulf war in 1991. According to the American Automobile Association, the average price of regular unleaded self-serve gasoline in the Houston area, which I represent, has jumped over 20 cents in the month of April.

Mr. Speaker, while we should address this rapid rise in retail gas prices, we should not do so with cuts in education as some in the House Republican leadership have proposed. The American people have already rejected Republican cuts in education throughout the budget debate. They are not about to be fooled twice. What they deserve is some commonsense legislation to provide relief to millions of Americans faced with soaring gas prices.

The ethanol subsidy has proved to be one of the biggest boondoggles in the history of Congress. According to the Treasury Department, the ethanol subsidy cost the American taxpayer $5.3 billion from 1983 to 1994. Furthermore, ethanol subsidies artificially inflate the price of corn food products, costing American consumers millions each year. It is considered an environmental nightmare by many of our Nation's leading conservation groups.

Finally, Mr. Speaker, the approach to repealing the gas tax by 4.3 cents is fiscally responsible since repealing the ethanol subsidy of more than 50 cents a gallon will offset the revenue loss and not add to the deficit or require cuts in education funding.

Mr. Speaker, cutting corporate welfare to pay for a cut in the gas tax is a responsible choice for the taxpayers of this country, and I urge my colleagues to support the legislation I am introducing today.

TIME TO CUT TAXES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 3 minutes.

Mr. HOKE. Mr. Speaker, today is tax freedom day and today we are setting a new record for tax freedom day. It is not a record that we can be very proud of, but it is a record that I think I ought to bring to your attention and to the attention of the American people, in any event, and that is that this is the latest in the year that tax freedom day has ever fallen.

In other words, the day on which we celebrate the fact that we are no longer working for the government, but we are working for ourselves, our families, is today later than it has ever been in our history.

Mr. Speaker, I think that that confirms what Americans already know in their gut, and that is that taxes are too high and the government costs too much.

Consider the following: In 1950, the average-income family of four paid less than 5 percent of its total income in taxes and one wage earner could easily support the entire family on the average income in this country. But today, Mr. Speaker, that same average-income pays about 24 percent to the Federal Government alone, 38 percent when you add in State and local taxes, and that is the highest percentage in American peacetime history.

It is no wonder that tax freedom day is falling on the latest day that it ever has in the history of our country. Part of that is the result of tax increases that were enacted in 1993, increases which, as you know, Mr. Speaker, I voted against.

What is even more disturbing is that as a result of this, middle-class incomes are being squeezed; not to support the family, but to support the government. The pressure to earn more leaves us with less time and less energy to spend with our children or to get involved with our churches or synagogues or to be involved with our communities. When that happens, Mr. Speaker, our entire Nation suffers and our children suffer.

Mr. Speaker, the corrosive and damaging effect of taxation on America's working families must be corrected. One giant step in the right direction is a $500 per child tax credit, a measure that was passed by this Congress and vetoed by the President. With this credit, a family of four earning $30,000 would have its 1996 Federal income tax cut in half. The entire Federal tax burden of 4.7 million working American families at the lowest income levels would be eliminated completely.

Mr. Speaker, I am supporting the repeal of the 1993 gas tax increase of 4.3 cents per gallon. Of all the forms of taxation, the gas tax is one of the most unfair because it falls disproportionately on those at the bottom of the economic ladder.

There are those who have said that it is politically motivated to repeal the gas tax. I say if it is, so what? There is rarely a day that the sun rises that is not a good day to cut taxes in America.

TAX CONSUMPTION RATHER THAN INCOME

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CAMPBELL] is recognized during morning business for 3 minutes.

Mr. CAMPBELL. Mr. Speaker, on the subject of tax freedom day, there is a serious proposal being advanced by the gentleman from Texas [Mr. ARCHER], the Chairman of the Committee on Ways and Means, that we do away with the Federal income tax on individuals entirely. I think this is long overdue, and let me take a moment and explain why it is so important.

Mr. Speaker, suppose instead of talking about all the loopholes that we are going to close, and all of the small changes we are going to make here, and the tweaks and turns we are going to make, suppose we remove from the American public once and for all the burden of filling out that 1040 form; the burden of partnerships and subchapter S corporations, structuring their business in such a way as to avoid having to do this or that under our IRS; and get rid of the intrusiveness of the IRS into our personal lives.

Where would we make up the revenue? Well, the proposal would be to bury the personal income tax. Do not dare keep it alive, because if we put something else in place, Lord knows we will have both. But if we bury the personal income tax and instead raise money from a national consumption tax, here is how it could work.

Mr. Speaker, we could exempt food and rent and medicines. As a result, we really would not tax the poor at all. For all other goods and services in our country, we would have a tax rate of under 19 percent.

Now, is 19 percent high? Sure. Would I rather have it lower? Of course I would. But, Mr. Speaker, if we could abolish the personal Federal income tax, and all the time that it takes to fill out that form, and all of the lost energy that businesspeople spend structuring deals to avoid taxation instead of inventing and promoting and selling, would it not be worth it?

How much is a 19-percent increase in the price of a good because of a sales tax? It is about a year and a half under President Carter's administration. It is about a year and a half of the inflation we had then. But once it is in, it is done. We are not talking about increasing it any more. And we would in one moment liberate the American taxpayer.

One other advantage is the underground economy would pay tax for the first time. Drug dealers do not fill out their 1040 listing their occupation ''drug dealer, drug lord,'' but they do buy things. So we would tax people who consume. And we would create an incentive for those who save and invest.

Mr. Speaker, I used to teach economics, and a very simple rule of economics is people do less of that which you tax. Right now, we tax production of income. If, instead, we tax consumption, people will save and invest and that will make our country competitive for years to come.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FOLEY] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day we acknowledge those people who have made a difference in our lives and we remember them with admiration and gratitude. We are thankful, O gracious God, that we do not have to walk the road of life alone or meet the challenges of our day by ourselves, but rather our lives are enhanced and made full by the support and blessing of those near and dear to us. For families whose nurture to us is overwhelming, for colleagues who help point the way, and for friends whose affection and trust surround us, we offer these words of thanksgiving and appreciation. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 2202. An act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

APPOINTMENT AS MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group: Mr. HAMILTON of Indiana, Mr. LANTOS of California, Mr. HASTINGS of Florida, and Mrs. KENNELLY of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS TO ADVISORY BOARD ON WELFARE INDICATORS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 232(c)(2) of Public Law 102–432, the Chair announces the Speaker's appointment to the Advisory Board on Welfare Indicators the following Members on the part of the House: Ms. Eloise Anderson of California, Mr. Wade F. Horn of Maryland, Mr. Marvin H. Kosters of Virginia, and Mr. Robert Greenstein of the District of Columbia.

There was no objection.

TAX FREEDOM DAY

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Finally, Mr. Speaker, finally. Today finally is the day that the average American can stop working for the Government and finally start working for his or her family. For the average working American, every dime from every working hour of every working day from January 1st until today has been devoted entirely to paying taxes to the Government. Today, tax freedom day, finally arrives, but only after the Government has taken a bigger piece than ever before out of the hide of the taxpaying citizen.

We need to stop bilking the taxpayers and we need to let families keep more of what they earn. Those insiders who defend the current tax system and the huge burden that it imposes on working families practice cruelty in the name of compassion. Those who deny working parents tax relief while shouting tax cuts for the rich are practicing distortion in the service of big government.

Enough is enough, Mr. Speaker. On this tax freedom day, let us pledge that never again will the Government take so much time out of the lives of its citizens. Instead of vetoing tax relief, let us veto some taxes.

GAS TAX REPEAL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership continues to put special interests first and working families dead last. Now they want to cut education to give a windfall to big oil.

I support repealing the gas tax. But it must help consumers rather than the oil companies. In the last week, the wholesale price of gas has fallen by 4.4 cents. But the retail price is up two-tenths of a cent. The money should go into the pockets of consumers through lower prices at the pump. But Republicans are willing to let the money go into the bulging bank accounts of big oil instead.

My Republican colleagues are falling all over themselves to shell out this windfall to big oil. Could it be because 90 percent of the $2.1 million oil and gas companies gave in campaign contributions went to Republicans? Is that why they want to cut education rather than cutting corporate welfare to pay for the gas tax?

We can repeal the gas tax. But let's put working families first by making sure they get the benefit rather than getting the shaft.

SUPERFUND PROGRAM

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, tomorrow afternoon, Congressman DAVID MCINTOSH, chairman of the Subcommittee on Regulatory Reform, will be having a public hearing on the Superfund Program.

The purpose of this hearing is to stress the urgent need to put politics aside and reform the Superfund Program for the sake of public health and the environment. Since 1980, only 291 of the 1,289 sites have been cleaned up.

President Clinton, State and local governments, businesses large and small, environmental groups, and local communities alike agree that the current program is not doing its job to clean up hazardous waste sites quickly and effectively. In fact, the Congressional Budget Office [CBO] estimates that the average time for cleanup per site is between 12 and 15 years, at a cost of over $31 million.

Moreover, as each day passes without fundamental reform, cleanups continue to be impeded by significant bureaucratic delays and endless legal battles. Legislation is needed to address these concerns.

This must stop. Mr. Speaker, Americans expect these sites to be cleaned up without further delay and unneeded expense.

REPUBLICAN CAMPAIGN FOR WOMEN VOTERS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there were 2 very interesting stories on the news wire today. First of all, Majority Leader DOLE was addressing a convention in a western State and he said very strongly: Do not send Washington another PAT SCHROEDER. Hey, thanks, BOB. I am hoping we do not send the White House a BOB DOLE, but that is OK.

And then I also read on the wire today that Speaker GINGRICH gave a speech and said that he felt that the Democrats' advantage with women voters was just artificial and he was going to lead a public relations campaign to turn this around.

Hang on, women. Who knows what will happen. First we saw him with little animals. Now it is going to be interesting to see what we see him with in this whole campaign. But I must say, once women got the right to vote, we also have the right to read and we also have the right to drive cars and all sorts of things.

I think it is going to take more than a public relations campaign to paint over the record the people on the other side have built up. There is a reason.

THE LIBERAL RECORD

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, this past year-and-a-half we have heard a lot of complaining from the

liberal Democrats about the new majority in Congress. It has been a continuous chorus of whining and complaining from the liberal extremists, such as the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from Connecticut [Ms. DELAURO] and others.

They cannot stand the fact that the American people have rejected 40 years of the liberal policies that have brought this Nation to the edge of bankruptcy, the highest crime rate in the world, an education system that has failed, illegitimacy rates skyrocketing, drug abuse out of control, a welfare program that is a disaster, and a tax burden where middle income families are being crushed.

Mr. Speaker, what have the liberal Democrats offered the American people to help solve these problems? Nothing, absolutely nothing. Nothing but whining and complaining because they are no longer the majority.

In fact, they have tried to block everything the American people have asked the new Republican majority to pass, like a balanced budget, welfare reform, a new crime bill, legislation to save Medicare, education reform and tax relief.

Mr. Speaker, the liberal whiners and complainers have fought for 2 things, regaining the majority and going back to 40 years of the big Government, tax and spend status quo.

AMERICANS DO NOT SUPPORT CUTS IN EDUCATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the House Republican symbol should no longer be the elephant, because the elephant never forgets. The House Republicans, especially the Republican leader and my friend from Texas, cannot seem to remember that the American people are overwhelmingly opposed to cuts in education. Less than 1 month after we had a budget agreement that restored the cuts in education, they are back to say, let us pay for a gas tax by cutting education funding.

Most Americans support a cut in the Federal gas tax. Frankly, I support one. But not at the expense of education funding. While two-thirds of all Americans are concerned about the quality of education, my colleague, the gentleman from north Texas, DICK ARMEY, is proposing cutting funding for education programs in order to offset that revenue loss for a gas tax cut.

Eliminating our commitment to education is like declaring war on ourselves. We need only to look at our world class competitors in other countries to see what they are doing on education. They are not cutting funding. They are actually putting more money into it and requiring more out of it. We need to hear more about preparing for a better future for our children and our grandchildren.

TAX FREEDOM DAY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, during the American Revolution, the American people waged a war against one of the greatest empires in history. One of the main motivations for the revolution was the issue of taxation. In fact, one of their slogans was ''No Taxation Without Representation.'' If you look at the historical record, though, you will find that the taxes the English Crown imposed on the colonists were light by today's standards.

Today is tax freedom day. It is the day that the American people stop working for the Government and start working for their families. Think about it, Mr. Speaker, 17 weeks of the year, almost a third of a year, is spent working for the Government. If our Founding Fathers knew this, they would roll over in their graves.

This may not be 1776, but it is 1996 and its time to cut taxes, reduce government, and restore the American dream for our children and grandchildren.

GAS TAX REPEAL

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Mr. Speaker, in this House we have seen extreme examples from the GOP on how to deal with issues facing our Nation. We have also seen sensible solutions which have won out in the end.

The country is now debating how to deal with the sudden hike in gas prices. We hear the same old extremist kneejerk reactions from the Republicans. The majority has suggested cutting education to make up for revenue lost if part of the gas tax is repealed. Cut education? Do we really want to balance our books on the backs of America's families?

Mr. Speaker, a cut in the Federal gas tax of 4.3 cents a gallon would reduce revenues by an estimated $30 to $35 billion over 7 years. The new majority refuses to look at cutting corporate welfare. They refuse to look at what windfall profits are being realized by oil companies whose speculations send gas prices skyrocketing.

Mr. Speaker, through the shutdowns and budget gridlock, we Democrats have fought and won battles protecting education. But we can never rest. Here is a new assault on the American education system. Let us be sensible, not extremist, protecting our future.

TODAY IS TAX FREEDOM DAY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, today is tax freedom day. May 7 is the day we stop working to pay our tax bill and the day we begin to work for ourselves and our families.

Incredibly, the average American must work from January 1 through today just to earn enough money to pay his or her share of State, local, and Federal taxes. Only tomorrow will Americans begin to work for themselves.

Many believe that on April 15 we are through with taxes for awhile. Nothing could be further from the truth. In fact, on average, Americans spend 2 hours and 47 minutess each day working just to pay their taxes.

Liberal politicians and the special interest groups mistakenly believe raising the minimum wage will help working Americans. Increasing the minimum wage will cost jobs and increase workers' tax burdens. If we really want families to earn more, keep more, and do more, the Government must stop taking so much from each paycheck.

Consider this. The working Americans that Bill Clinton says he is concerned about must earn more than $3 to buy a gallon of milk that costs less than $2. Let's cut taxes and make the Government spend less so that Americans may spend more of their hard-earned money.

REPEAL OF THE GAS TAX

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on behalf of students across America, I would like to award a dunce's cap to my colleague from Texas. Mr. ARMEY, the acting Speaker of the House, suggested we could pay for repeal of the gas tax with cuts in education. Where does he think the money will come from?

We could cap college assistance—and take Pell grants away from more than 3 million college students. We could cap Head Start—take education, nutrition, and health care away from every one of the 760,000 preschoolers who participate—and we still wouldn't get enough. We could cap funds to elementary schools—and take reading and math help away from 5.5 million students who are struggling to catch up with their peers.

Mr. ARMEY, if you think the American people want to cut our children's education to save themselves 4.3 cents at the gas pump, you haven't done your homework.

□ 1415

TURN THE CLINTON TAX TREND AROUND

(Mr. KNOLLENBERG asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I guess the President just simply loves higher taxes. In 1993 he passed the highest tax increase in American history: an increase in the tax gas, an increase in Social Security taxes on seniors, an increase in taxes on small business. Now our Tax Freedom Day which we have heard so much about this morning keeps falling later and later every year under the Clinton watch.

In 1992, under George Bush, it was May 2, but next year, Clinton, May 3. Next year May 5; next year, May 6; and now it is May 7, the latest the tax freedom day has ever been.

We can turn the tide. We can and we should cut taxes. Let us cut them on average working families: taxes on gas, if my colleagues will, but taxes also on seniors, taxes on our small businesses, taxes on farmers, and taxes on capital gains. Let us shorten the Government's long reach into our pockets and cut taxes right across the board.

Let us turn this trend around. Maybe next year people will be able to work less for the Government and more for themselves and their families.

CUTTING FUNDING FOR EDUCATION—NOT THE RIGHT DIRECTION

(Ms. LOFGREN asked and was given permission to address the House for 1 minute.)

Ms. LOFGREN. Mr. Speaker, I read that the majority leader made this statement on Sunday: Maybe we ought to take another look at the amount of money we are spending on education. And I thought, finally, good—we do need to take a look at the amount of money we are spending on education.

I saw today in the Washington Post that in Korea kids get out of school at 10 p.m., and they go to school 6 days a week. Is it any wonder that they are leaving us in the dust? They have gone from Third World to major competitor in a few short years because they are putting money into education.

But I learned, in fact, that the majority leader's proposal is to cut education funding to pay for a proposal to cut the gas tax.

This is not the direction we should be heading. Where I come from, families are indeed struggling to pay for very high gas bills; they are commuters. But the thing they know more than anything else is that, if we want to get ahead as a country, it is important to take the long view and make sure that our kids are the best educated in the world.

CUTTING DUPLICATION, NOT EDUCATION

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, 128 days out of the year, 17 weeks out of 52, are spent working to pay our taxes. In other words, for 128 days the average American works for government. Something is wrong with this picture.

Mr. Speaker, the American family is being pressured from all sides today. It does not help that government takes 128 days of his or her labor. And, thanks to Bill Clinton, Americans now work an extra 6 days to pay their taxes. That is another pay gone to finance the Government's spending by the Washington bureaucrats.

Mr. Speaker, we need less government, lower taxes, we need to let people keep more of what they earn and save, and we need to let people make their own decisions about how they spend their money, not government.

As to the remarks of the gentleman from Texas [Mr. ARMEY] about education, we had 760 educational programs in 39 different departments in this Federal Government. We said 170 of them were duplicative of other ones. That is not cutting education. This is cutting duplication.

WHEN WE REDUCE THE GAS TAX, WILL CONSUMERS BENEFIT?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the bottom line is this:

When we reduce the gas tax, are consumers going to see any of the benefit? That will be determined by whether there is a free market, whether the oil companies are actually competing with one another, whether all those up and down the line will pass the price through to the consumer. Because if we reduce the tax by 4.3 cents and the consumer does not get any reduction at the pump, what good is it?

Now what we have seen in the past in the gas and oil market is that there is not real competition in certain ways. When the spot market wholesale price goes up, it immediately goes up at the pump, the price does. But when the spot market for crude oil goes down, it takes months and months and months for it to go back down.

This chart shows it all. Wholesale price falls 4.4 percent, price at the pump goes up 2 cents.

Now if that happens, the gas tax reduction will not bring any benefits to the American consumer, and we better make sure that it does.

ONCE AGAIN THE PRESIDENT REVERSES HIMSELF—THIS TIME ON ADOPTION TAX CREDIT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1993 President Clinton passed the largest tax increase in history, and then later reversed himself in Texas when he commented that he raised taxes too much. He said he was for a tax cut, but he vetoed tax cuts, just one right after the other: A child tax credit relief, capital gains relief, a marriage penalty relief, and many more.

Tomorrow we are going to bring a $5,000 adoption tax credit up to be debated again for a second time, and once again the President has reversed himself. He says he likes the idea. We must continue to fight for tax cuts that help American families and children.

As my colleagues know, Americans want and even deserve a break from high taxes and not just when it is in the President's best political interest.

WHAT NEXT? AID FOR DEPENDENT COWBIRDS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even on tax freedom day it never ends. Government bureaucrats maintain that California cowbirds lay their eggs in the nest of California gnat catchers, forcing the gnat catcher to raise the little cowbirds. Now, since the gnat catcher is on the endangered species list, the bureaucrats have decided to gas the cowbirds.

Now, if this is not enough to ruffle our tarfeathers here, my colleagues, they will spend $67 million to kill California cowbirds.

What is next folks?

A Government grant for cowbirds to lobby Bruce Babbitt?

Aid for dependent cowbirds?

Tax credits to adopt the California cowbirds?

Is it any wonder we have a $5 trillion debt?

I submit these are not normal Government bureaucrats. These are turkeys. Anybody who would spend $67 million to help one endangered species, a gnat catcher, and make another species, a cowbird, an endangered species, needs a proctologist, not a psychiatrist.

PROTEIN CRYSTAL GROWTH ON THE SPACE STATION

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I want to tell my colleagues about one area of science that will be performed aboard the space station.

Protein crystallography is a field of research that allows scientists to determine the structure of proteins that play critical roles in diseases.

To use this technique, researchers must grow large, high-quality crystals of the protein. On Earth, gravity often causes the crystals to grow imperfectly, preventing scientists from developing new disease-fighting drugs.

Protein crystals grown in space, as demonstrated on many space shuttle

flights, are superior in quality and size to those grown on Earth. This means that researchers can better develop drugs to battle disease.

In fact, protein crystal grown on the shuttle have already allowed researchers to develop drugs that are in FDA trials even as we speak.

But the growth of many crystals requires more than a few days available aboard the shuttle. That is why we need the space shuttle.

It will permit researchers to grow their crystals in a nearly perfect microgravity environment for long periods of time.

Mr. Speaker, researchers from universities and companies around the world strongly support the international space station, and I urge my colleagues to do the same.

MAY 7, 1996, TAX FREEDOM DAY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I offer congratulations to you and congratulations to every hard-working American taxpayer. Or should I say offer condolences? Because at long last, today, May 7, is tax freedom day.

We have heard a lot of talk, a lot of playground taunts about the gas tax and repealing the Clinton gas tax. That would be but a modest first step, a reasonable first step.

Let me put it in perspective, Mr. Speaker. One of my constituents stopped by my Washington office this morning and told me in the wake of Bill Clinton's tax increase, the largest in American history, including retroactive taxes, her tax bill increased 213 percent.

That is compassion? That is common sense?

Mr. Speaker, in the words of my colleague from Ohio, beam me up.

A REAL MOTHER'S DAY TRIBUTE; PASS CHILD SUPPORT ENFORCEMENT REFORM

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, Mother's Day is just a few short days away, and I have a great idea for the congressional leadership and President Clinton.

For all the mothers of America, let us enact tough new child support enforcement reforms.

Last year this Congress voted to give the States the tools and the teeth to enforce child support orders when it passed the welfare reform package. Unfortunately, the President vetoed that bill, and the child support reforms along with it, and since that time child support has been tangled in the larger welfare reform debate.

Mr. Speaker, enough is enough. No more excuses, no more delays. The children are suffering. Let us pass this legislation now. No one expects the welfare reform dispute to be settled for months, if at all. Yet we all agree on a bipartisan basis on the reforms to strengthen our child support system.

Child support evasion is a national disgrace. Each year millions of families are denied billions of dollars to which they are legally and morally entitled. First the children are the victims and, second, the taxpayers. Let us pass this legislation.

GIVE THE TAXPAYERS A BREAK—REPEAL THE CLINTON GAS TAX

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, the Clinton crunch is hitting the American people hard. The most conspicuous evidence of the Clinton crunch right now is the soaring gas prices all over our Nation. Back in 1993, President Clinton enacted the largest tax increase in our Nation's history. And included in this tax package was a $4.8 billion tax increase on gasoline. This Clinton gas tax is hitting all consumers right where it hurts—in the wallet.

Mr. Speaker, the American people want to keep more of what they earn, not continue to give more and more of their hard-earned money to the Federal Government. I call on my Democrat colleagues to support a repeal of the Clinton gas tax. While $4.8 billion may not seem like much money to some of the Clinton Democrats, it's considered a whole lot of money to the majority of the American people.

Give the taxpayers a break. Repeal the Clinton gas tax.

LET US BE FAIR

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, we read in the Washington Post this morning that Leader ARMEY is taking the leading role in defining the remainder of this Congress' Republican revolution. Apparently the revolution he wants to bring about is to cut education so that we can go about reducing the gas tax without any promise, any commitment that that will actually be passed through to consumers.

While oil companies are profiting, and obviously many are based in his home State of Texas, we seem to think the only way we can help people who are suffering from incredible increases at the pump would be to cut programs that will help their children.

This is the same leader who indicates we ought not to have a minimum wage, let alone an increase in it, that would take it, in real dollars, from 1950 to 1960.

It seems to me if we are going to address the issue of cutting taxes on gasoline without passing them through to consumers, we certainly ought to be willing to take up the issue of a minimum wage for those people who struggle each day to put food on the table for their families. That would be a fair way to lead this institution.

□ 1430

SUPPORT ELIMINATION OF THE GAS TAX

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman from California, who just spoke, was not on the big spenders list every year, then those folks would have more money in their pocket instead of increasing the deficit so much.

Mr. Speaker, they said, Do we want to repeal the gas tax? Yes. Do we want to repeal the Social Security tax that the 1993 Clinton tax package put on our senior citizens? The President promised a middle-class tax cut. Instead, he increased the marginal rate on the taxes for the middle class.

The Democrats want to protect the power, the power to tax you, to bring money to Washington, DC, to support a big bureaucracy, and then turn that money back around and give it to you for education, as low as 23 cents on a dollar, so they can fund their big Federal bureaucracy. if they want to help education, look at Haiti, look at Somalia, look at Bosnia: Billions of dollars for the President to send our troops. And guess what? Aristide is still there, Aideed is still there, and in Bosnia it is going to cost $10 billion. If they want to help education, cut out the foreign expansion. Support elimination of the gas tax.

WHITEWATER INDEPENDENT COUNSEL SHOULD FOCUS ON THE JOB AT HAND

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, the calls for Whitewater Independent Counsel Kenneth Starr to address concerns over his outside legal practice continue to mount. This weekend, former independent counsels—both Democrats and Republicans—added their voice to the chorus of concerned citizens questioning the judgment and independence of Mr. Starr.

Lawrence Walsh, former judge and independent counsel for Iran Contra, said: ''The one excuse for an Independent Counsel is his independence * * * he can't be involved with anything that impairs his freedom of action.''

And Gerald J. Gallinghouse, another Republican who investigated President Jimmy Carter said, ''He should either get in or get out.''

Mr. Starr's investigation is now almost 2 years old and is costing the taxpayers about $1 million a month. At

the same time, Mr. Starr continues to maintain an enormous private legal practice which includes many of the President's fiercest political enemies. In fact, it seems that the only criteria is to be an enemy of the Clinton administration.

The issue is perception and confidence. I call on Mr. Starr once again—put the private legal practice on hold and focus on the job at hand—the public deserves nothing less.

TAX FREEDOM DAY

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, all the attacks in the world on Mr. Starr are not going to distract attention from the fact that 16 indictments and 9 convictions later, the Whitewater investigation proceeds.

Mr. Speaker, today is tax freedom day. It is the day Americans stop working for the Government and start working for themselves. Tax freedom day is now 128 days into the year. That's up 6 days since Bill Clinton took over the White House.

Six days is over a week's worth of work. That's another paycheck the American people will not see because Bill Clinton raised taxes in 1993.

Today, the average family pays almost 40 percent of their income in taxes. That is wrong. A 40-percent tax rate is simply too much for a struggling family.

Bill Clinton may be riding high in the polls today. But that does not change the reality that he is a big government tax and spend liberal who gave Americans the largest tax increase in history and who fought against and vetoed any tax relief for America's families.

Happy tax freedom day, Mr. Speaker.

DO NOT REPEAL THE GAS TAX BY TAKING AWAY DOLLARS FOR EDUCATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that I am willing to celebrate tax freedom day. I have gone on record to support a repeal of the gas tax for 4.3 percent. But how ludicrous that Republican colleagues seem to want to give not only freedom to the taxpayers, but a big ax to the taxpayers: Repeal the gas tax, but let us hit them upside the head by taking away education dollars.

What sense does that make, Mr. Speaker? Is it not fair that we say to the American people, yes, we want a repeal of the gas tax if it goes directly back to the American consumer, but yet, we are not going to hit you about the head on tax freedom day and take away education dollars from your children?

I am not sure what this House intends to do, but Mr. Speaker, I hope for once that we will be fair to the American people. One, we will support education for their children with loans and title I and Goals 2000, and will not make these ridiculous statements about taking away education dollars from our children; and yes, we will repeal the gas tax, and we will do it with a 4.3-percent repeal that goes directly back to the consumers. I hope if we look at giving something back to the taxpayers, we will look somewhere else, not take away education dollars.

REPUBLICAN LEADERSHIP WANTS TO CUT EDUCATION FUNDS TO GIVE TAX BREAKS

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the Republican leadership wants to cut education funds for children in this country in order to give a tax break which is going to wind up in the pockets of oil companies, by every economic analyst's view in this country. Yesterday's Wall Street Journal reports that the first quarter profits at the big oil companies went up 41 percent in the first 3 months of this year. The five top executives at the six top oil companies in the last 2 months enjoyed 32 million dollars' worth of increases in their stock options; the oil company executives, $735 apiece went to each oil company executive. Clearly, the oil company executives are not upset about higher prices at the pump. They are crying all the way to the bank.

Who are we going to ask to pay for this? The children of the country, in cutting education programs for them. How about looking at the oil companies? They are tipping consumers upside down and shaking money out of their pockets.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

AUTHORIZING USE OF CAPITOL GROUNDS FOR EVENT SPONSORED BY SPECIALTY EQUIPMENT MARKET ASSOCIATION

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 150) authorizing the use of the Capitol Grounds for an event sponsored by the Specialty Equipment Market Association, as amended.

The Clerk read as follows:

H. CON. RES. 150

Whereas the United States public has demonstrated a continuing love affair with motor vehicles since their introduction 100 years ago, enjoying vehicles for transportation, for enthusiast endeavors ranging from racing to show competitions, and as a mode of individual expression;

Whereas research and development in connection with motorsports competition and speciality applications have provided consumers with life-saving safety features, including seat belts, air bags, and many other important innovations;

Whereas hundreds of thousands of amateur and professional participants enjoy motorsports competitions each year throughout the United States;

Whereas such competitions have a total annual attendance in excess of 14,500,000 spectators, making the competitions among the most widely attended in United States sports; and

Whereas sales of motor vehicle parts and accessories for performance and appearance enhancement, restoration, and modification exceeded $15,000,000,000 in 1995, resulting in 500,000 jobs for United States citizens: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SPECIALITY MOTOR VEHICLE AND EQUIPMENT EVENT.

On May 16, 1996, or such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate there is authorized to be conducted on the Capitol Grounds a public event (in this resolution referred to as the ''event'') displaying racing, restored, and customized motor vehicles and transporters.

SEC. 2. CONDITIONS.

The event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board. The sponsor of the event shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURE AND EQUIPMENT.

For the purposes of this resolution, the sponsor of the event is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such

stage, sound amplification devices, tents, and other related structures and equipment as may be necessary for the event. The sponsor is further authorized to display racing, restored, and customized motor vehicles and transporters in the condition in which they appear.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any additional arrangement that may be required to carry out the event.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

The sponsor of the event (including its members) shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of the sponsor (or its members) or any product or service offered by the sponsor (or its members).

SEC. 6. PHOTOGRAPHS.

The event may be conducted only after the Architect of the Capitol and the Capitol Police Board enter into an agreement with the sponsor of the event, with each person owning a vehicle to be displayed at the event, and with the manufacturers of such vehicles that prohibits the sponsor and the vehicle owners and manufacturer from using any photograph taken at the event for a commercial purpose. The agreement shall provide for financial penalties to be imposed if any photograph is used in violation of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Minnesota [Mr. OBERSTAR] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 150, as amended, a resolution authorizing the use of the Capitol Grounds for a specialty motor vehicle and equipment event. This resolution authorizes the Special Equipment Marketing Association to conduct a public event on the Capitol Grounds displaying racing, restored, and customized motor vehicles and trucks. The event will be part of an American picnic on the Capitol Grounds celebrating 100 years of the introduction of the automobile.

Motor sports is a large spectator sports in American drawing millions of fans every year to events. The specialty equipment industry, which manufacturers many of the products used in racing vehicles, employs 500,000 Americans and generates $15 billion in revenue.

The bill specifies May 16, 1996, as the date on which the event would occur. It would not detract from the ceremony which will honor our peace officers, which event is now occurring on the 15th of May, and honoring these peace officers who have died in the line of duty will not be interfered with at all.

Mr. Speaker, the event is to be free of charge, and the Architect and Capitol Police Board are to specify conditions for the event so as not to interfere with the needs of Congress. The sponsor is to assume full responsibility for all expenses and liabilities associated with the event. The resolution authorizes the sponsor to display racing, restored, and customized motor vehicles and trucks in the condition in which they currently appear. This will allow these special vehicles to be displayed in their original or unaltered state. Many of these vehicles display decals or stickers promoting commercial sponsors. This amendment would permit these vehicles to be displayed without alteration.

Subject to the approval of the Architect, the sponsor may erect stage, sound amplification devices, tents or other structures necessary for the event. The sponsor, including its members, may not represent that the resolution nor any activities carried out under it constitutes approval or endorsement by the Federal Government of the sponsor, its members, or any product or services offered by the sponsor or its members.

Finally, the resolution provides that the event may be conducted only after the Architect and the Capitol Police Board enter into an agreement with the sponsor and the owners and manufacturers of vehicles to be displayed that prohibits the use of photos taken at the event for commercial purposes. Finally, penalties would be imposed for those violations.

This resolution has the support of the resolution's sponsor, the sponsor of the event. I would like to thank my colleagues on the other side of the aisle for their assistance in crafting compromise language so this event may go forward. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 150, as amended, would authorize the use of the Capitol Grounds for a display of specialty vehicles, including racing cars and antique cars.

Mr. Speaker, as I understand this event, like other events on the Capitol Grounds, it will be open to the public and will be free of charge. The amended resolution before us includes some substantial improvements over the introduced resolution.

In my opinion, the concurrent resolution as introduced did not contain sufficient safeguards to ensure that the authorized event would be consistent with our longstanding and bipartisan policy, and one enforced by the previous Architect of the Capitol, that the Capitol Grounds should not be used for commercial purposes. I frankly find it offensive that anybody would want to do such a thing.

Mr. Speaker, I had two major concerns in that regard about the introduced resolution, First, it did not prohibit the cars on display from being covered with decals advertising automotive and other products. Second, there did not appear to be adequate protections to assure that photographs of cars on the Capitol Grounds would not be used in commercial advertising; the selling of the Capitol, it seemed to me.

We discussed this a great deal with our good friend, the gentleman from Maryland [Mr. GILCHREST], the very thoughtful and concerned Member of Congress, for whom I have great respect and appreciation. The amended resolution now deals with these issues. It did not totally prohibit the decals. We were advised in the course of these discussions that the event would not be able to go forward with a total ban on decals, since owners would not be willing to display their cars with the decals covered up with masking tape, which I frankly suggested. However, the bill limits the decals to those that are already on the car, so they cannot put new ones on. I do not know how we are going to monitor that, test it, or check it, but we will take them at their word.

With respect to photographs, the amended resolution includes a provision prohibiting the sponsor of the event, the person displaying the vehicles, and the manufacturers of the vehicles, from using photographs of the event for commercial purposes. I hope, I just strongly, hope, that these prohibitions, which carry financial penalties, will control the potential for commercialization of the U.S. Capitol.

I know the gentleman from Maryland shares that concern. He has endeavored vigorously to achieve the same objective. I believe with his vigilance and with the attention that has been drawn to this subject that the commercialization, the use of the U.S. Capitol for commercial purposes, will not go forward.

Mr. Speaker, I think these protections are as good as we can get, short of not allowing the event. Congress has an obligation, Mr. Speaker, I feel very strong about this, to ensure that the Capitol Grounds are used in a fitting and in a proper manner. Use of grounds for a commercial purpose detracts from the integrity of this national treasure and this landmark that belongs to all of us, to all Americans.

It offends me, frankly, that groups that criticize Washington and criticize government then want to turn around and use Washington and its most important symbol, the U.S. Capitol, to further their own commercial purposes. I find that inconsistent, I find that offensive.

□ 1445

Use of the grounds of the U.S. Capitol should be reserved for events that have public significance, that have national significance, that have broad national interest, such as the Special Olympics torch relay run, the memorial ceremony honoring law enforcement officers killed in the line of duty.

Even in those, as in this particular event with racing cars, we ought to be sensitive to safeguarding the integrity of this very treasured national symbol

of freedom. It is, after all, a symbol of freedom. It is not a symbol of commerce.

I think the amendment before us achieves those objectives, responds to my concerns, and I appreciate the cooperation I have had from the gentleman from Maryland and the sensitivity and concern and cooperation we have had from the chairman of the full committee.

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

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

Mrs. SCHROEDER. Mr. Speaker, I was in the Cloakroom, and I really want to congratulate the gentleman on his statement. I am a little stunned at what I think I heard. We are turning the Capitol Grounds into kind of a car lot with this resolution? Is that what I heard?

Mr. OBERSTAR. There is going to be a display of vehicles in honor of the 100th anniversary of motor vehicles.

Mrs. SCHROEDER. If the gentleman will yield further, what a precedent this is. Does this then mean we can do all sorts of future displays for any commercial thing that wants to come in here?

Mr. OBERSTAR. We have attempted to restrict the opportunity for commercialization with the language included in this resolution that the gentleman from Maryland has included, and with his splendid cooperation, to prevent use of photographs for commercial purposes, to limit the amount of commercialization evident on the vehicles to be displayed here.

Mrs. SCHROEDER. If the gentleman will yield further, I am very glad that the gentleman was there and vigilant and got those amendments in, but I am a little troubled at the time we are going through this gas crisis and everything else that we are going to turn, I think, the Capitol Grounds into a parking lot and a public display.

I hope we have a vote on this, because I would like to see how Members vote on this issue. I am stunned. I never saw anything like this in my 24 years and I am troubled as to why it comes up now, but I thank the gentleman for his hard work.

Mr. OBERSTAR. I thank the gentlewoman.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

I share many of the sentiments of the gentleman from Minnesota in his concerns about commercializing the Capitol Grounds and also I share the concerns of the gentlewoman from Colorado for the same reason. This will not specifically be on the Capitol Grounds. It is across the street and to the rear of the Senate office buildings, so we will not see any motor vehicles right here directly on the Capitol Grounds.

I would also like to reemphasize two areas that the gentleman from Minnesota [Mr. OBERSTAR] emphasized, as far as these motor vehicles will not be able to use this particular display for profit or for commercializing any of their products. It is the 100-year anniversary of the automobile in the United States, and I know we have troubles through the years as far as gas taxes are concerned, gas crises are concerned, environmental issues are concerned.

It is not my intent nor is it the intent of this committee to demean the Capitol Grounds in any way, shape or form by sponsoring motor vehicles and expending more gasoline products. That is exactly the opposite of what we are trying to do. What we are trying to do is to come up with some consensus language on both sides of the aisle so we can have some understanding how to put forth a display which will be off the Capitol Grounds, on property owned by the U.S. Capitol but not on the Capitol Grounds proper, so we can have some sense of history.

As a former school teacher, I know that when I have brought students here for many, many years, the students found many fascinating things about Washington, DC, and we could always associate something, some type of display, whether it was on the Mall or up here dealing with the issue of democracy and the issue of debate. We are now engaged in a debate whether or not this is a proper use of the Capitol Grounds.

It is my judgment, after consultation with the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT], that we have realized some of these issues and that we will go forward with this event ensuring, with the legislation's specific language, that none of the uses of these motor vehicles, which are all U.S.-manufactured motor vehicles, can be used in any way for the advancement of any particular product.

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

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

Mrs. SCHROEDER. Mr. Speaker, if this display is not going to be on the Capitol Grounds, as I think I heard the gentleman say, then why do we need the resolution?

Mr. GILCHREST. Reclaiming my time, I said it is not on the Capitol Grounds proper. In other words, when we say the Capitol Grounds, people right away think it is going to be right in front of the west side or the east side of the Capitol.

It is, properly spoken, Capitol Grounds, but we could not see this display from the Capitol. We would have to walk across the street to the other side of the U.S. Senate office buildings before we could see the display. So I wanted to make a distinction. It is not right here on the east front or the west front of the U.S. Capitol.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend for yielding.

Mr. Speaker, for years we have been touting American workers, and I would say to my friend from Ohio [Mr. TRAFICANT], who fights for American products and ''Made in America,'' these are American cars. For 100 years Americans have been making these products. My colleagues on the other side say they are big strong supporters of the unions. It is mostly union members that make these cars and they have for 100 years.

I think we need to show that we are proud of our products. Only a few short years ago there were other products that came into this country that cut them out. For 100 years our workers have been the finest in the world, and I think we need to honor them. I laud the gentleman for his initiative.

Mr. GILCHREST. I thank the gentleman.

Mr. Speaker, one other quick comment. We do have, and I know this is not on the Capitol Grounds but it is on The Mall, we have the Air and Space Museum that sort of in some indirect way, I guess, promotes air travel and specific airlines. We have the American History Museum. I really do not want to get into a semantic argument here, but I do think we have come up with a fairly consensus bill on both sides of the aisles.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time. I want to congratulate him for bringing the resolution to the floor. I rise in support of the resolution.

Mr. Speaker, for 100 years the American automobile has been a part of the American scene. It has transformed the way in which we live, the way in which we work. It has been an important part of our entire history for the last 100 years. This display is in congratulations and celebration of that very fact.

The fact is that for people who are concerned about this, when they go to the Smithsonian. They will find cars on display in the Smithsonian museum, they will find racing cars, for instance, in the Smithsonian that actually have decals on them.

There are in fact historic reasons why there has been a link between motor sports and people who are willing to pay the bill. For that 100-year history, motor sports has been a part of it. The fact is that today it has become the largest single spectator sport in the country. That is motor racing. All over this country, in small communities and in large, there are people who spend their weekends going out. Some of the language I have heard on the floor today is kind of an insult to some of those people who find this to be an enjoyable sport and who participate in it honorably and go as spectators.

The fact is also that there are hundreds of thousands of people who participate each year in car shows, that simply go to look at products and look

at restored kinds of vehicles. There are hundreds of thousands of people who participate in the actual restoration of automobiles and in the historic sense of preserving that piece of Americana that was built years ago.

There are lots of people out there who regard these phases of motor sports as an intimate part of their lives and think that it is entirely appropriate to have a display on the 100th anniversary of the motor vehicle on the Capitol Grounds in celebration of that fact. That is what we are doing here. This is not a commercial kind of display at all. It has nothing to do with commercialism.

It is the same kind of thing that often goes on in the Capitol Building. When we have a historic event, we actually bring the artifacts of that historic event to the Capitol to allow the public to see them. That is what is happening here. I congratulate the gentleman for his resolution.

Mr. GILCHREST. I thank the gentleman from Pennsylvania. I might say that I think maybe the largest spectator sport is little league baseball, or maybe it might be a close second there.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we end up getting in major debates over items that need not be controversial around here. I have a few questions. I would like to join in an ongoing colloquy if I could without a lot of parliamentary discourse.

But in the process when we discussed this, there was a special section put that would prohibit the use of photos of this event for commercial purposes. I want to thank Chairman GILCHREST for that. Further, there have been placed into this resolution financial penalties associated with violation of that prohibition.

We have had a lot of talk about American cars and an event that would highlight the automobile in our history, and the great invention and pursuits of American manufacturing. The first question is, Will there be foreign cars highlighted, and will they be a part of this display?

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

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

Mr. GILCHREST. Mr. Speaker, it is my understanding that only U.S. manufactured vehicles and U.S. manufactured parts will be a part of this display.

Mr. TRAFICANT. There is in here, then, penalties associated with violation of any of these promotional concerns that we have. For the sake of this debate, who would be responsible for enforcement of those penalties?

Mr. GILCHREST. The whole arrangement is going to be cleared through the Architect of the Capitol and the Capitol police. The Capitol police will be responsible for enforcing any of the violations.

Mr. TRAFICANT. Will there be any association with foreign sponsors at this event?

Mr. GILCHREST. It is my clear understanding that there will be no association with foreign sponsors. These are all U.S. sponsored, U.S. manufactured products.

Mr. TRAFICANT. Let me say this. I think there is a lot of concern because of the fact that we are using the grounds, and we are using Capitol Grounds, as evidenced by the fact we need a resolution. We use Capitol Grounds for many other things.

I am not opposed to this. I believe that we should highlight the achievements and the great, in fact, pursuits of the American automobile industry, from the invention and the creation to the mass production.

I am very concerned, though, and I want to state this before the Congress, on a resolution of this kind which is noncontroversial, that right now many of our trucks carrying American-made manufactured brands are made overseas. The beautiful Regal, Buick Regal, is made in Canada. So I want to make sure this is an event for America.

I certainly will not oppose it. I will vote for it. I want to thank the chairman for including the concerns that both the gentleman from Minnesota [Mr. OBERSTAR] and I had on this when it was previously discussed.

I would like to say this, though, that in the future when we talk about penalties for violation of certain behaviors involved with issues such as this that seem noncontroversial, not to be big mind benders, we should at least have a study reported back to us if in fact the design and intent of these particular programs was as they were first recommended and presented to us.

With that, I would yield to the chairman for any comment relative to that last issue.

Mr. GILCHREST. I will assure the gentleman from Ohio [Mr. TRAFICANT] that we will continue to work with his side of the aisle in any future resolution that deals with a similar matter, that we will assure that all of his concerns will continue to be shared, that there will be precise and concise penalties on those who violate it, that this will be sponsoring U.S. manufacturers and not foreign manufacturers of automobiles, and that we will ensure that no photographs taken during this event can be used for commercializing purposes or for endorsement purposes. If they are, they will feel the full force of the law.

Mr. TRAFICANT. Would it be reasonable, then, to spread across the RECORD at least the following concern, that the Architect of the Capitol should report back to our subcommittee on in fact the questions that I have posed here relative to any possible foreign participation that is not the intent of this particular resolution?

Mr. GILCHREST. Mr. Speaker, the gentleman from Ohio [Mr. TRAFICANT] has an excellent idea and we will follow it up. We will, sometime following the event, assure him that there will be a hearing on that issue.

Mr. TRAFICANT. In closing, let me say this. The gentleman from Pennsylvania [Mr. WALKER] is a friend of mine. He has had a number of Corvettes over the years, and I am sure that that car made in Kentucky, made out of American parts, will be highly featured.

With that, I will not pose any further opposition and would vote for the resolution.

Mr. GILCHREST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER].

□ 1500

Mr. CHRYSLER. Mr. Speaker, I rise in support of the resolution to allow the use of the Capitol Grounds for a specialty motor vehicle and equipment event. As a former race car driver, auto manufacturer, union member, and SEMA member, I have first-hand knowledge of the importance of the auto industry to our economy. This event will demonstrate the economic and employment benefits, as well as contributions to engineering, safety, and entertainment provided by U.S. motorsports industries.

The event will be held on May 16 on the Upper Senate Park and will include a wide variety of race cars, motorcycles, and collector cars spanning the evolution of the industry including vehicles from prewar classics, street rods, and '60's muscle cars. Also on hand will be race car drivers, car collectors, and U.S. performance and specialty manufacturers from around the country. It will be a convenient way for Members not familiar with the industry to gain greater insight into motorsports and for car and motorcycle enthusiasts to join in the celebration and perhaps display their own customized car or bike, as I will.

It has been 100 years since the automobile was first introduced in the United States. I urge your support of this exciting event commemorating the importance of the motorsport industry to our economy on this 100-year anniversary.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I guess I am a little troubled by this, not because I am against the auto industry for heaven's sakes. I think the auto industry is terribly important, and I am a car lover as every other red-blooded American is.

In the last year and a half we have seen the Capitol Grounds used for all sorts of things. We had elephants here for the first time, a circus came through, a couple weeks ago there was

a rock concert going on on the front lawn, and for people whose windows face that way it was really quite noisy.

I understand people were saying, well, we will not be able to see this show from the Capitol, but you will be able to see the Capitol from the show, is the way I understand it. And I guess I am saying, are there any criteria? Are we just going to wait and be surprised day after day by new ideas that come up on the other side of the aisle for what we should use the Capitol as a showcase for? What about assault weapons? Can we have assault weapon or gun shows around here? Can we have dog and cat shows or horse shows?

Mr. GILCHREST. Mr. Speaker, will the gentlewoman yield?

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

Mr. GILCHREST. Mr. Speaker, I would like to tell the gentlewoman, I think there are a lot of people that share her concerns about commercializing the Capitol Grounds and trivializing the Capitol Grounds. This is the Nations's Capitol, which has a great and grand history of legislating for the Nation's good. So I will tell the gentlewoman that in the future, as these things usually come through the subcommittee of which I am chairman, that we will ensure that Members on both sides of the aisle receive this kind of information and notice well in advance.

Now, there was information about this for the past several months. I realize we are all very busy with a variety of things and do not pick up on all of the activities that are occurring, but certainly I will assure both sides of the aisle that whenever events like this are coming up, I will do my level best, and I know the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT] will help with this, as well as other members of the committee, to make sure the body as a whole realizes these things are coming up and they can be prepared for them.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I guess my point is I think we need some criteria. I think before we keep doing this in an ad hoc manner, in which we kind of walk into the cloakroom and hear, wow, elephants are coming, the circus is coming, we are going to have a car lot, do this or that, or have a rock show, I would hope there would be some general criteria, rather than in an ad hoc way, as to what we can and cannot use the Capitol Grounds for.

Otherwise maybe we should rent it out, maybe privatization; they should pay us and we get the money back and we use it for something to maintain the Capitol. I do not know. I must say it is not the car show per se, but it is just the idea that there is more of ad hoc casual way that they are coming one on one, and there does not seem to be any criteria or any overall agenda that they fit through.

Mr. GILCHREST. Mr. Speaker, if the gentlewoman will continue to yield, what a number of us have been talking about over the past week is the issue of raising a specific criteria, there ought to be some type of specific or some flexible specific criteria that people can agree on for the type of activities that will go on on the Capitol Grounds.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman be bringing that out of the committee shortly?

Mr. GILCHREST. It is in the early stages of discussion. We have not had any hearings on it. I think it would be a good idea, whether or not we have hearings on it, at which time, if we did have hearings, we could certainly bring in Members to give their perspective on it.

Mrs. SCHROEDER. I thank the gentleman. I really think that would help.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, following up the discussion with the ranking member of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], discussing the matter of foreign cars, which we have been assured there are not going to be foreign automobiles, the provision of the resolution deals with this issue, section 6, do I understand the chairman's response to mean that in entering into an agreement authorizing the event, that the Architect will include provisions to assure that no foreign manufactured cars will be included in the display?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield, it is my understanding that since the Architect of the Capitol issues the permit, we would communicate to him that no foreign manufactured vehicle can be on display.

Mr. OBERSTAR. That will be part of the agreement that will be entered into by the Architect with those displaying vehicles?

Mr. GILCHREST. Yes. To the power that I have and the gentleman has, we will directly communicate that with the Architect of the Capitol. I would say to the gentleman from Minnesota [Mr. OBERSTAR], he and I wield considerable power around here.

Mr. OBERSTAR. The gentleman does; the chairman does.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

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

Mr. HEFNER. Mr. Speaker, I do not know a lot about this bill we are considering, but in my part of the country, stock car racing is very, very big business, and to my knowledge, there is no foreign participation, to my knowledge, in stock car racing, either in NASCAR or Busch Grand National as we know it today.

Is what we are doing today just setting aside a facility or grounds for the NASCAR people and the Grand National people to come in and display? This is not going to be highlighting individuals, or either Ford or Chrysler or GM, this is not going to be highlighting products, this is just going to be showcasing NASCAR as we understand it in this country? Is that what this bill does?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield further, that is correct. It showcases the American automobile over the last 100 years, showcases racing. The gentleman is correct when he says there are no foreign manufactured products in NASCAR racing.

The display goes from 12 noon to 3 p.m. It is not a real long period of time. It is a very short period of time to display the history of racing in the United States.

Mr. HEFNER. Whatever cost is incurred for this or damage they would to the grounds, who picks up the cost?

Mr. GILCHREST. It is completely picked up by the association, not by the U.S. Congress and not by the taxpayers.

Mr. HEFNER. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I would say that the assurances given by the scholarly gentleman from Maryland [Mr. GILCHREST] are satisfactory to our side and to those who have raised concerns in the course of the debate this afternoon, and I would most certainly hope that we will not have a request for a recorded vote. I think this should pass on voice vote.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 150, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

IMPACT AID TECHNICAL AMENDMENTS ACT OF 1996

Mr. CUNNINGHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3269) to amend the impact aid

program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes.

The Clerk read as follows:

H.R. 3269

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 ''Impact Aid Technical Amendments Act of 1996''.

SEC. 2. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

''(g) FORMER DISTRICTS.—

''(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994.

''(h) HOLD HARMLESS AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay a local educational agency that is otherwise eligible under subsection (b)—

''(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

''(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

''(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

''(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

''(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

''(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.''.

''(b) EFFECTIVE DATE.—Subsection (g) of section 8002 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN RESIDING ON MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.

(a) IN GENERAL.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

''(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1).''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN IN STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended by adding at the end the following:

''(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—In any of the 50 States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(C) and (2) of this subsection and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

''(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under paragraph (2)(B) for an administrative school district described in subparagraph (A)—

''(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

''(ii) the Secretary shall then—

''(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

''(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.''.

(B) EFFECTIVE DATE.—Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CUNNINGHAM] and the gentlewoman from Hawaii [Mrs. MINK] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to support H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The Federal Government has a responsibility to the children attending schools that lose tax revenue associated with a government facility, such as a military base. That is why we have impact aid—to make sure those schools have the resources they need to educate children.

Unfortunately, parts of the impact aid law, last authorized in 1994, are having unintended effects, or are failing to keep up with changing circumstances. Some school districts may not receive the impact aid that their circumstances demand. So H.R. 3269 makes minor technical corrections in the impact aid law, so that federally impacted school districts are treated fairly.

H.R. 3269 makes four changes in the impact aid law. Two are related to Federal property payments. One addresses the effects of military housing renovation. And the last clarifies the intent of Congress with regard to impact aid payments to Hawaii.

GRANDFATHERING CONSOLIDATED DISTRICTS FOR SECTION 8002 PAYMENTS

The first change restores a grandfather clause for consolidated school districts impacted by Federal property. A consolidated district is where one district may have met the criteria for section 2 payments, having 10 or more percent of its property owned by the Federal Government, but whose section 2 payment eligibility disappeared when it was consolidated with another district. Prior law allowed these consolidated districts to receive section 2 impact aid payments. And during the conference on the last impact aid authorization, Congress assumed that the Department of Education would continue the eligibility of these consolidated districts. However, the Department has since ruled that they are no longer eligible.

This change, grandfathering these schools and restoring their eligibility for the new section 8002 payments, affects approximately 75 districts, many in South Dakota, Kansas, California, and Indiana

HOLD HARMLESS FOR SECTION 8002 PAYMENTS IN FISCAL YEARS 1995 AND 1996

The second change establishes a hold harmless for current section 8002 recipients, similar to the hold harmless for school payments for federally connected children. The 103d Congress changed the mechanism for determining payments for section 8002. That change directed payments based upon an assessment of the highest and best use of property currently adjoining Federal property, rather than the highest and best use at the time such property was acquired. This change shifts the allocation of certain impact aid dollars. The hold harmless provisions would provide section 8002 district 85

percent of the amount they received in fiscal year 1994 in fiscal year 1995, and 85 percent of what they received in fiscal year 1995 in fiscal year 1996. Because of delays in distributing fiscal year 1995 funds, this hold harmless would still work for fiscal year 1995.

EFFECTS OF MASS RENOVATION OF MILITARY HOUSING

The third change addresses a matter related to the refurbishment of military housing. The Department of Defense has started a major renovation of housing across the country. In most cases, families must move off-base during renovation. The Department of Education, as a result, no longer considers children in such families as so-called A kids—those whose families live and work on base. In some areas, this has caused a major reduction in impact aid for a school district, with no corresponding reduction in the number of children they must educate. According to the Pentagon, the average period of time children are off base is 90 to 120 days. But if they are off when impact aid counts are taken, the school district loses funds.

The Department of Defense indicates these mass renovations will go on for years. Allowing these students to continue to be classified as A students should not have an adverse impact on other schools, since it would neither increase nor decrease the amount a district is currently receiving.

CLARIFYING CONGRESSIONAL INTENT REGARDING HAWAII

The fourth and last change addresses the Department of Education's calculation of impact aid payments for the State of Hawaii.

Hawaii is the only State in the Nation with only one Local Education Agency, or LEA. However, for the purpose of administering Federal grants, the Department of Education has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This has been the case with impact aid for many years. With over 30,000 federally connected children in Hawaii, certain areas of the State are among the most impacted in America.

When the 103d Congress modified the impact aid law, it did not intend to change the treatment of Hawaii for the purpose of determining impact aid payments.

It fully intended the Department to Treat Hawaii as having seven school districts. However, it was not clearly spelled out in the law, and the Department has decided to treat Hawaii as one LEA. This has cut Hawaii's impact aid payment nearly in half. Chairman GOODLING and Congresswoman MINK wrote the Department to state that such a cut was not the intent of Congress. The Department responded that Congress had to change the law. This amendment does so, and it has Congresswoman MINK's support. In fact, she is 1 of 3 original cosponsors of this bill.

That summarizes H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

In developing this legislation, we sought to include minor technical corrections in three categories: unintended consequences of the previous authorization, areas where the Department interpreted congressional intent in an unintended way, and issues unforeseen by the 103d Congress. It is not a comprehensive correction, particularly when one considers the many new ways the military is arranging family housing. Furthermore, we have avoided mentioning specific districts in these impact aid technical amendments, so we can maintain fairness, integrity and trust in the impact aid program.

H.R. 3269 was introduced April 18, reported by the Youth Subcommittee on April 24 by voice vote, and by the full Opportunities Committee on May 1 by voice vote. I would like to include for the RECORD letters of support from the National Association of Federally Impacted Schools, and the National Military Impacted Schools Association. I encourage the bill's adoption, without amendments. And I yield back the balance of my time.

I include for the RECORD the following:

NATIONAL ASSOCIATION OF FEDERALLY IMPACTED SCHOOLS,
Washington, DC, April 30, 1996.

Hon. RANDY ''DUKE'' CUNNINGHAM,
Chairman, Subcommittee on Early Childhood, Youth and Families, Economic and Education Opportunities Committee, E227 Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN CUNNINGHAM: On behalf of the 1,600 school districts represented by the National Association of Federally Impacted Schools, I write to thank you for your leadership in bringing H.R. 3269 to the Committee and wish to communicate are total support for this very important piece of legislation.

As you know, H.R. 3269 only corrects certain provisions of the law that were inadvertently overlooked during consideration of the ''Improving America's Schools Act of 1994''. These are provisions that are extremely important to those schools receiving funds under section 8002 (federal properties), as it applies to their FY '95 funding as well as FY '96. The bill also insures that the Department of Education in making payments to the State of Hawaii, will do so in the same manner as they did under the previous statute. Again, this provision was mistakenly left out of the 1994 reauthorization. None of the above represents any kind of policy change, rather it simply conforms the present law with the previous statute as it applies to section 8002 and the State of Hawaii.

I also commend you for your foresight in seeing the current problems that are facing many of our heavily impacted military dependent school districts. Because the Department of Defense is now undertaking a national on-base housing renovation project, many of our school districts face uncertainty when it comes to impact aid funding because of the differences in how the law treats children residing with parents living off-base. Section 3 of H.R. 3269 addresses this problem so that these schools will be allowed to develop school budgets knowing what their on-base student counts will be. Your approach is fair and it is reasonable.

Again Mr. Chairman, NAFIS appreciates your leadership and would only hope that H.R. 3269 can be dispensed with quickly in order that FY '95/FY '96 funding for section 8002 districts and the State of Hawaii, can be allocated by the Department of Education without any additional delay.

Sincerely,

JOHN B. FORKENBROCK,
Executive Director.

NATIONAL MILITARY IMPACTED SCHOOLS ASSOCIATION,
Bellevue, NE, April 30, 1996.

Hon. WILLIAM GOODLING,
Chairman, Economic and Education Opportunities Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: On behalf of the 500,000 military dependents served by the Impact Aid Program, I want to thank you for bringing H.R. 3269 to your committee. This bill is along overdue and critically needed by schools serving military installations throughout the United States.

Many school districts serving the children of military personnel will benefit from this legislation and in the end it will be good for the children they educate. H.R. 3269 will help school districts cope with the effects of base housing renovations when trying to budget for educational programs for the children they are responsible for serving.

The Military Impacted Schools Association (MISA) is working hard to represent the needs of military school districts and work in conjunction with the National Association of Federally Impacted Schools (NAFIS) to support the Impact Aid Program. We are very fortunate to have leaders in Congress that help take the lead on issues such as addressed in H.R. 3269.

Sincerely,

JOHN F. DEEGAN, Ed.D.,
Executive Director.

SAN DIEGO CITY SCHOOLS,
San Diego, CA, April 30, 1996.

Hon. RANDALL ''DUKE'' CUNNINGHAM,
House of Representatives,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: The San Diego Unified School District strongly supports H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

This measure, as currently written, will clarify several issues not fully addressed in the reauthorization of Impact Aid last year. Specifically, funding for section 8002 will reestablish eligibility for school districts. Additionally, districts will be protected from temporary fluctuations in their student count due to military housing undergoing renovation.

We appreciate the bipartisan support for public education through the Impact Aid program reflected in this measure. Impact Aid is an important part of our ability to provide a comprehensive education program for our students. Your ongoing support is very much appreciated.

Sincerely,

FRANK TILL,
Deputy Superintendent.

DEPARTMENT OF EDUCATION IMPACT AID PROGRAM—CONSOLIDATED DISTRICTS THAT MET SECTION 2 10% ELIGIBILITY CRITERIA BASED UPON ONE OR MORE FORMER DISTRICTS

State	Applicant No.	Applicant name	10% Fed. prop. in any frm. dist. prior to consolidation	Some Fed. prop. in any frm. dist. prior to consolid. but <10%	No Fed. prop in any frm. dist. prior to consolid.	Date(s) of consolidation	Date(s) of acquisition	First FY applied for sec. 2 [1]	Last sec. 2 full payment amount	Last FY applied for sec. 2
IN	1301	N. Vermillion	X			1961	1942	1962	$25,247 (93)	1994
IN	1407	Maconaquah	X			1963	1942–84	1972	5,600 (92)	1994
IN	1413	Nineveh	X			1964	1942	1963	21,252 (92)	1994
IN	2010	Greater Clark	X			1967, 68	1940–44	1969	317,221 (93)	1994
IN	4301	Bartholomew	X			1965	1942	1992	85,315 (93)	1994
IA	2602	North Polk			X	1956, 57	1966–74	1976	34,160 (88)	1989
IA	2701	Woodwd. Grg.			X	1964	1967–71	1976	12,511 (88)	1989
IA	2702	Ankeny			X	1919	1965–70	1976	11,773 (88)	1989
IA	2704	Madrid			X	1955	1967–74	1976	$3,543 (88)	1989
KS	1731	W.Franklin	X			1965	1959–62	1971	6,646 (92)	1994
KS	1819	Eastern Heights	X			1966	1952–54	1967	25,662 (93)	1994
KS	1820	Waconda		X		1966	1960–73	1967	63,748 (91)	1994
KS	1833	Perry	X			1965	1963–75	1967	$8,901 (91)	1994
KS	1836	#340 Jefferson West	X			1966	1964–66	1967	7,089 (93)	1994
KS	1844	Paola			X	1967	1974–79	1979	8,214 (88)	1993
KS	1846	Blue Valley	X			1959	1953–65	1967	55,044 (92)	1994
KS	1855	Lawrence			X			1975	42,837 (88)	1989
KS	1856	White Rock	X			1983	1956–70	1967	2,861 (93)	1994
KS	1919	Marais des Cygnes			X			1970	7,884 (88)	1989
KS	1922	Eureka	X			1966	1946–58	1968	8,900 (92)	1994
KS	2007	Burlington	X			1965	1961–65	1970	6,276 (92)	1994
KS	2102	Norton	X			1967	1961–65	1970	7,346 (93)	1994
KS	2302	Mankato	X			1966	1955–57	1972	3,223 (93)	1994
MO	0208	Ft. Osage	X			1949	1940–42	1980	7,490 (93)	1994
MO	0404	Smithville			X	1962	1972–81	1975	36,916 (93)	1994
MO	1411	Clinton	X			1971, 80	1968–79	1976	5,608 (93)	1993
MO	1503	Phelps Co.	X			1965	1939–82	1976	686 (88)	1989
MO	1901	Fredericktown	X			1968	1939–84	1972	833 (92)	1993
MO	2304	Richards [2]					1939–44	1972	481 (88)	1989
MO	2307	Alton	X	X		1959	1939–81	1972	1,092 (87)	1994
MO	2607	Plattsburg			X	1944, 48, 49, 60	1976–80	1978	4,101 (92)	1994
MO	2608	Sullivan			X	1947, 48, 56	1968–76	1975	4,261 (93)	1994
MO	2705	Lesterville	X			1956	1939–81	1979	234 (87)	1994
MO	2902	S. Reynolds Co.	X			43, 44, 45, 47, 48	1941–48	1978	2,551 (93)	1993
MO	3104	Valley R–VI	X			1951	1939–44	1980	304 (88)	1988
NE	0206	Alda	X			1982	1942	1987	$2,631 (93)	1994
NE	1202	Loup City	X			1965	1959–61	1970	12,007 (93)	1994
NE	1703	N.W. HSD	X			1955 & 56	1942	1982	15,753 (93)	1994
NE	1802	Cedar Hollow #3	X			1990	1942	1990	4,580 (92)	1994
NE	3802	Plain View	X			1982, 84, 88	1942	1987	1,695 (93)	1994
NE	3803	SD #1–R	X			1986	1942	1987	8,787 (93)	1994
NY	0009	Indian River	X			1957	1942	1951	3,517 (89)	1994
ND	0202	Hazen	X			1966	1948–80	1991	4,861 (93)	1994
ND	2406	Turtle Lake	X			1959	1948–50	1991	2,689 (93)	1994
ND	4202	Beulah	X			1950	1948–49	1991	5,878 (92)	1992
OH	1305	Maplewood	X			1960	1943–44	1962	37,932 (93)	1994
OK	0036	Canadian	X			1964–65	1959–63	1964	1,720 (92)	1994
OK	0040	Fanshawe	X			1968	1947–49	1953	4,927 (92)	1994
OK	0413	Sand Springs	X			1968	1957–60	1968	103 (92)	1994
OK	0856	Snyder MT.Pk	X			1982	1971–73	1983	2,264 (92)	1994
OK	1011	Wister	X			1950's	1946+47	1959	4,919 (90)	1993
OK	1507	Stringtown			X	1962	1981–83	1983	778 (93)	1994
OK	1608	Marietta	X			1966	1939–43	1965	2,418 (92)	1994
OK	2006	Haworth	X			1921, 45, 50, 63, 65–68	1940–65	1976	764 (92)	1994
PA	1808	Centennial	X			1967	1944–53	1967	630,719 (93)	1994
PA	2220	E. Stroudsburg			X	1955	1966–82	1979	317,434 (88)	1994
PA	3401	Delaware Valley			X	1966	1969–90	1983	200,086 (89)	1992
SD	0005	Pierre	X			1968	1954–74	1991	33,003 (93)	1994
SD	0010	Andes Central	X			1968, 69	1947–86	1989	17,984 (93)	1994
SD	0012	Lemmon	X			1969, 70	1939–54	1992	38,558 (93)	1994
SD	0401	Yankton	X			1965, 68	1953–56	1992	7,891 (92)	1994
SD	0505	Geddes	X			1967	1947–52	1991	22,069 (93)	1994
SD	0902	Mobridge	X			1990	1960–61	1991	3,465 (93)	1994
SD	1406	Platte	X			1969	1949–54	1991	25,975 (93)	1994
SD	2101	Bonesteel	X			1958–62	1940–52	1988	25,314 (93)	1994
SD	2201	Kadoka	X			1970	1939–90	1993	15,884 (93)	1994
SD	2204	Lyman	X	X		1970	1939–73	1991	3,017 (93)	1994
SD	2401	Gregory	X			1970	1950–53	1991	16,211 (93)	1994
SD	2402	Bison	X			1968	1939–89	1991	13,048 (93)	1994
SD	2403	Northwest	X			1968	1939–86	1991	13,163 (93)	1994
SD	4201	Bon Homme	X			1972	1953–58	1991	26,868 (93)	1994
SD	4202	Burke	X			1968	1950–53	1991	11,140 (93)	1994
SD	4203	Oelrichs	X			1968	1939–70	1991	7,015 (93)	1994
SD	0403	Custer	X			1944, 64, 70	1939–88	1992	12,416 (93)	1994
TX	0702	Liberty–Eylau	X			1955	1949–53	1981	22,714 (93)	1994
WI	1009	Crandon	X			1950	1939–76	1982	8,990 (93)	1994
WI	1306	Laona	X			1970	1939–84	1982	19,895 (93)	193
WI	1308	Sauk–Prairie	X			1963	1940+74	1975	89,618 (93)	1994
WI	1703	Florence Co.	X			1958	1939–78	1983	27,667 (92)	1994
WI	1901	La Farge			X	1965	1968–78	1972	35,588 (93)	1994
Total		80	64	3	14					

[1] These dates reflect the oldest Impact Aid Program payment records located for each district.
[2] No Department records are available concerning the Federal acquisition of property in the former districts.
Note: This report is based upon date contained in Impact Aid program files and is accurate to the best of our knowledge.

□ 1515

Mr. CUNNINGHAM. Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks and to include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong support of H.R. 3269, the impact aid technical amendments of 1996, which corrects certain situations which have been brought to our attention since the authorization of the law in 1994.

As has been stated by the subcommittee chair, this is truly a bipartisan effort supported by the impact aid communities to make technical corrections necessary to assure that this program is administered in a fair and appropriate manner.

There are basically four changes to the legislation dealing with: First, the grandfathering of consolidated school districts who receive payments for Federal property in what is commonly known as section 2 payments; the second establishes a hold harmless for Federal property or section 2 payments; the third, assuring that students who are temporarily housed off base because of renovation of military

housing are still counted as ''A'' category children; and fourth, the provision which corrects the situation and the treatment of Hawaii's school districts.

These provisions have already been described by the subcommittee chair, so I will not go into detail with respect to three, but I would like to say a few words about Hawaii's provisions. And in that context, I extend my deep appreciation to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. CUNNINGHAM], who have both assisted in helping me to correct this situation.

Mr. Speaker, the conference committee in which we all sat dealing with the amendments to impact aid were distributed sheets which indicated how the funds would be distributed under the new formula. And in those sheets where the distribution was tallied, the assumption was that Hawaii would be considered as it has always been in the past as having seven districts, even though we only have one statewide system.

Mr. Speaker, it was under the assumption that this would be the interpretation of the language in the legislation that I gave it my support, only to find out later that that was not the case and that the language was ambiguous at best.

So, I especially appreciate the efforts of the gentleman from Pennsylvania [Mr. GOODLING] to try to help me try to obtain clarification with the administration through a letter which we jointly submitted. Unfortunately, the administration felt that the only way to correct the difficulty, which was unintended, was through this legislation. I appreciate the efforts in bringing this bill up promptly, because it would have a very drastic impact on the funding of our school systems if this were not corrected as it is about to be corrected, hopefully, this year.

Hawaii is unique in the whole country. It has only one school agency, but seven districts. And so, it is important that that concept be continued as it has been used as the basis for distributing other formula grants.

Mr. Speaker, I agree certainly with all that the subcommittee chairman has said; that this was an unintended error made by the committee then under the control of the Democratic Party. So, we are certainly responsible for the difficulties that were created. In that context, I am especially appreciative of this assistance in helping to correct this problem.

Mr. Speaker, the letter which I would like to submit for the RECORD is a letter which was signed by the gentleman from Pennsylvania [Mr. GOODLING] and myself, written to the U.S. Department of Education asking them to correct this administratively, and then the response indicating that that could not be done.

Mr. Speaker, I ask this body to concur with this bill and to help it be enacted into law as quickly as possible, because just as we are anxious to have our changes take effect, I am sure that all the other districts that are to be benefited by this technical correction are also equally impacted and equally anxious to have these corrections take place.

Again, my thanks to the committee for their prompt attention to this and I urge my colleagues to support the passage of this bill.

Mr. Speaker, I submit the following for the RECORD:

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
October 30, 1995.

Hon. PATSY T. MINK,
U.S. House of Representatives, Washington, DC.

DEAR PATSY: Thank you for your recent letter regarding the treatment of Hawaii under the reauthorized Impact Aid program. I am pleased to have the opportunity to clarify this issue. An identical response is being sent to the co-signer of your letter, Congressman William F. Goodling.

As you point out in your letter, prior to the reauthorization of the Impact Aid program, Impact Aid payments to Hawaii were determined by considering each of Hawaii's seven administrative districts as a separate local educational agency (LEA). This treatment benefited Hawaii under the Impact Aid formula prescribed by P.L. 81–874, by providing larger payments for some of those administrative units.

This special treatment was not the result of administrative discretion on the part of the Department of Education, however, but was mandated by section 5(h) of P.L. 81–874, which stated, in part, ''. . . such restriction shall be applied, in the case of any State . . . within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency. . . .'' Before the enactment of section 5(h) of P.L. 81–874, Hawaii had been treated as a single LEA for Impact Aid payment purposes. A provision similar to section 5(h) was not included in the Improving America's Schools Act, which reauthorized the Impact Aid program as Title VIII of the Elementary and Secondary Education Act and repealed P.L. 81–874. We therefore have no authority to continue to consider Hawaii's administrative school districts as separate LEAs under the new law.

At the time of the reauthorization, we understood that Hawaii sought to be treated as one LEA under the new formula so that it could benefit under section 8003(a)(2)(C), which increases the weighted count of federally connected children by 35 percent if an LEA has at least 6,500 federally connected children and a total of 100,000 children in average daily attendance. We believe that this provision was adopted to increase the maximum payment amounts for Hawaii and San Diego, which appear to be the only two LEAs that meet its criteria. Hawaii could not benefit from this provision if its seven administration school districts were considered to be separate LEAs, since none of the individual school districts has 100,000 children in average daily attendance.

Since the enactment of the new law, it has become clear that the payment reduction formula prescribed by section 8003(b)(2) may result in Hawaii's final formula payment being sharply reduced from its maximum payment amount in years when appropriations are reduced, as in the current budget environment. The Administration proposed amendments this year, in conjunction with our fiscal year 1996 budget proposal, which included the repeal of section 8003(b)(2) and instead would have required that, in years in which appropriations are insufficient to provide maximum payment amounts in full, maximum payment amounts be reduced using a standard ratable reduction for each eligible LEA. This proposed modification of the formula, if adopted, would result in more equitable payments under the impact Aid program and could significantly increase Hawaii's payment, subject to appropriation levels.

I hope that you will find this information helpful. If we can be of further assistance or provide additional information to you, please do not hesitate to contact me or our staff who work with the Impact Aid Program.

Yours sincerely,

RICHARD W. RILEY.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 12, 1995.

Hon. RICHARD RILEY,
Secretary, Department of Education, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our concern regarding the Department's calculation of Impact Aid payments for the State of Hawaii.

Hawaii is the only State in the Nation which has only one Local Educational Agency (LEA). However, for the purpose of administering federal grants, the Department has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This is true of Title I and has been the case for Impact Aid for many years.

Changing the treatment of Hawaii in the Impact Aid program from seven districts to one district will result in the State losing over half of its Impact Aid funds. With over 30,000 federally-connected children in Hawaii, certain areas of the State are among the most impacted in our Nation.

During the reauthorization of the Impact Aid law last year, the Congress did not intend to change the treatment of Hawaii for purposes of determining Impact Aid payments and fully expected the Department to continue to consider Hawaii as having seven school districts.

We would respectfully request that the Department utilize its administrative authority to resolve this situation for the State of Hawaii and continue to treat its seven administrative districts as individual school districts. We thank you for any assistance you may provide in this matter.

Sincerely,

WILLIAM F. GOODLING.
PATSY T. MINK.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
June 30, 1995.

Hon. WILLIAM F. GOODLING,
Chair, Committee On Educational & Economic Opportunities, Washington, DC.

DEAR BILL: During the debate on the Department of Defense Authorization bill you announced your intention to review the Impact Aid program which is designed to support the costs of educating military children.

As you review this program, I respectfully request your assistance in correcting a flaw in the Impact Aid formula, which results in a devastating loss of Impact Aid funds for the State of Hawaii.

Hawaii usually receives around $20 million from Impact Aid. Under the current formula without a hold harmless Hawaii's Impact Aid allocation would drop from $20 million to $9 million (See attached calculation by the Department of Education). Hawaii has a high number of military A children and even with the decrease in the Impact Aid appropriation in FY95, Hawaii should not receive such a large reduction in its allocation.

We suspect that the new method for ratable reduction is the reason Hawaii will face this enormous loss. The Learning Opportunity Threshold (LOT) method places a higher priority on those school districts with high percentages of Impact Aid students and a high percentage of impact aid funds in their budget. During the reauthorization last year, we knew the LOT would adversely impact Hawaii because of the fact that our whole state is one school district. Therefore, even though certain areas of the state have high concentrations of military A children, when looking at the whole state Impact Aid children make up a much smaller percentage of our total student population and the Impact Aid funds make up a smaller percentage of our state budget.

To compensate for this situation (large school districts with large number of A students) it was proposed that an extra ''weight'' in the initial formula be given to Hawaii and San Diego to minimize the impact of the LOT. Formula runs that were produced at the time of reauthorization showed that Hawaii would received about $25 million under this scheme.

Now that the actual allocations are being made by the Department of Education, this has not held true. In fact, Hawaii stands to lose over half of its impact aid payment once the two year hold-harmless ends. This was clearly not the intention of the Committee, as it proposed to minimize the impact of the LOT on Hawaii.

I believe there is a simple remedy to this situation. Hawaii's seven administrative districts within our single LEA are often treated as separate LEA's for the purposes of calculating federal formulas. This is true for Title I and was true of the impact Aid formula prior to this reauthorization. We believe if this language is reinserted in the impact Aid formula and each of our seven administrative districts are treated as separate LEA's this unintended impact of the LOT formula will be mitigated.

My staff is working with our school district to ensure that the school district possesses the necessary data in order for the U.S. Department of Education to calculate Hawaii's allocation based on seven districts rather than one. We are also conferring with the Department to assure that this remedy would indeed fix Hawaii's situation.

I appreciate your consideration, and look forward to working with you to resolve this unforeseen consequence of the new Impact Aid formula.

Very truly yours,

PATSY T. MINK,
Member of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

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

Mr. GOODLING. Mr. Speaker, today we are witnessing a love-in and a marriage between San Diego and Hawaii, and I would assure the gentleman from Ohio that everything in the legislation was made in America.

Mr. Speaker, during the 103d Congress, we enacted major changes to the impact aid law. These changes focused the program on those school districts in greatest need and eliminated all the various exemptions, exceptions, et cetera which had been made to the program over the years. Before the enactment of these reforms, this program was losing its base of support in Congress and was the subject of a fair amount of criticism.

At that time, I vowed that the only changes made to this program in the future would be those with broad, national application, or to clarify current law. The changes reported by my committee, and outlined by Chairman DUKE CUNNINGHAM are just that.

The Impact Aid program serves an important purpose. It assists those school districts whose ability to educate their student population is adversely impacted by a Federal presence.

The legislation before you today, H.R. 3269, insures that the program will continue to effectively address the needs of those school districts. I urge your support of this measure.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], who has been a leader.

Mr. BATEMAN. Mr. Speaker, let me begin by thanking Mr. CUNNINGHAM, Mr. GOODLING, Mr. KILDEE, and Mr. CLAY for bringing this bipartisan impact aid technical corrections package to the floor. All four gentlemen have been good friends to the Impact Aid program over the years.

I am particularly pleased by the committee's decision to include two provisions that address military housing and the section 8002 land payment program. On military housing, I believe the committee has drafted a sensible plan that preserves Impact Aid payments to schools when children and their parents are temporarily moved off-base because of Department of Defense housing renovations.

I also would like to praise the committee for including a hold harmless provision for the section 8002 land payment program, which helps localities where the Federal Government has taken a significant portion of local land off the tax rolls. By phasing in the impact of changes made to the land payment program, we are giving local schools time to adjust their budgets without jeopardizing the education of federally connected children.

I urge my colleagues to vote for this worthy piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my support for H.R. 3269, the impact aid technical amendments bill. Hawaii is, in many cases, an exception to the rule in the United States. With regard to the impact aid program, Hawaii is the only State in the Union with one school district. However, the U.S. Department of Education, routinely treats the seven administrative agencies within Hawaii's single school district as separate when calculating Federal formula grants. This is true of title I and was true of the impact aid formula prior to the last reauthorization. When the impact aid reauthorization was considered in the 103d Congress, it was not expressly stated that Hawaii's one school district should be regarded as seven for administrative purposes. H.R. 3269 clarifies such congressional intent with the technical amendments and effectively increases Federal impact aid contributions to Hawaii by approximately a half. H.R. 3269 would finally allow Hawaii a fair allocation under the impact aid program.

Throughout my congressional career, I have strongly supported impact aid and the principle that States should be compensated for the use of State property for Federal activities. Without impact aid, the burden of educating federally supported families would become an unfunded mandate for local education agencies. As a member of the Impact Aid Coalition Steering Committee, I will continue to advocate for the military families and all children who benefit from the impact aid program.

Mr. CUNNINGHAM. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CUNNINGHAM] that the House suspend the rules and pass the bill, H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MEGAN'S LAW

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Megan's Law''.

SEC. 2. RELEASE OF INFORMATION AND CLARIFICATION OF PUBLIC NATURE OF INFORMATION.

Section 170101(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)) is amended to read as follows:

''(d) RELEASE OF INFORMATION.—

''(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

''(2) The designated State law enforcement agency and any local law enforcement agency authorized by the State agency shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was noted that over the weekend the press made a good deal of the fact that we have the latest crime statistics out and that the good news is that the crime rate in the Nation overall has declined for the fourth year in a row.

What is misleading about those statistics that were out this weekend is the fact that the crime rate in this country is still entirely unacceptably high. If we look historically, we will see that now we have a crime rate that is roughly 700 violent crimes for every 100,000 Americans. Back about 30 years ago, we had a little less than 200 violent crimes for every 100,000 Americans. We have had over a 500-percent increase in the rate of violent crime and the number of those crimes committed in this country over the past 20 or 30 years.

Mr. Speaker, for us to be basking in the light of a couple of little blips on the screen downward in the spiral of the rate of increase in violent crime is to find ourselves, I think, kidding each other with respect to what we need to do to fight crime in this country. We have a lot more to do. That is especially true when it comes to the question of youth crimes and crimes against those who are most vulnerable in our society: Children and the elderly. Those who commit crimes particularly against children are what this bill before us today, H.R. 2137 is all about.

Mr. Speaker, perhaps no type of crime has received more attention in recent years than crimes against children involving sexual acts and violence. Several recent tragic cases have focused public attention on this type of crime and resulted in public demand that government take stronger action against those who commit these crimes. In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which contained a title, the ''Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act,'' named after a child who has been missing for several years. That title encouraged States to establish a system where every person who commits a sexual or kidnapping crime against children, or who commits sexually violent crimes against any person, whether adult or child, would be required to register his or her address with the State upon their release from prison.

Mr. Speaker, I want to briefly point out that the 1994 Act provision did not create an unfunded Federal mandate. States which choose to not implement such a system by September 1997 only will lose a part of their Federal crime-fighting funds. But I am pleased to say that the overwhelming majority of States have already implemented laws that create these types of offender registration systems.

A key issue concerning these State statutes, however, is whether they require or merely permit law enforcement authorities to release information about registered offenders if the authorities deem it necessary to protect the public. The bill Congress passed in 1994 only required States to give law enforcement agencies the discretion to release offender registry information when they deemed it necessary to protect the public. It has been brought to the attention of the Judiciary Committee, however, that notwithstanding the clear intent of Congress that relevant information about these offenders be released to the public in these situations, some law enforcement agencies are still reluctant to do so.

Mr. Speaker, this bill, H.R. 2137, introduced by the gentleman from New Jersey [Mr. ZIMMER], makes an important change in the 1994 Act. It would amend that law to assure that States require their law enforcement agencies to release relevant information in all cases when they deem it necessary to protect the public.

Additionally, this bill clarified the 1994 Act with respect to the issue of whether information collected under a State registration program may be disclosed for other purposes permitted under the laws of that State. In the 1994 act, Congress required that all information collected by the registration program be kept confidential. In some instances this requirement limited public access to what had been public records before the 1994 act became law. H.R. 2137 will correct this unintended consequence by allowing each State to determine the extent to which the public may gain access to the information kept by the State.

Mr. Speaker, this bill takes another step forward toward protecting the most defenseless of our citizens—our children. It is a needed change. I urge my colleagues to support it.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this measure, but I am not quite clear that we do not have a constitutional problem here. This is the Committee on the Judiciary that is reporting this measure. I agree with the analysis of the gentleman from Florida [Mr. MCCOLLUM]. The only problem is that he left out the part that we may be forced to revisit before this thing is all over with. I suppose it is somebody's job here to bring this to the attention of members of the committee, Members of the House that are not on the Committee on the Judiciary.

There have been court cases that find that identifying a person after a conviction is a continuation of punishment and could raise a constitutional problem. It has come up in court cases before, and we will likely hear about it again. The Federal district court has already found a similar provision unconstitutional, finding that notification provisions do constitute a form of punishment more than a regulatory scheme and therefore is violative of the prohibition on the ex post facto clause that appears in the Constitution.

In other words, this may be good from this point on, but I think it creates an open case that we may want to remember as we pass this measure, that it could present a problem in the courts in the future.

Mr. Speaker, we have come together here to focus in on this matter. We think, though, that in the larger scheme of things, this notification process actually already exists in the law. While we are not making an unfunded mandate, we are creating a penalty for States that receive Federal funds if they do not comply. That is a different kind of animal, but at the same time it is meant to be coercive upon the States.

I join in support of this measure. I hope that it will do some good.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER], the author of this piece of legislation.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman for his expeditious treatment of this legislation in his subcommittee.

Mr. Speaker, on July 29, 1994, a beautiful little girl named Megan Kanka was lured into the home of a man who literally lived across the street from her. He said that he had a puppy he wanted to show her. He then proceeded to brutally rape and murder this little girl. It was later found that the man who is accused of killing little Megan Kanka was twice convicted of being a sexual predator. He lived with two housemates who were themselves convicted sexual predators, and no one in the neighborhood was aware of it.

If Megan Kanka's parents had been aware of the history of the man who lived across the street from them, they would have been able to warn Megan. They believe, and I believe, that little Megan would be alive today. This legislation is meant to protect other young lives.

Later that summer the 1994 crime bill came back to us from conference committee with an eviscerated community notification provision relating to sexual predators. Many of us, the gentlewoman from Washington [Ms. DUNN], the gentleman from Georgia [Mr. DEAL], and others, fought to make sure that we had the most stringent and the strongest possible community notification provisions that we could include in that legislation. And we had considerable success.

As enacted, the 1994 crime bill provided that sexual predators will have to register with local authorities and that their whereabouts will be tracked. It gave local law enforcement authorities the option to disclose that information to people in the neighborhood where the sexual predator resides. It did not require that notification, but, based on experience in States like Washington, we anticipated that that would become the rule rather than the exception that neighbors would be notified of the presence of a dangerous sexual predator.

Mr. Speaker, that legislation has resulted in the vast majority of States providing for some sort of registration and tracking and at least optional notification of the neighborhood, but only a minority of States actually require the disclosure of this critical information to those whose families might be in danger. That is why we need to go this extra step and change one word, ''may,'' to the word ''shall'' so that all 50 States will be held to a common standard of community notification. That is what this legislation would achieve.

With the passage of this bill, we put the rights of children above the rights of convicted sexual predators. We are giving the community the right to know when its children are in jeopardy.

This legislation has strong bipartisan support. It is supported by Janet Reno, the Attorney General, and the President of the United States, as well as many members of the minority side of the aisle.

Mr. Speaker, Megan's law is Megan's legacy. It is her gift to all children whose lives will be saved because of the knowledge this law will provide. I want to commend the parents of Megan Kanka, Maureen and Richard Kanka, for their crusade to make something good happen out of an unspeakable tragedy in their life.

If I have the time, Mr. Speaker, I would like to respond to the remarks of the gentleman from Michigan about the legal status of this legislation. The highest court to consider the constitutionality of Megan's law, as it applies to previously convicted sexual predators, is the Supreme Court of the State of New Jersey. That court in a nearly unanimous decision found that the rights of children, the rights of potential victims, supersede the rights of predators because they concluded, based on a very scholarly and thorough analysis of the law, that notification is not additional punishment. Therefore, it does not violate the ex post facto or double jeopardy clause of the Constitution. It is merely a preventive effort on the part of society to disseminate information that is largely of public record already.

Mr. Speaker, I believe that rationale and that reasoning will be upheld by the U.S. Supreme Court when this law comes before it, as it surely will. There is no question in my mind that the proper reading of the Constitution allows families to properly protect their children.

NATIONAL CENTER FOR MISSING
AND EXPLOITED CHILDREN,
Arlington, VA, May 7, 1996.

Hon. DICK ZIMMER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ZIMMER: I wanted to express our sincere gratitude for your strong leadership in connection with your bill strengthening the federal ''Megan's Law.''

Thanks to your efforts, Megan Kanka's legacy will be a nation of safer, smarter families and children. The passage of your bill will be a living tribute to the courage of Megan's parents, the commonsense approach which the proposal represents, and your aggressive management of this vital bill.

Unfortunately, too often it takes a tragedy to awaken the nation to a problem. Megan's tragic and untimely death helped millions of Americans understand several key facts:

(1) that most of the victims of sex offenders in the United States are children and youth; and

(2) that a significant number of offenders have a high propensity to reoffend.

Therefore, we need to take simple, basic steps to alert communities in the most serious, dangerous cases. We believe that this measure will result in appropriate safeguards that meet constitutional standards, and most importantly, will make it less likely that other children will be victimized.

There is no higher or more compelling purpose of government than to protect the public safety. Your bill is a reasonable, balanced approach to a serious problem, and we support it enthusiastically.

I regret that I cannot be with you in person to express my thanks and support. However, a prior speaking commitment makes it impossible. Nonetheless, I assure you that my thoughts are with you and Mrs. Kanka on this important day.

Sincerely,

ERNIE ALLEN,
President.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Speaker, I rise in support of the bill. This bill is part of a continuing fight against the relentless predators who target our children, the most vulnerable members of our society. I think what people have to understand is one thing that has become clear for the years that I have looked into this problem, and that is that sexual offenders are different. They are not simply like other sexual offenders. Even after long, long years in prison and many, many attempts to rehabilitate, when these folks come out of prison, the odds are extremely high that they will commit the same or a similar crime again.

Long prison terms do not deter them. All too often, special rehabilitation programs do not cure them. No matter what we do, the minute they get back on the street, many of them resume their hunt for victims, beginning a restless and unrelenting prowl for children, innocent children to molest, abuse, and in the worst cases, to kill.

So we need to do all we can to stop these predators. Tough punishment, long prison terms, that is one answer. But they are not a complete answer. We should be warning communities in which these predators live. Parents, teachers, neighbors have a right to protect themselves and their children from the violent acts of these proven offenders. That is what this bill does. It builds upon the bill we passed, the law we passed in the last Congress, requiring States to set up registration systems for sexual offenders who abuse children. It strengthens that law by freeing the hands of local authorities to use this information for any legal purpose. It clears up an ambiguity by requiring rather than permitting that information about these offenders be released when it is necessary to protect public safety.

Mr. Speaker, I know that some of my colleagues have sincere and heartfelt reservations about the constitutionality of these registration systems. But what I would say in answer to that is that there is nothing in the law we passed last year or in this bill that requires or even suggests that an unconstitutional system be set up by any State. Whatever guidelines the courts may ultimately enact or establish regarding such notice system can and will be incorporated into the systems our law requires.

The bottom line is we have to balance the rights of offenders. But I am absolutely convinced that in these cases, the rights of children to be safe and free from harm far outweighs whatever minimal inconvenience or embarrassment this law may impose on sexual offenders who might in all too many cases abuse those innocent children.

I urge my colleagues to support the bill, and I thank the ranking member for yielding of time to me.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 2137, sponsored by my good friend and colleague, the gentleman from New Jersey, DICK ZIMMER, designed to correct a flaw in the 1994 crime bill concerning registration of criminal sex offenders and notification provisions. The weakness of the 1994 omnibus crime bill could and should have been resolved in the original legislation, but it was not.

Members may recall, for example, that on July 13, 1994, the House voted on a motion by the gentlewoman from Washington [Ms. DUNN] to instruct the conferees to insist on Senate provisions that call on States to track sexually violent offenders released from jail and allow law enforcement agencies acting in good faith and with immunity from liability laws to notify communities of their presence. The conferees turned a blind eye to that motion. This legislation is an excellent attempt to correct this omission from the 1994 crime bill.

Mr. Speaker, as my friend pointed out, in late July 1994, a young 7-year-old girl named Megan Kanka was sexually assaulted and brutally murdered

by a twice-convicted sex offender who lived across the street from the Kanka's home in Hamilton Township, which is in my district. The entire community, Mr. Speaker, was absolutely stunned and horrified.

Despite the fact that they were overcome with indescribable grief and pain, Megan's heroic parents, Maureen and Richard, mounted a full court press to enact State and Federal legislation to track criminal sex offenders and to inform and notify communities of their whereabouts.

In New Jersey, State Senator Pete Inverso and Assemblyman Paul Kramer, with the full backing of Governor Christie Whitman, quickly moved on legislation that became known as Megan's law. Other States followed suit. Still many States lag in enacting laws to inform communities as to the proximity of sex offenders. I still find it tragic beyond words, Mr. Speaker, that no one knew that Megan Kanka's killer lived across the street. No one knew that the murderer was a two-time convicted sex offender who was released from prison in 1988 after spending 6 years of a 10-year sentence. No one knew that he lived with two other men who had previous records of sex crimes against children. No one knew that unspeakable danger and perversion was in the neighborhood and no one knew that 1 day that perversion would lure an innocent child to her death.

□ 1545

Megan's courageous parents had an absolute right to know of this danger, and they have been working ever since to protect other parents from going through that terrible agony that they have suffered. All parents, Mr. Speaker, have a clear and compelling need to know if their neighbors prey on kids. This legislation advances that cause.

Mr. CONYERS. Mr. Speaker, before yielding to the distinguished gentlewoman from Colorado, I yield myself 30 seconds.

Just so we get the history of Megan's Law down in the record here, the State of New Jersey, as a result of the horrible crime that has been repeated and recharacterized on the floor, passed a law that required notification, and so did a lot of other States, and so we are not federally mandating that all of the States, including the ones that have it, now observe Megan's Law.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], a ranking member of the committee.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me.

I just rise to say this is a very important bill. If there is anything any society or community should do, it is protect its children.

When we go back as far as we know in history, that has been one of the main goals of people coming together to live in any kind of a community, to protect the young and to protect their children, and, as we have gotten to be a more sophisticated society, it has been more and more difficult to carry this out.

I was very proud in 1993 to have carried the National Child Protection Act. That was the beginning of this, and this is the bill that Megan's Law is built upon because what it says is the FBI should maintain a national network and that States should report convictions of child abuse and child molestation to the national network maintained by the FBI. If we do not have this national network, people could flee their record by crossing State lines, even if a State tried to be very vigilant. So we are in an area where States could not do this by themselves.

I also want to remind people how thankful we all are that Oprah Winfrey helped us with this act. She worked very hard on children's safety, too, and I think we probably would not have gotten it as far as we got it and over the finish line if it had not happened because people probably would have yelled ''mandates'' or all sorts of things. And actually this is a mandate; it mandates States do report. Mr. Speaker, that probably does cost some money, and there is not any money here to solve that.

But what we really said is that is so important, and that is so much the base of our society, and that if every State is not reporting, then this record that the FBI is keeping is not worthwhile, and if citizens are relying on that record to be kept, then they should be able to have access to it as parents or anything else.

As my colleagues know, the focus of the 1993 law was to deal with child day care, to deal with any kind of area where an adult was applying for a job where they should have supervision over a child where nobody was really monitoring them constantly because we had seen many, many, many areas where people who had been convicted of child molestation left one State, went to another State, and got a job right back in the same area so that they had this tremendous potential to molest children again. We cannot allow that.

So I am pleased that Megan's Law is building upon what we began. This goes further. It says not just the employment area, but also parents, should have access if someone moves in their neighborhood, so that the neighborhood can watch. And that is what it is about: watching, watching people or things that might harm the children, and watching the children to make sure they cannot get in harm's way themselves.

So I thank this body for bringing this forward, and I hope everybody votes for this with a resounding ''yes.''

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to express my gratitude to the gentlewoman from Colorado for reminding the House of the antecedents that have led up to this important measure.

Mr. McCOLLUM. Mr. speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], chairman of the Early Childhood Youth and Family Subcommittee, who is one of the creators of some of this law.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I would like to add to my friend that gave the history that, yes, there was the Megan problem in New Jersey, and, yes, several States have passed it, but only after the gentlewoman from Washington [Ms. DUNN] and the gentleman from Georgia [Mr. DEAL] got together, put a bill together. It was voted on in the House, and when the Democrats were in the majority, it was kicked out of the conference. Republicans and Democrats combined in the coalition, went back to Speaker Foley. He put the bill back into the conference, and it was passed here on this House floor.

But I ask that Megan's law, that the gentleman from New Jersey [Mr. ZIMMER] is putting forth, will make the Dunn-Deal a done deal, that it does strengthen the legislation passed on this House floor.

Can my colleagues imagine Larry Quay, the individual that, in public outrage, most all Americans fought because he was going to be released after he said he was going to do it again? Would my colleagues want that individual to move in next door to their family without knowing about it, that perhaps a sexual predator's life should be just a little more toxic than someone else in the American citizenry, that an individual that preys on children, that maybe their rights should be secondary to children's and families'?

So I would like to thank the chairman of the committee and the gentleman from New Jersey [Mr. ZIMMER] for making this a done deal. Both Senator DOLE and the President support this legislation.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Michigan very much for yielding this time to me, and I want to congratulate and applaud the ranking member, Mr. CONYERS, both for his concerns that he has articulated, but as well for his cooperation with the chairman as we have brought forth this bill in the name of, tragically, Megan Kanka, who was raped and strangled and murdered by a twice-convicted pedophile who lived across the street from her. Some would say this is long overdue.

Just a few weeks from now, on June 1, there will be an effort to put children first and have this Nation recognize, by an effort at the U.S. Capital, bring all of Americans who believe in children here to indicate that we stand for children.

Texas in particular, and my community, applauds this bill and hopes that our colleagues will pass it because we recently had to face a situation where a repeated child molester, who acknowledged his capability for molesting again, was about to be released into the community. This bus driver from San Antonio went public and said there is nothing that can be done about his inclination to molest and abuse and possibly murder children. And here we were in Texas with a quandary, of course, of determining what to do with such an individual. But just think if he had not gone public, the possibility of this individual going back into any one of our communities and to be able to prey on children again.

This bill is an important bill because it adds to the may, the shall, the must, to require that these individuals with this inclination, this proven ability and acts of previous child molestation and other sexually violent offenders, that we will know as members of the family, as parents, as school officials, as community groups, as neighbors, all of us as children who are innocent and need to be represented.

In this particular bill, for example, it will protect children like Monique Miller of Houston, TX, who was brutally murdered and sexually abused by a repeat offender.

The interesting thing about this particular law, and I would share this with my colleagues: There is a growing recognition in this country that most sex offense victims are children and that reporting of these offenses are still low. The FBI law enforcement bulletin reported that only 1 to 10 percent of children or child molestation cases are ever reported to the police. According to the Children's Trust Fund of Texas, in 1995, 50,746 children, ages birth through 17, were victims of child abuse and neglect. The 7,926 were victims of sexual abuse in our particular community. According to the department of public safety in 1995, in Texas there were 361 homicides for children, ages birth through 16.

So I am here to applaud the author of this legislation and to as well applaud our desire to approach this in a bipartisan manner. This is an important step, Mr. Speaker, to stop the victimization of our children. It is an important step for the Committee on the Judiciary to recognize as we balance the judicial and constitutional rights of all Americans, responsibility of this committee, that we also recognize the high importance, the high moral ground, we take when we protect our children, the most innocent victims of all. I want to see a stop now and forever to the victimization of our children and certainly the senseless violence that has seen children even being kidnapped from their bedrooms and violently and sexually abused. This law goes a long way toward fighting this problem.

Mr. Speaker, I rise today in support of Megan's law, a bill named in honor of 7-year-old Megan Kanka who was raped, strangled, and murdered by a twice convicted pedophile who lived across the street from her.

I am a cosponsor of this legislation which would amend the 1994 crime bill to require local law enforcement to release relevant information to the public about child molesters and other sexually violent offenders when they are discharged from prison. This bill would guarantee the appropriate dissemination of information so that parents, school officials, and community groups can responsibly use the information in order to protect their children.

We recently honored Victims Rights Week to pay tribute to all of the young women and children in this country whose lives have been cut short by hideous acts of violence. In particular, this bill would protect children like Monique Miller of Houston, TX who was brutally murdered and sexually abused by a repeat offender.

There is growing recognition in this country that most sex offense victims are children and that reporting of these offenses is still low. The FBI Law Enforcement Bulletin reported that, only 1 to 10 percent of child molestation cases are ever reported to police. And a National Victim Center survey estimated that 16 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12. According to the Children's Trust Fund of Texas, in 1995, 50,746 children ages birth through 17 were victims of child abuse and neglect. Some 7,926 were victims of sexual abuse, sexual abuse.

According to the Bureau of Justice statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. According to the Department of Public Safety, in 1995 in Texas there were 361 homicides for children ages birth through 16.

Clearly, we must do more to protect our children from violence. This requires more than jailing sex offenders and violent criminals after they commit crimes, although swift and effective punishment is important. This requires strong prevention and education which will keep our children from becoming victims of violent crime.

Megan's law is an important step in preventing the victimization of our children and putting an end to senseless violence in our communities. I urge my colleagues to support this legislation.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Florida for allowing me to rise today in support of H.R. 2137 and to commend my colleague, the gentleman from New Jersey [Mr. ZIMMER], for his leadership on Megan's Law.

It is a sad note that it took the tragedy of Megan Kanka's abduction and murder to make America aware of the need for this legislation. However, the gentleman from New Jersey, Mr. ZIMMER's, Megan's law is a major victory for victim's rights and for the rights of the public at large against convicted sexual predators in our community. It is about time that our Federal laws gave victims and their families priorities over the rights of convicted criminals.

As parents we constantly worry about the well-being of our children because we know of their innocence and vulnerability. Megan's Law goes a long way in helping parents and communities to protect our children from danger.

Mr. Speaker, it is my pleasure to support this bill and to commend the gentleman from New Jersey [Mr. ZIMMER] for his active work in its passage.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN], a former law professor that distinguishes the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I am proud, as a member of the Committee on the Judiciary, that we have reported the Megan's Law bill to the House, and I urge every Member to support this legislation.

California has recently moved into the sexual predator notification business, and although it is not an easy task to undertake, we have found that it is workable and has not created the vigilante environment that some who have qualms about this bill worry about.

I have heard some Members whom I respect a great deal advance the view that those who have been convicted of preying upon a child and have served a prison sentence and then been released have paid their debt to society and that this is further punishment. I disagree with that point of view.

Convictions are not secret in America. We can go down to the courthouse and find out who has been convicted. What Megan's Law does is to make that information available to those who need to know it most: parents, neighbors, and potential employers. I think that Megan's Law is about balancing the rights of privacy of a convicted pedophile against the safety of the public, and, most importantly, of children.

□ 1600

When I think about the damage that abuse of children does, not only to that individual child but to our entire fabric of society, I am even more enthused about Megan's Law. I am aware that 25 percent of those who victimize children as adults were victimized and abused as children themselves. That does not mean that every child who has been victimized will grow to be a victimizing adult, but there is an obvious cycle here that needs to be interrupted.

As the parent of two children, I know that if there is danger in my neighborhood, I want to be aware of it. I want to take every step that I possibly can to make sure that my 14-year-old daughter and my 11-year-old son are

safe. And I know that as a parent, I am like every other parent in this country: I want to do the right thing so they have a good future. This legislation gives parents the tools that they need to take those steps.

Mr. Speaker, as I have said, unfortunately, the the recidivism rate for pedophelia is very high. Looking at studies of pedophiles going back to the late 1970's and early 1980's, it is pretty clear that as a society we have failed to come up with anything that works for these people. I thus urge the adoption of Megan's law.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], one of the original authors of the underlying legislation.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there is one abiding fear that all parents share. That is the fear that something tragic will happen to their child. We pass laws to make sure that their childhood toys are safe and that they will not be swallowed and choked on. We pass laws to be sure that there are child restraints properly installed in the vehicles on which they ride. All of us hold our breath when they finally get to the age where they can begin to drive vehicles themselves.

Mr. Speaker, this law today addresses an area of concern that haunts society. That is the possibility that their child will be victimized by someone who has previously done the same. If one of the purposes of government is to collectively protect ourselves better than we can do individually, then this law and its merits are very clear. I am pleased to rise in support of it. I commend the author, and I urge all of the Members of this body to vote for this very commonsense piece of legislation.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the gentleman from North Carolina [Mr. WATT], a distinguished lawyer, to close the arguments and discussion for our side.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from North Carolina [Mr. WATT] is recognized for 2½ minutes.

Mr. WATT of North Carolina. Mr. Speaker, this is a tremendously difficult issue. I started to stay in my office and punt, and not come over here and talk about it at all. It is difficult because the statistics do indicate that there is a higher rate of recidivism for those people who have committed one offense in this area, and a greater likelihood that some of them will commit another offense.

However, I thought it would be a dereliction of my duty as a Member of this body not to point out two very troubling aspects about this bill. First of all, our Constitution says to us that a criminal defendant is presumed innocent until he or she is proven guilty.

The underlying assumption of this bill is that once you have committed one crime of this kind, you are presumed guilty for the rest of your life. That, Mr. Speaker, is contrary, whether we like it or not, it is contrary to the constitutional mandates that govern our Nation. We should not be presuming people guilty unless they have committed a crime. Once they have paid their debt to society, they should be allowed to go on with their lives.

The second concern I have about this issue is that my colleagues in this body have over and over talked to us about how important States rights are. Yet, in this area, somehow or another we cannot seem to justify allowing States to make their own decisions about whether they want a Megan's law or do not want a Megan's law. All of a sudden, the Big Brother Government must direct the States to do something that is not even necessarily a Federal issue. So those two things lead me to encourage my colleagues to stand up for our Constitution and stand up for States rights and oppose this bill.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, there is no greater crime, I do not believe, than a child that has been molested, perhaps killed, or not killed but sexually molested by somebody else. I had a woman in my district talk to me in tears about her 9-year-old that was raped. Thank goodness he was convicted. He is now serving in Jackson Prison. But he is going to get out. The experts say that he is going to do it again and again and again.

However, when he gets out, I want a law like Megan's law, so whether he goes to St. Joe or Kalamazoo or South Bend, anyplace else, the victim, the family, the police, the community are going to be able to watch him forever. He is going to have a tattoo on his head that is going to be there forever.

Mr. Speaker, last year I had two little boys, sons of migrant workers from Texas, in my district who were stolen allegedly by a sexual molester, because he has not been convicted yet I use the word allegedly, out from Iowa, picked them up in the twin cities in Michigan; and thank goodness, because it was a nationwide case and CNN and ABC News and ''Good Morning America'' had his picture, they found him in New Orleans. I do not want that to happen again to that family.

Something like this that, thank goodness, a number of States have passed on their own, ought to be a national law. That is why I rise in support, to make sure that we will take whatever step we can, so no family will ever have it happen to them as it has happened to people in my district.

Mr. Speaker, I would urge all of my colleagues on both sides of the aisle to vote for a very strong bipartisan bill so we can try and end this terrible human tragedy that, unfortunately, strikes far too many Americans.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to close the debate on this side by commenting again about how thankful I am that the gentleman from New Jersey [Mr. ZIMMER] saw fit to produce this piece of legislation. Contrary to what some have said about it earlier, this is not a mandate on the States. This is a provision typically that we try to do in the underlying legislation that is already law to encourage the States to do these things that we think they need to do as a group to fight such types of crimes as we have in the case of those who commit violence against children, especially sexual crimes, by holding the carrot out of money that they may receive of Federal largesse that they otherwise would not receive.

I think this is a very good corrective measure. It will require, rather than simply permit, local jurisdictions in cases where there is, indeed, a necessity to do so, to notify those in the community that somebody who has been a convicted sexual predator is being released. I again thank the gentleman from New Jersey, who authored this legislation. I have been pleased to produce it out of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. RAMSTAD. Mr. Speaker, as the author of the Jacob Wetterling Crimes Against Children Act, which became law in 1994, I am grateful we are voting today to pass a bill to make it even stronger.

The Wetterling Act was named after Jacob Wetterling, who was abducted by a stranger at gunpoint in St. Joseph, MN, in 1989. Jacob's parents, Patty and Jerry, worked tirelessly to help me pass the Wetterling Act.

The Wetterling Act provides for the registration of convicted child sex offenders and violent sexual predators. This national tracking requirement was needed because of the propensity of these offenders to repeat their heinous crimes again and again after their release from prison. Some States—like my home State of Minnesota—already provided for sex offender registration, but many offenders simply moved to another State and avoided detection.

The children of America and their families needed the Wetterling Act to protect them from those who prey on children. Every major law enforcement organization asked for it as a resource for investigating child abduction and molestation cases.

Under the Wetterling bill, law enforcement was allowed to notify the community when the dangerous offenders required to register under the Wetterling Act were released and living in the area. The bill we are considering today, Megan's Law, will require community notification.

I strongly support this strengthening of the Wetterling Act, to make our communities a safer place for our kids to grow up.

Ms. DUNN of Washington. Mr. Speaker, quite frankly H.R. 2137 must be enacted immediately. We must not delay one day longer. My struggle to strengthen the laws to protect victims and communities from sexually violent predators started in the 103d Congress when Senator GORTON and I began work on including Washington State's sexual predator law into the 1994 crime bill. The tragic and highly publicized 1994 rape and murder of 7-year-Megan Kanka in New Jersey, the victim of a

released sexual predator, unfortunately became the impetus for including sexual predator language in the 1994 crime bill. With Senator GORTON's help, Mr. ZIMMER and I were able to convince conferees to the crime bill to include community notification and registration of sexually violent predators.

Since the 1994 crime law enactment, many States have developed tracking programs that require convicted sexual predators to register with the local law enforcement agencies upon release and allow officials to notify local communities of their presence. Now, Mr. Speaker, it is time that we take this good law one step farther before we are shocked once again to hear of a needless death or crime committed by a violent sexual offender. Currently, communities may or may not be aware of a predator in their midst. That is wrong. We must alert the citizens when repeat sexually violent predators are in the area. H.R. 2137 will accomplish that by changing community notification from an option to a requirement.

Wouldn't you and your family like to know when a potential predator has moved in next door so that adequate steps could be taken to protect your family? American women and families deserve no less. Every time we hear of a crime committed by a sexual predator we feel fear and terror in the possibility that our own personal safety—or that of a loved one—is at risk. Our daily routine is monopolized by tension and anxiety: walking to our cars, sending our children off to school, or locking up the house at night. Of course, women feel the brunt of this anxiety because women are the targets of most repeat sexual predators. Nobody should have to live in fear. Congress can and must help target the crimes that cause us the worst fear. We can and must pass a law that will require notifying a community when a sexually violent predator has moved into the neighborhood. And we must pass it now.

Empowering families, women, and children with the knowledge that a potential threat is looming in their community enables them to take the necessary precautions to ensure that there are not second, third, or fourth victims. Communities must be forewarned when a sexual predator has moved in next door. That is why I support swift passage of H.R. 2137, a bill that will require law enforcement to notify communities of a sexual predator's presence. I urge my colleagues to do the same.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to be a cosponsor of H.R. 2137, Megan's Law and would urge his colleagues to support this bill.

This measure builds on an earlier law, also supported by this Member, that requires convicted sex offenders and kidnapers of children to register their addresses with law enforcement authorities for 10 years after their release from prison. Since such a high percentage of child abusers are repeat offenders, this registration requirement has been very helpful to police in solving crimes involving child abuse. However, the Jacob Wetterling law only permits States to release this information. Megan's law requires States to release this information to local law enforcement officials when a known criminal sex offender is released from prison and settles within their jurisdiction. States may also determine whether a criminal's personal information can be available to the general public.

Mr. Speaker, it is this Member's hope that this legislation will quickly become law in order to provide better information to police, neighborhoods, and communities regarding the existence of convicted sex offenders which in turn should prevent crimes and protect citizens.

Ms. MOLINARI. Mr. Speaker, I would like to commend Mr. ZIMMER, Mr. MCCOLLUM, chairman of the Crime Subcommittee and Mr. HYDE, the distinguished chairman of the Judiciary Committee for introducing Megan's law. And on behalf of the children who will not be assaulted or killed and for the parents, who will not suffer their loss I would like to thank you for your hard work. This bill costs nothing, yet takes a step toward protecting something so valuable to every parent—the safety of their children.

Critics of this bill have argued that the bill unduly punishes offenders after they have paid their debt to society. What about the void and pain of the parents whose son or daughter became their victim? When are they finished paying? For those who oppose the bill, I ask you to envision the loss of your child. I ask you to feel the loss of your child to a ruthless criminal, who saw her as nothing more than an easy victim. I ask you to stand in the place of Maureen Kanka, the mother of 7-year-old Megan Kanka, who was kidnaped and murdered by a man who had twice been convicted of attacking children. The fact that he was released and allowed to roam the streets in and around young children, is nothing less than placing a wolf among lambs.

The danger of recidivism in sex crimes has been demonstrated, time and time again, unfortunately at the expense of another child. By requiring the registration of sex offenders, Congress is taking affirmative steps to alert, police and parents to dangers in their community, and above all preventing the assault, abduction, and murder of another youngster.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended.

The question was taken.

Mr. ZIMMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2980) to amend title 18, United States Code, with respect to stalking, as amended.

The Clerk read as follows:

H.R. 2980

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 ''Interstate Stalking Punishment and Prevention Act of 1996''.

SEC. 2. PUNISHMENT OF INTERSTATE STALKING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

''§ 2261A. Interstate stalking

''Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person's immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting ''or section 2261A'' after ''this section''.

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking ''offender's spouse or intimate partner'' each place it appears and inserting ''victim''.

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting ''AND STALKING'' after ''VIOLENCE''.

(4) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking

''110A. Domestic violence ..... **2261''**

and inserting:

''110A. Domestic violence and stalking 2261''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

''2261A. Interstate stalking.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 1994 crime bill, Congress established a new Federal offense aimed at stalkers of current or former spouses or intimate partners. This offense did not address cases in which the victim was unrelated to the stalker.

In H.R. 2980, the Interstate Stalking Punishment and Prevention Act of 1986, this insufficiency is addressed. This bill establishes a new Federal crime for crossing a State line or otherwise entering Federal jurisdiction for the purpose of injuring or harassing another person when such action places a person in reasonable fear of bodily harm.

This bill does not generally federalize the offense of stalking. Rather, it ensures that this crime of stalking is given force and effect in all areas clearly within the responsibility of the Federal Government. The authorized penalties under this bill are the same as those provided for in the current interstate domestic violence offense.

Once a stalker has selected a victim, the pursuit can be a full-time occupation. In some cases victims have had to move to a new residence, at times to a new State, to escape their tormentors, and even at times moving to a new State does not give the relief that is sought. Mr. Speaker, I would suggest

that the victim move out of State and the stalker often follows right behind. This interstate stalking has made it increasingly difficult for law enforcement officials to investigate and prosecute.

Well-publicized cases involving celebrities have served to highlight the frightening dimensions of the crime. Jody Foster, David Letterman, Troy Aikman, and Madonna are just a few examples of celebrities who have been recently stalked and harassed by obsessed fans. In 1989 actress Rebecca Schaefer was murdered by a crazed fan who followed her for 2 years.

Stalking is a frightening and cowardly crime. Victims often feel trapped within their own homes. Family members and coworkers are often threatened, and personal property is often damaged or destroyed. Congress should do everything in its power to assist law enforcement in the apprehension and conviction of these predators. I am especially pleased to support this legislation, which has been crafted by the gentleman from California [Mr. ROYCE].

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this measure, which creates a new Federal offense for interstate stalking. The provision is modeled after a provision in the 1994 crime bill that created a Federal offense of interstate travel to commit domestic violence. The bill here before us covers travel across State lines or from or to Indian country with the intent to injure or harass another person, where the defendant places the subject in reasonable fear of death or bodily injury, or death or bodily injury to a member of the subject's immediate family.

Mr. Speaker, some may argue that creating a new Federal law for stalking is an overfederalization of crimes, but I disagree. The problems of stalking, because of their interstate nature, transcend the ability of State law enforcement agencies, obviously, to continue working together without such a provision as H.R. 2980. Moreover, under title 18 of the United States Code, there are provisions that make it a crime to cross the State line with falsely made dentures, or with a cow. Keeping that in mind, this is clearly not a radical expansion of the law to make it a crime to cross State lines to harass or abuse another person.

Mr. Speaker, this stalking offense is modeled on an existing interstate domestic violence offense. It specifically covers traveling across State lines, entering or leaving Indian country, with the intent to injure or harass another person.

□ 1615

I urge the support of the entire membership of the House in passing H.R. 2980.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROYCE], the author of this measure.

Mr. ROYCE. Mr. Speaker, my legislation that is here today, H.R. 2980, does three things. First it makes crossing a State line to stalk someone a felony and thus for the first time it defines in law, in Federal law, the crime of stalking, and it brings certain penalties, 5 years for the crime of stalking, 10 years if a gun is used and so forth.

Second, it makes crossing a State line in violation of a restraining order a felony. And, third, it makes it a felony to stalk someone on Federal property such as a post office or a military base or a national park.

The bill is needed because in each of these cases the victim loses the protection of their State laws. I was the author in 1990 of the first State antistalking law in the country, in California. The California legislature passed my bill after four women were killed in the space of 6 weeks in Orange County, CA. Each woman, fearing for her life, had sought police protection only to be told that there was nothing that law enforcement could do until she was physically attacked. One police officer told me at the time that the hardest thing he ever had to do in his life was to tell that victim ''there is nothing I can do until you're attacked'' and subsequently she was killed.

The law was passed by the California legislature defines stalking as an obsessive pattern of behavior and threats that would cause a reasonable person to fear for their life or fear for great bodily harm. Versions of that law have since been adopted in every State in the Nation and here in the District of Columbia, and they have been very useful in protecting stalking victims before they are attacked, before they are injured.

The problem has been that when the victim leaves her State or when he leaves his State, they lose their protection. State laws are not the same and restraining orders obtained in one State may not be valid in another. This bill addresses that problem by making it a felony to cross a State line to stalk someone in violation of a restraining order, and in addition it protects victims on Federal property.

Mr. Speaker, many stalking victims unfortunately have become prisoners in their own State. They cannot leave the State for a vacation or business or otherwise without exposing themselves to danger. Ironically, many stalking victims are advised by someone from Victim Witness or other groups that help stalkees, they are advised typically, get away from your stalker, move away from your stalker. But if they take that advice, ironically, they have now lost their protection.

This bill would solve that problem. It gives stalking victims freedom to travel, to lead normal lives and not subject themselves to fear of injury or death.

Sitting in the gallery today is a woman who was stalked for 8 years. Her stalker was finally sent to State prison when he attempted to kidnap her, leading to an 11-hour police standoff. Her testimony before the California legislature was instrumental in the passage of the California antistalker law and subsequent stalker laws.

She left the State. But when the stalker was released from prison, he jumped parole and he left the State and her nightmare began anew. Fortunately the stalker was intercepted in another State, but others may not be so fortunate. We need to pass this bill to give stalking victims freedom to travel, to live without fear and to begin anew. I urge the Members' ''aye'' vote.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to recount for the Members in the body the criminal penalties that attach to this crime:

A person who violates this section, or section 2261A shall be fined under this title, imprisoned—

(1) for life or any term of years, if the death of the offender's spouse or other intimate partner results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A, without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison; and,

(5) for not more than 5 years, in any other case, or both fined and imprisoned.

These are very appropriate, they are stiff penalties, and I think that they are appropriate for the kind of violence and stalking that has plagued the country as exemplified by the examples that have been recited here on the floor this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Speaker, today I rise in strong support of the Interstate Stalking Punishment and Prevention Act of 1996. I would like to congratulate the gentleman from California for his work both at the State level and at the national level on this legislation, and the Committee on the Judiciary for their leadership in bringing this forward.

This bill will fill a gap in the existing law and offer increased protection for those men and women who are the target of obsessive and terrifying predators. This crime is a crime of terror. These predator criminals pursue their victims like prey, stealthily and under cover. Stalkers are known to relentlessly hunt down their victims, creating emotional and physical terror in men and women who are their targets.

The stalker invades every aspect of the victim's life, watching every movement, following every step. When a

woman tries to get away from a stalker, she prays it will end her long ordeal. But the stalker has other ideas. He wants to continue to terrorize and to control. So he decides to stalk. The stalker wants to make sure that the victim never feels safe. No matter the woman's efforts to end this, the stalker wants to make sure she never feels free. He knows where she works, where her family lives and who her friends are.

So the terrified woman flees to other States, sometimes fleeing across-country, leaving her friends, her family and everyone she knows just to get away from the threat of abuse. Then one day she walks out of her new home in her new State and she sees him down the street waiting for her, and she wonders if the nightmare will end.

Mr. Speaker, today is the time to say enough is enough. This legislation is one more weapon in the war against violence. No longer will we wait for this horrible tragedy to take place before taking action. We must give women the tools they need now to be protected from the reach of stalkers.

The Interstate Stalking Punishment and Prevention Act of 1996 will punish those who repeatedly harass, follow, and threaten their victims from State to State. It will send a strong message of zero tolerance to those who terrorize. It is time for the criminals to live in fear, fear of the swift hand of justice. It is time for the abusers to be pursued, pursued by unwavering application of the law. And it is time for the stalkers to have their freedom restricted, restricted by a cold, stark prison cell.

Crime is a cancer that eats away at the fabric of our society. It is high time for strong and potent medicine. I urge my colleagues to support the Interstate Stalking Punishment and Prevention Act of 1996.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would bring to the attention of my colleagues that in addition to adding stalking to domestic violence and attaching penalties to it, this measure, in addition, makes interstate violation of a protection order subject to the following penalties:

A person who violates an interstate protection order shall be fined under this title and imprisoned for life or any term of years, if death of the victim results.

Although this is current law, it is important to understand that it is in fact related to violence and stalking, because frequently a violation of a protection order might be involved.

So in addition to a life term if death results, there is also a 20-year penalty if permanent disfigurement or life threatening bodily injury results. There is a penalty of 10 years incarceration if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense. And, as provided for the conduct under chapter 109A if the offense would constitute an offense under chapter 109A, then it would be punishable for not more than 5 years, in any other case, or both fine and imprisonment.

So we now have a complete criminal statutory provision that deals with domestic violence, stalking, and violation of a protection order.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

I simply want to say in closing that this is a very significant piece of legislation today. It is one of four crime bills that the Subcommittee on Crime is presenting today, two under suspension of the rules, and two that will be debated under open rules that will follow this. All of these bills are designed in helping us with crimes against the most vulnerable members of society, those who are children, those who are elderly, those who are vulnerable in some other way.

We are seeing entirely too much violent crime in this country today. The crime rate in this country is entirely unacceptable in the violent crime area, and we need to put some deterrence into the law to get at those people who are indeed committing these kinds of crimes. Sending them a message, this bill sends a specific message, and helps us with Federal law enforcement abilities in the area where somebody commits a stalking crime across a State line.

The stalking crimes that have been described earlier today are among the most heinous of all, when the victim may even try to escape and move year after year after year. Somebody may come in and threaten them in ways of violent bodily harm. In cases as we reported earlier, murders have certainly occurred on more than one occasion, in fact on unfortunately too many occasions as a result of a stalking case.

A little earlier today we passed—at least we passed it by voice vote, we have yet to have a recorded vote on it—a bill that the gentleman from New Jersey [Mr. ZIMMER] offered dealing with the issue that surrounds sexual predators, in an attempt to try to make sure that communities are notified properly when those sexual predators are indeed released from time that they may have served in prison, so that people can take protective measures to defend themselves and their families if this person moves into their community.

In a little while this afternoon, the two other measures we will be having out here on the floor for general debate and amendments under an open rule will be measures that are designed, first, to increase the penalties under the sentencing guidelines for anybody who commits a crime, a Federal crime against a child 14 years of age or younger or a person 65 or older. That is the bill of the gentleman from Michigan [Mr. CHRYSLER], and one which the gentleman from Pennsylvania [Mr. FOX] has offered to steeply increase the punishment for somebody who tampers with a Federal jury or who does any intimidation of Federal witnesses in a Federal criminal proceeding.

□ 1630

These are the type of laws we need to put on the books. It is a very important day for us to present these crime measures out here in sequential order. I think the one the gentleman from California [Mr. ROYCE] has offered, the bill we are voting on today dealing with stalkers, is a good one to discuss the fact we are presenting these together today in sequential order.

Mr. Speaker, I certainly urge the passage of this bill on stalkers, H.R. 2980, that the gentleman from California, [Mr. ROYCE] has presented to us today.

Mr. KENNEDY of Massachusetts. Mr. Speaker, experts believe that each year more than 200,000 women are stalked by their former boyfriends, or complete strangers. In addition, about 400,000 protective orders are issued by civil or family courts each year to prevent such violence.

Given available data, at least nine women die every day at the hands of their stalkers.

Believing that this is tragically a growing trend that must be stopped, I introduced legislation in the 103d Congress, the National Stalker and Domestic Violence Reduction Act, that later became law with the passage of the 1994 crime bill.

Among other provisions, this law has done much to give law enforcement officials and civil/criminal courts the tools to enforce civil protection orders by providing access to criminal history information of the offender for use in domestic violence and stalking cases.

This law also established a State grant program for data collection on stalking and domestic violence crimes to be added to criminal records in the national crime information databases. This data is used to track offenders across State lines.

And while my legislation helps us track these people, the bill before us today takes an important step in actually making some forms of stalking a Federal offense. I rise in strong support of this legislation and believe it should be on a fast track to President Clinton's desk.

We have needed Federal legislation that criminalizes the dangerous act of stalking for quite some time. In most States, stalking is an act that is already punishable by law. A problem is created, however, when these offenders follow their targets across State lines.

Passing this legislation today will create a beautiful marriage between the ability to identify interstate stalkers from the national crime information databases created in my 1994 legislation that became law, and the ability to punish interstate stalkers as a Federal crime under the legislation we are considering here today.

I urge my colleagues to stand with me today in support of women—women all across this Nation that are at risk of becoming another sorrowful stalking statistic. Please join me in voting to stop the stalkers and to protect innocent women.

Mr. MCCOLLUM. Mr. Speaker, I ask for an ''aye'' vote and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on H.R. 2980 and H.R. 2137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment printed in the report of the Committee on Rules accompanying this resolution for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 421 is an open rule providing for the consideration of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. The rule waives clause 7 of rule XIII (which requires a cost estimate in the committee report), against consideration of the bill. Because the Congressional Budget Office [CBO] has been extremely busy concentrating on the fiscal year 1997 budget resolution, the Judiciary Committee has provided a rough estimate of cost based on U.S. Sentencing Commission figures for increased prison construction and operating costs, but not a detailed CBO estimate. The committee does state in its report that it estimates H.R. 2874 will have no significant inflationary impact on prices and costs in the national economy, and I believe it has, without a doubt, satisfied the spirit of the cost estimate requirement.

In addition, the rule makes in order as an original bill, for the purposes of amendment under the 5-minute rule, the amendment in the nature of a substitute recommended by the Judiciary Committee, now printed in the bill. Also, the rule provides that Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments.

Further, the rule waives points of order against the amendment printed in the report of the Committee on Rules for failure to comply with clause 7 of rule XVI, which relates to germaneness. This amendment, requested by my colleague from Texas, Mr. FROST, adds increased penalties for Federal sex offenses against children, and needs a waiver because it creates a new crime with sentencing provisions, whereas H.R. 2974 focuses on creating new levels of sentencing for existing crimes. I am informed that Mr. MCCOLLUM, the chairman of the Crime Subcommittee of Judiciary, supports Mr. FROST's amendment and I have no objection to it.

Finally, the rule provides for one motion to recommit, with or without instructions.

The purpose of this legislation is to increase the time of imprisonment for those who commit violent crimes against children under 12 years of age and seniors age 65 and older. In the Judiciary Committee, the age for children was increased to 14, and the definition of ''vulnerable persons'' was expanded to include any victim that ''the defendant should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct.''

In other words, this legislation is designed to increase protection for the most vulnerable sectors of our society: the elderly, children, the handicapped (mentally and/or physically disabled), those who find it most difficult to defend themselves.

This legislation is needed because the U.S. Sentencing Commission failed to act as requested in the 1994 Crime Act directive ''to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime and to reflect the heinous nature of such an offense.'' This bill amends the Crime Act of 1994 to enhance sentences by increasing the length of sentences ''not less than 5 levels above the offense level otherwise provided for by a crime of violence against such victims''.

Federal law enforcement officials agree that tougher punishment for criminals who target these victims is warranted. Violent crimes against the elderly have increased substantially, and child homicide rates have nearly doubled in recent years. In 1992, tragically, close to 20 percent of all rape victims were under 12 years of age, children attacked by pedophiles.

I believe there is nothing more important than protecting our most vulnerable from harm. In Dade County, FL, 9-year-old Jimmy Ryce was abducted by a predator on September 11, 1995. Three months later, law enforcement officials found Jimmy's remains after he had been brutally sexually assaulted and murdered by his kidnaper.

In response to the delays that the Ryce family encountered in the search for Jimmy, I joined my colleagues from south Florida in pressing for legislation, named in honor of Jimmy Ryce, to improve Federal law enforcement efforts at finding endangered children.

Congressional involvement led to an executive directive by the President which now requires all Federal agencies to post photos of missing children in Federal buildings to expedite the search for missing children. A similar directive in Florida has alleviated comparable roadblocks by requiring the posting of missing children photos in State buildings and tollbooths.

In addition, we are moving forward with H.R. 3238, (which I encourage my colleagues to consider cosponsoring), Congressman DEUTSCH's bill to establish a national resource center and clearinghouse to carry out, through the Jimmy Ryce Law Enforcement Training Center for the recovery of

missing children, the training of local law enforcement personnel to more effectively respond to cases involving missing or exploited children.

We must stop violence against the most vulnerable in our society, and I believe today's legislation, the Crimes Against Children and Elderly Persons Increased Punishment Act, is another important step in the right direction to keep criminals who commit these unspeakable crimes behind bars.

Mr. Speaker, House Resolution 421 is a fair, open rule and I urge its adoption.

Mr. Speaker, I include the following for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 6, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	66	61
Modified Closed[3]	49	47	26	24
Closed[4]	9	9	17	15
Total	104	100	109	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. FROST. Mr. Speaker, the measure of any society is how it protects and nurtures its children and how it respects and honors its elders. I would like to think that our Nation takes care of its very youngest and very oldest citizens and that in doing so we are an honorable and just society. But, Mr. Speaker, there are those among us who violate these societal guidelines and for whatever reason abuse the trust children have placed in adults and pick the vulnerable and elderly to be victims of violence.

H.R. 2974, while applicable only to Federal crimes, draws a line in the sand and states clearly, through the enhancement of penalties, that we as a society will not tolerate such crimes against our most vulnerable citizens. This legislation will not stop these heinous crimes, but at the very least we can take this small step to ensure that those who commit these offenses at a Federal level will be swiftly and surely punished. It is the least we can do to protect our society.

I am especially gratified, Mr. Speaker, that the Committee on Rules has granted a germaneness waiver to allow the consideration of an amendment I will offer to this bill. My amendment, which is a part of H.R. 3180, the Amber Hagerman Child Protection Act, which I introduced in March, would create new Federal jurisdiction over sexual offenses against children and would require life sentences without the possibility of parole upon conviction in Federal court of a second sex crime against a child. I will offer this amendment with the concurrence of the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], and I believe it is one that every Member of this body can support.

This amendment, like this legislation, will not itself stop the commission of heinous crimes like the one that took the life of little Amber Hagerman, a 9-year-old who lived, went to school, and played in Arlington, TX, in my congressional district. But perhaps enactment of this amendment will keep someone off the streets and out of our neighborhoods who might otherwise commit a crime like the one that snuffed out the life of that innocent little girl. I have three daughters and it is inconceivable to imagine that they, like Amber, might have been snatched away while we turned away for a moment.

Mr. Speaker, these matters are not partisan issues. Regardless of political philosophy, we all agree that children are our most previous resource and our elders are repositories of the histories of our families and our lives. In honor of them, I urge support for this rule, for this bill, but especially for the memory of Amber Hagerman.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ2	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment..	N/A
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority..	N/A
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 88% restrictive; 12% open. **** All legislation 104th Congress, 59% restrictive; 41% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 20, or 65 percent, of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for FY 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for FY 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for FY 1996.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, the leader responsible for the Committee on Rules bringing forth this great number and percentage of open rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in support of this rule providing for the consideration of the Crimes Against Children and Elderly Persons Increased Punishment Act.

According to the report of the Judiciary Committee on this bill, there was a 90 percent increase in personal crimes committed against senior citizens from 1985 to 1991.

As the number of senior citizens continues to increase in this country, this is a problem that has the potential to get worse unless some action is taken.

And it is a particularly disturbing trend, because it shows that criminals are increasingly willing to go after the most vulnerable members of society.

And at the other end of the age spectrum, there is a similar problem with attacks against vulnerable children. For example, the Judiciary Committee report points out that in 1992, one out of every six rape victims was a female under the age of 12.

The elderly and the children are the members of society least able to defend themselves. They need our help.

In 1994, the last Congress tried a gentler approach to get the U.S. Sentencing Commission to toughen penalties for crimes against the elderly.

There was a provision in the Violent Crime Control and Law Enforcement Act which directed the U.S. Sentencing Commission to ''ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.''

The Sentencing Commission determined to make no amendment to the guidelines in response to the 1994 congressional language.

This bill takes a more direct approach. It tells the Sentencing Commission exactly what to do.

This bill directs the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, elderly person, or other vulnerable person.

Congress retains the right to assert itself in the matter of sentencing, and this is one area where Congress needs to be more assertive.

This bill was introduced by a freshman Member of this body, the able gentleman from Michigan [Mr. CHRYSLER]. I commend him for taking the lead to protect those members of society least able to defend themselves. I am proud to join him as a cosponsor of this bill.

Mr. Speaker, the most vulnerable members of our society are under attack. It is time for law-abiding citizens to fight back.

This bill is an opportunity to come down harder on some of the cowardly punks who attack our elderly, our children, and our most vulnerable citizens.

Vote ''yes'' on this rule and on the bill it makes in order.

□ 1654

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on this important resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3120 REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from Utah [Ms. Greene] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 provides for consideration of H.R. 3120, a bill to prevent jury and witness tampering, and witness retaliation. House Resolution 422 provides for an open rule, with priority recognition given to Members who have had their amendments preprinted in the CONGRESSIONAL RECORD. The rule provides for 1 hour of general debate, and one motion to recommit with or without instructions.

Congress has a fundamental responsibility to help ensure that Americans feel safe in their homes, their neighborhoods, and at work. As part of our efforts to crack down on violent crime, criminal sentences have been increased in recent years to help ensure that we keep these criminal elements off the streets. However, as sentences for many violent crimes have increased, sentences for witness and jury tampering have not kept pace. Current law provides for a maximum penalty of only 10 years for persons convicted of that crime. Consequently, a defendant facing a Federal criminal sentence of more than 10 years may feel it is in their interest to attempt to intimidate a witness, or tamper with a jury, since the penalty for that crime is less than the underlying offense. H.R. 3120 will help to correct this situation by increasing the penalty for witness and jury tampering and retaliation.

Recognizing the need to address this issue, H.R. 3120 was reported out of committee with broad, bipartisan support. During consideration of a rule for H.R. 3120 in the Rules Committee, we learned that there are some Members who are concerned that the bill, as drafted, may be open to incorrect interpretations or applications. Consequently, the Rules Committee has reported out an open rule in order to give these Members an opportunity to offer amendments to attempt to clarify these points.

Mr. Speaker, this is an open rule, providing for fair consideration of a bill that sends a clear message to criminals that we will not tolerate witness intimidation or jury tampering. I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentlewoman from Utah [Ms. GREENE] for yielding the customary half hour of debate time to me and I yield myself such time as I may consume.

We support—we welcome—this open rule for the consideration of H.R. 3120, legislation that would increase penalties for witness retaliation and jury tampering.

This is one in a series of popular, and relatively modest, anticrime bills reported by the Judiciary Committee, two of which the Rules Committee granted open rules for last week.

We congratulate the majority for finding bills they are willing to bring to the floor without restrictions-even though we do wish that some of these open rules had been provided for bills that are more substantial than the two narrowly drawn pieces of legislation we shall be debating today.

Some Members are concerned about the provisions of the bill the rule makes in order. As several members of the Judiciary Committee noted in dissenting views, they do not oppose severe penalties for those who intimidate, tamper with or retaliate against witnesses or jurors.

They do, however, believe current law may be adequate, and question the need for these enhanced penalties. There is also a fear that the severe penalties may be disproportionate to the crime and could lead to results that are unjust.

In any event, Mr. Speaker, we support this open rule for H.R. 3120. I urge my colleagues to approve the rule so that we can move on to the debate over the specific provisions of this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, we have no additional requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 421 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2974.

1654

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 consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill, introduced by Mr. CHRYSLER of Michigan, would increase the length of the sentence for violent crimes against children 14 years of age and younger, seniors 65 years and older, and vulnerable persons. I would do so by directing the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, an elderly person, or an otherwise vulnerable person. The term ''crime of violence'' was amended at the subcommittee markup by Ms. LOFGREN, and broadened to have the same meaning as that given in section 16 of title 18 of the United States Code, which is:

> An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense:

Mr. CHRYSLER introduced this bill to provide additional deterrence and punishment for those who victimize the most vulnerable in society. The impetus for this legislation also arises from the Sentencing Commission's failure to provide any sentencing enhancement in response to a directive in the 1994 Crime Act. The act directed the Commission to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, and to reflect the heinous nature of such an offense. The Commission determined to make no sentencing enhancement in response to this directive. I believe that H.R. 2974 is an appropriate and measured attempt to ensure that the guideline penalty accomplished the goals Congress established in its 1994 directive.

While the bill applies only to Federal crimes, another purpose of this legislation is to establish a model for State criminal justice systems. Only a uniform approach which communicates society's intolerance for these heinous crimes will provide sufficient deterrence.

I am pleased that it received the bipartisan support of the Crime Subcommittee, and the full Judiciary Committee. I want to thank Mr. CHRYSLER for his leadership in this area.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Chairman, no person should be a victim of crime particularly a crime of violence. But we are particularly offended when a victim is especially vulnerable, when that victim of violence crime is a child, when that victim is a frail person or another person who is particularly unable to protect themselves.

I think this bill speaks to that and says that as a society we are going to make sure that we have raised the standard of protection for the most vulnerable among us. Although criminal law serves many purposes, one of the functions of criminal law, be it at the State or Federal level, is to set the standards for what society expects of each of us.

Mr. Chairman, I am pleased that I was able to work on a bipartisan basis with members of the committee to strengthen the bill, to broaden the definition of violent crimes as suggested by the Justice Department, to raise the definition of the child from 11 to 14 so it would include those up to but not including 15-year-olds, as well as to add a provision about other vulnerable persons. Mr. Chairman, I think this bill is sound.

Mr. Chairman, I would also note that the Justice Department has just released a Bureau of Justice Statistics report on sentencing patterns in violent crime, and note that on average, offenders who commit violence against a child serve and are sentenced to shorter sentences than those who victimize adults, which is confusing and inexplicable. This bill would help remedy that anomaly.

Mr. Chairman, there will be at least two amendments that I am aware of that will strengthen the bill and are measures that I support wholeheartedly, but world not, I believe, have been germane in committee. But I did want to address the overall bill and congratulate those who have worked on it, and to urge my colleagues to support it.

□ 1700

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Chairman, today I rise in support of the gentleman from Michigan's bill, H.R. 2974, the Crimes Against Youth and Elderly Increased Punishment Act of 1995.

For too long, the most vulnerable groups in our society have been preyed upon by hardened criminals.

Our children should not be forced to walk home from school in fear.

Our senior citizens should not live in a society that fails to punish those who perpetrate heinous crimes against them.

These two groups desperately need us to provide for their safety and security.

I believe this legislation will help reduce crimes against them.

Though crime may be going down in some isolated areas, it is still getting worse in our smaller cities and in our towns. For tight-knit communities like Omaha, NE, this new wave of crime is a shock.

It seems as though nothing can stop the victimization of our innocent citizens.

There has been a steady increase in crime as penalties have softened—and criminals have hardened.

For example: Crimes against our senior citizens doubled between 1985 and 1991, a mere 6 years, and have steadily risen since.

In the past Congress has doubled penalties against drug dealers in protected areas around our schools. Now it is time to put a protected area around our Nation's seniors and children, wherever they may be.

Let us double penalties for these cowardly criminals that prey upon the very young or those who have reached their golden years, which should be care-free.

Crime is the enemy of our modern-day society.

It is time to send a message to the criminals, to their slick criminal defense attorneys that push them to freedom through legal loopholes, and to our entire criminal justice system that all too often favors the criminals over their victims.

That message is that America has a zero-tolerance for crime and the outlaws that commit them.

Again, Mr. Chairman, I would like to thank the gentleman from Michigan for introducing this thoughtful and timely piece of legislation. A vote for H.R. 2974 is a vote for the protection of America's children and America's senior citizens.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman's leadership on this issue. I also thank the gentleman from Michigan, Mr. DICK CHRYSLER, for his thoughtful time and concern on this bill.

Mr. Chairman, I support the hill before us, which provides enhanced penalties for crimes where the victim is a child or a person over the age of 65. We want to take care of those who are most vulnerable in our society, especially when we look back at some of the crime statistics and see that from 1985 to 1991, there was a 90 percent increase in personal crimes committed against senior citizens; that is, from 627,318 to 1.1 million. While the overall homicide rate decreased from 1985 to 1993, there was a 47 percent increase in the homicide rate for children. And in 1992, one out of every six reported rape cases was a female under the age of 12.

When criminals see our children or the elderly, perhaps, as the enemy or as ripe targets for a successful outcome to violent behavior, I believe it is very deserving of our contempt. They are also deserving of harsher sentences. They are preying upon the most vulnerable members of our society and very often they are not able to defend themselves. It is very appropriate that we should provide enhanced penalties against such reprehensible attacks.

Let me also thank the gentlewoman from California [Ms. LOFGREN] for her amendments to this bill that in fact improved the bill. There are only so many tools before us that we can use in guidance and leadership to the States. Right now, under our sentencing guidelines, we have the philosophies of education, prevention, retribution, deterrence, and rehabilitation. We have been involved in this trend toward greater prevention and rehabilitation, and we are asking, victims of our society are asking, what about retribution, what about deterrence? And if we do not begin to move toward harsher penalties against these criminals, then the victims are going to say, what about me?

If they do not feel the retribution, it begins to breed contempt with regard to vigilantism. That is not good and it is not healthy in a free and lawful society. if people live in fear, then they are really not free. So what we are trying to do on the Committee on the Judiciary, not only with this bill but with others, is to enhance the penalties and go after the real thugs, the criminals, whether it is in the gun legislation, if they use weapons in the commission of a crime, they should feel our contempt. They should feel our harsh penalties. Go after the thugs.

If these thugs prey upon the elderly and prey upon the children, they should feel our contempt. They should feel the harsh penalties. If they are going to commit a rape against a female under the age of 12, we should have these Federal judges enhance the penalties against them. Let us pass this bill.

Mr.CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise today in strong support of this bill which seeks to give more protection to our most vulnerable and innocent citizens—our children and our seniors.

More specifically, H.R. 2974 would amend the 1994 crime bill by requiring the U.S. Sentencing Commission to issue tougher punishment for crimes against children and the elderly, due to an increase in crimes targeted at these two populations. According to the Department of Justice factsheet on missing children, every year there are between 1,600 and 2,300 stranger abductions of children under age 12 in the United States.

Mr. Chairman, this is tragic and unacceptable. We must send a clear message to criminals who prey on the defenseless—their actions will result in swift and certain punishment.

Last summer in my congressional district in Arkansas, Morgan Nick, a 6-year-old girl, was abducted from the Alma ballpark while attending a little league baseball game. After 11 months of tireless searching, Morgan has still not been found.

Mr. Chairman, I can assure you that there has not been a day that has passed in which Morgan's family and friends haven't pursued every avenue that may lead them to Morgan's recovery. Morgan's mother, Colleen Nick, has been in touch with me on several occasions since last June to appeal for my assistance in this heartbreaking situation.

At Christmastime, Mrs. Nick appeared on an Oprah Winfrey segment about the recovery of missing children. She has also met with the President in Little Rock to ask for his assistance. Additionally, information about the case has been broadcast on two segments of the television show ''America's Most Wanted.''

Children in Arkansas, and everywhere in America, deserve the full protection for the law. They are virtually defenseless, yet they are the future. Adopting tougher penalties is a vital part of ensuring greater protection of society's most vulnerable citizens, while sending a clear message to the violent criminals of tomorrow.

Mr. Chairman, I believe that those who are truly committed to our children and to the elderly—to citizens like little Morgan Nick—will support H.R. 2974. I urge a ''yes'' vote on this legislation.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MANTON] in support of the bill.

Mr. MANTON. Mr. Chairman, every day in New York City criminals seek out those most vulnerable to attack. it is no surprise that these victims are often too young, or too old, to effectively defend themselves. As a result, many young and elderly Americans live in constant fear, remaining in virtual isolation, too afraid to leave their apartments for groceries or a walk in the park.

It is an unfortunate fact that todays cities are plagued by violence and crime. Unless we as legislators address these problems, tragedy will continue to befall those least able to help themselves.

Mr. Chairman, our Nation's children and seniors look to law enforcement officials for protection, and to the judicial system for justice. Increasing the

penalties for violent crimes committed against vulnerable people will ensure that these criminals do not get away with their heartless and cowardly behavior.

As a cosponsor of this legislation, I urge my colleagues to demonstrate their commitment to the safety and well-being of the young and the old in their districts by supporting this most important bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me. We as a society, and the Congress as a microcosm of that society, have very few tools at our disposal with which to fight crime except the power of making laws which could be very significant. I believe that the current crime statistics, which seem to show a slowdown in some of the major crimes, are as a result of the tougher stands that local and Federal officials have taken over the past 10 years, with tougher penalties and tougher ways of dealing with the criminal in a deterrent way. If we cannot make our laws constitute a deterrent to crime, then we have failed miserably.

We believe that the legislation that is now at hand with respect to the crimes to be committed in the future against children, that these elements will act as a deterrent. What is special about this is that, if a criminal about to commit a crime on a young person realizes through the broadcasting and through the dissemination of the information that is going to come from our action here today, we may be able to prevent serious crimes against our children. It is worth a chance for the deterrent value alone.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are considering the Crimes Against Children and Elderly Persons Prevention and Protection Act. There have been comments and criticisms raised that this legislation was necessary because the Commission on Sentencing did not implement adequately the congressional directive found in the violent crime bill of 1994. I wish to review this for the edification of the Members because the legislative language that we instructed the Sentencing Commission was thought to not require specific amendment action on the part of the Sentencing Commission but, rather, required an analysis, a thorough analysis, of certain areas of the guidelines to ensure that those identified objectives were going to be obtained.

The Sentencing Commission conducted that analysis as instructed and, contrary to assertions that have been made here on the floor, it also additionally amended the guidelines to better address the desired objectives.

I am suggesting that the Sentencing Commission has not been sleeping on the job but as a matter of fact has been doing precisely what the committee, through the Congress, has instructed them to do.

The crime bill, at a particular section, 240002, of the 1994 crime bill, specifically directed the commission to ensure the guidelines provided sufficient and stringent punishment for those convicted of the crime of violence against an elderly victim. The directive established that the following objectives that the guidelines should achieve are as follows: One, increasingly severe punishment commensurate with the degree of physical harm caused to the elderly victim; two, an enhanced punishment based upon the vulnerability of the victim; and, three, enhanced punishment for a subsequent conviction for a crime of violence against an elderly victim.

In response to the directive, the Sentencing Commission then analyzed the available sentencing data, the relevant statutory and guideline provisions. They also solicited the views of all interested parties on other amendments that might be relevant to the guidelines.

□ 1715

All of the commentators asserted that, in their view, the existing guidelines sufficiently account for the congressional concerns that were embodied in the directive. Nevertheless, the Commission, in addition, identified two ways in which it believed the guidelines could be amended more fully and effectively and addressed those concerns about the harm to children and elderly victims to see that they are appropriately punished.

Here is what the commission did: It clarified the commentary of the vulnerable-victim guideline to broaden it applicability. Then they added an application note specifying that a sentence above the guideline ranges may be warranted if the defendant's criminal history includes a prior sentence for an offense that involves the selection of a vulnerable victim.

These amendments became effective November 1, 1995, following congressional review. Thus, while it may be that some of us now believe that the commission should have done more, I think the record should reflect that the directive, while it required most specific amendment action, nevertheless in two significant respects the commission, in fact, did amend the relevant guidelines. And so the Congress presumably reviewed these changes, and I think we did, and raised no issues as to their inadequacy at the time.

So we now are operating under the false assumption that the Sentencing Commission has not been cooperating or working with us in terms of the directives that we gave them, and I think that the opposite is the case.

Under these circumstances, Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just would like to respond slightly to the gentleman from Michigan in making the point that while he is correct that the Sentencing Commission did indeed make some adjustments in the guidelines to the extent of language describing those conditions under which greater penalties might be appropriate, they were not literal sentence enhancement in terms of the levels that the Sentencing Commission establishes for the various crimes that would take into account the specifics of the age of the person who was the victim, which is what this does, and it is that which distinguished this legislation.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I rise today in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, which was introduced by my good friend from Michigan, DICK CHRYSLER. This bill was introduced because the U.S. Sentencing Commission failed to satisfy the mandate of the 103d Congress for cases involving elderly victims.

In 1994, Congress specifically directed the Sentencing Commission to ''ensure that the applicable guidelines range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.'' This provision was enacted because Congress believed that the sentencing ranges for crimes against the elderly were inadequate and need to be raised. At that time, bowing to the argument that the Commission should be left to decide the level to which the sentences should be increased, Congress provided the Commission with some flexibility.

Unfortunately, nothing has happened other than the Commission providing an explanatory note that a departure from the guidelines might be warranted in cases involving a second crime against a vulnerable victim. This provides no deterrent effect because guideline departures are purely discretionary.

Thus, the Commission has disregarded the clear desire of Congress to increase the penalties for crimes against the elderly. So, as is our right, Congress is now directing the Sentencing Commission to raise the sentences by specific levels.

This bill not only directs the Sentencing Commission to raise the guideline levels for crimes committed against the elderly, but also to raise the applicable guidelines for those crimes committed against those under the age of 14. The bill adds five levels to each guidelines calculation, which is used to determine a criminal defendant's sentence. This works out roughly to increasing the defendant's sentence by another 50 percent.

This is appropriate, given that additional deterrence and punishment must be provided to protect the most vulnerable in our society. From 1985 to 1991 there was a 90 percent increase in personal crimes committed against senior citizens. There was also a 47 percent increase in the homicide rate of children. In 1992 alone, one out of every six rape victims was a female under the age of 12.

Not even those providing dissenting views in the committee report on H.R. 2974 argue against the substance of this measure. Instead, they want to continue to leave this decision to the discretion of the Sentencing Commission.

We have been there and done that.

The Sentencing Commission has had 2 years to follow the expressed will of Congress and has failed to act. Their virtual inaction following enactment of the 1994 law justifies legislative action now to increase these penalties.

I urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure before us, there seems to be a little amnesia in the committee. This bill before us is operating as if the Sentencing Commission never acted upon our directives. If my colleagues will examine the records of the Committee on the Judiciary, the action that the Sentencing Commission took pursuant to our directives was submitted to the Committee on the Judiciary's Subcommittee on Crime, it went to the full Committee on the Judiciary, it was accepted by everybody on both committees, and now we come to the floor criticizing the Sentencing Commission as if they had never acted.

So I want to point out that we ought to at least show that there was no one that objected, at least during the time that I was present in both the subcommittee and the full committee, on the inadequacy of the way that they, the Sentencing Commission, dealt with the directives that we gave them.

They acted, they sent them back, we accepted them, it became part of the law, and now today we meet under the anxious gentleman from Michigan [Mr. CHRYSLER], who has determined that there must be more done and that somehow the Sentencing Commission, not the Committee on the Judiciary, has failed in its responsibility.

Mr. Chairman, I think that that is an inaccuracy, and no matter what we do here today, the least we can do is acknowledge the correct chronology of what has taken place that has led us to this point in the creation of criminal law at the Federal level.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply wish to respond to the gentleman from Michigan by pointing out once again that what the Sentencing Commission did that we did not disagree with was to improve, qualify, change the commentary with regard to sentencing guidelines concerning the use of those guidelines with respect to children and the elderly.

It did not in any way enhance the penalties. It did not change the levels that would require the courts to impose greater penalties in those cases involving children and elderly, which is what this bill does today.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio, [Mr. CHABOT], a member of the committee.

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

Mr. CHABOT. Mr. Chairman, I rise in strong support of the bill offered by my good friend from Michigan, Mr. CHRYSLER.

As a member of the Subcommittee on Crime, I can tell my colleagues that the gentleman from Michigan has done just outstanding work in putting this bill together and in shepherding it through the legislative process. I would also like to commend the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. MCCOLLUM] for their leadership in this bill.

Tough punishment deters crime, and we need to be tougher with the criminal scum who prey upon the most vulnerable members of our society, our children and our senior citizens. In passing this bill, Congress will be doing that it is supposed to do under the Constitution, setting policy. We should not blindly delegate that responsibility. It is our job as policymakers to direct the Sentencing Commission when we think the guidelines need improvement.

They need improvement, Mr. Chairman, to provide greater protection for children and the elderly, and therefore I strongly urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member for yielding me this time on general debate.

Mr. Chairman, I am not real sure what this is all about, since the Sentencing Commission seems to have done what this Congress requested them to do, and one suspects that it may be more about election-year politics and beating oneself on the chest about how hard we are on crime than it is about the actual penalties that go for these kinds of offenses.

Having said that, I mean I think there is nobody who can argue with the notion that penalties should be more severe for bullies who beat up on young people and the elderly. I do not think anybody in this body disagrees with that. What we do disagree with, Mr. Chairman, however, is that the Sentencing Commission and the policy underlying the establishment of the Sentencing Commission is that we want to get politics out of making a determination of what appropriate sentences should be in criminal cases.

The primary purpose of having a sentencing commission was to create a fair and equitable set of sentencing guidelines free of political considerations, and, notwithstanding that, we have several times in the context of this Congress made an effort to undermine that primary purpose and to make ourselves appear harder on crime and, presumably, make ourselves more electable.

So what I intend to do at the point in which we get to the amendment process is to try to correct the real problem with this bill. If we want sentences enhanced, we have a process by which that can happen. It should happen as a matter of policy through the U.S. Sentencing Commission. They ought to make an orderly evaluation, as they apparently already have. They ought to enhance the penalties, which they already have enhanced the process, for getting to a more stringent penalty when the offense is against young people and elderly people, and we ought to let them do their job and stay out of the way.

Mr. Chairman, I hope that we can overcome our desire to gain political points and, hopefully, we can send a request to the Sentencing Commission to review this matter again, if that is what we want to do; that is what my amendment would do.

□ 1730

However, let us not forget about the underlying public policy rationale for setting up the Sentencing Commission in the first place, that public policy rationale being to accept politics and our desire to appear tougher on crime, sometimes irrationally, sometimes rationally, but the objective should be always to have a rational decision made about these things outside of the context of political considerations; and in that way, a consistent set of principles can be applied without all of the emotion that sometimes gets us inflicted in the political process.

Having said that, I will wait until I offer my amendment to discuss this matter further.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CHRYSLER], the author of this piece of legislation.

Mr. CHRYSLER. Mr. Chairman, I would like to thank Chairmen MCCOLLUM and HYDE for all of their hard work in helping to pass this important bill in their committees.

Mr. Chairman, today I am offering what I believe is very important and much-needed legislation, the Crimes Against Children and Elderly Increased Punishment Act.

Day after day, we see news accounts of criminals committing violent acts throughout our communities, only to walk away with little or no punishment. You only need to watch the local evening news on any given night to see the havoc criminals create in our neighborhoods.

Too often, these criminals are not deterred from their violent actions because they know the expected benefits of their crimes far outweigh any possible penalties they might suffer.

If we are to decrease the rate of crime in our country, I believe it is time for the criminals to be more afraid of punishment, than we are afraid of the criminals. Quite simply, it is time to put punishment back into the criminal justice system.

While crimes of any degree are unacceptable, it is especially disturbing when violent criminals hurt those least able to defend themselves: children, senior citizens, and the disabled. That is why I introduced the Increased Punishment Act.

The premise behind the legislation is simple: we must say to every criminal who thinks of going after an easy target: if you are such a coward that you would prey upon the most defenseless in our society, then you will face an automatic increase in your punishment. You will spend more time behind bars—almost double the normal sentence—for your cowardly, violent actions.

The Crimes Against Children and Elderly Increased Punishment Act provides for an automatic increase in the length of the criminal sentence for crimes committed against victims 14 years of age and under, those age 65 years and older, or those with a physical or mental disability.

For example, someone convicted of the robbery of a senior citizen would face a minimum prison sentence of 2½ to 3½ years under current guidelines. Under the Increased Punishment Act, the minimum sentence becomes 4½ to 6 years, adding another 2 to 3 years behind bars.

Mr. Chairman, crimes against children and senior citizens across the country today are serious, and remain at intolerable levels. This must not continue.

The 1994 crime bill suggested increased penalties for crimes committed against children and the elderly, but the Sentencing Commission did not take action on this recommendation. It is clear that we must now insist upon stricter sentences for crimes against these vulnerable victims.

Increasing the penalties for those who would hurt children, senior citizens, or the disabled will provide the needed protection for these citizens, while giving criminals the punishment they deserve. This legislation will send a clear signal to those who commit these cowardly acts that their actions will not be tolerated and they will face certain and severe punishment. Criminals must know that if they are to inflict harm upon our children, seniors, or the disabled, there will be a heavy price to pay.

The 104th Congress has already passed a series of crime bills that require prisoners to serve at least 85 percent of their sentences, limit death row appeals, and require restitution to the victims of crime. This bill is another step in the right direction toward a safer, more secure America.

American families have a right to be safe in our homes, on our streets, and in our neighborhoods. If criminals seek to violate this right, they should expect swift and severe punishment. The Crimes Against Children and the Elderly Increased Punishment Act seeks to send this very message to criminals.

Mr. Chairman, I urge support for this important bill for our families.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask the gentleman from Michigan [Mr. CHRYSLER] for his attention for a moment, please. Mr. Chairman, I would like the gentleman to indicate to us if he is familiar with the Sentencing Commission's process in terms of enhancing or adding penalties to the crimes that he complains of.

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

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

Mr. CHRYSLER. Yes, Mr. Chairman. There are 43 levels in the increased Federal Crime Commission right now. What we do is increase the penalties by five levels with this bill. In 1994, in the crime bill——

Mr. CONYERS. The gentleman is familiar with the process. I am glad to know that. Did the gentleman know that Congress directed the Sentencing Commission to address the problem of which he complains?

Mr. CHRYSLER. Yes. If the gentleman will continue to yield, and if he would have continued to listen, I was going to say that in 1994 in the crime bill, which I did say in my remarks, by the way——

Mr. CONYERS. Mr. Chairman, I need my colleague to respond to my questions on my time. Is he aware of the fact that we directed the Sentencing Commission to deal with the problem of which he complains today?

Mr. CHRYSLER. There was a suggestion. They did not choose to implement it. I am trying to answer the gentleman's question, if he will yield and allow me to do that. In my prepared remarks I addressed that.

Mr. CONYERS. Tell me the answer, sir.

Mr. CHRYSLER. The answer is that in the 1994 crime bill, it was suggested that they increase the penalties. The commission chose not to do that. That is why this legislation is necessary.

Mr. CONYERS. Is the gentleman aware of the fact that the Sentencing Commission's recommendations cannot go into effect without the Congress acquiescing in them? And when they came back to the Subcommittee on Crime, unfortunately of which the gentleman is not a member, but is probably always welcome, and when they came to the full Committee on the Judiciary, the committee members, the gentleman from Florida [Mr. MCCOLLUM], myself, and even our chairman, the gentleman from Illinois [Mr. HYDE], all acquiesced in the Sentencing Commission's response to the directive that we issued. Is the gentleman aware of that?

Mr. CHRYSLER. If the gentleman will continue to yield, in the 103d Congress that did in fact happen. This is the 104th Congress and we are going to make it a law.

Mr. CONYERS. I would like to find out if the gentleman understood the question. Is the gentleman aware of the fact that we accepted the recommendations of the Sentencing Commission?

Mr. CHRYSLER. In response, I answered the question. I am aware it happened in the 103d Congress. This is the 104th Congress. It did not become law in the 103d Congress, it became a suggestion. I am answering the gentleman's question. By asking the question over and over, you will not get a different answer.

Mr. CONYERS. Just a moment, sir. May I remind the gentleman of the date when the Sentencing Commission returned their reply to our directive? It was November.

Mr. CHRYSLER. That was in the 103d Congress, sir.

Mr. CONYERS. I would say to the gentleman, Mr. Chairman, it was the 104th Congress, and he was a Member of it.

Mr. Chairman, I find that my colleague and dear friend, the gentleman from Michigan, thought that this occurred in the 103d Congress. The fact of the matter is that it occurred in the Congress in which he was a Member. We were all here in November 1995, we were sober, it was in broad daylight, they sent it over from the Sentencing Commission. It came to the Subcommittee on Crime, chaired by the gentleman who wishes me to yield time for him to explain, and then we took it up to the full committee. It was accepted. That is the only way the Sentencing Commission's guideline directives can become law, sir. It cannot become law unless the Congress allows it. We permitted it.

Nobody, including the gentleman from Michigan [Mr. CHRYSLER], objected to it. The gentleman from Michigan [Mr. CONYERS] did not; the gentleman from Illinois [Mr. HYDE] did not; the gentleman from Florida [Mr. MCCOLLUM] did not. Neither did the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply wish to respond to the gentleman from Michigan. I think he is carrying this, with all due respect, to an extreme degree here in this case, because the truth of the matter is yes, the Sentencing Commission set up a recommendation that we accepted. The gentleman from Michigan [Mr. CHRYSLER] accepted it. Our committee did. We did not even bring it out on the floor for him to vote on because

he is not a member of the Committee on the Judiciary.

The truth of the matter is that what they proposed to do did not enhance the penalties, which is what the bill of the gentleman from Michigan [Mr. CHRYSLER] does. All they did is write some commentary. I have it here, chapter and verse, in this book that is before me, the Guidelines Manual, November 1, 1995.

What they have done in this is they have left the levels of increase for the type of crimes against children and adults or senior citizens, like we have here, at exactly the same level as they were before they sent their recommendations out. Yes, they did change the commentary. The commentary is what they give as general discussion about, oh, well, we think you might do this or consider that in these certain circumstances, but the levels, which are the technical levels of increasing the penalties that make requirements upon the judges, were not changed.

So, yes, I embrace and I am sure the gentleman from Michigan [Mr. CHRYSLER], and everyone else would, the change in commentary which helped a little bit, that the Sentencing Commission did, but they did not at any point increase the actual penalty for crimes against those who are 14 and under and those 65 and over, and that is precisely why we are here today with this bill, to increase those penalties up to 5 levels, which is what the gentleman from Michigan proposes, which means an average of 2 years more jail time for every single crime at the Federal level that is committed against a child or an elderly person in this country, and it could be as high as 4 years in some cases, again depending upon the crime.

I think what we are doing today is talking about mixing apples and oranges; the apples, of course, being in this case the gentleman from Michigan knowing full well that the Sentencing Commission sent something up on the commentary of this, sort of elaborating on the existing law, encouraging judges to impose certain penalties in certain situations, but not actually demanding or requiring the level increases that the Chrysler bill that we are voting on today would do.

I would submit that the Sentencing Commission did not do what at least I intended by the directive in 1994, or what I would think and would suggest that most of the Members would have interpreted it to mean. They did not increase the punishment for those who had committed these kinds of crimes.

□ 1745

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

Mr. MCCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. I would just like to ask my friend from Michigan, when he stops gesticulating, if he would tell me, is he opposed to enhancing the sentences for crimes of violence against minors, children, and elderly?

Mr. CONYERS. No, sir.

Mr. HYDE. I did not think so.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I just want the Chairman to know what I am opposed to is political posturing, and I think that is what we are doing here, because the response that we got from the Sentencing Commission indicates that this matter has been addressed. We can all kind of go home and run on various things, but our obligation is to make public policy here, and not just stand up and give the gentleman from Michigan [Mr. CHRYSLER] or any other member of this body something to go home and run on.

Mr. MCCOLLUM. Reclaiming my time, there is no political posturing going on at this point. There is the reality. The reality is, the Sentencing Commission recommendation that they sent up that we approved did not mean that anybody is going to get another day in jail because they commit a crime against a juvenile or an elderly person on a Federal reservation.

This bill would guarantee they would get that under any sentence that they were given. It would guarantee they would be increased by 5 levels, which means in most cases at least 2 years more in jail. But what the Sentencing Commission did would not guarantee that, would not require it, and would not mandate it. We are mandating that today.

Anything they sent up and anything that they say to the contrary notwithstanding, it is an interpretation that the chairman of the Subcommittee on Crime, myself and a lot of other people who worked on it have made, and I believe that I am 100 percent accurate about that, with all due respect to my colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

It is funny how memory comes and goes in the course of a busy congressional session. Our dear friend from Michigan Mr. CHRYSLER, thought this all took place in the 103d Congress. Now we have brought him back into reality. This took place in the Congress that he was in and a Member of.

The problem with the analysis of the gentleman from Florida [Mr. MCCOLLUM], which I largely agree with, the one thing that was omitted that I have to draw to his attention, we did not direct the Sentencing Commission to enhance the penalties. We told them to look at it and see if they could do some things with it to build it up. That is what they did.

The gentleman from Michigan, my colleague in the Michigan delegation, would not know that. He is not on the committee. But you know it. And the reason we did not object when the directives from the Sentencing Commission came back was because they complied with what we had asked them to do, to enhance and make it tougher for people who commit crimes against young people and elders.

The problem is, and we might as well confess it, the error may have been made in the Committee on the Judiciary and not in the sentencing. Because we gave them directions, they complied, and we accepted, unbeknownst to the gentleman from Michigan [Mr. CHRYSLER]. Here we are. He is assuming that the Sentencing Commission miserably failed.

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

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

Mr. CHRYSLER. Certainly the 103d Congress did pass the 1994 crime bill and this was part of the 1994 crime bill. It was a recommendation or a suggestion that they increase the penalties. If there was a recommendation that came back to the committee, certainly I would not be aware of that as I am not on the committee. But I do not think this is really about anything more than just doing the right thing.

Mr. CONYERS. Well, I want you to do the right thing, but if you do not do it against the background of an accurate understanding of what has happened, I mean, for example, if you want to blame the Sentencing Commission when the Sentencing Commission is not to blame, you might want to correct it.

I have already confessed publicly that I want to make these crimes subject to greater penalties. But would you not agree with me that there is a procedure set up, yes, before you got here, but you are bound by the rules like everyone else, that the Sentencing Commission shall do this? In other words, what possessed you, of all the Members in the House, and you are one of our most valuable, but what possessed you to invent these new crime penalties without the benefit of the Committee on the Judiciary, without the benefit of the Sentencing Commission, without the benefit of what?

I mean, it is a wonderful exercise when any one of us 435 Members can cruise down to the well and introduce a bill raising more penalties on anything we want, child molesters, violators of seniors. And, by the way, I notice you did not say much about the fraud that is being practiced on seniors that could be covered, and perhaps you might entertain a modification of your proposal to include that, or the environmental fraud that is committed on youngsters through pollution that corporations deal with. You might want to consider that while you are at it. But how do these great criminal justice notions occur to persons like yourself deeply concerned with this subject?

Mr. CHRYSLER. If the gentleman will yield further, we are not blaming any commission. We are just trying to offer good legislation, trying to take

the most vulnerable people in our society and protect them and take the biggest cowards in our society and put them in jail.

Mr. CONYERS. OK. So the Sentencing Commission, as far as the gentleman is concerned, has no role in this process.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just think it is important for us to understand exactly what the Sentencing Commission is saying about this, so I want to read some selected excerpts from what the Sentencing Commission has said.

It says, first of all, ''The commission takes very seriously its responsibilities to promptly and fully implement any directives enacted by Congress.''

In response to this directive in the crime bill encouraging or directing them to review this and to increase penalties, it says,

> In response to this directive, the commission analyzed available sentencing data and relevant statutory and guideline provisions. The commission also solicited the views of interested parties on needed amendments in the relevant guidelines. All commentators asserted that in their view the existing guidelines sufficiently account for the congressional concerns apparently embodies in the directive. Nevertheless, the commission identified two ways in which it believed the guidelines should be amended to more fully and effectively address concerns that those who harm child and elderly victims are appropriately punished.

First the Commission clarified the commentary and then they did some other things. Then the Commission in its own letter to us says,

> Currently the commission's chapter 3 adjustment for vulnerable victims requires an increase in the defendant's sentence if a victim of the offense was unusually vulnerable due to age or was otherwise particularly susceptible to the criminal conduct.

Then they go on to say,

> For example, the proposed threshold age enhancement would require a defendant who assaulted a 65-year-old victim to be sentenced almost twice as severely as a defendant who assaulted a 64-year-old victim.

That is what we are doing in this bill.

And then finally and most importantly on a policy basis, the Commission, says,

> If the Congress feels that additional measures need to be taken in this area, it should direct the commission to take them without micromanaging the commission's work.

And then here is the kicker:

> The commission was designed to take the politics out of sentencing policy and to bring research and analysis to bear on sentencing policy.

So here we are doing exactly the opposite of what we set up the Sentencing Commission to do, inserting politics into this, playing politics, political posturing, giving our colleagues something to go home and run on because this is an election year, and saying the heck with the public policy that is involved here. That is what the problem is here. This is not about sentencing. The Commission has done what we asked them to do. This is about politics.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I just want to make one quick comment in response to all of this.

It is pretty obvious that the gentleman from North Carolina and the gentleman from Michigan do not believe that Congress should take into its hands, when it does not think the Sentencing Commission has done the right job, the completeness of that job, to come in here on the floor of the House and actually do the job that we think is right.

I do not have any problem with the Sentencing Commission, what it has done or what it usually does. It just did not go far enough. It did not suit my taste, it did not suit the taste of the gentleman from Michigan [Mr. CHRYSLER]. We happen to think that we ought to be punishing much more severely those who commit crimes against children and the elderly than anybody else, to set an example.

The Sentencing Commission had a charge. The charge from us says under the directive we passed before, they shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the pubic from additional crimes of such a defendant.

I am sure that the Sentencing Commission thinks they did a fine job and I have no problem with what they did. What I think is they did not go nearly far enough, and that is why we are here today, because they did not go as far as I believe or the gentleman from Michigan [Mr. CHRYSLER] believes, or I suggest the majority of this body and certainly the public would believe is necessary to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim or a child is sufficiently stringent to deter such a crime.

That is what this debate is about. I cannot believe that that side of the aisle over there thinks that what we are doing today is too severe.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I just want to say two things. I have listened to the gentleman from North Carolina extensively on this bill and on hundreds of bills, and I have listened to him speak extensively on this bill and hundreds of bills, I would defer to his superior knowledge of political posturing. I would say to the Democrats that I thought I had seen it all, but to listen to them squabbling over enhanced penalties for criminals who violate elderly and children, it is a new revelation to me. You just never know it all, do you? You learn every day.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I just want to express my thanks to the gentleman for deferring to my political rhythm. I hope he is going to vote with me on this.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining and the right to close debate. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The Chairman may have heard the gentleman from North Carolina on hundreds of bills. I have heard the chairman of the Committee on the Judiciary on thousands of bills and listened to him extensively and, believe me, he was politicizing this debate one bit when he attempted to characterize Democrats as being not as strong on crime as they are because we dare to raise the role of the U.S. Sentencing Commission, which we created out of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CHRYSLER], the author of this bill.

□ 1800

Mr. CHRYSLER. Mr. Chairman, this legislation is certainly not about the commission and whether they did their job or did not do their job. This is really about cowardly criminals that are committing crimes on our streets every day, every night, purposely preying on the most vulnerable people in our society, the elderly, the children, the disabled, waiting for them to come out of their homes to rob them, beat them, and mug them.

This is what we are talking about in this country. America is tired of it, America wants change, America wants these criminals punished, and it is time that we put the word ''punishment'' back in the criminal justice system.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I simply want to say this is a fundamentally sound bill the gentleman from Michigan, [Mr. CHRYSLER], has tailored. We need to increase these punishments. We need to have deterrence against those criminals who would prey on children and the elderly. I would urge all of my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, one of the hallmarks of civilized society is the measure to which it protects the young, the disabled, and the elderly. Yet, even in our great democracy, we witness daily accounts of torture, abuse, murder, and mistreatment of those vulnerable people in our society.

In an effort to prevent this horrible treatment of vulnerable persons, we put more police on the streets, we developed early childhood programs and family support services, and we implemented Federal sentencing guidelines to

provide a certainty in punishment for similar crimes. However, as we continue to witness crimes against the vulnerable among us, we have seen that the deterrent effect of Federal sentencing guidelines has not been enough to stop those sick people that believe that hurting the less fortunate and weaker among us will make them be more powerful. There has to be a way to stop the madness.

Mr. Chairman, in a perfect world we wouldn't need increased penalties for sentencing guidelines. In a perfect world, we wouldn't need Federal sentencing guidelines at all.

Unfortunately, we don't live in a perfect world. Increased penalties for vicious, violent crimes against the helpless, the weak, the young, the old, the disabled is what we will decide here today.

If one person is saved the pain of being the victim of these violent acts by an increase in the potential penalty for a crime of rape, robbery with violence, and murder, then I will vote in favor of this bill and encourage my colleagues to do likewise.

Mr. GILMAN. I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act and I commend the distinguished gentleman from Michigan [Mr. CHRYSLER] for his efforts in bringing this measure to the floor.

H.R. 2974 amends the 1994 Violent Crime Control and Law Enforcement Act to require the U.S. Sentencing Commission to strengthen its existing sentencing guidelines with regard to crimes against vulnerable persons such as children, the elderly, and those who are mentally or physically disabled. I can think of no more important responsibility for the Members of this body than to protect those who are often unable to protect themselves. It is our duty to do everything in our power to keep those who victimize the most vulnerable members of society off our streets.

Accordingly, Mr. Speaker, I urge my colleagues to strongly support this important measure.

Mr. CLINGER. Mr. Chairman, I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. At the outset, I would like to commend my colleagues, Chairman HYDE, Chairman MCCOLLUM, and Mr. CHRYSLER for bringing this important legislation to the floor today and the Rules Committee for allowing it to be fully debated.

As you know, H.R. 2974 will increase the length of the sentence for violent crimes against children 14 years of age, or younger, seniors 65 years, or older, and vulnerable persons. It will accomplish this by directing the U.S. Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against such victims.

The premise underlying this legislation is simple, and one with which I am in complete agreement—that physical assaults against people who cannot defend themselves should be punished more severely than similar crimes committed against people who have the ability to mount some sort of defense.

Victims of crime who are particularly vulnerable due to their age or mental or physical handicap, in my opinion, deserve special protection under the law.

During the debate on the Violent Crime Control and Law Enforcement Act of 1994, I attempted to offer an amendment to the bill that would have imposed stiffer penalties to those who commit crimes of physical violence against the elderly, similar to protections provided for children under the original bill.

Just as our Nation's children deserve better protection, my concern at the time, as it is now, is also for older Americans. Physical injuries sustained by an elderly person take longer to heal than those inflicted on someone in their thirties or forties. The emotional response is different, too, and many older people find it difficult to recover that sense of well-being that all of us need in order to lead independent, productive lives.

Though my specific amendment was not made in order at the time, the 1994 crime bill that was ultimately enacted into law included language directing the U.S. Sentencing Commission to rewrite existing sentencing guidelines with respect to crimes against vulnerable persons, including children and the elderly. Like many of my colleagues, I viewed this as a positive step.

Unfortunately, however, as my esteemed colleagues have already pointed out, the Commission has failed to take any action in response to this important directive. And through its failure to respond, the Commission is sending what is in my opinion a false message that current guidelines are sufficient to deter such crimes.

With personal crimes against the elderly and child homicide rates on the rise, I do not agree with that message, and I hope that all of my colleagues will join me in supporting H.R. 2974. Because those that prey on the most defenseless in our society should have their sentences increased.

Mr. LATOURETTE. Mr. Chairman, today I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act.

This measure will amend the Violent Crime Control Act of 1994 and toughen the penalties against those who commit crimes against our nation's most vulnerable—our children and senior citizens. It will cover crimes of assault, homicide, rape and—perhaps most important of all to our Nation's seniors—adds the crime of robbery to the Federal definition of violent crime.

Under current Federal sentencing guidelines, sentencing is determined by pre-set guidelines where each criminal act is ranked and given an appropriate sentence. Right now there are 43 different levels. This measure will automatically increase the severity of a crime by five sentencing levels, and in most cases nearly double the minimum and maximum sentences for these thugs.

Also, a judge can take into account a host of other circumstances when determining an appropriate sentence, such as if a gun was used, or if a person was assaulted during the commission of another crime, or if the criminal has previously been convicted of a serious crime. All these circumstances would add months or years to the base sentence.

I was a county prosecutor before coming to Congress. I distinctly remember a case my office tried involving the rape of an elderly woman. This woman was alone in her mobile home, some thug broke in, shoved a pillow over her face to muffle her cries, and viciously raped her. The victim, in her seventies, played ''possum'' so her deranged attacker would think she was dead. It worked. The rapist fled, thinking he had not only raped but killed the woman. Fortunately, he later was apprehended and convicted. In fact, this was the first case in my county when DNA evidence was used.

While this crime was heinous and despicable under any circumstance, it truly was—in this instance—a crime against the truly helpless. While we were able to put the rapist away for a long time, it is inherently wrong that he was eligible to receive the same sentence as if he had attacked a strapping 40-year-old teamster who at least has a prayer of defending himself.

We have heard such horror stories of crime in our country, crimes where our children are shot and killed in gang-related violence and drive-by shootings, and raped by the most perverse in our society. We also hear alarming tales of our senior citizens living in fear, unable to protect themselves in their own homes, where their personal safety should be secure.

We need to focus our efforts on punishing those who choose to violate others, who cannot abide by the thin blue line that separates our law-abiding society from those bent on harm and destruction. We also need to send a serious message to anyone who thinks they can commit crimes and be treated with a slap on the wrist: Those days were over.

By doing this, we can send a message to our Nation's children and our elderly—we are trying to make your world as safe as possible, and we will do all within our power to protect you. If you are victimized, at the very least we must assure you that the criminals get the punishment they deserve.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Crimes Against Children and Elderly Persons Increased Punishment Act''.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

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

SEC. 2. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"SEC. 20002. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

''(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child, elderly person, or other vulnerable person.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code;

''(2) the term 'child' means a person who is 14 years of age, or younger;

''(3) the term 'elderly person' means a person who is 65 years of age or older; and

''(4) the term 'vulnerable person' means a person whom the defendant knew or should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct.''.

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. FROST

Mr. FROST. 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. FROST:

Amend H.R. 2974 by adding at the end thereof new sections 3 and 4 to read as follows:

SEC. 3. SHORT TITLE.

The following sections may be cited as the ''Amber Hagerman Child Protection Act of 1996''.

SEC. 4. INCREASED PENALTIES FOR FEDERAL SEX OFFENSES AGAINST CHILDREN

(a) AGGRAVATED SEXUAL ABUSE OF A MINOR.—Section 2241(c) of title 18, United States Code, is amended—

(1) by inserting ''whoever in interstate or foreign commerce or'' before ''in the special'';

(2) by inserting ''crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or'' after ''Whoever''; and

(3) by adding at the end of the following: ''If the defendant has previously been convicted of another Federal offense under this subsection or under section 2243(a), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.''.

(b) SEXUAL ABUSE OF A MINOR.—Section 2243(a) of title 18, United States Code, is amended—

(1) by inserting ''whoever in interstate for foreign commerce or'' before ''in the special'';

(2) by inserting ''crosses a State line with intent to engage in a sexual act with a person who, or'' after ''Whoever'';

(3) by adding at the end the following: ''If the defendant has previously been convicted of another Federal offense under this subsection or under section 2241(c), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.''.

Mr. FROST. Mr. Chairman, Amber Hagerman was a little 9-year-old girl who loved to ride her bicycle. She was bright and pretty, and was out riding that bicycle on January 13 in Arlington, TX, when someone came along and took her away. That person or persons molested her and killed her. We do not know who took her, but we do know that a little girl, just a child, was brutally murdered and her body left to be found.

Mr. Chairman, this case occurred in my congressional district, but I am sure that events like this have happened, sadly, in every corner of our country, in our cities and in the heartland.

Whoever took Amber did not know and did not care that she was an honor student who made all A's and B's. They did not care that she was a Brownie, who had lots of friends, and who loved her little brother dearly. They did not care that her whole life was ahead of her, and that her parents wanted to watch her grow into the lovely young woman she promised to be.

Mr. Chairman, this amendment that I am offering is named for Amber. This amendment would increase the number of child sex abuse cases that can be brought in Federal court. It imposes a two-strikes-and-you-are-out penalty by requiring that any sex offenders whose cases are in Federal court will be sentenced to life imprisonment without the possibility of parole upon their second conviction.

I had hoped through the introduction of a broader bill to extend these provisions to the states, but, for now, I believe this is a good first step. However limited the jurisdiction of the Federal Government might be in these cases, if just one child is saved from Amber's fate, then this amendment will have served its purpose.

Mr. Chairman, I am outraged to think that convicted sex offenders are out in our streets, where they are free to prey upon our children. I hope that the Committee on the Judiciary will hold hearings later this year on another part of my broader bill which is also crucial to protecting our children from sex offenders. I have proposed a centralized information system to allow law enforcement to track sex offenders across state lines, and that new tool, along with these new stiffer penalties, will make it safe for little girls like Amber to ride their bicycles without being afraid.

Mr. Chairman, this amendment is an important step in protecting our children. I urge my colleagues to support this effort and to vote for the Amber Hagerman Child Protection Act.

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

Mr. Chairman, I think this is a very fine amendment. It is very narrowly crafted and tailored in order to get us to a position where we can now find a way to do what is known as ''two strikes and you are out'' against somebody who commits these kinds of sexual crimes against a minor. It is something that I think is very important.

The underlying crime that was the first one of the two might potentially be a state crime rather than a Federal crime, but the crime for which the gentleman from Texas [Mr. FROST] is seeking the additional punishment, which conforms with the kind of thing we are doing in this bill and in the underlying bill, requires that that second crime, the crime we would be seeing in Federal court to be one that is a Federal violation at the time it occurs. I believe that this is extremely well-written, very well-crafted, narrowly crafted to be appropriate to this bill, and it adds to the bill that we have in the sense that it gives us further deterrence against those who would prey upon the children, in this particular case, and I certainly strongly support this amendment and urge its adoption.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from Texas [Mr. FROST] for offering his amendment. I am a cosponsor of his bill, the Amber Hagerman Act, which the amendment is based upon.

Last year, when the Congress approved the Sexual Crimes against Children Prevention Act, I raised the issue that the sentences instituted in that legislation were insufficient. I think this amendment goes a long way towards remedying that problem.

I am a freshman in this House, but throughout my career here and in local government, I have been very much committed to rehabilitation programs and to assisting people in improving their behavior so that they would no longer pose a threat to society. But I find myself supporting life imprisonment on the second conviction for pedophiles, though, because I think that while rehabilitation works in some categories of offenses, I recognize that there are predators among us who simply must be kept away from potential vulnerable victims. I believe that the law must play a role here. I would argue as well that keeping predators, pedophiles, away from their future victims is also important in preventing a cycle of crime.

When we look at who is a pedophile and their chances of improving themselves, unfortunately we find a situation that is, indeed, grim. In 1981, I commissioned an analysis of California's mentally disordered sex offender program. I was concerned to find that for those pedophiles who had been through the mandatory counseling program, their recidivism rate was actually higher than for those who had been merely imprisoned. I would also note that a 1992 Minnesota study of rapists and child molesters again found that the counseling and rehabilitation programs simply did not work with this offender group.

The Bureau of Justice Statistics has found that those who victimize children through sexual mistreatment are twice as likely to have multiple victims as those who have victimized adults, and further that those who victimize children are likelier to have themselves been victimized as children.

In fact, violent offenders who victimized children sexually were twice as likely as other violent criminals to have been physically or sexually abused as a child. Nearly one quarter of the child victimizers were sexually victimized when they themselves were children. Further, 31 percent of the female prisoners in this country were victims of child sexual abuse and some 75 percent of those who are prostitutes in this country were also sexually abused as children.

We consequently have a situation where we have a crime that tends to be repeated over and over again. The rehabilitation efforts that we have in place seem to do nothing whatsoever. We also have a crime that repeats in its cycle of violence so that the innocent victims too often go on to victimize other innocent people as adults.

I am someone who actually opposed California's ''three strikes, you are out'' law because the net effect of that measure is often to send people who have stolen a six-pack to prison for life. That is a misuse of resources. However, it is a good use of our resources to put pedophiles in prison for life to save their future victims, until we find some other method to deal with this group of offenders, which we have yet to do.

Mr. Chairman, I am glad that this bill and this amendment are before us today. One of the things that I was committed to doing when I came to Congress was to make sure, if nothing else, that we put children first, that we ensure their safety is our highest priority, that we interrupt the cycle of childhood violence and sexual abuse.

Mr. Chairman, I commend the gentleman from Texas [Mr. FROST] and hope my colleagues will join me in approving this amendment.

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

Mr. Chairman, unfortunately, Texas is not the only community in the country that has been affected by what really can only be described as the worst possible actions of a human being to another human being. In south Florida, within the last 12 months, a case that unfortunately I stood on this House floor before we knew what happened to a young boy named Jimmy Rice, where I had a picture right here of him when he was still missing, where his body had not yet been found, and the gruesome tale of what happened to him in the last few hours of his life had not yet been heard. But there was an end to the Jimmy Rice story, an end that occurs too often in the United States.

Mr. Chairman those victims, and the victims clearly are not just the victim, but the parents, the family, the community, really have a right to protect themselves. I have heard the debate in terms of our involvement in the Sentencing Guidelines Commission and whether or not we should direct them to do certain things. I think this is a case where we need to direct them to do certain things, where we as a society need to make a statement, a very strong statement, in fact the strongest possible statement, that this is behavior outside the bounds, and in fact so far outside the bounds, of human decency, of what we expect as a society, that we are willing to do what we need to do to protect ourselves.

That is exactly what the Frost amendment does. What it does is expands the jurisdiction in terns of including a broader Federal jurisdiction of sexual exploitation of children, so in cases where people are coming from out of state to commit such an act it can be brought into the Federal court system.

That clearly is a major factor in terms of what would occur, bringing Federal resources. But as importantly, what it does is we are no longer even talking about three strikes and you are out. We are really talking about two strikes and you are out in this amendment. And really it should be, to the extent in this type of case, one strike and you are out, and we need to highlight this type of exploitation.

The message can be no clearer, the punishment can be no more severe. We know from our own experience, we know from analytical experience, that as a society we protect ourselves, we send a message, we do punishment. That is what the crimes are about, to make it clear that there is a punishment side, and hopefully not just by this legislation but by other actions that we can take, that there will be no victims of crimes like this in America, that we can all live in America some day where there will not be victims of crimes like this, which I think is a hope in the work that this Congress can do in many areas. It is a much broader question than just the punishment side. But I think we need to be as strong as we possibly can on the punishment side, as we will be today.

Mr. Chairman, I compliment the gentleman from Texas [Mr. FROST] and this Congress, whom I assume very shortly will adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FROST].

The amendment was agreed to.

□ 1815

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER.

Page 4, line 2, after ''conduct'' insert '', or is a victim of an offense under section 2241(e) of title 18, United States Code''.

Add at the end the following new section:

SEC. 5. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

''(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1) Whoever, in a circumstance described in paragraph (2) of this subsection—

''(A) violates this section; or

''(B) engages in conduct that would violate this section, if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, and—

''(i) that conduct is in interstate or foreign commerce;

''(ii) the person engaging in that conduct crossed a State line with intent to engage in the conduct; or

''(iii) the person engaging in that conduct thereafter engages in conduct that is a violation of section 1073(1) with respect to an offense that consists of the conduct so engaged in; shall be imprisoned for life.

''(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

''(A) is an offense under this section or section 2242 of this title; or

''(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.''.

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

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

Ms. SLAUGHTER. Mr. Chairman, today we are considering legislation to increase penalties for violent crimes against children, the elderly, and other vulnerable individuals in our society.

The House has adopted Representative FROST's amendment which establishes a Federal crime for repeat sexual offenses against children. I now ask my colleagues to go further to protect the other vulnerable members of communities who are terrorized by repeat sexual predators.

My amendment would allow Federal prosecution for offenders accused of a second rape or other serious sexual assault. If convicted under this Federal prosecution, the sexual predator would be imprisoned for life without parole.

This amendment is designed to change our approach to repeat sex offenders. The American people are outraged that our criminal justice system releases these obsessive criminals after just a few years. Some national statistics indicate that rapists are 10 times more likely than other convicts to repeat their crimes. Yet the average convicted rapist serves only about 5 years in jail.

Even the repeat sexual offenders themselves recognize the problem. The convicted killer of Polly Klaas has been quoted as saying that he should not have been on the street.

Since we cannot change the behavior of these sexual predators, we need to keep them behind bars. The amendment does just that. Repeat rapists would receive life sentences in Federal prison.

It seems you open the newspaper every week and read about another monster committing a horrific crime. In the last several years, residents of California, Florida, Massachusetts, Indiana, Texas, Virginia, Washington, Vermont, Oregon, Idaho, New York, and Maryland have experienced the terror of serial rapists and molesters.

Too often these fiends have long histories of preying on women and children, but they have been released to attack again and again.

For example, in California Leo Anthony Goodloe began his grisly career by raping and severely beating a 17-year-old woman in 1956. Over the next 39 years, he served 16 years in prison for 10 felonies, but was released to rape again and again. Even with such a record, he served less than 2 years for a rape and sodomy conviction in 1990. Four months after his release, he raped and beat yet another victim. While he has finally been sentenced to 43 years in prison without the possibility of parole, his reign of terror continued far too long.

Similarly, in 1994, police in New York City arrested Robert Daniels for four rapes. Daniels had been paroled 10 months earlier after serving less than 10 years for his second rape conviction. Besides his first rape conviction in 1969, he had also been convicted of sex offenses in 1974 and 1976.

This sickening litany is all too common.

In my hometown of Rochester, we know all too well the horror of serial rapists. Arthur Shawcross had served less than 15 years for the sexually motivated murders of two children. A model prisoner, Shawcross was released and his parole officer lost track of him. Before he was caught again, Shawcross had raped and killed 10 women.

In the last Congress we instituted a Federal data base of sexual offenders, first proposed in the protection from sexual predators bill I introduced in 1994. That was an important first step in giving police departments the resources needed to catch repeat sexual predators, like Shawcross.

Today we have taken another step by providing a means to protect our communities from the monsters that sexually attack children.

But as legislators, our job is not yet complete. When I speak with my constituents they are especially worried about the threat posed by violent, repeat offenders—and particularly by the sexual predators who seem to be released from prison over and over, only to commit the same sickening crimes once more.

These monsters prey on the most private aspect of our lives. They often invade the sanctity of our homes as well as our streets, and unfortunately, no community is safe from this threat.

It is time to stop fooling ourselves and to lock up these repeat offenders for good. I urge my colleagues to support this amendment.

It will give prosecutors across the Nation the ability to ensure that our communities are safeguarded from these revolving door rapists.

It will tell the victims of these sexual fiends that we do not find this behavior a minor aberration; that we understand that the lives of the victims of rape are forever changed, and that we, as a society will not stand by and let the same person wreak this havoc and destroy life after life after life.

In the name of past and future victims of these unspeakable rapists, I urge my colleagues to vote for this amendment.

Mr. MCCOLLUM. Mr. Chairman, while I recognize what the gentlewoman is attempting to do with this amendment and realize that the close call might have been there on the point of order, I do not think that this is appropriate to this bill, even though I have concluded that it would be germane.

The reason why I do not think it is appropriate to this bill is that the underlying bill that we are dealing with today involves violent crimes against children and the elderly. This particular effort that we have got here today that the gentlewoman from New York [Ms. SLAUGHTER] is bringing forward would mean that we would have a new Federal crime involving virtually any situation where there have been two rapes, having any kind of interstate nexus at all and we would have two strikes and you are out, regardless of the age of the victim.

Mr. Chairman, the very fact that we have got a person who is vulnerable, and I realize that the word ''vulnerable'' is in our language, is stretched to the limit I think by this amendment. And I also question some constitutional questions with regard to whether we are going too far, whether there is truly a nexus here that can be attached to the full Slaughter amendment that would be appropriate at the Federal level.

Mr. Chairman, let me describe this briefly, because I understand the idea and I want to discourage these type of crimes. I certainly think two strikes and you are out is appropriate against anybody who commits a rape under the conditions that the gentlewoman described, but I do not think it is appropriate for Federal law under this bill, or Federal law for that matter at all under some of the conditions that she is describing.

Under the amendment of the gentlewoman from New York, the first offense must be a violation of section 2241, or it must be the equivalent of that. It could be a State law violation, which in essence means an aggravated sexual abuse.

The Frost amendment we had a while ago was the sexual abuse of children. Or under the Slaughter amendment it could be simply sexual abuse which is not limited to children, or a State offense that would have been an offense under either of such sections if the offense had occurred in a special maritime or territorial jurisdiction of the United States.

The second offense for which you could get the two strikes and you are out could be either a violation of section 2241, which is an aggravated sexual abuse Federal crime, and not limited to children, or a State offense that would be a violation of section 2241 if the conduct had occurred in a special maritime and territorial jurisdiction of the United States and either, first, that the conduct was in interstate or foreign commerce or, second the offender crossed the State line intending to engage in the conduct, or third after committing this State offense, travels in interstate commerce with the intent to avoid prosecution or confinement after conviction for a capital crime or felony under a State law.

Mr. Chairman, I submit that this is stretching considerably the constitutional bounds of where we should be having or even thinking about Federal jurisdiction. Federal courts already have an enormous workload. And I know occasionally I have come to the floor and argued in the past for expanding that workload in certain instances. But, essentially, the second time rapist in the United States, no matter who he is and where he has committed that rape, is most likely going to be covered by this, and Federal law would be involved in prosecuting second time rape cases, even if there has never been one piece of Federal jurisdiction before in the underlying rape crime.

Mr. Chairman, I just frankly think that there is, first, a considerable constitutional question, but as a matter of policy I cannot support that because it is too broad. And I reluctantly oppose the Slaughter amendment for that reason, even though I understand that the gentlewoman means well by it.

And I, too, Mr. Chairman, want to discourage this sort of thing and I would love to see the States adopt two strikes and you're out, for rape crimes. And in certain appropriate Federal crimes where you limit it to the Federal jurisdiction as the gentleman from Texas [Mr. FROST] has done, I think that would be a good idea too, although I frankly do not think it was a good idea to include it in this bill that was confined originally primarily to children and the elderly.

Nonetheless, my objection is not specific to the age or the youth question, but with rather to the issue of whether we are just going way too far in encompassing far too many crimes for Federal jurisdiction which have traditionally been State jurisdictions, and I see no public policy reason nor do I think there is a constitutional basis for doing this.

Again, Mr. Chairman, I reluctantly oppose the amendment.

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

Mr. Chairman, we have a difficulty here. We have passed the Chrysler amendment that enhanced the penalties for crimes against children and adults. We passed the Frost provision that increased penalties for sex offenses against children, and now we come to the amendment of the gentlewoman from New York [Ms. SLAUGHTER] where repeat violent sex crimes against women are now being rejected on the basis that there is a constitutional problem.

Give me a break. What constitutional problem?

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER], my wonderful colleague, to ask him to edify us on this provision. Can the gentleman join me in supporting the Slaughter amendment?

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

Mr. CONYERS. It is a perfect privilege and pleasure to yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Chairman, I believe that this amendment is very well intended. I believe that we need to lock up people that have a second offense of a rape. But I also agree with the gentleman from Florida [Mr. MCCOLLUM] that this bill that we have introduced really is aimed at crimes against children, the elderly, and the disabled. This amendment probably better belongs in another crime bill that may come to the floor.

Mr. CONYERS. Mr. Chairman, reclaiming my time, that is a possibility. I thank the gentleman for his response. Does he additionally think it might be referred to the U.S. Sentencing Commission?

Mr. CHRYSLER. Mr. Chairman, I do not know.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his candor.

Mr. Chairman, if my colleagues loved Chrysler, if they liked Frost, what in the devil is wrong with Slaughter? I mean, are women subject to violent sex crimes? To second offenses? Are those criminals not to be given the enhanced penalties that have gone through this House like Ex-Lax?

Now, Mr. Chairman, we get to women and we say: Well, wait a minute. Slow down. Let us study it. My dear colleague suggests it should go into another bill. The chairman of my subcommittee tells me that there is a constitutional problem seen in this measure.

Look, we are either for toughening penalties against vicious repeat criminals against children and the elderly or we are not. Let us not exclude women.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

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

Ms. SLAUGHTER. Mr. Chairman, I absolutely agree with the gentleman from Michigan [Mr. CONYERS]. If there is no constitutional prohibition to what we have done already, surely protecting women in the United States should not be prohibited.

The bill speaks to the vulnerable. Mr. Chairman, I do not know of anyone more vulnerable than a woman alone in her apartment when a rapist wakes her up, having broken in through the window, or the woman who gets into her car or a woman who is leaving work who gets in an elevator who is accosted by a rapist who changes her life forever.

□ 1830

Certainly, if we are going to protect the people of the United States against this awful crime of rape and we say that the people who commit this crime are not people that we can rehabilitate and indeed since their recidivism rate is so high, why would we leave out of this bill the women? Why should they not be protected? Without question, they are the major sufferers of this awful crime.

In cases of serial rape, the rapist often goes across State lines to commit his awful crime. Again, without question, this is a Federal jurisdictional problem.

There are four sources for Federal jurisdiction that I have to this amendment. I would like to read them. The first is one the gentleman from Florida [Mr. MCCOLLUM] mentioned about special maritime and territorial jurisdiction; the second, if it occurred in interstate or foreign commerce; third, where the criminal crossed the State line with intent to engage in the conduct, which is frankly often the case; or the criminal fled across State lines after engaging in the conduct, which again is the case.

Why in the world would we differentiate between our citizens if we are trying to protect them? Why not include women? This is certainly a case again where the person in the prison is a model prisoner. There are no women to rape. There are no children to molest. But we have learned over and over again, through tragedy after tragedy, that once these people are released back on the street they often, within days, have repeated their awful crime.

Why do we not try to make everybody in the country safe from this hideous experience? Why in the world, how can we exclude women? Frankly, on the face of it, it makes no sense to me.

I urge my colleagues not to do this thing to the women of the United States.

Mr. CONYERS. Mr. Chairman, I beg my colleagues to support the Slaughter amendment and not discriminate against women.

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

Mr. Chairman, I rise in support of the Slaughter amendment. It is based on the Protection From Sexual Predators Act, which I have cosponsored.

I would like to note, in response to the issues raised about germaneness or correctness, not as a technical matter since the amendment is germane, that this proposal is also about enhancing sentences for those offenders whose behavior is not amenable to improvement by any means that we have yet been able to devise. As with pedophiles, we have yet to find a method or program that in the case of most rapists changes their behavior so that they will cease being a threat to other innocent victims in the future. I think for this reason the penalty proposed by the author of the amendment is as appropriate as the punishment adopted previously by the Frost amendment.

I would note further that this bill is about enhancing penalties in selected cases for sound reasons. This amendment is as sound as the Frost amendment; it is as sound as the Chrysler bill. It deserves support. For a Congress that has allowed logging in the Tongass National Forest as part of an appropriations bill to now say that this amendment is not connected enough with a bill to enhance sentences is, I think, rather curious—very curious.

Mr. Chairman, I know that not every Member has had a chance to read through the jurisdictional basis that the gentlewoman from New York [Ms. SLAUGHTER] has referred to, but I would urge Members to do so. I know that there are genuine concerns that can be expressed about the jurisdictional issues and the scope and breadth of Federal law, but I think that Members who do have reservations, if they will read through the amendment, will be reassured that in fact this measure is well in keeping with the Chrysler bill and the Frost amendment.

I would urge that we step back, think again, and approve the Slaughter amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think my colleagues now should begin to understand exactly why we gave jurisdiction for these decisions to the U.S. Sentencing Commission. Once you get on this slippery slope, once you start on the House floor, we are going to have maybe 435 Members of Congress coming in saying, hey, we ought to enhance penalties for this offense, that offense, against this vulnerable person, against this vulnerable group, and there is no way to get off of the merry-go-round.

Exactly the reason that we gave the authority to the Sentencing Commission away from the politics and cameras and give-and-take of having to run in political contests, to go in and spend the time that it takes to make reasonable judgments about sentencing policy, that is exactly the reason we gave the Sentencing Commission this job. And here, my colleagues, they do not know how to deal with this because this amendment, the truth of the matter, got offered by a Democrat. That is the only difference it is.

It is politics now. As long as it is offered by the other side, it is good public policy. But let a Democrat come up with the proposal, all of a sudden it is politics. We do not know where to draw the line, or it is unconstitutional, or any irrational basis for making the decision that we should have, should not even be discussing in the first place.

We ought to take this whole bill, with the Frost amendment, with the Slaughter amendment, with the Chrysler business that we started with and send it over to the Sentencing Commission to do their job with it. They can hold extensive hearings. They can solicit public comment. They can analyze how this compares with other sentencing decisions. They can rationalize the process. They can tell us, hey, somebody ought not get a double sentence

just because they assaulted somebody who is 65 years and in good health than they would get for someone who is 64 years, 364 days, and in terrible health, even lying in a bed in a hospital.

It makes no sense to do this. That is exactly the reason, my colleagues, that we gave this responsibility to the Sentencing Commission. that is exactly the reason I am going to give Members an opportunity to vote on giving it back to them, so that they can make some rational decisions, because the decisions we are making right now do not make one iota of sense.

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

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

Mr. CONYERS. Mr. Chairman, I commend the gentleman's logic, because when we send it to the Sentencing Commission, they must send it back to us and then we can approve or then make any modifications we choose.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, the gentleman is absolutely right. That is the way the process is supposed to work, away from the cameras, away from the politics of it. Rational decisionmaking. We still get a shot at it. We will still get our shot.

It might be next year, when we are not running for office, and that is the way it should be. That is exactly the way it should be. We ought not be making these very important, very intricate, very difficult decisions haphazardly. Some years ago, on a bipartisan basis, Republicans and Democrats came to the conclusion that we ought to give the responsibility to the Sentencing Commission. I move that we send it back there.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would first remind those spectators in the Gallery that they are guests of the House of Representatives, and demonstrations of appreciation or disfavor of any speaker are not permitted by the rules.

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

Mr. Chairman, I rise in strong support of the amendment by the gentlewoman from New York.

As many in this Chamber know, I do not always see eye to eye with the gentleman from North Carolina on crime issues. Sometimes I am a little more closely aligned with the gentleman from Florida. But on this one, this is a no-brainer.

First, the gentleman from North Carolina is exactly right. We cannot have it both ways. If we are for drawing these kinds of bills and federalizing more crimes and putting in tougher penalties, as I am and have done in the past, why draw the line at women? And if we are not for it, then do not do it for the elderly and children but not for women.

Either way, we can be consistent on either side of the line. Most of us are, I think, being consistent on this side on making things tougher and better. But how can we say that it is a horrible thing to and the sentencing should take into account someone is elderly or someone is young but not women?

Mr. Chairman, a few hours ago we had good debate. I do not even think a vote was called for on Megan's law because we talked about the fact that, particularly in crimes where sexual predators are involved, they can spend 5, 10, 15 years in jail. They can go through the most up-to-date rehabilitation, and, unfortunately and terribly, more times than not, they commit the same crime when they get out even though they are 15 or 20 years older. Who are the victims of those crimes? Is it just children? No. Much of the time it is women.

What is good to be done, because children have to be protected from these types of predators, is just as good because women and to be protected from these types of predators. When I heard that the gentlewoman from New York was doing her amendment, I thought to myself, this is a good idea. It will be accepted by the majority, and that will be it.

Mr. Chairman, I am utterly amazed that this amendment is being opposed on the other side. I am surprised. It does not fit with their philosophy. It does not fit with, you do not have a view, neither do I, frankly, that the gentleman from North Carolina does, that the Sentencing Commission ought to be deferred to through thick and thin.

I have had too much of judges and others who are not elected officials making the criminal law. I feel a little differently than the gentleman from North Carolina about that. I feel the balance may be too far against the victim. But all of a sudden, and this is not the first time this has happened, Members from the other side who are generally law and order fined a reason to pull back on the terrorism bill, fear of wire taps? That was something new from the other side. And now fear of making laws too tough because women are involved?

Mr. Chairman, I think I have to agree with my colleague from North Carolina. The only reason that this amendment is being opposed by my good friend from Florida and my good friends on the other side of the aisle who I work with closely and who I have enormous respect for is very simply because it was proposed by someone on this side of the aisle. That is not how we should legislate.

Let us make this bill a better bill. Let us take the idea that was a good idea when it applied to children and elderly and extend it to women. There is no logical argument against doing that, none at all. That is why I must reluctantly come to the conclusion that the only reason it is being opposed is politics.

□ 1845

Mr. Chairman, I want to salute the gentlewoman from New York [Ms. SLAUGHTER] for putting this amendment in. It certainly is consistent with the bill, it is consistent with my philosophy in terms of the criminal law, and I hope we will get bipartisan support when a record vote is called for to pass this amendment and improve and make a good bill better.

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

Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM], the chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I simply would like to respond very briefly on the gentleman from Michigan's time to some of the comments that have been made by this amendment and the proposal on it.

My concern and my opposition that I have expressed earlier do not have anything to do with the fact that I believe we are doing anything incorrectly by expanding some of the Federal jurisdiction in certain areas. But it does have to do with the facts that the underlying bill that we brought out of committee did not do that.

The underlying bill we brought out in committee was to enhance penalties, and if the gentlewoman from New York had made her amendment simply to expand the term vulnerable to include women, victims of rape, and Federal law, I would not have particularly a problem. But we are creating a new crime in her amendment. The new crime is going to be a new Federal crime that does not exist today, and that is not what the underlying legislation does.

In other words, this amendment would create a Federal life imprisonment sentence for a two-time rapist who drove 3 miles on Interstate 495, crossing from Maryland into Virginia, in order to commit a second offense under the statute.

I think that is wrong in the sense that I believe that it is probably unconstitutional, but I can assure the gentleman from New York [Mr. SCHUMER] that I am not going to vote against this in a recorded vote; I doubt if anybody on this side of the aisle in this room is, because it will be misinterpreted as to what we intended and what we are concerned about.

I believe that it is true that we should be punishing with life imprisonment the person who does that. I do not doubt it for a minute. But I do not believe that we should have been doing it in this bill. The bill, when it came out here, was to enhance penalties, not designed to create new crimes. The bill did not do that. It simple enhanced penalties for those who are vulnerable, children and elderly particularly, but if we included women, we did it in the broad sense of that word. I do not have that problem with that.

Mr. Chairman, I do not have the time to yield because the gentleman yielded

to me for the moment and I would like to conclude.

We have not, in my judgment, done real justice tonight by expanding it, but we will expand it. I do not doubt for a minute it will pass. I am not going to object to it, and I again ultimately believe that whoever the criminal, he will get his just deserts.

But, again, the process has not been well served through or committee structure even by bringing a bill out that we expand new crimes in out here today when all we were trying to do is do penalties, and I do not think it has been well served to add this enormously to the Federal jurisdiction without having it made it into committee.

I also realize that when the other side was in the majority, many of the same arguments had been presented to the chairman at that point in time, and it can be presented when the shoe is on the other foot quite frequently. So that is why I expect this to pass tonight, and I expect it to become law, but I also suspect that there may be some serious constitutional difficulties.

Mr. CHRYSLER. Mr. Chairman, I think I need to reiterate what the gentleman from Florida [Mr. MCCOLLUM] said. We are certainly not against women. We certainly are for increasing penalties against repeat offenders that are committing rape in this country. I just believe that this is really probably not the right bill for it to be on. There will be another bill, I am sure, and I think that is where it should be offered.

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

I will be happy in a minute to yield to the gentleman. Let me just say a couple of words, and I will be happy to yield.

As my colleagues know, both my daughters, when we talked about Megan's law a minute ago, and with the gentleman from New York [Mr. SCHUMER], I agree, as my colleagues know, that they should be locked up for a long time and there is a high recidivism, and the reason I agree with the gentlewoman from New York [Ms. SLAUGHTER] is that just because they are at a young age right now when they are attacked, they are going to be young ladies before long, and I would think that the same kind of penalty would follow on even though they grow older in age.

I do not know the Constitution. I am not a lawyer. But I just think that by logic that it would be a good idea.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I just want to take a moment to express my utter dismay that a Member of this body would come on this floor and say, ''I believe this bill, this amendment, is unconstitutional, yet if you put me to a vote, I'm going to vote for it.''

That is just absolutely, that is exactly the reason we ought not be dealing with this in this process, because then it becomes only politics.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I would like to say, in response the gentleman, I am sure he is talking about the gentleman from Florida, but I did not say that I believe this was unconstitutional. I believe there is a serious constitutional question. I think there is a good chance that it will be ruled unconstitutional, but I do not know whether it is or not.

We know the Lopez case was unconstitutional. That was the case we passed and I supported a number of years ago which would make it a Federal crime for a certain gun transaction within so close a proximity. I happen to think it was a good law. I would like to see it in law. But it unfortunately was ruled unconstitutional.

I have just done my duty by pointing out that there is a serious question about it in the way Ms. SLAUGHTER's has been crafted.

Mr. CUNNINGHAM. Mr. Chairman, as long as we are not in attack mode, if we are going to stick to the issue, I yield to the gentleman from Michigan [Mr. CONYERS].

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

I just want to go back to my colleague from Michigan, Mr. CHRYSLER, and just point out to him that some of these ships are turning around gently in the evening, and we do not want to leave him out there dragging along and waiting for this measure to come up in a separate bill. I would urge that he look at the merits of this measure and join with us that are in a bipartisan spirit, with nothing personal, are going to follow the consistency and the logic of his provision which passed earlier, the Frost provision which passed right after that, and now we are talking about applying that same enhancement of penalties to vicious women crimes.

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER], and I am going to support it in either fashion of the bill.

Mr. SCHUMER. Mr. Chairman, I just wanted to reiterate one point made by the gentleman from Michigan and then make another. We did add a new Federal law, I would say to my friend from Florida, when we accepted the Frost amendment. We crossed that bridge. We did not stay with the concept of just enhancing the penalty. We made a new Federal crime, as I understand it, with Frost.

Mr. Chairman, the second point I would make to my friend from Florida, with the gentleman from California's gracious yielding to me, is this:

The gentleman made an argument, well, if it was just for rape or just for some kind of, I think he mentioned, sexual crime, he would be for it. Well, we do not limit the base bill to children for that. We do not say if it was just a crime against children, a sexual crime. We have any child, we would ask the Sentencing Commission to enhance the penalty, and we are saying the same thing here for women who tend all too often to be the victims of crimes committed by men.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I just would like to respond by making a note that the amendment offered by the gentleman from Texas [Mr. FROST] while it created a new Federal crime, it created a crime that is there because of Federal law; that is, the crime that Mr. FROST is talking about, the ''two times and you are out,'' would have to occur on Federal property and maritime jurisdiction or wherever.

This particular effort the gentlewoman from New York [Ms. SLAUGHTER] has created here could be two State crimes, the only nexus being interstate transportation from somebody crossing the State line to commit it. And that is a big difference.

Mr. Chairman, that is my point. But nonetheless I am going to support this tonight. I have already indicated that I am not going to vote against it. But I do have great reservations about it.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield for just one more point?

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

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from the dukedom of California. I would say to the gentleman, if one reads the language of Frost, ''If the defendant'', this is section 4(B), numeral three, ''If the defendant has previously been convicted of another Federal offense under this subsection.''

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

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

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York.

Mr. SCHUMER. ''Or under another section, 2241(c), or of a State offense that would have been an offense under either such provision had occurred in a Federal prison unless the death penalty is imposed.'' So they are involving State offenses, too.

The other point I would make to the gentleman again: The gentleman said he would accept this provision if it were limited to sexual crimes, and I just wanted to get his provision, why that is different for children.

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

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

Mr. MCCOLLUM. Mr. Chairman, I think perhaps both of these points can

be addressed in the same answer. What I was trying to say earlier in the evening was that had this amendment been crafted so that we were talking about sexual crime, a rape crime against a woman, or whatever, that was a Federal crime for the second crime, just as Mr. FROST's is a Federal crime that we are dealing with. Although an underlying predicate crime was a State crime, the second crime had to be a Federal crime, and that is not the case with Ms. SLAUGHTER's, then I would be much happier, let us put it that way, with what we are doing tonight because I feel that the nexus would be there; there would not be any question of even a doubt about the constitutionality, and so forth.

That is not what we are doing. The second crime under Ms. SLAUGHTER does not have to be a Federal crime to get the Federal jurisdiction, and we are thus proceeding otherwise.

But I did not mean to mislead the gentleman. All of the crimes that she has described, as long as they are Federal, would not have bothered me if that had been the case.

Mr. CUNNINGHAM. Mr. Chairman, all I know is that, as a nonlawyer, that too many times our own laws prevent us from doing the right thing. I think the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER] is a good amendment, and I ask to support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

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

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 4, not voting 18, as follows:

[Roll No. 146]

AYES—411

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
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
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
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
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
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
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Scott
Waters
Watt (NC)
Williams

NOT VOTING—18

Brewster
Collins (IL)
Dunn
Ford
Gibbons
Gunderson
Hall (OH)
Harman
Hayes
McDade
Molinari
Mollohan
Roth
Solomon
Souder
Taylor (NC)
Tiahrt
Visclosky

□ 1918

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, this evening, May 7, 1996, I was unavoidably absent for rollcall No. 146, on a Slaughter amendment to H.R. 2974, the Violent Crime Control and Law Enforcement Act of 1994.

Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. DEUTSCH

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

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH: Page 3, line 14, after the period insert ''If the crime of violence is also a sex crime against a child, the enhancement provided under the preceding sentence shall be 6 instead of 5 levels.''

Mr. DEUTSCH. Mr. Chairman, earlier this evening this House adopted an amendment where I mentioned an incident that had occurred in Florida unfortunately within the last 12 months and has occurred in Florida and everywhere unfortunately in this country on many occasions, and that is the exploitation of young children. Specifically I mention the name of Jimmy Rice, who was a young boy who was missing from his home for several weeks and actually several months in south Florida, which really became the focus of our entire community. He was missing and then subsequently found to have been sexually abused and murdered.

It is a crime that occurs in America far too often, as I said, and it is a crime where I think as an individual, as a society, as a community, we can think of probably nothing worse that can happen to a young child and to their family.

Mr. Chairman, we have had a discussion for several hours now about our role in sentencing and our role as a United States Congress in sentencing and setting up penalties for crimes. There has been a debate that has gone on literally for several hours now. I would say to my colleagues that for anyone who has ever spoken to a parent of a victim in a circumstance like this, at that point they would want to be involved in determining the penalty for perpetrators of crimes like this.

We can talk about all the theory we want about judges being impartial and

unsensitized, and the Sentencing Guidelines Commission being impartial, and policymakers, but the truth is in our political process, the fact that we are elected officials, that we represent constituents, that we have to face real people, real parents, and talk to them and try to explain to them why a victim and why a perpetrator are treated differently, and why perpetrators are not punished to the extent that they can be and should be under the law.

This amendment is really an attempt to do exactly that, to say in the case of sexual abuse of a child that we are saying that crime is so heinous, so awful, so indescribable from our perspective as a society, as a collective society that this Congress represents, that we are speaking as Americans, as this collective community of America, and saying to the world, and saying to people as a deterrent and as a punishment, ''If you are someone who is going to commit that kind of crime, the we are going to treat you as harshly as we possibly can.''

□ 1930

This amendment does that, combined with the prior amendment which creates essentially a two strikes and you are out provision. As I mentioned, I would support a one strike and you are out provision in a case like this.

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

Mr. Chairman, I strongly urge my colleagues to support the Deutsch amendment. It makes imminent sense. He is adding an additional level of punishment for those who commit sex crimes against children. It seems to me it is perfectly consistent with what we are trying to do with the underlying bill, and that is send a message to anybody who perpetrates a crime on a child that they are going to get an extra amount of time in prison for doing that at a Federal level for a Federal crime.

This is a Federal crime. He is dealing with a sex crime on top of that. It seems only appropriate that you add an additional level when you are dealing with a sex crime against a child. I think most of us would concur in that without dispute. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, line 13, before the first comma, insert ''or a crime involving fraud or deception''.

Page 3, line 13, strike ''of violence''.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, this amendment would merely add crimes of fraud and crimes of deception to those crimes against children and women and the elderly that would receive enhanced penalties.

This amendment would add crimes of fraud and deception to those crimes against women, children, and the elderly that would receive enhanced penalties.

The reason is that fraud against the elderly has become a significant problem, particularly telemarketing fraud. Law enforcement officials, the AARP research, and much anecdotal evidence from telemarketers confirm the belief that many older Americans are being wrongly targeted by telemarketing fraud.

The Federal Bureau of Investigation recently documented this pattern of victimization in its recent telemarketing investigation, which used AARP members and others to obtain undercover tapes with fraudulent telemarketers.

The investigation showed that 78 percent of the targeted victims were in fact older Americans. Given the expected growth in the Nation's elderly population, the number of consumers considered vulnerable to telemarketing fraud is quite likely to increase in the future. But telemarketing is not the sole source of the problem. The Internet, while not yet commonly used as a method of conducting fraudulent methods of transaction, is a growing source of concern. Although commonly believed to be a tool of the young, we are now finding many elderly people beginning to surf on the net.

The National Consumers League and the National Fraud Information Center estimate that senior citizens lose at least half of the $60 billion annually that is lost due to fraud. Unfortunately, fraud strikes elderly victims the hardest. Many of these individuals are living on fixed incomes and are easy prey because they lack the defenses necessary to withstand smooth-talking promoters who sound and act like friends of the victims' families.

Mr. Chairman, we need to treat fraud against the elderly not as isolated cases, but as a widespread social problem and a serious crime that must be addressed. I urge that we add this important provisions to protect our most vulnerable citizens from those who are continuing to prey on them through telemarketing, the Internet, and other white collar crimes. I urge the support of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist upon his point of order?

Mr. MCCOLLUM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. MCCOLLUM. Mr. Chairman, this amendment is not germane to the bill. The underlying bill involves only crimes of violence, whether against an elderly victim, a child, or other vulnerable person. Consequently, this amendment, which deals with crime and deception and not involving crimes of violence, is beyond the scope of the bill. I would urge that it be ruled out of order. It is inappropriate under the circumstances.

Even though we may like to give crimes against the elderly involving fraud and deception and nonviolent matters additional punishment, this is simply not what this bill is about.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] desire to be heard on his point of order?

Mr. CONYERS. Mr. Chairman, I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONYERS. Mr. Chairman, I cannot understand why the distinguished chairman would want to raise a point of order against the amendment, because we have been given a bill which purports to protect children, women, and the elderly.

They have allowed the gentleman from Texas [Mr. FROST] to offer what was clearly a non-germane amendment relating to sex offenses against children, and now, suddenly, when it comes to protecting the very same elderly against pervasive and damaging telemarketing fraud, we raise a technical objection. So I think this is a very misplaced sentiment in an attempt to allow white collar crime to continue to victimize seniors, while crimes of violence are all of a sudden made germane, even when an argument can be made against it.

The amendment is germane, because the fundamental purpose of this bill is to enhance penalties for those crimes that target our most vulnerable citizens, the elderly and the young and women. For those reasons, I urge that the point of order be turned aside.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The bill, as amended, enhances penalties for violent crimes against vulnerable persons. In addition, it establishes criminal liability for certain crimes of violence against vulnerable persons.

The amendment as offered by the gentleman from Michigan [Mr. CONYERS] would disturb the coherence among the provisions of the bill. It is not confined to the subject of violent crimes against vulnerable persons and punishments therefor.

Accordingly, the amendment is not germane, and the point of order is sustained.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, 13, before the first comma insert ''or an environmental crime''.

Page 3, line 13, strike ''of violence''.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I think we have to recognize that this amendment would simply add environmental crimes to those crimes against the children and the elderly that would receive enhanced penalties.

Now, why is that critical? The reason is that environmental crimes, for example, the knowing pollution or contamination of our environment, tend to have a much more severe impact on our most vulnerable citizens, namely children and the elderly.

For example, the severe impact environmental crimes can have is dramatically brought to bear in Woburn, MA, in the case where numerous children died of leukemia after drinking water where toxic waste was dumped by subsidiaries of two of our country's most influential, multinational corporations.

If we are going to say crimes of violence against children and the elderly are deserving of more serious punishment, it is only fitting that we so treat environmental crimes, which have a disproportionate effect on children and the elderly and which can be equally or more deadly. A refusal to treat environmental crimes as seriously as crimes of violence really indicates that it is not really the effect of crime with which we are concerned, but the perpetrator.

I see that as a serious mistake in the development of this criminal justice bill. Environmental crimes are generally committed by large corporations. In contrast, crimes of violence usually are created by less influential individuals. So it is important to treat all crimes that harm youngsters equally, to treat all crimes that have a significant adverse impact on children and the elderly with equal seriousness.

I offer the amendment, and hope that the Members will join me in supporting this amendment.

Another example of the kind of behavior that this amendment would speak to is several years ago two 9-year-old boys were killed by fumes from hazardous waste illegally disposed of in a dumpster. It was a clear case of criminal misconduct. The jury awarded the families $500 million in damages against the defendant, the largest wrongful death lawsuit in the history of the Nation, but they have not paid it because they declared bankruptcy. So far, the fine of the Federal court has not been paid either.

The only way to punish the wrongdoers in a case like this is to subject the defendants in the corporation to significant jail time. Under current sentencing, under the guidelines, the perpetrators served a mere 27 months.

It is fine to say you are tough on crime, but let us make sure we punish all the criminals who place the children and elderly at risk.

A few month sentence for hazardous dumping that costs children their lives needlessly is simply not enough, and should be subject to the sentence enhancements that are going on in the several amendments underlying the Chrysler bill that is still on the floor.

I urge Members to support this commonsense amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist upon his point of order?

Mr. MCCOLLUM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. MCCOLLUM. Mr. Chairman, as with the previous amendment, I do not believe that this amendment is germane, because the underlying bill's scope involves crimes of violence against children, elderly persons, or other vulnerable persons. This amendment involves an environmental crime. We do not even know by definition what an environmental crime is. I know of no definition under title 18 of an environmental crime. Whether or not that is in and of itself a reason for this to be nongermane, it certainly is equally as nongermane as the fraud and coercion efforts made a moment ago, because it does not involve the underlying crime of violence this bill speaks to and the bill is not broader than that.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] wish to be heard on his point of order?

Mr. CONYERS. I would like to be heard in opposition to the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

□ 1945

Mr. CONYERS. Mr. Chairman, I would like to appeal to the Chair to consider adding environmental crimes to the measure before us as a germane provision.

Mr. Chairman, as written, the bill refers to crimes of violence which include, of course, physical force. Now, at first glance, environmental crimes might not appear to be involving physical force. But then one need only recall that murder is a crime of violence and that murder can be accomplished by nonphysical means like poison. Even though the perpetrator may not be even present at the time of the actual ingestion of the poison, poisoning someone is no less murder because there is no physical contact.

Likewise, Mr. Chairman, the adding of environmental crimes as an appropriate and germane part of the provisions and the objectives sought in H.R. 2974, would make, I think, quite rational sense. Environmental crimes are similar if not identical to the example of poisoning by murder. A company, for example, deliberately dumps chemicals that it knows are dangerous into a water supply. Is that a physical crime? Inevitably harm results to the people who drink the water, sometimes resulting in death. In Woburn, MA, we saw numerous children develop leukemia and eventually die from the disease contracted as a direct result of the poisoned water they consumed. Would a rule of germaneness take a crime of that nature and that level of violence out of the provisions of enhancing crimes to children in this measure? I would argue that it should not. Is that company any less responsible for these deaths than a murderer is for his? I think not.

Mr. Chairman, if my colleagues are concerned about the level of intent, whether the company intended the children to die, well, intent is a question that in every murder investigation or trial will be determined in a court of law.

Using my example, Mr. Chairman, I have attempted to make a distinction from the previous measure that I offered, and I argue that the environmental crimes are violent in effect and are too important and serious for it to be ruled out of order because such crimes have not historically been considered in this genre.

I urge the Chairman to dismiss the point of order.

The CHAIRMAN. The Chair is prepared to rule. As was the case with the ruling on the previous amendment, this particular amendment also disturbs the coherence among the provisions of the bill. It is not confined to the subject of crimes of violence as that term is given meaning in section 16 of title 18 of the United States Code, and it does not cover violent crimes against vulnerable persons and punishments therefore.

Accordngly, the ruling of the Chair is that the amendment is not germane and the point of order is sustained.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, 13, before the first comma insert '', including those crimes of violence involving the environment''.

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

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his amendment.

Mr. CONYERS. Mr. Chairman, I now have an amendment that would make it clear that environmental crimes of violence are included in the definition of crimes of violence to which enhanced penalties will attach.

Mr. Chairman, in another previous amendment I would have added environmental crimes as a distinct class of crimes in addition to crimes of violence for which there could be enhanced penalties. But this amendment

differs in that it merely specifically provides for the definition of crimes of violence to include crimes of violence that are environmental in nature.

Again, let us use the crime of murder by poison. Poisoning is considered and is a crime of violence. Similarly, if a company contaminates a community's water supply, thereby poisoning residents with death resulting to some young and old victims, this amendment would require that enhanced penalties attach.

So, Mr. Chairman, I believe without my amendment, even a prosecutor could justifiably argue that the contamination of a water supply resulting in deaths could be a crime of violence qualifying for increased penalties. But this amendment would dispel those doubts and make it clear that environmental crimes resulting in physical harm should have the same penalties as other crimes resulting in physical harm.

In fact, there is little or no difference. Let me describe the kind of behavior that would be prosecutable in the event my amendment wins passage.

Several years ago two 9-year-old boys were killed by fumes from hazardous waste illegally disposed of in a dumpster, and the jury made an award in a wrongful death lawsuit, but they have never been able to recover. The corporation merely declared bankruptcy.

Unless we are able to go to the corporate personal defendants who could be eligible for significant incarceration under this provision, there is no way that they can be reached. And so, I think it is wonderful to say we are tough on crime, but let us make sure that we punish the full range of people who commit criminal acts, who place our children and elderly at risk.

A 27-month sentence for hazardous dumping that costs a number of children their life is simply not strong enough, and the sentencing enhancements that have been discussed on this floor in the underlying bill should apply to the circumstances that I have raised as an example in support of this amendment.

Mr. Chairman, I urge the Committee to support the amendment and add this very important part of criminal conduct to be subject to enhanced penalties.

POINT OF ORDER

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

Mr. MCCOLLUM. I do, Mr. Chairman.

Mr. Chairman, the underlying bill is, yes, a question of defining a crime of violence, and it talks about a crime of violence against a child, elderly person, or other vulnerable person and it explicitly defines a crime of violence: the meaning given that term in section 16 of title 18 of the United States Code.

Mr. Chairman, I can read section 16 of title 18. It says: The term ''crime of violence'' means an offense that has as an element, the use, attempted use, or threatened use of physical force against a person or property of another or any other offense that is a felony and that by its nature involves substantial risk that physical force against a person or property of another may be used in the course of committing the offense.

Mr. Chairman, I do not know what in the world a crime of violence involving the environment means. I think that this amendment is not germane to this bill because it inherently goes outside the definition of a crime of violence that is written. I would submit that no court in this land could interpret what the gentleman has written and that it is therefore destructive of the underlying premise of this bill and, therefore, beyond the scope and inappropriate to this bill.

Mr. CONYERS. May I be heard, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CONYERS. The arguments against germaneness coming from the chairman of the Subcommittee on Crime would carry much more resonance if, through his agreement, and the Committee on Rules, we have already made measures germane that would have clearly been nongermane.

The question is: What shall we make germane and what shall we make not germane? And to argue that these kinds of crimes that clearly call out for criminal penalties should not be included merely because they are not violent in the traditional sense of violence, there are many crimes that occur that are not physically violent. There is no physical act of violence when a person is murdered by poisoning. There is none. They are not excluded. They do not fall to the argument of being nongermane.

And so, Mr. Chairman, I would say that this amendment relates to the subject matter as the legislation does before us. The subject before us, of the bill before us, is limited to crimes of violence which are committed against the elderly, young people, and other vulnerable persons. My amendment is limited to these same precise categories. The crime involved must be a crime of violence and it must be committed against a child, elderly person or other vulnerable person. On that basis, I urge that the point of order be rejected.

The CHAIRMAN. The Chair is prepared to rule.

This amendment offered by the gentleman from Michigan ensures that the definition of a crime of violence under section 16 of Title 18 may include a crime involving the environment as a subset of a crime of violence for the purposes of the pending bill. As such, the amendment does not disturb the coherence among the provisions of the bill. It is confined to the subject of violent crimes against vulnerable persons and punishments therefor, unlike the prior amendment.

Accordingly, it is the rule of the Chair that the amendment is germane and the point of order is overruled.

For what purpose does the gentleman from Florida [Mr. MCCOLLUM] rise?

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

The CHAIRMAN. The gentleman will suspend.

Mr. CONYERS. Regular order, Mr. Chairman. Should I not be recognized in support of my amendment?

The CHAIRMAN. With all due respect, the gentleman was recognized after the designation of the amendment prior to the point of order.

The Chair recognizes the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I am not going to oppose the amendment, though I think that it is a superfluous amendment. It is oratory in nature, by the ruling of the Chair. I can sit here and list other crimes of violence involving all kinds of things beyond the environment as long as they involve something having to do with violence. And I can think of A, B, C, D, E, and F and add them to this bill. The gentleman wants to make this point and he has had the opportunity. He is getting to add his language to this bill to do that.

Mr. Chairman, I think it is interesting and ironic that the gentleman spends time in committee arguing that we should not incarcerate nonviolent offenders. Tonight he attempted earlier to expand the definition of violence to include dumping waste in the ocean, spilloff into the rivers, and dirty car exhausts.

Mr. Chairman, I would submit that those are not crimes of violence. obviously, if one can figure out what a crime of violence is that involves the environment or involves anything else, then of course if it is truly a crime of violence involving murder, rape, robbery, and assault, I would suggest that it would come with the scope of the bill, obviously. But certainly it is not simply going to be dumping waste in the ocean, spilloffs into rivers, or dirty car exhausts. There may be other Federal laws that are violated, but not crimes of violence laws.

Anyway, Mr. Chairman, based upon the ruling of the Chair that we are not actually adding any scope to this bill, I will not object to this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish I could do imitations because if I could, I would imitate former President Reagan when he said, ''Here we go again.'' Because we are on this slippery slope and we cannot get off. We keep adding things that make no sense. And with all respect, this makes as much sense as everything else.

But the point I want to make is that we should not be doing this in the context of this bill. This bill should not be here. We should be allowing the process that we have set up and have followed for a long, long time to get the politics and irrationality out of sentencing, out of the process.

We should be allowing the Sentencing Commission to do exactly what we set up the Sentencing Commission to do. And despite that, here we go again. As President Reagan would say, ''There you go again.''

We are going to add any kind of conceivable thing and the reason we are going to add it is because politicians like politically to be viewed as tough on crime. I do not have any problem with that. But we need to have some rational underlying basis by which we are proceeding, and this bill now does not have that. It did not have it when it first started out, and every time we have added some new violation that triggers this kind of vulnerable mentality, then we have made this more a mockery. We are now doing an injustice, a severe injustice to public policy.

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There are a bunch of vulnerable people, and we could add all of them to this bill. There is really no place to cut is off. That is why we gave this responsibility to the Sentencing Commission, to get it out of the irrational political, reactionary process that we are now following this evening.

Mr. Chairman, I hope my colleagues will come to the realization that what we are doing is just bad, bad, bad public policy and will reconsider this entire bill and allow the Sentencing Commission to continue the job it has been set up to do.

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

I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Michigan for yielding to me.

I want to thank the gentleman from Florida, the chairman of the Subcommittee on Crime, for agreeing to accept the amendment. I also want to thank the gentleman from North Carolina [Mr. WATT] for continuing to object to the entire procedure.

Let me first remind the chairman of the Subcommittee on Crime that one of the measures that led me to introduce environmental crimes is the fact of the two 9-year-old boys in his State, if not his district in Florida, who were killed from a wreck of hazardous waste illegally disposed of in a dumpster. The two individual defendants, the plant manager and the shop foreman, were convicted of hazardous waste felonies. Each was sentenced to serve 27 months in prison under the terms of a guilty plea that included knowing endangerment. They went to 5 years probation.

I think the gentleman would agree that these kinds of crimes are as serious as all the others that we have dealt with. Now, that does not in the least detract from the validity of the arguments offered by the gentleman from North Carolina. I am placed in the precarious position of agreeing with the gentleman from North Carolina, but we are here adding these measures tonight. To leave out crimes of an environmental nature where there is deliberate, reckless endangerment, knowledge and intention, would, to me, be an incredibly wrong thing to do.

This is the slippery slope that we are on. I am on it. I am not going to leave out environmental crimes because of the irrationality of what the majority of the Members have willed here today.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I just want to make it clear to the gentleman that his amendment is just as rational as the underlying bill. I am not singling out his amendment. If I had to think of crimes that I would want to include on this, this would probably be one of them. But it illustrates, again, how irrational the process is we have embarked upon when we start down this slippery slope. There is no way to get off of it. I hope the gentleman understands that this does not have to do with his amendment. It has to do with the process, which is what I have been talking about all night.

Mr. CONYERS. Mr. Chairman, if the gentleman will continue to yield, I hope that the gentleman understands that this does not have to do with my disagreeing with his basic contention, but it has to do with the fact that we find ourselves tonight on this slippery slope. If we are on the slippery slope for all its irrationality, I do not want to exclude environmental crimes.

I thank my colleague from Michigan for yielding me this opportunity to express my agreement with both the gentleman from Florida and the gentleman from North Carolina.

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 to the bill?

AMENDMENT OFFERED BY MR. STUPAK

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

The Clerk read as follows:

Amendment offered by Mr. STUPAK: At the end of the bill, add the following:

SEC. . PROHIBITIONS RELATING TO BODY ARMOR.

(a) SHORT TITLE.—This section may be cited as the ''James Guelff Body Armor Act of 1996''.

(b) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any crime of violence against a vulnerable person (which for the purpose of this section shall include a law enforcement officer) as defined in section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 in which the defendant used body armor.

(c) For purposes of this section—

(1) the term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

(2) the term ''law enforcement officer'' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

Mr. STUPAK (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. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

Mr. STUPAK. Mr. Chairman, let me address the substance of my amendment and also the point of order being reserved by the majority.

Mr. Chairman, I do believe that my amendment is germane to H.R. 2974. Whereas 2974 seeks to provide enhanced penalties for crimes against elderly and children, it also specifies crimes against, and I quote, vulnerable persons. These are defined in the bill as individuals who, due to age, physical or mental condition or otherwise, are particularly susceptible to criminal conduct.

When it is a situation where law-abiding citizens and laws enforcement officers are confronted by criminals wearing body armor, especially police officers, then I think it is fairly obvious to everyone except maybe the criminal that the police officer is in a vulnerable position. As such, this amendment is highly relevant and germane to the legislation before us today.

Mr. Chairman, my amendment seeks to control the growing use of body armor by criminal elements and impose penalties for those who wear body armor while committing Federal crimes. Body armor, the protective personal devices commonly utilized by those in law enforcement, are vests and helmets made from Kevlar. Other advanced materials are increasingly becoming a common tool used by those who seek to break the law and victimize innocent citizens.

This amendment is very similar to legislation I introduced last year, H.R. 2192, the James Guelff Body Armor Act. I act now today because we have been unable for more than a year to get even a hearing on this legislation.

Mr. Chairman, to illustrate the point that we are at, Mr. James Guelff was gunned down on the streets of San Francisco on the night of November 14, 1994, following a violent shootout with a heavily armored and well-protected criminal. This criminal and killer was decked out in a bullet-proof vest and helmet. He was virtually unstoppable by more than 100 San Francisco police officers as he unloaded more than 200

rounds of ammunition into a residential neighborhood.

Only a strategically aimed shot by a marksman was able to bring a night of violence to an end but not soon enough for Officer Guelff. I have heard from law enforcement officers all across this country about the increasing occurrences of drug dealers and other suspected suspects possessing body armor. From Baltimore to Texas, from Michigan to Los Angeles, criminal elements are being transformed into basically unstoppable terminators with virtually no fear of police of other crime fighters.

These heavily protected criminals are capable of unleashing total devastation on civilians and police officers alike. The increasing availability of body armor in the wrong hands can only direct a greater danger to America and greater danger to the American people and a growing threat to our institutions. Quite simply, my amendment seeks to impose penalties when body armor is used in committing a violent crime.

Mr. Chairman, penalties will be determined by the Sentencing Commission. Although technological advancements have helped law enforcement officers fight crime and counter terrorism, these same high-technology advancements when ending up in the wrong hands pose new challenges and a growing danger to police officers and all others who seek to protect and safeguard our citizens.

I have received very positive feedback from those in law enforcement in support of this measure. I would hope that the majority would see the need for providing enhanced safety and penalties and my amendment would achieve this goal.

This amendment as has been drafted and appears before us now, the amendment is supported by the Fraternal Order of Police, the National Sheriffs Association, National Troopers Association, and by police departments from Boston to Los Angeles and other major cities and jurisdictions across this country.

I ask that there be support for this law enforcement amendment and support for this important bill not just for women and children and elderly but for everyone.

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist on his point of order.

Mr. MCCOLLUM. Mr. Chairman, I withdraw my reservation of a point of order.

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

Mr. Chairman, I think what the gentleman wants to do here, now that I have examined his revised amendment from what he had earlier produced, is a positive thing. It does not go to children. It does not go to women. It does not go to the elderly. It really should go, and I think he is trying to make it go, to the police. It obviously does not go to every police officer.

I would certainly engage the gentleman, if he would, so we can clarify this. It would involve a law enforcement officer, I presume, based upon the Federal sentencing guidelines and the fact that all of the underlying crimes that we are dealing with here today are Federal crimes, that it would be a Federal law enforcement officer for whom this would apply, when you have indicated in your parenthetical, which for the purposes of a vulnerable person, which for the purposes of this section shall include a law enforcement officer. Would we not just inherently conclude that we are dealing with Federal law enforcement officers by the nature of the underlying bill and the nature of the Federal sentencing guidelines?

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

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, because of the issue here and the term ''law enforcement officer,'' we actually defined it in the bill as being an officer, agent or employee of the United States, a State or political subdivision authorized by law or government agency.

I mean when we take a look at this, I think this would include any law enforcement officer in the United States.

Mr. MCCOLLUM. Well, I have a question. Reclaiming my time, if you do include any police officer involving this, the question I guess involves one of whether or not there will be a crime where that is a Federal crime at the beginning that would include a police officer who is not a Federal officer that is a criminal crime, and there may be some cases like that, that is a Federal crime to begin with.

My reason for the puzzlement is even though I have read the definition, I think your original construct and your intent and you would have done it by separate legislation, had you had the opportunity, and it is not a bad idea, is to make it a Federal offense or crime to actually commit a certain type of activity and crime against, violence against law enforcement officers generally in the country using these kind of vests, these kind of devices. But the way you have reconstructed this to fit it and make it germane to this bill is in such a way that I would believe, though I could be wrong, because I do not have all of the Federal criminal laws out in front of me now with all the sentences to go over tonight, there are numerous of them, but I would believe it would be very rare cases in which the underlying crime for which the enhanced sentence would occur would involve a local law enforcement official. But in any event, I am not going to oppose the amendment. I am just trying to work through it in my own mind.

Mr. STUPAK. Mr. Chairman, if the gentleman will continue to yield, for the enhancement aspect of it, the underlying crime would have to be a Federal crime. The individual who may be in pursuit of this criminal could be a law enforcement officer from any jurisdiction, but the Federal crime that they are in pursuit of this criminal for would have to be a Federal crime as defined in the Violent Crime Control and Law Enforcement Act of 1994. So the underlying crime, you are absolutely correct, the protection would extend to anyone investigating that Federal crime where they met such an individual wearing this protective device.

Mr. MCCOLLUM. Fair enough. I think with that clarification, it helps a lot. So we understand, we are not creating any new Federal crimes, as we did on an earlier amendment. With this in mind and believing as I do and wanting to protect the police officers of our Nation and anybody else, for that matter, in terms of the situation where you might be wearing a vest like this, a body armor, I would support this amendment.

Mr. STUPAK. Mr. Chairman, I would ask, this was a small step here we are doing here tonight, but we do have the main underlying bill. And we have been trying to find a vehicle and even have some hearings on it. I would ask that the chairman give us due consideration of the full bill, the James Guelff Body Armor Act of 1996, so we can get to extend it to all police officers, not just Federal crimes but also State and local violations of law. So I would once again ask the chairman at a time hopefully very soon that we could address this issue further. This is just a small step tonight. I would like to take it one step further.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I know the gentleman is very sincere in wanting to press his entire full bill, and I respect that and, assuming we can work it into the crime agenda, I am not adverse to having a hearing on it, as I indicated before. We are in the process now of trying to figure out our schedule for the balance of the year. I thank the gentleman.

Mr. Chairman, I urge the adoption of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the reporter be allowed to read back my arguments on the Slaughter and Conyers amendment so that I do not have to repeat them on this amendment.

The CHAIRMAN. Unfortunately, the Chair cannot entertain that unanimous-consent request.

Mr. WATT of North Carolina. Then, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I will simply say ditto, here we go again, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO: At the end of the bill, add the following:

SEC. 3. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime of violence against a child, elderly person, or other vulnerable person (as such terms are defined in section 240002(b) of the Violent Crime Control and Law Enforcement Act of 1994) shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

Ms. DELAURO (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 gentlewoman from Connecticut?

There was no objection.

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Chairman, I rise today to offer an extremely important amendment to improve the protections that are already included in this measure for our Nation's children, elderly and other vulnerable citizens. Public citizens today are facing a deadly new threat on the streets of my home State of Connecticut and across the Nation: the new threat is the emergence of laser sighting devices that are aimed at our law-abiding citizens.

These laser sights, mounted on the barrel of a gun, emit a tiny red beam of light that the shooter uses to line up the targets. In the hands of a criminal, these high-technology weapons turn ordinary street thugs into sharpshooters.

My amendment directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes of violence involving laser sighting devices when that crime is against a child, a senior, or a vulnerable person as defined by the bill. The amendment will deter the use of laser sight technology in street crime and require the Sentencing Commission to collect data on laser sighting devices in violent criminal activity throughout the Nation.

It is narrowly crafted legislation. It focuses on the criminal to crack down on violent crime. It is a noncontroversial approach that Members can support regardless of their views on gun legislation in general.

I offered a similar, but broader, amendment to the antiterrorism legislation in March. The amendment had wide bipartisan support and passed by voice vote. Unfortunately, the amendment was removed in conference.

Let me stress the amendment does not ban laser sight technology, nor does it ban guns equipped with laser sights. Again, it does not ban laser sight technology, nor does it ban guns equipped with laser sights. This is not about gun control, it is about crime control and justice for the victims of violent crime.

Mr. Chairman, I crafted this legislation with the help of local law enforcement in Connecticut.

With their input, this legislation has won endorsements from the National Fraternal Order of Police, the International Brotherhood of Police and others.

Let me read directly from the letter of support that I received from the National Fraternal Order of Police regarding the legislation.

The citizens of this nation already suffer far too much from tragedies precipitated by firearms crime. This problem is exacerbated by criminals using laser sights to make their criminal activity even more deadly.

Proliferation of this new technology is growing at an alarming rate among street thugs in communities across America. On Christmas Day of last year and during the first weeks of the New Year, guns equipped with laser sights have taken lives and evoked fear amongst families in my district. That is why I am offering in this amendment today.

The enhanced accuracy that these laser sighting devices generate in the hands of the violent criminal create a ''Super-gun,'' which aimed directly or indirectly at a target, make victims of innocent children, our seniors and other community members as they live and work in our neighborhoods.

In closing, let me read to my colleagues from a letter I received from the Connecticut Police Chiefs Association's president, Chief James Thomas, in strong support of my amendment:

Your legislation is a step in the right direction to reaffirm that society will not tolerate the use of sophisticated weapons by criminals against its citizens.

This bill punishes the criminal, not law-abiding gun users or gun owners, and I urge its immediate passage. I urge my colleagues to protect our most vulnerable citizens from violent crimes involving laser sights.

Mr. Chairman, I ask for a favorable vote on this amendment.

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

Mr. Chairman, I am not going to oppose this amendment, because, obviously, if anybody commits a crime against a vulnerable person like a child or a senior citizen using a firearm equipped with a laser sighting device, I do not think any of us would want to argue that that person ought not to get the book thrown at him. But I would like to think we are going to throw the book at him for a lot of things that are less even than that in scope or seriousness, using a gun and lots of other things.

But I would submit that there are very, very few crimes that would be committed that would come under the jurisdiction of this law that would involve somebody possessing a firearm equipped with a laser sighting device. I do not, in fact, know of any crimes against children or the elderly that have been committed with them, although that is always possible, and I am not going to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

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

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 4, line 2, at the end, delete the ''.'' and insert '', by virtue of residence in any neighborhood in which the incidence of violent crime is above the national average, is particularly susceptible to criminal conduct.''

Mr. MCCOLLUM. I reserve a point of order, Mr. Chairman, on the amendment offered by the gentleman.

Mr. WATT of North Carolina. Mr. Chairman, there really is no more vulnerable population in America in terms of being exposed to criminal conduct than the people who live in the lowest-income areas in America, and when we start talking about who is vulnerable, sure, the elderly are vulnerable; sure, children are vulnerable, sure police officers are vulnerable. The list can go on, and on, and on, and on.

But there really is no more vulnerable population than the population that lives in areas of our country where the incidence of crime is far above the national average.

Mr. Chairman, this kind of illustrates how insane the process is we have embarked upon this evening. If we are going to set out to define who the vulnerable people were in our country—who is vulnerable to crime—we would have started with this amendment that simply says a vulnerable person under this bill is one who lives in a neighborhood where the incidence of violent crime is above the national average.

I am the first to stand here, even though it is my amendment, and confess to my colleagues that it makes no sense. But it makes just as much sense to do this in this bill as the bill when we started out as the Frost amendment when he added it, as the Slaughter amendment when she added it, as the Conyers amendment when he added it, as the Stupak amendment when he added it, and my friend from Connecticut, the last amendment, when she added hers.

What we are doing is a gross violation of the public safety and the trust that we owe to the citizens in this country. We are talking a very serious issue, and we are politicizing it. We are bringing it in here and saying let us make fun of these things, in effect, because we are in a political year, let us beat on our chest and show America how hard on crime we are,instead of following a responded policy that Republicans and Democrats alike on a bipartisan bases have agreed upon for years.

So I offer this amendment to show how slippery that slope is. Where do we draw the line? How do we draw the line? What makes sense on who is vulnerable and who is not vulnerable in our country if we do not get to the underlying cause of violent crime in the first place? Why signal one group out and exclude another?

But, most importantly, why do we bring this into this context, into a political context, this serious debate, and take it away from the nonpolitical, reasoned, rational process that we have set up?

We are supposed to be setting public policy here. That is what we all were elected to do. And I have heard on this floor tonight people say, ''Okay, well, it sounds good, even if it is unconstitutional, I am going to vote for it if you make me do a recorded vote, because I know that if I don't do it, there are political consequences.''

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 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, we have had a series of amendments that illustrate faithfully how absurd what we are doing is, and this one is no worse. It is simply designed to point out to my colleagues that we cannot get off of this slope once we get on it, and that is why we gave the responsibility in the first place to the Sentencing Commission. We have got to be rational about this, and, my colleagues, we cannot be rational about it playing politics with it.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina.

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

Mr. MCCOLLUM. No, Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, the gentleman from North Carolina is offering this amendment, I believe, almost on the face of what he is saying, because he is trying to make this bill absurd on its face. Once this passes, I suspect he will have succeeded if indeed it passes, because, first of all, he is saying that anybody is a vulnerable person and, therefore, there will be a sentence enhancement if that person is a victim of a violent crime in this country if that person is a resident in any neighborhood in which the incident of violent crime is above the national average.

□ 2030

I would suggest that there are a lot of people, who are residents of neighborhoods where the violent crime rate is above the national average, who may very well the very people where the criminal element is most strong in. In other words, we may very well find the guy who is dealing in arms, the fellow who has a whole warehouse full of ammunition; terrorists may be living in the neighborhood. I do not think neighborhoods are the way we should go about trying to define who is vulnerable or who is not vulnerable.

There are classes of people, rather than characteristics of geography, which this bill addresses. This bill addresses the issue of children and women and the elderly and, in a stretch, the police who happen to be vulnerable. They are people, not neighborhoods; not Washington, DC, not Orlando, FL, not Jacksonville, FL, not Florence, SC, not New York City. We are not geographically bound by this bill.

I think we make a mockery of this bill to take it to the extreme that this does, to charge the Sentencing Commission with coming back with enhancements of penalties, making penalties greater if you commit a crime against somebody because they happen to be in a neighborhood that statistically has an incidence of violent crime that is above the national average.

I do not even know if we have averages for violent crime in neighborhoods. We do have in cities. We do have it by counties, in some cases. We certainly have by States. But I do not know that we have statistics that measure neighborhoods. We do not even have a definition of a neighborhood, so we are going to expect the Sentencing Commission to derive through some regulatory process what a neighborhood is and how to relate existing statistics to neighborhoods. I do not think that it can probably be done, because I do not think the data is available that would allow us to have the information that would make this amendment meaningful.

By adopting this amendment, Mr. Chairman, the gentleman is doing what he really wants to do, and that is to try to make this bill impossible to become law, to make it one that will never see the light of day in the other body, to make it one which is rendered meaningless.

I think that is kind of sad, because what we are trying to do tonight, what we have been trying to do all afternoon since this bill has been considered that the gentleman from Michigan [Mr. CHRYSLER] drafted, is to send a message, particularly to those who commit crimes against the most vulnerable people in our society—children under the age of 14 and the elderly—that if you do, then you are really going to be in trouble.

Maybe we should have brought this bill out of here under a modified closed rule instead of an open rule, because we should have recognized that there would be a lot of mischief being played by people who did not agree with the basic idea; who do not believe Congress ought to be telling the Sentencing Commission, when we do not agree with it, that we think their punishment should be stronger and different than what they came back with when we suggested to them that they enhance penalties in the area of those who are particularly vulnerable, who are children and elderly, which is what we did in the last Congress. Maybe we should have foreseen that and not presented this out here under an open rule tonight.

Nonetheless, we did, Mr. Chairman. I would submit that my colleagues need to have the common sense and courage to vote down this amendment; to understand that it is wrong, to understand that it is way too broad; to understand there is no way to define a neighborhood in the first place; and in the second place, we do not have the statistics that would be applicable to make a person vulnerable; and in the third place, I suspect we are going to make a lot of people come under this definition who you would not want to have come under it even if you thought about it and even if you did adopt this, for those who may be truly a little more vulnerable because of somewhere they live than you might imagine.

It is just an unworkable amendment that, if nothing else, I think is designed, quite frankly, to kill this bill. I would urge a ''no'' vote in the strongest of terms. Somewhere we have to draw the line. I have to draw the line myself, as the chairman of the subcommittee, on what we accept here tonight, and I am drawing the line here and saying this is going way, overboard. I urge in the strongest of terms a ''no'' vote.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

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

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 3, beginning on line 9, strike subsection (a) and insert the following:

''IN GENERAL.—The United States Sentencing Commission shall review the Federal sentencing guidelines to determine an appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

Mr. WATT of North Carolina. Mr. Chairman, this amendment simply

would request the U.S. Sentencing Commission to review this matter and make recommendations about enhancements for the areas that are covered by this bill.

Mr. Chairman, it is time for us to get a grip. It is time for us to get a grip. We have taken a bill which should never have come to this floor, and it has gone from the ridiculous to the sublime, as somebody used to say to me when I was growing up. We have added a new Federal crime for crossing State lines to engage in sexual acts or sexual abuse of a child under age 12. We have added sex crimes against women. We have increased the enhancement from five levels to six levels. I do not know what the rational basis for that was, if there, in fact, was any. But everybody was afraid to vote against it, so it must have been a good idea, because politically, it is expedient.

We have added environmental crimes when they do violence. We have added mail order sale of body armor, and police officers. We have added laser sighting devices. We have refused to add the most vulnerable populations in our country, those who live in low-income areas, but I submit to the Members that that was no less or more rational than any of the others.

In the process we have illustrated, time after time after time, how slippery this slope is. We have illustrated, time after time after time, why on a bipartisan basis Republicans and Democrats alike joined to establish the U.S. Sentencing Commission and to give it authority to study the issues, to make very difficult judgments, to make our sentencing policy consistent, to take testimony outside the political context, and to rationalize something that ought to be rational, rather than irrational and political.

Mr. Chairman, I beg of my colleagues to get a grip and give this authority back to the Sentencing Commission. I know this is an election year, but our ultimate responsibility is to make sound public policy. We are making a joke of it this evening, because this is a slippery slope we cannot get off.

Mr. Chairman, I ask my colleagues to please pay heed and pass this amendment. let us get a grip and give the authority back to the body that we set up long ago to make these difficult decisions. Let us play public policy, not politics.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment for pretty obvious reasons, because this amendment that the gentleman from North Carolina [Mr. WATT] offers is one he offered in committee. I know it is offered sincerely, but it does gut the bill. His objective here is to send everything back to the Sentencing Commission and say that Congress, in this bill, is not going to tell you what to do with regard to the enhancement of sentences against those who are most vulnerable: children and women and the elderly. We are going to leave it up to you.

Frankly, Mr. Chairman, I know in principle that is great, but not always does the Sentencing Commission do what we want them to do. In this particular case they did not, at least not what I wanted them to do. They came back with some language that was directional to judges in considering certain matters in the sentencing guidelines, but they did not increase, pursuant to what I thought was the direction of Congress in the last session, in the language we passed directed to them, they did not increase the levels of sentence that would be given to those who commit crimes against the children and the elderly of this Nation.

I am not happy with that. The gentleman from Michigan [Mr. CHRYSLER] is obviously not happy, the author of this bill. I do not think, again, the majority of the American public would be happy without having these punishments enhanced in the sense that they are by the underlying bill we are dealing with here today.

That underlying bill essentially raises by five levels the amount of the sentence that somebody is going to get for any Federal crime they commit against any child or any other defined vulnerable person: the elderly; in certain cases, women. That means on average somewhere a little over 2 years more time in jail for somebody who commits a crime against one of these vulnerable persons, these children or these elderly and certain women, than they are going to get if they commit crimes against somebody else in the average course of affairs.

The important point of this, Mr. Chairman, is we want to send a deterrence specifically that says: ''If you do a crime against somebody who is at the weak end of our system and most vulnerable, like a child or like an elderly person, then we are going to punish you more severely.'' And hopefully, just hopefully, there will be a few less crimes committed against those very vulnerable people. If not, we are certainly going to lock those folks who commit those crimes up for longer periods of time.

The message also is to the States and to the local communities in saying, We are going this by example at the Federal level. We hope that you will follow our lead and increase specifically the punishment for those crimes against the very vulnerable in our society in your States and your local communities by a like measured response, making a distinction and sending a deterrent message, and taking one more step that this Congress has been taking, which is the first Congress in years to do this, along the road of putting swiftness and certainty of punishment and deterrence back into our criminal justice system; sending a message to the criminal that is meaningful, in order that we might, in a few cases, deter crime, and in other cases, take these really, really bad apples off the streets for a long period of time.

Mr. Chairman, I think this is a good underlying bill. The amendment of the gentleman from North Carolina [Mr. WATT] would destroy it completely. He would say, ''We do not agree to do that. We are simply going to redirect the Sentencing Commission to look at all of this again and come out with their recommendations again next year.'' That is not what this bill does. I urge a ''no'' vote on this amendment.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina [Mr. WATT]. The last series of votes points out the reason why the Sentencing Commission is so important. It provides a rational determination of sentence. Without the Sentencing Commission looking at each of these sentences, we can expect life without parole and longer sentences for virtually every crime. Politicians will decorate their brochures with bills that address high profile crimes of the day, or to codify new slogans as they come up.

Mr. Chairman, the answer to crime will always be more time to be served, without regard of what the punishment is without a new bill, just more time. There will be no rational pattern. Should a drunk driver get more than a rapist, or more or less than someone guilty of telemarketing fraud who steals senior citizens' life savings, or more or less than someone involved in a barroom brawl? The Sentencing Commission can make that determination in the context of whether someone caught with a small amount of drugs should serve more time than a murderer.

The legislative process, however, is to deal with the crime of the day or the latest slogan, always more time to be served. Mr. Chairman, it is interesting to see where we are after decades of this process. On an international basis, the United States has the highest rate of incarceration of any country on Earth. Japan and Greece both lock up less than 50 people per 100,000 population; Canada and Mexico, about an average of about 100. There are only two countries in the world that lock up more than 400 people per 100,000 population: Russia and the United States, both around 500 and some. In inner cities in this country today, we lock up 3,000 people per 100,000 population, compared to the international average of about 100.

That incarceration is not free. Virginia, which has tripled the prison population since I was first elected to the house of delegates in the State legislature; in addition to that, recently we have gone on a prison construction binge that will cost $100 million for each congressional district every year for the foreseeable future.

□ 2045

That is because we keep increasing the time to be served for the crime of the day or the slogan of the day.

Mr. Chairman, if we are going to be serious about crime, we should be

spending that money on initiatives which would actually reduce crime: education, jobs, recreation, drug rehabilitation, not decorating campaign brochures with expensive, haphazard, ineffective rhetoric. That is why we have the Sentencing Commission, to provide a rational, deliberate process to determine sentences, and that is why we should support the Watt amendment.

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

Mr. Chairman, let me just say to the gentleman from North Carolina, he would have my greater attention, perhaps support of this amendment if in the 1994 crime bill we did not ask the Sentencing Commission to look at it. When in fact that was done, the Sentencing Commission chose not to increase these penalties.

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

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

Mr. WATT of North Carolina. Mr. Chairman, is the gentleman aware that the Sentencing Commission did in fact respond to what we asked them to do and made some major adjustments in the process for evaluating whether to enhance or not?

Mr. BUYER. Reclaiming my time, they chose not to enhance the penalties. So what I am saying here is I agree with your point about reverent, I agree with your point about deference.

What we have here, though, are victims in our society who are asking the Congress to respond. We did it in the 1994 crime bill, whether it was three-strikes-and-you're-out. We have also done it with this bill on increasing the penalties.

We asked them to take a look at increasing the penalties against the most vulnerable in our society, the children and the elderly, and they chose not to increase it. So when they chose not, I think it is now very appropriate and I applaud the gentleman from Michigan [Mr. CHRYSLER] for bringing the bill.

I am also concerned, though, on how this bill in fact is getting saddled down with a lot of other things. The point of the gentleman from North Carolina [Mr. WATT] is very well taken. But I do not believe we should be redirecting the Sentencing Commission to do that which is highly predictable, which they will do, and that is, they are not going to take the action. I think the impetus for the legislation is in fact their failure to act and we are now telling them what they have to do.

His amendment in fact kills this bill, and I agree with the chairman of the Subcommittee on Crime and Criminal Justice that we must vote down the Watt amendment.

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

Mr. Chairman, let me begin by first thanking the gentleman from North Carolina for raising so many important constitutional and civil rights questions in this particular bill. I know a number of us thought this legislation would move through the course of this evening very quickly and a number of issues have been raised.

I must say that the gentleman from North Carolina raises some extremely important points, and this particular amendment unfortunately I know will not get the attention from Members that it deserves, but it should. This is an amendment that says we have a process, let us follow it.

Too often these days we find that the public, particular constituencies, particular communities, are not really pleased with the American process, whether it is judicial or legislative process. We can say the same thing about our political process. People are in many cases fed up. We can talk about certain high-profile jury verdicts that have come down, where people have said perhaps we should totally undo the jury process.

But we have a process and fortunately we have a Constitution that says we have to stick to a process. The Congress quite some time ago said we need a process to make sure we legislate appropriately when it comes to criminal matters. We have to make sure that people who are committing crimes are swiftly punished and appropriately punished for what they do.

We set up a Commission. That Commission was free of the politics that occurs day in and day out in this Chamber. We said, ''We will charge you to tell us what you think we should do on these particular issues that we bring to your attention.''

That is what we have been doing, is bringing these issues to their attention, directing them to take a look at certain things and get back to us. We have every right, as the gentleman from Florida has said, to disagree with the Commission and do something differently. That is what we have before us in this case with this bill.

The Congress, or a majority of Members, I suspect, in this Congress object to what the Commission has done. Does that mean it is right? Well, chances are what we are going to see happen is passage of this bill, and then we are going to have to revisit this in a few years because we are going to find that much of this is unworkable. Why? Because right now I think people are looking at November 1996, not May 7, 1996.

We charged a particular set of experts to tell us how best to conduct ourselves when legislating on issues of criminal law violations and we are telling them, ''You've done your work, we set a course for you, but we wish to ignore it.'' To me, that is the worst type of legislating, because what are we saying to folks is, ''Give us something that we can show folks, that we can hold up and say we've had something to look at,'' but then we just disregard it.

So we are acting like the experts, and I suspect most of the people who are going to push their button pretty soon on this bill will not even have heard the debate that is taking place on this floor, but that is where we have gone. We are now at the point of telling the Commission, you have done your work, and I have not even heard anybody say the work of the Commission was not good, but what we have decided to do is totally disregard it.

The Commission did take substantial measures, as it was requested to do so by this Congress two years ago, to see what we needed to do to make sure that people who committed crimes against the elderly and our young were severely and adequately punished, but we are going to ignore that right now because a majority of Members are going to vote to pass this bill. That is they way things are done these days, especially during an election year.

It is unfortunate, and it is most unfortunate when a Member is willing to bring this up, knowing full well that the chances of getting just a few votes or more than a few votes are unlikely. It is important at least because somewhere there will be a record that on May 7, 1996, somebody decided to speak up, have a rational voice and say this is not the way we conduct business, and certainly this is not the way the Constitution of the United States or the Founders of this country expected us to conduct ourselves in these hallowed Chambers.

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

Mr. Chairman, I believe this may be the last amendment to this measure. I would like to make a case that what we have done here, although it is outside the Sentencing Commission's responsibilities, it really has not been that bad.

Now, having said that, I would like to point out that the Sentencing Commission has not failed. The Sentencing Commission did what we asked it to do. As the chairman of the Subcommittee on Crime agreed with me earlier in the debate, the Sentencing Commission's work came back to this committee and was ratified.

I would argue that what we have done tonight is far less worse than many things that have happened on the criminal justice field, but that let us now repair the amendment that is on the floor, that is not a lot different from the controlling language in the Chrysler bill.

The Chrysler bill says the U.S. Sentencing Commission shall amend the Federal sentencing guidelines. The Watt amendment says the U.S. Sentencing Commission shall review the Federal sentencing guidelines to determine appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

In other words, all he does is take the work that we are about to report tonight and pass it back through the Sentencing Commission. Is that so bad? What is wrong with that? We now have a work product that can now go

back to the Sentencing Commission. Guess what? It has got to come back to us, anyway. Nothing that the Sentencing Commission can do has any viability till it has passed through the House of Representatives.

I argue that much of the work tonight, I believe, will pass muster with the Sentencing Commission, and so I fail to see any great harm done in connection with this amendment.

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

Mr. WATT of North Carolina. I thank the gentleman for yielding, because he has made the very point I have been trying to make. We really are not opposing enhancements of sentences for people who commit crimes against vulnerable people. I do not think there is anybody who really opposes that, and certainly not the Sentencing Commission opposes that.

What we are talking about is public policy and how we set it. I think it is appropriate to read the last few lines of the letter from the Sentencing Commission to us and remind ourselves and let it resonate as we try to close this debate.

This is what they say. It says,

> The Commission was designed to take the politics out of sentencing policy and to bring research and analysis to bear on sentencing policy. This bill sets a bad precedent for the Congress with respect to the Commission. There are other ways for Congress to speak on sentencing policy while still maintaining the integrity of sentencing reform as embodied by the Sentencing Reform Act.

That is it.

Mr. CONYERS. I thank the gentleman. Let me ask the gentleman from Michigan [Mr. CHRYSLER], the author of the measure, that were this amendment to prevail, namely, that the Commission shall review our collective works tonight as opposed to us directing the Sentencing Commission to amend the guidelines, would that work an irreparable injury on the objectives that the gentleman has worked so hard to bring to the floor?

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

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

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman to answer the gentleman's question, yes, it would. It would gut the bill.

Mr. CONYERS. In what respect, sir? It would not change a line in the bill. It would take the bill, assuming that it is passed, send it to the commission, and guess what? Anything that the commission does that we do not approve of, guess what we can do? Change it. So for that reason I suggest that it would not do any harm at all to the gentleman's work here tonight and the work that others have done to add on to it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to comment on the present legislation as we have it before the Chair, and I noted earlier the rising concern, not only on the sense of violent crimes but the fact that it results in the murder of our children. I have noted previously that the FBI cited generic statistics that said that children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994, and between 1976 and 1994 an estimated 37,000 children were murdered. Half of all murders in 1994 were committed with a handgun and about 7 in 10 victims age 15 to 17 were killed with a handgun.

In my community in Houston and surrounding, we have certainly had our share of children being murdered, one very heinous crime where the individual who murdered that child happened to be a neighbor.

But I think the important point is the ability of law enforcement to track down the offenders of this particular crime, whether it is a sex offense, or a sex offense that results in murder, or a murder of a child. I note that the legislation before us does not include the ability for the FBI to maintain a separate database of information on child sex offenders, and one that I would like to raise through legislation, a separate database on child murderers.

It is difficult in our local jurisdictions, when we find individuals who have a propensity for these acts, to find out that we have no basis of tracking them from one State to the next or from one incident to the next. I would like to work on legislation to address these particular data base gathering efforts by the FBI.

□ 2100

If I might, I would like to inquire of the chairman of the committee to raise this issue of concern about our FBI gathering data. We do realize they have been an important and useful tool in helping local communities in incidents like this. I would offer to say that if we could raise this issue before our Subcommittee on Crime or find a way for this legislation to be presented through a hearing process, and then, of course, to the floor, I think we are certainly missing an important element by not providing or allowing for the FBI to maintain or to enhance the keeping of a separate data base, one, on child sex offenders, but then on child murderers.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, John Walsh, the father of Adam Walsh, one of the more famous victims in sad cases in this Nation involving a child, has testified before our subcommittee that we do need to enhance these data bases that the FBI has, and certainly this chairman is willing to look into that, is currently examining that issue, and perhaps there will be either a hearing opportunity or legislative opportunity later this year.

I would be delighted to have the gentlewoman work with me and the subcommittee staff to accomplish what we can in this session of Congress along these lines.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman for his input on that. I would simply say just in the name of a 4-year-old, Monique Miller, in my community, who lost her life both by being sexually assaulted and then brutally attacked resulting in her very tragic and violent death, that I think it would be extremely helpful that we proceed through hearings as well as legislation to ensure that we have labeled those individuals who are sex offenders and child murderers.

Mr. Chairman, I rise today in support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, which would provide enhanced penalties for violent crimes committed against children, the elderly and other vulnerable individuals.

Unfortunately as we all know, the most vulnerable in our society are often in the most danger of abuse. Strengthened penalties for criminals who prey on the vulnerable will send a clear message that crimes against children and the elderly will not be tolerated.

According to the Bureau of Justice Statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. I will be offering legislation that will help local law enforcement in preventing child murders and sexual assaults by requiring the FBI to keep separate and distinct data on child sex offenders and child murderers nationwide.

And a National Victim Center survey estimated that 61 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12.

Similarly, according to the U.S. Department of Justice, in 1992, persons 65 or older experienced about 2.1 million criminal victimizations. Furthermore, injured elderly victims of violent crime are more likely than younger victims to suffer a serious injury. Violent offenders injure about a third of all victims. Among violent crime victims age 65 or older, 9 percent suffer serious injuries like broken bones and loss of consciousness.

Elderly victims of violent crime are almost twice as likely as younger victims to be raped, robbed, or assaulted at or near their home. Half of the elderly victims of violence are victimized at or near their home. Public opinion surveys conducted during the last 20 years among national samples of persons age 50 or older consistently show that about half of those persons feel afraid to walk alone at night in their own neighborhood.

Clearly, we must do more to protect our children and senior citizens. H.R. 2974 is an

important step in deterring the victimization of children, senior citizens and vulnerable individuals in our communities and putting an end to senseless violence across the country. I urge my colleagues to support this legislation.

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 noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 370, not voting 22, as follows:

[Roll No. 147]

AYES—41

Barrett (WI)
Becerra
Bishop
Campbell
Clay
Clayton
Clyburn
Collins (MI)
Conyers
Coyne
Cummings
Dellums
Dixon
Fattah
Fields (LA)
Flake
Hastings (FL)
Hilliard
Jackson (IL)
Jefferson
Lewis (GA)
McDermott
Meek
Millender-McDonald
Payne (NJ)
Pelosi
Rangel
Rohrabacher
Roybal-Allard
Rush
Scarborough
Scott
Serrano
Stokes
Thompson
Towns
Velazquez
Waters
Watt (NC)
Williams
Wynn

NOES—370

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
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 (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Beilenson
Boehner
Bonilla
Brown (CA)
Foglietta
Ford
Fowler
Gibbons
Gunderson
Harman
Hayes
Istook
McDade
Molinari
Mollohan
Moran
Owens
Roberts
Souder
Stark
Studds
Visclosky

□ 2123

Messrs. GUTKNECHT, BOUCHER, and PORTER, Ms. BROWN of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Messrs. FATTAH, CAMPBELL, and TOWNS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOBSON) having assumed the chair, Mr. LATOURETTE, 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. 2974), to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, pursuant to House Resolution 421, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 4, not voting 15, as follows:

[Roll No. 148]

AYES—414

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
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)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
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
Crapo
Cremeans
Cubin
Cummings
Cunningham

Danner
Davis
de la Garza
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
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
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
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
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
Richardson
Riggs
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
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
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
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Becerra
Scott
Waters
Watt (NC)

NOT VOTING—15

Beilenson
Ford
Gibbons
Gunderson
Harman
Hayes
McDade
Molinari
Mollohan
Owens
Souder
Stark
Studds
Visclosky
Yates

□ 2143

Mr. JOHNSTON of Florida changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2974, the Clerk be instructed to correct cross references and section designations and to make any other clerical corrections that may be necessary.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2974.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 3120, REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3120, pursuant to House Resolution 422, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 2145

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2406, UNITED STATES HOUSING ACT OF 1996.

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–564) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families and increase community control over such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–565) on the resolution (H. Res. 427) providing for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3286, ADOPTION PROMOTION AND STABILITY ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–566) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF LAST VOTE OF THE DAY

(Mr. MCCOLLUM asked and was given permission to address the House for 1 minute.)

Mr. MCCOLLUM. Mr. Speaker, I asked to speak for 1 minute so I can advise Members that, as a result of what we have just done, the next vote will be the last vote of the evening. I simply want to use the 1 minute to advise the Members of this body that, contrary to

anything they may have heard otherwise, that after this next vote, the suspension vote that we are about to take, there will be no more votes tonight because of the granting of unanimous consent awhile ago.

So, we can all go home after the next vote.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

The SPEAKER pro tempore. (Mr. HOBSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed today.

MEGAN'S LAW

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2137, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 149]

YEAS—418

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
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)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
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
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
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
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
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
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
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
Richardson
Riggs
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
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
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
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Beilenson
Ford
Gibbons
Gunderson
Harman
Hayes
McDade
Molinari
Mollohan
Owens
Souder
Stark
Studds
Visclosky
Yates

□ 2205

Ms. WATERS, Mr. SCOTT, and Mr. WATT of North Carolina changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3120.

□ 2205

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 consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering, and jury tampering, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rules the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in recent years, criminal sentences have increased in response to the scourge of drugs and violent crime, yet the penalties for retaliating against or tampering with witnesses, jurors, and court officials in criminal cases have remained unchanged. Some Federal and State prosecutors blame witness intimidation and juror tampering for the falling conviction rates in some parts of the country. Indeed, under current law, a defendant facing a Federal criminal sentence of 10 years or more may believe he or she is better off trying to influence the outcome of the trial by intimidating a witness, or tampering with a juror or court officer, because the maximum punishment for such crime is generally 10 years in prison.

In order to deter criminals and their associates from attempting to illegally influence the outcome of a criminal trial, H.R. 3120, introduced by the gentleman from Pennsylvania [Mr. FOX], increases the penalty for witness intimidation, and tampering with a juror or court official, so that it equals the maximum penalty of incarceration for the crime being tried in the case. As a result, criminals will no longer be tempted to illegally influence their trial in the hope that, even if caught, their punishment for the act of intimidation or tampering will be less than what they would have faced had they been convicted on the original charges. Specifically, this bill makes three specific amendments to the Federal criminal law.

First, this bill amends the title 18 provisions relating to retaliation against witnesses, victims, or informants. Current law provides for a maximum penalty of 10 years imprisonment for persons convicted of this crime. This bill will amend that law to provide that if the retaliation occurred because of attendance at a criminal trial, the maximum punishment will be the higher of that in the present statute, or the maximum term of imprisonment for any offense charged in the criminal case to which the retaliation related.

Second, this bill would amend the title 18 provision relating to tampering with a witness, victim, or informant. Current law provides for a maximum penalty of 10 years if the act involves intimidation or the threat of physical force—not involving death—or 1 year if the act constitutes ''harassment.'' This bill would provide that if the offense occurred in connection with a criminal trial, the maximum punishment will be the higher of that provided by the present statute or the maximum term of imprisonment for any offense charged in the criminal case in question.

Finally, this bill would amend the title 18 provision relating to jury tampering and influencing or injuring court officials. Under current law the maximum punishment is 10 years imprisonment, unless the tampering or influence involved killing a person, in which case the punishment is death. This bill provides that if the offense occurred in connection with a criminal trial and involved the use of physical force or threat of physical force, the maximum punishment will be the higher of that provided by the present statute or the maximum term of imprisonment for any offense charged in the criminal case in question.

Mr. Chairman, the integrity of the criminal justice system is vital to public safety. Defendants must believe that any attempt to affect the rule of law by undermining the judicial process will be punished severely. This bill will help deter acts which would undermine the workings of the criminal justice system.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume, but merely to initiate a discussion around this measure by pointing out that we have a rather large-size problem about drafting.

Mr. Chairman, this bill carries with is some incredible possibilities in that those who might interfere with witnesses could be subject to the same underlying penalties of a defendant, for example, the death penalty, but the defendant might be acquitted, and someone who was guilty of jury tampering could face the death penalty.

What I am saying, Mr. Chairman, is that if we decide to increase the penalties for witness retaliation, jury tampering, it should be done on a much more rational basis than the one that has been dumped into this measure. I think we really may want to examine this measure much more closely than we have at the committee level.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

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

Mr. Chairman, again, this is one of those bills that the general purpose one finds hard to argue with but, again, the drafting leaves some of us shuddering at the potential consequences of where we might end up. I want to point out two or three different concerns that we have with the bill. I had considered the possibility of trying to offer some amendments to address some of these items, but given what happened on the last bill, I do not want to tax the patience of my colleagues, so I just want to point these things out so that Members will know some of the concerns about the bill.

First of all, Mr. Chairman, I think the bill is unnecessary. There are underlying statutes which already provide severe penalties for witness or jury tampering and retaliation. Section 1503 provides for a penalty of up to 20 years and a fine for jury tampering. Section 1512 provides for the death penalty for murdering a witness to prevent his or her testimony at trial. Section 1513 provides the death penalty for murdering a witness in retaliation for his or her testimony at trial. So there are already severe penalties in the law for jury tampering and witness tampering, and for retaliation.

However, the more troubling aspect of this bill is that it would hold a violate, or a person engaged in jury tampering or retaliation, liable for a crime that he or she had absolutely nothing to do with and no connection to, and it would do it in a way that really fails to distinguish between people who engage in serious misconduct and people who do not engage in serious misconduct.

□ 2215

This is not your typical co-conspirator kind of situation. If you are involved in a conspiracy, you are already a part of the underlying crime.

The link here is that we are going to give you the same penalty that is charged in the underlying crime if you try to get involved with a jury or a witness in that case, and sometimes that just may not be justified.

Mr. Chairman, let me kind of play out the example that is an extreme example but a realistic example of what could happen under this bill.

Let us assume that we have a criminal case in which there are two defendants. One of those defendants is charged with some small offense. The second defendant is charged with a very, very serious offense. Both of these defendants may be tried together at the trial of the underlying offenses. If I, having no connection with either the minor offense or the major offense, decide that I would like to help my brother who is charged with the minor offense by trying to encourage a witness not to testify against my brother who is charged with the minor offense, or if I tamper with the jury to help my brother who is charged with the minor offense, then I end up being subjected to the same penalties as if I had tampered with the jury or tried to influence a witness in connections with the major offense.

So, Mr. Chairman, there is absolutely no distinction in this bill for very different kinds of conduct for which there should be distinctions drawn.

If I engage in jury tampering or witness tampering by sitting in the courtroom and casting a dirty or intimidating look at somebody, the prosecutor has the discretion to charge me with an offense that could subject me to life imprisonment, I think actually would subject me to the death penalty, even though the gentleman from Florida [Mr. MCCOLLUM] denies that this bill is intended to do that.

So there are serious drafting problems in this bill, and we tried to address those in the committee. We tried to offer amendments that would have made the kinds of distinctions between somebody who is tampering with a jury or tampering with a witness in a case which is a minor offense as opposed to someone who is doing the same thing in a case that might justify the death penalty or life imprisonment. My colleagues on the other side say, ''Well, we don't care about that. We just want to be hard on crime. We want to have that reputation for being hard on crime. This is a tough year.''

So we are back here with one of these bills that superficially is a good idea but is drawn in such a way and so broadly that it ceases to be rational in its potential application. Apparently we just do not care.

Mr. Chairman, my colleagues on the committee rejected amendment after amendment that would have made this a better bill, that would have allowed there to be bipartisan support, or strong support for this bill. They simply did not care.

So, I cannot let this go without expressing severe reservations I have

about this bill, not the general underlying intent of the bill, which I think is good; but its failure to discriminate between bad actors and worse actors and not-so-bad actors is contrary to sound public policy. My colleagues need to be aware of that.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 2 minutes.

I simply want to respond to what I know are genuine concerns my colleagues have expressed about what the language of this bill is and what it does, but I believe that their concerns are not with merit. The bill itself has explicit language in it that any reasonable interpretation would see that it does not contain a chance whatsoever, that anybody could get the death penalty because they violated this particular bill.

Mr. Chairman, what it says is if the retaliation, or if the offense occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case. And that is repeated three times in the bill for the three different parts of the criminal code which this applies to, that exact same language.

We are talking about the maximum term of imprisonment. That is the most, the greatest amount of punishment that anybody could receive is the maximum term of imprisonment that the underlying crime would have imposed if the person who was on trial at the time the jury tampering, the witness tampering had occurred had been convicted and been sentenced. That does not contemplate the death penalty.

Mr. Chairman, I might also add that I believe the severity of this punishment is warranted. We are not convicting somebody of the underlying crime when they are tampering. They are indeed being convicted of those existing Federal crimes that have been on the books for many years, for witness tampering and jury tampering and intimidation. We need to send a message that, when you do that kind of crime, you are going to get punished for that crime, for the jury tampering and the witness tampering in a very severe manner.

We are simply using what the gentleman from Pennsylvania [Mr. FOX] has creatively come up with, and that is the maximum punishment for the underlying crime as the crime for these crimes. But there is no new crime somebody is being convicted of.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX], who is the author of this bill.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise today to speak on behalf of the bill, H.R. 3120, which addresses in my legislation three of the important issues facing the American judicial system, jury and witness tampering and witness retaliation.

An overlooked shortcoming of our criminal statutes has allowed these three offenses to create opportunities and incentives for criminals in this country. I believe the legislation will close this loophole, provide prosecutors with additional leverage in combating criminals, and ensure that justice in our courts may not be impeded by additional criminal activity.

Currently, tampering in a Federal court can bring sentences which may be significantly less than those which come with serious crimes such as first and second degree murder, kidnaping, air piracy and drug trafficking. Over the years, as Federal penalties for these crimes have increased, the penalties for tampering with a witness or jury have failed to keep pace. This discrepancy has thereby created an incentive for individuals standing trial to attempt to intimidate witnesses and jurors or to offer a bribe.

The need for the bill, Mr. Chairman, was outlined well in a Wall Street Journal story in January of 1995 where it detailed the proliferation of tampering and intimidation cases throughout the country. Take, for example the case of Newark, New Jersey, in 1988 where 20 defendants stood trial on charges of racketeering in connection with their alleged membership in a well-known crime family. All 20 defendants were acquitted. However, in 1994 two of the defendants pleaded guilty to jury tampering after co-defendants in a separate case turned them in. Instead of being able to apply a sentence equal to that of the original crime, those two defendants benefited from the present system and faced lesser sentences for the jury tampering offense. What is worse than a case like this is that the most successful tampering goes unnoticed, or at least unprosecuted, leading to the acquittals of dangerous criminals, high number of unsolved cases, and a perceived failure of our own justice system.

The bill before Members today is the combined version of three bills I had previously introduced in H.R. 1143, 1144 and 1145. Those three bills had garnered broad bipartisan support including the chairman and ranking member of the full Judiciary Committee as well as the chairman and ranking member of the Subcommittee on Crime. We appreciate the gentleman from Michigan who was an original cosponsor of those pieces of legislation and a special thanks of course to the gentleman from Florida [Mr. MCCOLLUM] who has shepherded the legislation and given us a great deal of advice on the bill as it relates to his own experience in working with crime prevention and in making sure we move legislation like this forward.

I thank those four of my distinguished colleagues as well as the other cosponsors of this legislation and the committee staff for their support and diligence in working the bill to the floor. I am certain that by equating the penalties for these crimes with the potential sentences for other Federal crimes, this legislation creates a disincentive for those facing stiff sentences for egregious offenses to tamper with a jury or intimidate a witness.

As a former assistant district attorney in Montgomery County, Pennsylvania, I have experienced firsthand the frustration that is faced by citizens and members of the criminal justice system when cases go unsolved because witnesses will not step forward. Recently in my own home district a burglary suspect was arrested after returning a car to a rental agency. While in the country correctional facility, the suspect placed 15 threatening phone calls to a rental agency employee to keep her from testifying against him. Police said that the suspect made the calls through a third party who set up a conference call. The warden is now correcting the procedural problem of phone use but we as legislators need to do what we can to eliminate the incentive to tamper.

I empathize with distinguished prosecutors such as Montgomery County District Attorney Michael Marino and District Attorney Lynne Abraham of Philadelphia who daily face the challenges posed by both jury and witness tampering and witness retaliation. Both have endorsed this legislation as well as the National District Attorneys Association and the Pennsylvania District Attorneys Association. I also should note, Mr. Chairman, that the Department of Justice has stated its support for this penalty enhancement which, in their words, ''is clearly and rationally designed to deter the commission of this type of offense'' and being appropriate, is not overly broad.

At the State level we believe the penalties for jury tampering can vary state to state, from less than a year up to 7 years. District Attorney Abraham recently blamed witness intimidation as a chief cause of the high number of unsolved homicides in Philadelphia. Twenty years ago Philadelphia police solved 86 percent of homicides but last year that number was down to 58 percent. District Attorney Abraham has blamed the trend primarily on a growing lack of cooperation from witnesses fearing retribution from criminals. I am particularly hopeful that the legislation before members today will set a standard for the States to follow and lead to greater uniformity nationwide for tampering penalties, increased security for jurors and witnesses, and a more effective system of justice for all.

In that light I am speaking out today to each of the States to reexamine their sentences for tampering offenses.

Mr. Chairman, I urge that the House pass this corrective legislation to protect witnesses, jurors, victims and the justice system that we so much cherish.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gentleman for yielding time.

Mr. Chairman, I believe the gentleman from North Carolina stated very eloquently the problems with this particular legislation. Let me again begin by stating, as I believe I did in the previous bill, that the idea here behind this legislation is a good one. I support the stated objective of H.R. 3120. If someone, it can be proven, violated the law by tampering with a juror or a witness in order to try to help out a defendant, that person should be penalized. If the penalties that we have under current law for the specific crime of jury tampering or witness tampering do not seem to be commensurate to the type of offense that may have been committed in tampering and perhaps helping someone get off without penalty, then we should consider extending the violation of law and the penalties thereby to that person who tampered with a juror or with a witness. Where this legislation loses me is in its scope. It overreaches. We had the discussion in committee, and I respect the gentleman from Florida's position that it does not, but it does in two respects.

□ 2230

First, I would disagree with the gentleman from Florida that in fact the language in the bill is clear that no one could face the death penalty. I think it is very ambiguous as to whether someone could face the death penalty under this legislation for having tampered with a juror or a witness.

In fact, it probably can be cured fairly readily with some language that made it clear that when we have language that talks about the maximum term that could have been imposed for any offense charged in such case, if it were to be clear that it would include any term other than the death penalty, that would make it very clear that the previous language where it talks about the maximum term of imprisonment is meant to exclude the death penalty.

But that is not my biggest concern, because it is the fact that you can get to that stage which concerns me, and that is what I would like to focus the rest of my remarks with regard to this legislation on.

It seems to me that in trying to penalize someone for having done the misdeed, and it is a terrible misdeed, of trying to help someone get off in a prosecution by tampering with a witness, threatening a juror, or anything like that, that we go beyond that sensibility that we try to maintain in our judicial system, and is some cases we mock justice by saying that someone who may have tampered with a juror or with a witness in an effort to try to help someone in a low-level offense that may be related in a case with a number of other offenses, including very high level offenses, for example, first degree murder, that that individual that tampered with the juror, and, remember, tampering could be offering an incentive to someone, a juror or a witness, that that person all of a sudden can face the same penalty that that criminal defendant that may have killed five people is facing, of either the death penalty or imprisonment without the possibility of parole.

Mr. Chairman, let me see if I can try to come up with an example that makes it a little bit clearer what I am trying to say. We tried to do this in committee, and I know to some degree folks get lost.

But if you have an individual, let us call him Joe, involved in a crime, let us say he is out there with some friends, and his friends tell him to come along, they are going to get some cash. They need some money, so they are going to stop by and rob a convenience store. Joe has no idea that his friends may do anything more than just try to get some quick cash.

Say one of Joe's friends does the worst thing of all and kills the guy in the convenience store working there, the clerk. That individual who did the shooting is now subject to first degree murder charges, and, because Joe may have been, let us say, in the car driving at the time, waiting for these guys to come back out, he, as a result of the felony murder, is also subject to up to the death penalty for that first degree murder.

That is rightfully so. He participated, maybe not totally knowingly, but he participated in a crime that could have and did in fact, lead to the death of an individual.

So, now Joe goes home and he tells his mother he has to flee the law because he just did a bad thing. He does not necessarily explain to his mother what he did. Let us say his mother tries to harbor him for a few days. Now she has abetted a first degree murder defendant. She can be charged with having abetted a criminal defendant.

Now, let us say all these folks get charged in the same case, including the mother, because she tried to protect her son before maybe even she even turned him in. Somehow she is involved in a low level offense.

Mr. Chairman, let us say Joe's father is totally broken up by this. His son is now subject to first degree murder charges, his wife tried to abet her son, and so now he sees his son and his wife facing criminal charges. Say he goes and speaks to a witness and says, ''My wife didn't mean it; can't you have mercy? Let her go. Judge, do whatever you have to do with my son, just be fair,'' et cetera, et cetera.

The witness comes back and tells the prosecutor, ''You know what? Joe's father tried to talk me into helping Joe's mother in this case so she would be let go and I wouldn't testify against her.''

What penalty should he pay? Well, we have the current law that says anyone who tampers with a jury or witness can face criminal punishment. That is already in existing law. Joe's father can face penalties for witness tampering or jury tampering right now. But this bill says that Joe's father, because he went to the witness or a juror and said ''Help my wife out, she didn't really know what she was getting into,'' that Joe's father now can face the same first degree murder penalties that Joe faces, and, really, that the gunman who did the killing faces for what was done?

Now, Joe's father may have been trying to help his wife get off of a small offense, and it was wrong, and he should be penalized, But should he now face the death penalty or life imprisonment without possibility of parole because he tried to help his wife out? Most people I think would say no. But this bill says yes, he can.

Mr. Chairman, I would not mind seeing Joe's father charged with something similar to what his wife was being charged with if it was greater in penalty than what he faced exclusively under our witness or juror tampering laws right now. But I do not believe Joe's father should have to now go before a jury that may decide to give him the death penalty. I do not think most juries would, to begin with, and I do not think we ever really get to that stage very often. But because we do not think anyone would go to that extreme, it does not mean we should legislate to those extremes, and we should not legislate to the point where we mock justice and sensibility. That is where we are heading.

I do not know if this runs afoul of the Constitution as something approaching cruel and unusual punishment. I certainly think that we could have corrected this in committee, and it still can be corrected, to make it clear that we can relate the punishment for those who tamper with witnesses and jurors to those crimes that are related to the person they were trying to help get off, those defendants they were trying to help get off from criminal penalties.

But this goes a little bit beyond, not a little bit, quite a bit beyond, and I think it is unfortunate that the drafting of this legislation makes it very difficult for someone who really takes the time to read this bill to support it.

Otherwise it would be a good bill. If it was connected to the purpose, I think we could find we could get total support. As I said before, it is unfortunate the drafting was not done very well.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know the gentleman from California is very genuine in his comments. He made similar comments and concerns expressed in the committee when we considered this bill, but I believe the illustration the gentleman gave in and of itself is flawed in terms of what the legislation that we are here dealing with today would do.

First of all, I think it is the very, very situation in which you would find joint trials involving the more minor offense, the aiding and abetting and so forth at one time which could conceivably mean when somebody tampers or

intimidates a juror or a witness in a case because they were concerned with the lesser offense, they could wind up, because there were several joint defendants or codefendants, getting a much more serious penalty than would be justified for the maximum sentence for the one defendant they were concerned about when they went and messed around with him.

Frankly, for that particular illustration, I am not terribly concerned about that, because I think if somebody goes and messes with a juror or tries to do the kind of witness tampering we would prohibit under this bill that the gentleman from Pennsylvania [Mr. FOX] has drafted, then I think that it does not make much difference what the underlying crime is. If they are doing that, we need to send a very tough message out there and say, ''Look, you are doing that. Even if it was a lesser crime, and you are going to get a really tough punishment because you are being tried with some codefendant with a greater crime and therefore your sentence will be greater, then so be it.'' It is a bigger message that goes not there and says if you mess around, you are going to get yourself in really deep, deep, deep trouble if you are messing with a witness or juror.

Second, the illustration you gave about the issue of the tampering that occurred would not be actually covered by this particular underlying bill we are dealing with today. If it were a juror, there was no force or physical intimidation being used in your illustration. That is what is required to get this bill going with respect to the increased penalties with respect to a jury tampering situation. There has to be physical force or the threat of physical force to do that.

With respect to somebody attempting to tamper with a witness or victim or an informant, this is based on the underlying statute, section 1512 of title 18, you have to knowingly use intimidation or physical force or threaten or corruptly persuade another person or attempt to do so or engage in misleading conduct toward another person with the intent to influence, delay, et cetera. Just talking to a witness, just talking with a victim or informant and saying, ''Gosh, my son was a good guy, he really didn't do anything that wrong,'' or the way you went about it, I do not believe that person would be covered.

I get your point. I do not agree with it. But I thought we ought to make it very clear that the illustration, as mild as you were making that tampering, probably would not be a crime in any event. But if it were truly tampering, truly intimidation under either the juror, physical threat definition of the current law or under the corrupting as well as physical threat interpretation of current law dealing with the witness tampering provisions, I think that the sentence we are putting out in this bill is very justified to deter that kind of activity across the board nationally, and society as a whole will benefit by having that deterrence placed in the law we are going to do tonight in this bill, and that is by placing into law a provision that says if you tamper with a jury or tamper with a witness in a Federal trial, you are going to subject yourself to precisely the same penalty that is there and existed for the defendant or the accused and in that underlying trial, except, and I think this is very clear, and I realize some of my colleagues over there do not want to think it is so clear, but it is very clear you could not get the death penalty under this bill that is being considered tonight that the gentleman from Pennsylvania [Mr. FOX] wrote. But you could get the maximum imprisonment term under the wording of this bill that the accused could get. I think that is very appropriate.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I reserve my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], the author of the bill, who wishes to respond a little further.

Mr. FOX of Pennsylvania. Mr. Chairman, in relationship to the comments made by the gentleman from California, and I do appreciate his sincerity of purpose and interest in this subject, and I know the gentleman shares, as well as the Members on both sides of the aisle, the interests of making sure we protect victims and also have fair trials.

When it comes to the situation discussing about Joe, obviously under the coconspiracy rule, all those in the conspiracy, regardless of whether or not they pull the trigger are involved and of course would be felony murder to all. Obviously the mother is aiding and abetting. The father in this case takes justice in his own hand. Albeit we have sympathy for a father whose son has committed a felonious crime and been involved with something certainly very upsetting to the family, we know that under our system of justice, he had an alternative, and that alternative was to go to court at the time of sentencing and make his plea for clemency for his son. Obviously the mother's case is de minimis as far as the court is concerned, because she did not really get involved in the major offense.

I think Mr. MCCOLLUM is very clear when he spoke of the face that in this case, in this bill, there is no death penalty that would apply. What we are trying to do is look out for the victims in the United States, and that is to make sure we have fair trials and that those who commit felonies have to answer them in a court of law.

It also should be pointed out for the RECORD we were very much persuaded by the cogent arguments of the gentleman from North Carolina [Mr. WATT], at the time of the subcommittee hearing, and we accepted one of his amendments, which, by the way, does add some very important language to make sure that this case would apply where we have a criminal defendant involved with tampering which involves a threat of physical force. That clarification was a very important amendment which I think was an improving amendment, which shows the bipartisan spirit with which the gentleman from Florida [Mr. MCCOLLUM] and the committee and the gentleman from Michigan [Mr. CONYERS] and others moved forward in making this legislation hopefully a reality.

I believe that the prosecutors who we are dealing with here want to make sure we have a fair bill and the Justice Department that carefully looks over legislation has endorsed it.

☐ 2245

Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I was looking through the code book to try to see if I could understand what the gentleman from Florida was saying with regard to my example. The gentleman from Florida said that it would only apply if there were a case of physical force in the jury tampering or witness tampering. I failed to find the exclusion or the requirement that there be physical tampering.

It can include a number of things which would provide for intimidation and physical force, but that is not a requirement within the statute. So it could include a number of other things.

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

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

Mr. MCCOLLUM. Mr. Chairman, the way that this is worded in the bill with respect to the question of jury tampering limits it to physical force. Part of that was the amendment that was offered by the gentleman from North Carolina [Mr. WATT] in the full committee. So, if the gentleman is dealing with the witness tampering, that is not the story. But jury tampering very clearly is only physical force.

Mr. BECERRA. Mr. Chairman, so the example that I gave still applies, that there is not always a need for physical force in order for these enhanced penalties to attach. I think the gentleman left the impression that, unless someone went out there and committed physical force, that witness or juror tampering could not include the enhanced penalties.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will continue to yield, under the tampering with a witness under existing law, the language I was reading from the statute says, uses intimidation or physical force, threatens or corruptly persuades, which I would

interpret to mean bribery in some other way, another person, or attempts to do so, or engages in misleading conduct towards another person. Those are the prerequisites.

I just thought that the gentleman's point is well made. There are other things besides physical force. But I thought that the illustration the gentleman gave would have been a father talking with a witness without any offering of a bribe or any intimidation the way the gentleman described it. That is a mild enough version that I do not think we could get the fellow on the underlying crime. That is all.

Mr. BECERRA. I appreciate the gentleman's comments. I want to make sure it is clear that what the gentleman has said to try to further explain makes it clear that you do not have to have only physical force in to face these particular enhanced penalties, that you can engage in misleading conduct. If that father had engaged in misleading conduct to try to help his wife be relieved of the penalties in a criminal prosecution, he still could face not the penalties that relate to witness or jury tampering under current law and not just the penalties that his wife may have faced, which may have been greater penalties than what he would face under the current juror or witness tampering laws, but he could face the penalties that some kid unknown to him faces for having shot that convenience store clerk, which could be first degree murder and therefore the death penalty.

What I am just trying to make clear is there is a disconnect between what this bill ultimately can do and I believe what the gentleman is trying to do. I believe the gentleman from Pennsylvania [Mr. FOX], is onto something that is crucial. That is to make sure that, if someone is going to tamper with a witness or with a juror or retaliate, that we penalize them. And if we find that the penalties under current law for that type of activity tampering are too minimal, then maybe we should attach to them penalties that relate to the tampering they did, but keep it consistent.

If that person tried to tamper to try to help someone who was a low level offender, make sure they pay the price that the low level offender would have paid, not the price that someone totally perhaps unrelated to that person faces. I think, if he had done that, I have no problems with it whatsoever. But it just goes beyond, I think it overreaches, and it makes it very difficult to believe that we would really want to say this in our statutes.

My only problem is, again, it is not with the intent. It is that we are passing laws here, and what we are saying to the people of this country, quite honestly to the history of the United States, is that we are trying to do the best by America. And it does not seem to me the best thing to do for America is to pass laws that ultimately someone is going to say, whoa, we have to redefine this and go back into it.

Mr. McCOLLUM. Mr. Chairman, I have no further speakers, and I reserve the balance of my time to close.

Mr. CONYERS. Mr. Chairman, I yield back to the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume to close.

I will not spend much of that time doing it. I would like to point out to my colleagues that the circumstances that we are developing about these various scenarios could well be taken care of, and I hope they will be, if there are mitigating extenuating circumstances by the Sentencing Commission. What we are passing tonight is a much more severe maximum penalty. But we are not in any way preventing the Sentencing Commission from coming along as we would anticipate they would do and suggesting that there would be something lesser given in those situations where there were extenuating mitigating circumstances, perhaps those types of things involving cases where there are more than one accused being tried at one time or some unusual circumstances such as the gentleman from California was describing.

Mr. Chairman, the bottom line though is that what we are doing tonight, the really significant thing we are doing by passing this bill, and I certainly urge its adoption, is what the gentleman from Pennsylvania [Mr. FOX] was creative enough to come forward with. This is to send a message to those who would commit jury tampering and witness tampering that, if they commit that, they are really going to get the book thrown at them. This is not something you do, that this is taken as seriously as a lot of other very, very serious crimes are taken, and that they could serve a lot of time in jail because they are doing that, not just the maximum 10 years we have today.

They could serve 30 years or 40 years or 50 years or longer in jail if they commit witness tampering and jury tampering in a Federal trial. That is the significance of what is being done today. We are saying that the maximum penalty in witness tampering and jury tampering in a Federal trial after this becomes law will be the maximum of the underlying crime for which the accused in the case being tried is charged.

I would urge my colleagues to accept it. Again, I commend the gentleman from Pennsylvania for offering this. I think it is a very constructive and appropriate new deterrent in the Federal criminal justice system.

Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of H.R. 3120, legislation to prevent jury and witness tampering and witness retaliation.

This Member was a cosponsor of each of these separate bills as they were originally introduced by the gentleman from Pennsylvania [Mr. FOX] before they were placed in one piece of legislation and also a cosponsor of the H.R. 3019. Existing penalties for these crimes do not create a deterrent for criminals often facing life imprisonment or the death penalty for their crimes. Criminals will risk a small fine in order to be declared not guilty.

A Nebraska jury tampering case, involving the murder trial of Roger Bjorklund in 1993, demonstrates the need for changes in the Federal jury tampering law. We have no teeth in our jury tampering laws. The present weak laws actually encourage accused individuals to interfere with a jury or witnesses. They have very little to lose. This is a loophole that must be closed.

Mr. Chairman, this Member urges his colleagues to support this important measure.

Mr. DOYLE. Mr. Chairman, whether in the national spotlight or in our hometown, attempts to derail law enforcement investigations and influence judicial decisions through coercion is increasingly becoming the criminal's preferred line of defense. No longer is the arm of intimidation restricting itself to organized crime. When individuals employ this type of behavior in a small or close knit community, the effect of the manipulation can literally freeze that neighborhood's sense of community in its tracks. When individuals successfully exercise intimidation in the courtroom, we are in danger of knowingly forfeiting an inalienable right; the right to a fair trial.

I realize the limited effect deterrents such as the provisions of H.R. 3120 can have if they are not enforced. It is my hope however, that the message of H.R. 3120 will bolster law enforcement's efforts and will break through to individuals who might otherwise resort to witness and jury tampering tactics. It is also my hope that this legislation will sound a voice of support and encouragement to individuals who are a witness to, or victim of crime. In order for our communities to be safe environments, we must make it clear that every individual is equally important and deserves protection. An aware and involved resident is our best tool to preventing and combating crime.

As a cosponsor of the original components of this bill, H.R. 1143, H.R. 1144, and H.R. 1145, I strongly believe that increasing the maximum sentence for individuals convicted of tempering or harassing juries and witnesses in criminal cases is a reasonable and just response to such actions. I urge my colleagues to support final passage of H.R. 3120, the Increased Punishment for Witness and Jury Tampering Act.

The CHAIRMAN. All time for general debate has 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. 3120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended—

(1) in section 1513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding at the end the following:

''(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment

which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.'';

(2) in section 1512, by adding at the end the following:

''(i) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case,''; and

(3) in section 1503(a), by adding at the end the following: ''If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.''.

The CHAIRMAN. 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 he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

Pursuant to the order of the House of today, the chairman of the Committee of the Whole House may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electric device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. SHADEGG) having assumed the chair, Mr. LATOURETTE, 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. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

[Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

[Mr. MICA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

[Mr. GEJDENSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

OUTSTANDING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I will just take a few moments to address the House, just to congratulate my colleagues today who introduced outstanding legislation which was passed. DICK CHRYSLER's bill which is going to increase the penalties for those who commit crimes against children and the elderly, and by doing this we will put a disincentive in our criminal justice system for those who were thinking about committing violent crimes against children under 14 and the elderly.

I also commend Congressman ROYCE from California for his outstanding legislation which will for the first time create the Federal offense of stalking between States. I was pleased to hear from one of his constituents who had a 13-year ordeal with someone stalking her and her life in jeopardy constantly. Others have not been as fortunate to be able to live through the experience and thank goodness for EDWARD ROYCE's legislation that will now put some teeth in the law to add a disincentive in severe penalties for those who would commit the crime of Federal stalking.

Finally, I wish to congratulate DICK ZIMMER, who passed today with our help Megan's law. The Kanka family, Megan Kanka, who was brutally murdered and raped by a criminal who lived right across the street virtually in her neighborhood in New Jersey.

□ 2300

That crime was so egregious that we now have a new Federal law which will require that there be, by those criminals who have committed prior acts of sexual offenses, to be registered, and so we can make sure that we limit the amount of crimes like these again and so that Megan's life will not have been in vain.

Her parents, Maureen and Richard Kanka, gave eloquent testimony this morning here at the Capitol about the importance of Megan's law in requiring that our States notify communities of the presence of convicted sex offenders who might pose a danger, just like they did to their daughter. And our hearts

and prayers go out to that family. We thank them for their efforts in what they have done, working with Congressman ZIMMER to pass this important law.

I also thank my colleagues as well for their support of my anticrime legislation which will add severe penalties for those who would tamper with witnesses, tamper with jurors or intimidate witnesses, and I appreciate the fact that here today in Congress we passed four important anticrime laws which will go to protect our citizens and further to make sure that our justice system is preserved.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and for the balance of the week on account of maternity leave.

Mr. MCDADE (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI for 5 minutes today.

Mr. FILNER for 5 minutes today.

Mr. GEJDENSON for 5 minutes today.

Mr. FIELDS of Louisiana for 60 minutes today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. MICA for 5 minutes today.

Mr. RIGGS for 5 minutes today.

Mr. SMITH of Michigan for 5 minutes today.

Mr. METCALF for 5 minutes today.

Ms. PRYCE for 5 minutes each day on May 8 and 9.

Mr. KINGSTON for 5 minutes today.

Mr. CHAMBLISS for 5 minutes on May 8.

EXTENSION OF REMARKS

By unanious consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. REED in three instances.

Mr. DOYLE.

Mr. LANTOS.

Mr. OLVER.

Mr. STARK in two instances.

Mr. SKAGGS.

Mr. MANTON in two instances.

Mr. MORAN.

Mr. LIPINSKI.

Mr. GORDON in nine instances.

Mr. GEJDENSON in two instances.

Mr. ROEMER.

Mrs. COLLINS of Illinois.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. FIELDS of Texas.

Ms. ROS-LEHTINEN.

Mr. TAYLOR of North Carolina.

Mr. BILIRAKIS.

Mr. FRANKS of Connecticut.

Mr. DORNAN.

Mr. BALLENGER.

Mr. DAVIS.

Mr. SOLOMON.

Mr. COBLE.

Mr. HUNTER.

Mrs. MORELLA.

Mr. SMITH of Michigan.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

May 6, 1996:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chatahoochee Compact between the States of Alabama and Georgia; and

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Wednesday, May 8, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS. ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2839. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Assessment Rate (FV96–956–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2840. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington; Assessment Rate (FV96–946–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2841. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Assessment Rate (FV96–985–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2842. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Southeast Marketing Area (DA–95–22FR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2843. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1995, pursuant to 22 U.S.C. 3871; to the Committee on National Security.

2844. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for training personnel for the Education of Individuals with Disabilities Program and Program for Children and Youth with Serious Emotional Disturbance—received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

2845. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Child Restraint Systems (RIN: 2127–AF67) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy.

2846. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Products Containing Diphenhydramine Citrate or Diphenhydramine Hydrochloride; Enforcement Policy (RIN: 0901–AA01) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2847. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1996, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

2848. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Relief from reporting by small issuers (RIN: 3235–AG48) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2849. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for certain California limited issues (RIN: 3235–AG51) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2850. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 104–208); to the Committee on International Relations and ordered to be printed.

2851. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Changes in Survey Responsibilities for Certain Appropriated Fund Federal Wage System Wage Areas (RIN: 3206–AH28) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2852. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's interim rule—To Authorize Small Takes of Marine Mammals Incidental to Specified Activities in Arctic Waters (RIN: 0648–AG80) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2853. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service,

transmitting the Department's final rule—Summer Flounder Fishery; Adjustments to 1996 State Quotas (Docket No. 951116270–5308–02; I.D. 031296B) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2854. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials Regulations; Technical Amendment (RIN: 2125–AD90) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Bigfork, MN—Docket No. 95–AGL–20 (RIN: 2120–AA66) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change in Using Agency for Restricted Areas R–4102A and B, Fort Devens, MA—Docket No. 95–ANE–71 (RIN: 2120–AA66) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Richlands, VA—Docket No. 95–AEA–14 (RIN: 2120–AA66) (1996–0013) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of the Type Certification Procedures for Changes in Helicopter Type Design to Attach or Remove External Equipment (RIN: 2120–AF10) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2859. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Maule Aerospace Technologies, Inc. Models M–4–210 and M–4–210C airplanes; Docket No. 95–CE–22–AD (RIN: 2120–AA64) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2860. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Fibromyalgia (RIN: 2900–AH05) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2861. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs transmitting the Department's final rule—Appeals Regulations; Rules of Practice: Single Member and Panel Decisions; Reconsiderations; Order of Consideration (RIN: 2900–AH16) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2862. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Removal of references to ''vicious habits'' (RIN: 2900–AH87) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2863. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Miscellaneous Amendments (RIN: 2900–AI02) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3269. A bill to amend the impact aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes (Rept. 104–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2066. A bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the dietary guidelines for Americans under the school lunch and school breakfast programs; with an amendment (Rept. 104–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2464. A bill to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes (Rept. 104–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. H.R. 3230. A bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, and for other purposes; with amendments (Rept. 104–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 426. Resolution providing for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 104–564). Referred to the House Calendar.

Ms. GREENE of Utah: Committee on rules. House Resolution 427. Resolution providing for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. 104–565). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 428. Resolution providing for consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children (Rept. 104–566). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOX (for himself, Mr. LANTOS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BALLENGER, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. CAMPBELL, Mr. CHABOT, Mr. DELLUMS, Mr. DOYLE, Mr. ENGEL, Mr. FARR, Mr. FOLEY, Mr. HEINEMAN, Mr. HOLDEN, Mr. HORN, Mr. JACOBS, Mrs. KELLY, Mr. KLECZKA, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mr. MANTON, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. TORRES, Mr. POSHARD, and Mr. BARCIA of Michigan):

H.R. 3393. A bill to amend the Animal Welfare Act to prevent the crime of pet theft; to the Committee on Agriculture.

By Mr. LEWIS of California (for himself and Mr. STUMP):

H.R. 3394. A bill to repeal the Low-Level Radioactive Waste Policy Act and to provide new authority for the disposal of low-level radioactive waste; to the Committee on Commerce.

By Mr. BENTSEN:

H.R. 3395. A bill to amend the Internal Revenue Code of 1986 to provide a temporary suspension of 4.3 cents per gallon in the rates of tax on gasoline and diesel fuel; to the Committee on Ways and Means.

By Mr. BARR (for himself, Mr. LARGENT, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. VOLKMER, Mr. SKELTON, Mr. BRYANT of Tennessee, and Mr. EMERSON):

H.R. 3396. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

By Mr. BARTON of Texas.

H.R. 3397. A bill to amend the Federal Election Campaign Act of 1971 to require that contributions to candidates in odd-numbered years be from individuals only; to the Committee on House Oversight.

By Mr. CANADY (for himself, Mr. BROWN of California, Mr. DORNAN, Mr. HUTCHINSON, Mr. GOSS, Mr. MURTHA, and Mr. FOLEY):

H.R. 3398. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. CASTLE (by request):

H.R. 3399. A bill to authorize appropriations for the United States contribution to the 10th replenishment of the resources of the International Development Association, to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the African Development Bank, to authorize consent to and authorize appropriations for a United States contribution to the interest subsidy account of the successor [ESAF II] to the Enhanced Structural Adjustment Facility of the International Monetary Fund, and to provide for the establishment of the Middle East Development Bank; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHRISTENSEN (for himself, Mr. BEREUTER, Mr. BARRETT of Nebraska, and Mr. GILCHREST):

H.R. 3400. A bill to designate the United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, NE, as the ''Roman L. Hruska United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. FAZIO of California:

H.R. 3401. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3402. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to

the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3403. A bill to amend title III of the Job Training Partnership Act to provide employment and training assistance for individuals who work full time at a plant, facility, or enterprise that is a part of an economically depressed industry and is located in an economically depressed area; to the Committee on Economic and Educational Opportunities.

By Mr. MCINTOSH:

H.R. 3404. A bill to amend title VI of the Housing and Community Development Act of 1974 to establish a consensus committee for maintenance and revision of the Federal manufactured home construction and safety standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MEEHAN:

H.R. 3405. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a Component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. ROEMER (for himself, Mr. ROYCE, Mr. CALVERT, Mr. GONZALEZ, Mr. HEINEMAN, Mr. VENTO, Mr. BAKER of California, Mr. KING, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. KANJORSKI, Mr. ROHRABACHER, Mr. STEARNS, Mr. BONO, Mr. DOOLEY, Mr. BENTSEN, Mr. LARGENT, Mr. MINGE, Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, and Mr. LINDER):

H.R. 3406. A bill to amend the Housing and Community Development Act of 1974 to establish a consensus committee for development, revision, and interpretation of manufactured housing construction standards; to the Committee on Banking and Financial Services.

By Mr. ROTH:

H.R. 3407. A bill to establish the Thrift Charter Merger Commission, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H.R. 3408. A bill to amend title 10, United States Code, to revise the provisions of law relating to payment of retired pay of retired members of the Armed Forces to former spouses, and for other purposes; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 3409. A bill to combat domestic terrorism; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to encourage production of oil and gas within the United States, to ease regulatory burdens, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGRICH:

H. Con. Res. 172. Concurrent resolution authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. EDWARDS, Mr. BOUCHER, Mr. STARK, Mr. EHRLICH, Mr. HASTINGS of Washington, Mr. TORKILDSEN, and Mrs. CLAYTON.

H.R. 294: Mr. JACKSON, Mr. BLUTE, and Mr. KENNEDY of Massachusetts.

H.R. 773: Mr. WHITE.

H.R. 991: Mr. LUTHER.

H.R. 1024: Mr. WELDON of Florida and Mrs. MYRICK.

H.R. 1209: Mr. HOKE.

H.R. 1210: Mr. FILNER.

H.R. 1246: Ms. WATERS, Mr. FATTAH, Mrs. SCHROEDER, Mr. ROMERO-BARCELO, Mr. RAHALL, Mr. MILLER of California, Ms. LOFGREN, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Ms. PELOSI, Mr. KANJORSKI, and Mr. MORAN.

H.R. 1352: Mr. PACKARD.

H.R. 1406: Mr. SPRATT and Ms. HARMAN.

H.R. 1462: Mr. GILCHREST, Mr. PORTMAN, Mr. CAMPBELL, Mr. BRYANT of Texas, Mr. MARTINEZ, Ms. PRYCE, and Mr. WILLIAMS.

H.R. 1482: Mr. NEY.

H.R. 1483: Mr. NEY, Mr. BOEHLERT, Ms. SLAUGHTER, and Mr. SOLOMON.

H.R. 1500: Mr. CAMPBELL.

H.R. 1618: Mr. NEY, Mr. COOLEY, and Mr. LUCAS.

H.R. 1625: Mr. CRANE.

H.R. 1711: Mr. KLUG, Mr. QUINN, and Mr. DICKEY.

H.R. 1776: Mr. LEWIS of California, Mr. DEAL of Georgia, Mr. FAWELL, Mr. OXLEY, Mr. BILIRAKIS, Mr. BASS, Mr. COLLINS of Georgia, Mr. DOOLITTLE, Mr. BOEHNER, Mr. GOODLING, Mr. HASTERT, Mr. WALSH, Mr. RIGGS, Mr. WILSON, Mr. HUTCHINSON, Mr. CLEMENT, Mr. HOLDEN, Mr. THORNTON, Mr. KOLBE, Mr. STUDDS, Mr. GEKAS, Mr. MEEHAN, Mr. LINDER, Mr. DAVIS, and Mr. HOKE.

H.R. 1876: Mr. TORRICELLI and Mr. HAMILTON.

H.R. 1889: Mr. MORAN.

H.R. 1893: Mr. KENNEDY of Rhode Island, Mr. FLAKE, Mr. TRAFICANT, and Mr. BARCIA of Michigan.

H.R. 2011: Mr. STARK, Mr. PASTOR, Mr. PETERSON of Minnesota, Ms. ESHOO, and Mrs. KELLY.

H.R. 2026: Mr. LAHOOD, Mr. THORNTON, Mr. SPRATT, Mr. FARR, Mrs. MORELLA, Mr. HAYES, Mr. HEFLEY, Mr. LAUGHLIN, Mr. MCKEON, Mr. CRAMER, Mr. QUILLEN, Mr. DORNAN, Mr. HUTCHINSON, and Mr. DIAZ-BALART.

H.R. 2066: Mr. LIPINSKI, Ms. WOOLSEY, Mr. MCKEON, and Mr. JOHNSON of South Dakota.

H.R. 2167: Mr. TAYLOR of North Carolina.

H.R. 2214: Mr. UNDERWOOD, Mr. MANTON, and Mr. HINCHEY.

H.R. 2244: Mr. BALDACCI, Mrs. SEASTRAND, Mr. BEREUTER, Mrs. FOWLER, and Mr. GOODLATTE.

H.R. 2270: Mr. PETRI and Mr. COBURN.

H.R. 2400: Mr. PALLONE and Mr. WELLER.

H.R. 2416: Mr. CLINGER.

H.R. 2618: Ms. SLAUGHTER.

H.R. 2665: Ms. SLAUGHTER.

H.R. 2682: Mr. OLVER.

H.R. 2690: Mr. MINGE.

H.R. 2727: Mr. BROWNBACK and Mr. PACKARD.

H.R. 2757: Mr. STARK and Mr. BARR.

H.R. 2800: Ms. NORTON.

H.R. 2827: Mr. PETRI.

H.R. 2893: Mr. THORNTON.

H.R. 2908: Mr. COOLEY and Mr. FAZIO of California.

H.R. 2928: Mr. RIGGS.

H.R. 2930: Mr. RIGGS.

H.R. 2938: Mr. COOLEY and Mr. BACHUS.

H.R. 2994: Mr. HEFNER, Mr. COYNE, Mr. MURTHA, and Mr. CANADY.

H.R. 3011: Mr. HEINEMAN, Ms. WOOLSEY, and Mr. CONYERS.

H.R. 3042: Ms. NORTON and Mr. BAKER of California.

H.R. 3059: Ms. SLAUGHTER.

H.R. 3067: Mr. BERMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Ms. WATERS, and Mr. MCKEON.

H.R. 3079: Mr. HILLIARD.

H.R. 3083: Mr. HAYWORTH and Mr. NORWOOD.

H.R. 3118: Mr. WATTS of Oklahoma and Mr. EMERSON.

H.R. 3123: Mr. COBURN and Mr. EMERSON.

H.R. 3138: Mr. NETHERCUTT, Mrs. THURMAN, Mr. LIPINSKI, and Mr. HEFNER.

H.R. 3142: Ms. LOFGREN, Mr. CALLAHAN, Mr. MORAN, Mr. SKELTON, Mrs. MEEK of Florida, Mr. BISHOP, Mr. DOYLE, Mr. BOUCHER, Mr. MCCOLLUM, Mr. ALLARD, Mr. SPENCE, Mr. MCCRERY, Mr. HANSEN, Mr. BENTSEN, Mr. SOLOMON, Mr. WYNN, Mr. FUNDERBURK, Mr. MANTON, Mr. TANNER, and Mr. FALEOMAVAEGA.

H.R. 3172: Mr. FRAZER, Mrs. JOHNSON of Connecticut, Ms. SLAUGHTER, and Mr. BROWN of California.

H.R. 3173: Mr. UPTON.

H.R. 3195: Mr. NEY.

H.R. 3199: Mr. HUTCHINSON, Mr. STOCKMAN, Mr. GOODLATTE, Mr. MINGE, Mr. FLANAGAN, Mr. BAKER of California, and Mr. RAHALL.

H.R. 3201: Mr. COOLEY, Mrs. SEASTRAND, Mr. SHADEGG, Mr. SAM JOHNSON, Mr. RIGGS, Mr. CANADY, Mr. MINGE, Mr. FLANAGAN, and Mr. HOEKSTRA.

H.R. 3226: Mr. MCHUGH, Mr. NETHERCUTT, Mr. ROBERTS, Mr. TORKILDSEN, Mrs. LOWEY, Mr. LAFALCE, Mrs. MALONEY, Mr. CLYBURN, Mr. HILLIARD, Mr. DEFAZIO, Mr. SANDERS, Mr. FOGLIETTA, Mr. ACKERMAN, Ms. LOFGREN, and Mr. MATSUI.

H.R. 3246: Ms. KAPTUR.

H.R. 3251: Mr. BARRETT of Nebraska.

H.R. 3253: Mr. RAHALL, Mr. GRAHAM, Mr. MCKEON, Mrs. MEEK of Florida, Mrs. LINCOLN, Mr. THORNBERRY, Mr. UNDERWOOD, Mr. CALLAHAN, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. WALSH, Mr. LIVINGSTON, Mr. SHUSTER, Mr. NEAL of Massachusetts, Mr. BUYER, Mr. DINGELL, Mr. DAVIS, Ms. DELAURO, and Ms. KAPTUR.

H.R. 3260: Mrs. CHENOWETH, Mr. COOLEY, Mr. THORNBERRY, and Mr. GANSKE.

H.R. 3261: Mr. EVANS, Mr. BARRETT of Wisconsin, and Mr. OLVER.

H.R. 3267: Mr. RAHALL.

H.R. 3275: Mr. HANSEN, Mr. TRAFICANT, Mr. SKELTON, Mr. CANADY, and Mr. EHLERS.

H.R. 3293: Mr. SHAYS, Mr. MARKEY, Mr. SANDERS, Mr. OWENS, Mr. FOGLIETTA, and Mr. GREEN of Texas.

H.R. 3294: Mr. LAFALCE, Ms. SLAUGHTER, and Ms. ROYBAL-ALLARD.

H.R. 3299: Mr. FRAZER.

H.R. 3311: Mr. BRYANT of Texas, Mr. CONYERS, Mr. DOYLE, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. WILLIAMS, Mr. CLAY, and Mr. LEWIS of Georgia.

H.R. 3326: Mr. SKEEN.

H.R. 3343: Mr. CRANE.

H.R. 3348: Mr. ENGLISH of Pennsylvania.

H.R. 3379: Mr. SMITH of Texas, Mr. HAYES, Mr. KLUG, Mr. LIPINSKI, Mr. HALL of Texas, and Mr. SOUDER.

H.R. 3392: Mr. DELLUMS.

H.J. Res. 117: Mr. MCDERMOTT.

H. Con. Res. 10: Mr. MCNUTLY.

H. Con. Res. 47: Mr. BOEHLERT and Mr. GOODLATTE.

H. Con. Res. 95: Mr. HASTINGS of Florida, Mr. DIAZ-BALART, and Mr. BROWN of Ohio.

H. Con. Res. 154: Mr. RANGEL, Mr. RICHARDSON, Mr. BAESLER, Mr. BERMAN, Mr. LIPINSKI, and Mr. HILLIARD.

H. Con. Res. 160: Mr. MANTON, Mr. BOEHLERT, Ms. ESHOO, Mr. JACKSON, Mr. HILLIARD, Mr. BALLENGER, and Mr. HAMILTON.

H. Con. Res. 165: Mr. HOLDEN, Mr. MURTHA, Mr. DURBIN, Mr. OLVER, Mr. BONO, Ms. KAPTUR, and Mr. BILIRAKIS.

H. Con. Res. 167: Mr. RICHARDSON, Mr. PORTER, Mr. BERMAN, Ms. SLAUGHTER, Mr. BARRETT of Wisconsin, and Mr. PALLONE.

H. Con. Res. 169: Mr. CRANE, Mr. CHRYSLER, Mr. CHABOT, Mr. FAWELL, Mr. HAYWORTH, Mrs. CHENOWETH, Mr. HEINEMAN, Mr.

FRELINGHUYSEN, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. GOSS, Mr. HUTCHINSON, Mrs. FOWLER, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. MILLER of Florida, Mr. LEWIS of California, Mr. COOLEY, Mr. HEFLEY, and Mr. BASS.

H. Res. 358: Mr. MINGE.

H. Res. 374: Mr. HUTCHINSON, Mrs. MEYERS of Kansas, Mr. TORKILDSEN, and Mr. FRANKS of New Jersey.

H. Res. 385: Mr. FROST, Ms. FURSE, Mr. HAYWORTH, Mr. PETE GEREN of Texas, and Mr. THOMPSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2406

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 1: Page 41, line 13, strike ''EXCEPTIONS.—'' and insert ''EXCEPTION FOR VOLUNTEERS.—''.

Page 41, strike lines 16 through 18 and insert the following:

to public housing, shall not apply to any individual who—

Page 42, strike lines 3 through 8.

H.R. 2406

OFFERED BY: MR. EHRLICH

AMENDMENT NO. 2: Page 43, after line 16, insert the following new section:

SEC. 115. PROHIBITION ON USE OF FUNDS.

Notwithstanding any other provision of law, none of the amounts provided under this Act may be used for the purpose of funding the relocation of public housing residents and applicants from Baltimore City, Maryland, to other jurisdiction in the State of Maryland if such relocation is in connection with any settlement, consent decree, injunction, judgment, or other resolution of litigation brought by public housing residents of Balitmore City, Maryland, concerning the demolition of certain public housing uinits in such city.

H.R. 2406

OFFERED BY: MR. EHRLICH

AMENDMENT NO. 3: Page 181, after line 6, insert the following new section:

SEC. 374. PROHIBITION OF USE OF RACE IN DEFINING AREAS FOR USE OF RENTAL ASSISTANCE

The Secretary, a local housing and management authority, and any other entity involved in the provision of housing assistance under this title, may not define, establish, or otherwise indicate any geographical region for purposes of any requirement, limitation, or other provision relating to the use of such assistance that is based, in whole or in part, on the racial charactersitics of the population (or any portion of the population) of such region.

H.R. 2406

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 4: Page 14, strike line 18 and all that follows through page 16, line 18, and insert the following:

(A) IN GENERAL.—In localities in which a local housing and management authority is governed by a board of directors or other similar body, not less than 25 percent of the members of the board or body shall be individuals who are—

(i) residents of public housing dwelling units owned or operated by the authority; or

(ii) members of assisted families under title III.

(B) ELECTION AND TRAINING.—Members of the board of directors or other similar body by reason of subparagraph (A) shall be selected for such membership in an election in which only residents of public housing dwelling units owned or operated by the authority and members of assisted families under title III who are assisted by the authority are eligible to vote. The authority shall provide such members with training appropriate to assist them to carry out their responsibilities as members of the board or other similar body.

H.R. 2406

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 5: Page 17, after line 17, insert the following new subsection:

(d) LOCAL ADVISORY BOARD.—

(1) IN GENERAL.—Except as provided in paragraph (4), each local housing and management authority shall establish one or more local advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent all of the residents of the dwelling units owned, operated, or assisted by the local housing and management authority.

(2) MEMBERSHIP.—Each local advisory board established under this subsection shall be composed of the following members:

(A) TENANTS.—Not less than 60 percent of the members of the board shall be tenants of dwelling units owned, operated, or assisted by the local housing and management authority, including representatives of any resident organizations.

(B) OTHER MEMBERS.—The members of the board, other than the members described in subparagraph (A), shall include—

(i) representatives of the community in which the local housing and management authority is located; and

(ii) local government officials of the community in which the local housing and management authority is located.

(3) PURPOSE.—Each local advisory board established under this subsection shall assist and make recommendations regarding the development of the local housing management plan for the authority. The local housing and management authority shall consider the recommendations of the local advisory board in preparing the final local housing management plan, and shall include a copy of those recommendations in the local housing management plan submitted to the Secretary under section 107.

(4) WAIVER.—The Secretary may waive the requirements of this subsection with respect to tenant representation on the local advisory board of a local housing and management authority, if the authority demonstrates to the satisfaction of the Secretary that a resident council or other tenant organization of the local housing and management authority adequately represents the interests of the tenants of the authority.

H.R. 2406

OFFERED BY: MR. FILNER

AMENDMENT NO. 6: Page 170, after line 3, insert the following new section:

SEC. 330. ASSISTANCE FOR RENTAL OF MANUFACTURED HOMES.

(a) AUTHORITY.—Nothing in this title may be construed to prevent a local housing and management authority from providing housing assistance under this title on behalf of a low-income family for the rental of—

(1) a manufactured home that is the principal residence of the family and the real property on which the home is located; or

(2) the real property on which is located a manufactured home, which is owned by the family and is the principal residence of the family.

(b) ASSISTANCE FOR CERTAIN FAMILIES OWNING MANUFACTURED HOMES.—

(1) AUTHORITY.—Notwithstanding section 351 or any other provision of this title, a local housing and management authority that receives amounts under a contract under section 302 may enter into a housing assistance payment contract to make assistance payments under this title to a family that owns a manufactured home, but only as provided in paragraph (2).

(2) LIMITATIONS.—In the case of a low-income family that owns a manufactured home, rents the real property on which it is located, and to whom housing assistance under this title has been made available for the rental of such property, the local housing and management authority making such assistance available shall enter into a contract to make housing assistance payments under this title directly to the family (rather than to the owner of such real property) if—

(1) the owner of the real property refuses to enter into a contract to receive housing assistance payments pursuant to section 351(a);

(2) the family was residing in such manufactured home on such real property at the time such housing assistance was initially made available on behalf of the family;

(3) the family provides such assurances to the agency, as the Secretary may require, to ensure that amounts from the housing assistance payments are used for rental of the real property; and

(4) the rental of the real property otherwise complies with the requirements for assistance under this title.

A contract pursuant to this subsection shall be subject to the provisions of section 351 and any other provisions applicable to housing assistance payments contracts under this title, except that the Secretary may provide such exceptions as the Secretary considers appropriate to facilitate the provision of assistance under this subsection.

H.R. 2406

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 7: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by a family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located may not exceed 30 percent of the family's adjustment monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 158, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, lines 9 through 11, strike ''the amount of the resident contribution determined in accordance with section 322'' and insert ''the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income''.

H.R. 2406

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 8: Page 41, line 13, strike ''EXCEPTIONS.—'' and insert ''EXCEPTION FOR VOLUNTEERS.—''.

Page 41, strike lines 16 through 18 and insert the following:

to public housing, shall not apply to any individual who—

Page 42, strike lines 3 through 8.

H.R. 2406

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 9: Page 9, strike line 12 and all that follows through page 10, line 12.

Page 13, line 2, after ''Samoa,'' insert ''and''.

Page 13, line 3, strike '', and Indian tribes''.

Page 13, lines 19 and 20, strike ''or Indian housing authority''.

Page 14, after line 8, insert the following:

The term does not include any entity that is Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the enactment of this Act) or a tribally desingated housing entity, as such term is defined in section 604.

Page 43, after line 4, insert the following new section:

SEC. 114. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles II, III, and IV shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

Page 53, strike line 19 and all that follows through page 54, line 5.

Page 57, line 20, strike ''and Indian''.

Page 89, strike lines 11 through 15.

Page 102, lines 19 and 20, strike '', except that it does not include Indian housing authorities''.

Page 144, line 2, strike ''and Indian''.

Page 144, strike lines 11 through 15.

Page 144, line 16, strike ''(d)'' and insert ''(c)''.

Page 217, strike lines 16 through 20.

At the end of the bill, insert the following new title:

TITLE VI—NATIVE AMERICAN HOUSING ASSISTANCE

SECTION 601. SHORT TITLE.

This title may be cited as the ''Native American Housing Assistance and Self-Determination Act of 1996''.

SEC. 602. CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;

(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a trust responsibility to protect Indian tribes;

(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their socio-economic status so that they are able to take greater responsibility for their own economic condition;

(5) providing affordable and healthy homes is an essential element in the special role of the United States in helping tribes and their members to achieve a socio-economic status comparable to their non-Indian neighbors;

(6) the need for affordable and healthy homes on Indian reservations, in Indian communities, and in Native Alaskan villages is acute and the Federal Government should work not only to provide housing assistance, but also, to the extent practicable, to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for tribes and their members; and

(7) Federal assistance to meet these responsibilities should be provided in a manner that recognizes the right of tribal self-governance by making such assistance available directly to the tribes or tribally designated entities.

SEC. 603. ADMINISTRATION THROUGH OFFICE OF NATIVE AMERICAN PROGRAMS.

The Secretary of Housing and Urban Development shall carry out this title through the Office of Native American Programs of the Department of Housing and Urban Development.

SEC. 604. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) AFFORDABLE HOUSING.—The term ''affordable housing'' means housing that complies with the requirements for affordable housing under subtitle B. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

(2) FAMILIES AND PERSONS.—

(A) SINGLE PERSONS.—The term ''families'' includes families consisting of a single person in the case of (i) an elderly person, (ii) a disabled person, (iii) a displaced person, (iv) the remaining members of a tenant family, and (v) any other single persons.

(B) FAMILIES.—The term ''families'' includes families with children and, in the cases of elderly families, near-elderly families, and disabled families, means families whose heads (or their spouses), or whose sole members, are elderly, near-elderly, or persons with disabilities, respectively. The term includes, in the cases of elderly families, near-elderly families, and disabled families, 2 or more elderly persons, near-elderly persons, or persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(C) ABSENCE OF CHILDREN.—The temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size for purposes of this title.

(D) ELDERLY PERSON.—The term ''elderly person'' means a person who is at least 62 years of age.

(E) PERSON WITH DISABILITIES.—The term ''person with disabilities'' means a person who—

(i) has a disability as defined in section 223 of the Social Security Act,

(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (I) is expected to be of long-continued and indefinite duration, (II) substantially impedes his or her ability to live independently, and (III) is of such a nature that such ability could be improved by more suitable housing conditions, or

(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

(F) DISPLACED PERSON.—The term ''displaced person'' means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(G) NEAR-ELDERLY PERSON.—The term ''near-elderly person'' means a person who is at least 50 years of age but below the age of 62.

(3) GRANT BENEFICIARY.—The term ''grant beneficiary'' means the Indian tribe or tribes on behalf of which a grant is made under this title to a recipient.

(4) INDIAN.—The term ''Indian'' means any person who is a member of an Indian tribe.

(5) INDIAN AREA.—The term ''Indian area'' means the area within which a tribally designated housing entity is authorized to provide assistance under this title for affordable housing.

(6) INDIAN TRIBE.—The term ''Indian tribe'' means—

(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975; and

(B) any tribe, band, nation, pueblo, village, or community that—

(i) has been recognized as an Indian tribe by any State; and

(ii) for which an Indian housing authority is eligible, on the date of the enactment of this title, to enter into a contract with the Secretary pursuant to the United States Housing Act of 1937.

(7) LOCAL HOUSING PLAN.—The term ''local housing plan'' means a plan under section 612.

(8) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 80 percent of the median income for the area, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the authority's findings that such variations are necessary because of unusually high or low family incomes.

(9) MEDIAN INCOME.—The term ''median income'' means, with respect to an area that is an Indian area, the greater of—

(A) the median income for the Indian area, which the Secretary shall determine; or

(B) the median income for the United States.

(10) RECIPIENT.—The term ''recipient'' means the entity for an Indian tribe that is authorized to receive grant amounts under this title on behalf of the tribe, which may only be the tribe or the tribally designated housing entity for the tribe.

(11) TRIBALLY DESIGNATED HOUSING ENTITY.—The terms ''tribally designated housing entity'' and ''housing entity'' have the following meaning:

(A) EXISTING IHA'S.—For any Indian tribe that has not taken action under subparagraph (B) and for which an Indian housing authority—

(i) was established for purposes of the United States Housing Act of 1937 before the date of the enactment of this title that meets the requirements under the United States Housing Act of 1937,

(ii) is acting upon such date of enactment as the Indian housing authority for the tribe, and

(iii) is not an Indian tribe for purposes of this title,

the terms mean such Indian housing authority.

(B) OTHER ENTITIES.—For any Indian tribe that, pursuant to this Act, authorizes an entity other than the tribal government to receive grant amounts and provide assistance under this title for affordable housing for Indians, which entity is established—

(i) by exercise of the power of self-government of an Indian tribe independent of State law, or

(ii) by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska,

the terms mean such entity.

A tribally designated housing entity may be authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity. Nothing in this title may be construed to affect the existence, or the ability to operate, of any Indian housing authority established before the date of the enactment of this title by a State-recognized tribe, band, nation, pueblo, village, or community of Indian or Alaska Natives that is not an Indian tribe for purposes of this title.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development, except as otherwise specified in this title.

Subtitle A—Block Grants and Grant Requirements

SEC. 611. BLOCK GRANTS.

(a) AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make grants under this section on behalf of Indian tribes to carry out affordable housing activities. Under such a grant on behalf of an Indian tribe, the Secretary shall provide the grant amounts for the tribe directly to the recipient for the tribe.

(b) CONDITION OF GRANT.—

(1) IN GENERAL.—The Secretary may make a grant under this title on behalf of an Indian tribe for a fiscal year only if—

(A) the Indian tribe has submitted to the Secretary a local housing plan for such fiscal year under section 612; and

(B) the plan has been determined under section 613 to comply with the requirements of section 612.

(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in whole or in part, if the Secretary finds that an Indian tribe has not complied or can not complied with such requirements because of circumstances beyond the control of the tribe.

(c) AMOUNT.—Except as otherwise provided under subtitle B, the amount of a grant under this section to a recipient for a fiscal year shall be—

(1) in the case of a recipient whose grant beneficiary is a single Indian tribe, the amount of the allocation under section 641 for the Indian tribe; and

(2) in the case of a recipient whose grant beneficiary is more than 1 Indian tribe, the sum of the amounts of the allocations under section 641 for each such Indian tribe.

(d) USE FOR AFFORDABLE HOUSING ACTIVITIES.—Except as provided in subsection (f), amounts provided under a grant under this section may be used only for affordable housing activities under subtitle B.

(e) EFFECTUATION OF LHP.—Except as provided in subsection (f), amounts provided under a grant under this section may be used only for affordable housing activities that are consistent with the approved local housing plan under section 613 for the grant beneficiary on whose behalf the grant is made.

(f) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this title for any administrative and planning expenses of the recipient relating to carrying out this title and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title and expenses of preparing a local housing plan under section 612.

(2) CONTENTS OF REGULATIONS.—The regulations referred to in paragraph (1) shall provide that—

(A) the Secretary shall, for each recipient, establish a percentage referred to in paragraph (1) based on the specific circumstances of the recipient and the tribes served by the recipient; and

(B) the Secretary may review the percentage for a recipient upon the written request of the recipient specifying the need for such review or the initiative of the Secretary and, pursuant to such review, may revise the percentage established for the recipient.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—Each recipient shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing the approved local housing plan for the tribe that is the grant beneficiary.

SEC. 612. LOCAL HOUSING PLANS.

(a) IN GENERAL.—

(1) SUBMISSION.—The Secretary shall provide for an Indian tribe to submit to the Secretary, for each fiscal year, a local housing plan under this section for the tribe (or for the tribally designated housing entity for a tribe to submit the plan under subsection (e) for the tribe) and for the review of such plans.

(2) LOCALLY DRIVEN NATIONAL OBJECTIVES.—A local housing plan shall describe—

(A) the mission of the tribe with respect to affordable housing or, in the case of a recipient that is a tribally designated housing entity, the mission of the housing entity;

(B) the goals, objectives, and policies of the recipient to meet the housing needs of low-income families in the jurisdiction of the housing entity, which shall be designed to achieve the national objectives under section 621(a); and

(C) how the locally established mission and policies of the recipient are designed to achieve, and are consistent with, the national objectives under section 621(a).

(b) 5-YEAR PLAN.—Each local housing plan under this section for an Indian tribe shall contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

(1) LOCALLY DRIVEN NATIONAL OBJECTIVES.—The information described in subsection (a)(2).

(2) CAPITAL IMPROVEMENT OVERVIEW.—If the recipient will provide capital improvements for housing described in subsection (c)(3) during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the recipient to meet its goals, objectives, and mission.

(c) 1-YEAR PLAN.—A local housing plan under this section for an Indian tribe shall contain the following information relating to the upcoming fiscal year for which the assistance under this title is to be made available:

(1) FINANCIAL RESOURCES.—An operating budget for the recipient for the tribe that includes—

(A) identification and a description of the financial resources reasonably available to the recipient to carry out the purposes of this title, including an explanation of how amounts made available will leverage such additional resources; and

(B) the uses to which such resources will be committed, including eligible and required affordable housing activities under subtitle B to be assisted and administrative expenses.

(2) AFFORDABLE HOUSING.—For the jurisdiction within which the recipient is authorized to use assistance under this title—

(A) a description of the estimated housing needs and the need for assistance for very low-income and moderate-income families;

(B) a description of the significant characteristics of the housing market, indicating how such characteristics will influence the use of amounts made available under this title for rental assistance, production of new units, rehabilitation of old units, or acquisition of existing units;

(C) an description of the structure, means of cooperation, and coordination between the recipient and any units of general local government in the development, submission, and implementation of their housing plans, including a description of the involvement of any private industries, nonprofit organizations, and public institutions;

(D) a description of how the plan will address the housing needs identified pursuant to subparagraph (A), describing the reasons for allocation priorities, and identify any obstacles to addressing underserved needs;

(E) a description of any homeownership programs of the recipient to be carried out with respect to affordable housing assisted under this title and the requirements and assistance available under such programs;

(F) a certification that the recipient will maintain written records of the standards and procedures under which the recipient will monitor activities assisted under this title and ensure long-term compliance with the provisions of this title;

(G) a certification that the recipient will comply with title II of the Civil Rights Act of 1968 in carrying out this title, to the extent that such title is applicable;

(H) a statement of the number of families for whom the recipient will provide affordable housing using grant amounts provided under this title;

(I) a statement of how the goals, programs, and policies for producing and preserving affordable housing will be coordinated with other programs and services for which the recipient is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line; and

(J) a certification that the recipient has obtain insurance coverage for any housing units that are owned or operated by the tribe or the tribally designated housing entity for the tribe and assisted with amounts provided under this Act, in compliance with such requirements as the Secretary may establish.

(3) INDIAN HOUSING DEVELOPED UNDER UNITED STATES HOUSING ACT OF 1937.—A plan describing how the recipient for the tribe will comply with the requirements under section 623 relating to low-income housing owned or

operated by the housing entity that was developed pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937, which shall include—

(A) a certification that the recipient will maintain a written record of the policies of the recipient governing eligibility, admissions, and occupancy of families with respect to dwelling units in such housing;

(B) a certification that the recipient will maintain a written record of policies of the recipient governing rents charged for dwelling units in such housing, including—

(i) the methods by which such rents are determined; and

(ii) an analysis of how such methods affect—

(I) the ability of the recipient to provide affordable housing for low-income families having a broad range of incomes;

(II) the affordability of housing for families having incomes that do not exceed 30 percent of the median family income for the area; and

(III) the availability of other financial resources to the recipient for use for such housing;

(C) a certification that the recipient will maintain a written record of the standards and policies of the recipient governing maintenance and management of such housing, and management of the recipient with respect to administration of such housing, including—

(i) housing quality standards;

(ii) routine and preventative maintenance policies;

(iii) emergency and disaster plans;

(iv) rent collection and security policies;

(v) priorities and improvements for management of the housing; and

(vi) priorities and improvements for management of the recipient, including improvement of electronic information systems to facilitate managerial capacity and efficiency;

(D) a plan describing—

(i) the capital improvements necessary to ensure long-term physical and social viability of such housing; and

(ii) the priorities of the recipient for capital improvements of such housing based on analysis of available financial resources, consultation with residents, and health and safety considerations;

(E) a description of any such housing to be demolished or disposed of, a timetable for such demolition or disposition, and any information required under law with respect to such demolition or disposition;

(F) a description of how the recipient will coordinate with tribal and State welfare agencies to ensure that residents of such housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency; and

(G) a description of the requirements established by the recipient that promote the safety of residents of such housing, facilitate the housing entity undertaking crime prevention measures (such as community policing, where appropriate), allow resident input and involvement, and allow for creative methods to increase resident safety by coordinating crime prevention efforts between the recipient and tribal or local law enforcement officials.

(4) INDIAN HOUSING LOAN GUARANTEES AND OTHER HOUSING ASSISTANCE.—A description of how loan guarantees under section 184 of the Housing and Community Development Act of 1992, and other housing assistance provided by the Federal Government for Indian tribes (including grants, loans, and mortgage insurance) will be used to help in meeting the needs for affordable housing in the jurisdiction of the recipient.

(5) DISTRIBUTION OF ASSISTANCE.—A certification that the recipient for the tribe will maintain a written record of—

(A) the geographical distribution (within the jurisdiction of the recipient) of the use of grant amounts and how such geographical distribution is consistent with the geographical distribution of housing need (within such jurisdiction); and

(B) the distribution of the use of such assistance for various categories of housing and how use for such various categories is consistent with the priorities of housing need (within the jurisdiction of the recipient).

(d) PARTICIPATION OF TRIBALLY DESIGNATED HOUSING ENTITY.—A plan under this section for an Indian tribe may be prepared and submitted on behalf of the tribe by the tribally designated housing entity for the tribe, but only if such plan contains a certification by the recognized tribal government of the grant beneficiary that such tribe has had an opportunity to review the plan and has authorized the submission of the plan by the housing entity.

(e) COORDINATION OF PLANS.—A plan under this section may cover more than 1 Indian tribe, but only if the certification requirements under subsection (d) are complied with by each such grant beneficiary covered.

(f) PLANS FOR SMALL TRIBES.—

(1) SEPARATE REQUIREMENTS.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to small Indian tribes and small tribally designated housing entities. Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such tribes and housing entities.

(2) SMALL TRIBES.—The Secretary shall define small Indian tribes and small tribally designated housing entities based on the number of dwelling units assisted under this subtitle by the tribe or housing entity or owned or operated pursuant to a contract under the United States Housing Act of 1937 between the Secretary and the Indian housing authority for the tribe.

(g) REGULATIONS.—The requirements relating to the contents of plans under this section shall be established by regulation, pursuant to section 616.

SEC. 613. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing plan submitted to the Secretary to ensure that the plan complies with the requirements of section 612. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each Indian tribe for which a plan is submitted and any tribally designated housing entity for the tribe whether the plan complies with such requirements not later than 45 days after receiving the plan. If the Secretary does not notify the Indian tribe, as required under this subsection and subsection (b), the plan shall be considered, for purposes of this title, to have been determined to comply with the requirements under section 612 and the tribe shall be considered to have been notified of compliance upon the expiration of such 45-day period.

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 612, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 612.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 612 only if—

(1) the plan is not consistent with the national objectives under section 621(a);

(2) the plan is incomplete in significant matters required under such section;

(3) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(4) the Secretary determines that the plan violates the purposes of this title because it fails to provide affordable housing that will be viable on a long-term basis at a reasonable cost; or

(5) the plan fails to adequately identify the capital improvement needs for low-income housing owned or operated by the Indian tribe that was developed pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937.

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a plan shall be considered to have been submitted for an Indian tribe if the appropriate Indian housing authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this title) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such tribes to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 612.

(e) UPDATES TO PLAN.—After a plan under section 612 has been submitted for an Indian tribe for any fiscal year, the tribe may comply with the provisions of such section for any succeeding fiscal year (with respect to information included for the 5-year period under section 612(b) or the 1-year period under section 612(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

SEC. 614. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

(a) PROGRAM INCOME.—

(1) AUTHORITY TO RETAIN.—Notwithstanding any other provision of law, a recipient may retain any program income that is realized from any grant amounts under this title if—

(A) such income was realized after the initial disbursement of the grant amounts received by the recipient; and

(B) the recipient has agreed that it will utilize the program income for affordable housing activities in accordance with the provisions of this title.

(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for any Indian tribe based solely on (1) whether the recipient for the tribe retains program income under paragraph (1), or (2) the amount of any such program income retained.

(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the recipient.

(b) TREATMENT OF LABOR STANDARDS.—The use of amounts provided under this title to finance (in whole or in part) a contract for construction or rehabilitation work shall not cause such contract to be subject to the requirements of the Act of March 3, 1931 (40 U.S.C. 276a–276a-5; commonly known as the

Davis-Bacon Act) or to any other provision of law requiring payment of wages in accordance with such Act.

SEC. 615. ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—In order to ensure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title, and to ensure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for the release of amounts for particular projects to recipients of assistance under this title who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality. The regulations shall provide—

(1) for the monitoring of the environmental reviews performed under this section;

(2) in the discretion of the Secretary, to facilitate training for the performance of such reviews; and

(3) for the suspension or termination of the assumption of responsibilities under this section.

The Secretary's duty under the preceding sentence shall not be construed to limit or reduce any responsibility assumed by a recipient of grant amounts with respect to any particular release of funds.

(b) PROCEDURE.—The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, at least 15 days prior to such approval and prior to any commitment of funds to such projects the recipient of grant amounts has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of subsection (c). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

(c) CERTIFICATION.—A certification under the procedures authorized by this section shall—

(1) be in a form acceptable to the Secretary,

(2) be executed by the chief executive officer or other officer of the recipient of assistance under this title qualified under regulations of the Secretary,

(3) specify that the recipient has fully carried out its responsibilities as described under subsection (a), and

(4) specify that the certifying officer (A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to subsection (a), and (B) is authorized and consents on behalf of the recipient of assistance and such officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the certifying officer's responsibilities as such an official.

SEC. 616. REGULATIONS.

(a) INTERIM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this title, the Secretary shall, by notice issued in the Federal Register, establish any requirements necessary to carry out this title in the manner provided in section 617(b), which shall be effective only for fiscal year 1997. The notice shall invite public comments regarding such interim requirements and final regulations to carry out this title and shall include general notice of proposed rulemaking (for purposes of section 564(a) of title 5, United States Code) of the final regulations under paragraph (2).

(b) FINAL REGULATIONS.—

(1) TIMING.—The Secretary shall issue final regulations necessary to carry out this title not later than September 1, 1997, and such regulations shall take effect not later than the effective date under section 617(a).

(2) NEGOTIATED RULEMAKING.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, the final regulations required under paragraph (1) shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code. The Secretary shall establish a negotiated rulemaking committee for development of any such proposed regulations, which shall include representatives of Indian tribes.

SEC. 617. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b) and as otherwise specifically provided in this title, this title shall take effect on October 1, 1997.

(b) INTERIM APPLICABILITY.—For fiscal year 1997, this title shall apply to any Indian tribe that requests the Secretary to apply this title to such tribe, subject to the provisions of this subsection, but only if the Secretary determines that the tribe has the capacity to carry out the responsibilities under this title during such fiscal year. For fiscal year 1997, this title shall apply to any such tribe subject to the following limitations:

(1) USE OF ASSISTANCE AMOUNTS AS BLOCK GRANT.—Amounts shall not be made available pursuant to this title for grants under this title for such fiscal year, but any amounts made available for the tribe under the United States Housing Act of 1937, title II or subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993 shall be considered grant amounts under this title and shall be used subject to the provisions of this title relating to such grant amounts.

(2) LOCAL HOUSING PLAN.—Notwithstanding section 613 of this title, a local housing plan shall be considered to have been submitted for the tribe for fiscal year 1997 for purposes of this title only if—

(A) the appropriate Indian housing authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 or under the comprehensive improvement assistance program under such section 14;

(B) the Secretary has approved such plan before January 1, 1996; and

(C) the tribe complies with specific procedures and requirements for amending such plan as the Secretary may establish to carry out this subsection.

(c) ASSISTANCE UNDER EXISTING PROGRAM DURING FISCAL YEAR 1997.—Notwithstanding the repeal of any provision of law under section 501(a) and with respect only to Indian tribes not provided assistance pursuant to subsection (b), during fiscal year 1997—

(1) the Secretary shall carry out programs to provide low-income housing assistance on Indian reservations and other Indian areas in accordance with the provisions of title II of the United States Housing Act of 1937 and related provisions of law, as in effect immediately before the enactment of this Act;

(2) except to the extent otherwise provided in the provisions of such title II (as so in effect), the provisions of title I of such Act (as so in effect) and such related provisions of law shall apply to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority; and

(3) none of the provisions of title I, II, III, or IV, or of any other law specifically modifying the public housing program that is enacted after the date of the enactment of this Act, shall apply to public housing operated pursuant to a contract between the Secretary and an Indian housing authority, unless the provision explicitly provides for such applicability.

SEC. 618. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for grants under subtitle A $650,000,000, for each of fiscal years 1998, 1999, 2000, and 2001.

Subtitle B—Affordable Housing Activities

SEC. 621. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

(a) PRIMARY OBJECTIVE.—The national objectives of this title are—

(1) to assist and promote affordable housing activities to develop, maintain, and operate safe, clean, and healthy affordable housing on Indian reservations and in other Indian areas for occupancy by low-income Indian families;

(2) to ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;

(3) to coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;

(4) to plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and

(5) to promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

(b) ELIGIBLE FAMILIES.—

(1) IN GENERAL.—Except as provided under paragraph (2), assistance under eligible housing activities under this title shall be limited to low-income Indian families on Indian reservations and other Indian areas.

(2) EXCEPTION TO LOW-INCOME REQUIREMENT.—A recipient may provide assistance for model activities under section 622(a)(6) to families who are not low-income families, if the Secretary approves the activities pursuant to such subsection because there is a need for housing for such families that cannot reasonably be met without such assistance. The Secretary shall establish limits on the amount of assistance that may be provided under this title for activities for families who are not low-income families.

(3) NON-INDIAN FAMILIES.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title for a non-Indian family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) PREFERENCE FOR INDIAN FAMILIES.—The local housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title on behalf of such tribe,

to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable local housing plan for an Indian tribe provides for preference under this subsection, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this title for such tribe are subject to such preference.

(5) EXEMPTION.—Title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 shall not apply to actions by Indian tribes under this subsection.

SEC. 622. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Affordable housing activities under this subtitle are activities, in accordance with the requirements of this subtitle, to develop or to support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) INDIAN HOUSING ASSISTANCE.—The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

(2) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development of utilities and utility services, conversion, demolition, financing, administration and planning, and other related activities.

(3) HOUSING SERVICES.—The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, energy auditing, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

(4) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and management of affordable housing projects.

(5) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

(6) MODEL ACTIVITIES.—Housing activities under model programs that are designed to carry out the purposes of this title and are specifically approved by the Secretary as appropriate for such purpose.

SEC. 623. REQUIRED AFFORDABLE HOUSING ACTIVITIES.

(a) MAINTENANCE OF OPERATING ASSISTANCE FOR INDIAN HOUSING.—Any recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall, using amounts of any grants received under this title, reserve and use for operating assistance under section 622(1) such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

(b) DEMOLITION AND DISPOSITION.—This title may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in such subsection. Notwithstanding section 114, section 261 shall apply to the demolition or disposition of Indian housing referred to in subsection (a).

SEC. 624. TYPES OF INVESTMENTS.

(a) IN GENERAL.—Subject to section 623 and the local housing plan for an Indian tribe, the recipient for such tribe shall have—

(1) the discretion to use grant amounts for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments under subsection (b), or any other form of assistance that the Secretary has determined to be consistent with the purposes of this title; and

(2) the right to establish the terms of assistance.

(b) LEVERAGING PRIVATE INVESTMENT.—A recipient may leverage private investments in affordable housing activities by pledging existing or future grant amounts to assure the repayment of notes and other obligations of the recipient issued for purposes of carrying out affordable housing activities.

SEC. 625. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Housing shall qualify as affordable housing for purposes of this title only if—

(1) each dwelling unit in the housing—

(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit; and

(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

(2) except for housing assisted under section 202 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (A) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure, and (B) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

SEC. 626. CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.

With respect to housing assisted with grant amounts provided under this title, the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be considered to be satisfied upon certification by the recipient of the assistance to the Secretary that the combination of Federal assistance provided to any housing project is not any more than is necessary to provide affordable housing.

SEC. 627. LEASE REQUIREMENTS AND TENANT SELECTION.

(a) LEASES.—Except to the extent otherwise provided by or inconsistent with tribal law, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the owner or manager of the housing shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) require the owner or manager to maintain the housing in compliance with applicable housing codes and quality standards;

(3) require the owner or manager to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or employees of the owner or manager is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) require that the owner or manager may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, tribal, State, or local law, or for other good cause; and

(5) provide that the owner or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the resident's household, or any guest or other person under the resident's control, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the owner or manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity).

(b) TENANT SELECTION.—The owner or manager of affordable rental housing assisted under with grant amounts provided under this title shall adopt and utilize written tenant selection policies and criteria that—

(1) are consistent with the purpose of providing housing for low-income families;

(2) are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease; and

(3) provide for (A) the selection of tenants from a written waiting list in accordance with the policies and goals set forth in the local housing plan for the tribe that is the grant beneficiary of such grant amounts, and (B) the prompt notification in writing of any rejected applicant of the grounds for any rejection.

SEC. 628. REPAYMENT.

If a recipient uses grant amounts to provide affordable housing under activities under this subtitle and, at any time during the useful life of the housing the housing does not comply with the requirement under section 625(a)(2), the Secretary shall reduce future grant payments on behalf of the grant beneficiary by an amount equal to the grant amounts used for such housing (under the authority under section 651(a)(2)) or require repayment to the Secretary of an amount equal to such grant amounts.

SEC. 629. CONTINUED USE OF AMOUNTS FOR AFFORDABLE HOUSING.

Any funds for programs for low-income housing under the United States Housing Act of 1937 that, on the date of the applicability of this title to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this title and subject to the provisions of this title relating to use of such assistance.

Subtitle C—Allocation of Grant Amounts

SEC. 641. ANNUAL ALLOCATION.

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 642, among Indian tribes that comply with the requirements under this title for a grant under this title.

SEC. 642. ALLOCATION FORMULA.

The Secretary shall, by regulations issued in the manner provided under section 616, establish a formula to provide for allocating

amounts available for a fiscal year for block grants under this title among Indian tribes. The formula shall be based on factors that reflect the need of the Indian tribes and the Indian areas of the tribes for assistance for affordable housing activities, including the following factors:

(1) The number of low-income housing dwelling units owned or operated at the time pursuant to a contract between an Indian housing authority for the tribe and the Secretary.

(2) The extent of poverty and economic distress within Indian areas of the tribe.

(3) Other objectively measurable conditions as the Secretary may specify.

The regulations establishing the formula shall be issued not later than the expiration of the 12-month period beginning on the date of the enactment of this title.

Subtitle D—Compliance, Audits, and Reports

SEC. 651. REMEDIES FOR NONCOMPLIANCE.

(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Secretary shall—

(1) terminate payments under this title to the recipient;

(2) reduce payments under this title to the recipient by an amount equal to the amount of such payments which were not expended in accordance with this title;

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply; or

(4) in the case of noncompliance described in section 652(b), provide a replacement tribally designated housing entity for the recipient, under section 652.

If the Secretary takes an action under paragraph (1), (2), or (3), the Secretary shall continue such action until the Secretary determines that the failure to comply has ceased.

(b) NONCOMPLIANCE BECAUSE OF TECHNICAL INCAPACITY.—If the Secretary makes a finding under subsection (a), but determines that the failure to comply substantially with the provisions of this title—

(1) is not a pattern or practice of activities constituting willful noncompliance, and

(2) is a result of the limited capability or capacity of the recipient,

the Secretary may provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability and capacity of the recipient to administer assistance provided under this title in compliance with the requirements under this title.

(c) REFERRAL FOR CIVIL ACTION.—

(1) AUTHORITY.—In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if the Secretary has reason to believe that a recipient has failed to comply substantially with any provision of this title, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) CIVIL ACTION.—Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this title which was not expended in accordance with it, or for mandatory or injunctive relief.

(d) REVIEW.—

(1) IN GENERAL.—Any recipient who receives notice under subsection (a) of the termination, reduction, or limitation of payments under this title may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) PROCEDURE.—The Secretary shall file in the court record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) DISPOSITION.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify the Secretary's findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and the Secretary shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file the Secretary's recommendation, if any, for the modification or setting aside of the Secretary's original action.

(4) FINALITY.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United State Code.

SEC. 652. REPLACEMENT OF RECIPIENT.

(a) AUTHORITY.—As a condition of the Secretary making a grant under this title on behalf of an Indian tribe, the tribe shall agree that, notwithstanding any other provision of law, the Secretary may, only in the circumstances set forth in subsection (b), require that a replacement tribally designated housing entity serve as the recipient for the tribe, in accordance with subsection (c).

(b) CONDITIONS OF REMOVAL.—The Secretary may require such replacement tribally designated housing entity for a tribe only upon a determination by the Secretary on the record after opportunity for a hearing that the recipient for the tribe has engaged in a pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements under this title.

(c) CHOICE AND TERM OF REPLACEMENT.—If the Secretary requires that a replacement tribally designated housing entity serve as the recipient for a tribe (or tribes)—

(1) the replacement entity shall be an entity mutually agreed upon by the Secretary and the tribe (or tribes) for which the recipient was authorized to act, except that if no such entity is agreed upon before the expiration of the 60-day period beginning upon the date that the Secretary makes the determination under subsection (b), the Secretary shall act as the replacement entity until agreement is reached upon a replacement entity; and

(2) the replacement entity (or the Secretary, as provided in paragraph (1)) shall act as the tribally designated housing entity for the tribe (or tribes) for a period that expires upon—

(A) a date certain, which shall be specified by the Secretary upon making the determination under subsection (b); or

(B) the occurrence of specific conditions, which conditions shall be specified in written notice provided by the Secretary to the tribe upon making the determination under subsection (b).

SEC. 653. MONITORING OF COMPLIANCE.

(a) ENFORCEABLE AGREEMENTS.—Each recipient, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this title. Such measures shall provide for (1) enforcement of the provisions of this title by the grant beneficiary or by recipients and other intended beneficiaries, and (2) remedies for the breach of such provisions.

(b) PERIODIC MONITORING.—Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title. Such review shall include on-site inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 654 and made available to the public.

SEC. 654. PERFORMANCE REPORTS.

(a) REQUIREMENT.—For each fiscal year, each recipient shall—

(1) review the progress it has made during such fiscal year in carrying out the local housing plan (or plans) for the Indian tribes for which it administers grant amounts; and

(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

(b) CONTENT.—Each report under this section for a fiscal year shall—

(1) describe the use of grant amounts provided to the recipient for such fiscal year;

(2) assess the relationship of such use to the goals identified in the local housing plan of the grant beneficiary;

(3) indicate the recipient's programmatic accomplishments; and

(4) describe how the recipient would change its programs as a result of its experiences.

(c) SUBMISSION.—The Secretary shall establish dates for submission of reports under this section, and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this title.

(d) PUBLIC AVAILABILITY.—A recipient preparing a report under this section shall make the report publicly available to the citizens in the recipient's jurisdiction in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the recipient may determine. The report shall include a summary of any comments received by the grant beneficiary or recipient from citizens in its jurisdiction regarding its program.

SEC. 655. REVIEW AND AUDIT BY SECRETARY.

(a) ANNUAL REVIEW.—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(1) whether the recipient has carried out its eligible activities in a timely manner, has carried out its eligible activities and certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws, and has a continuing capacity to carry out those activities in a timely manner;

(2) whether the recipient has complied with the local housing plan of the grant beneficiary; and

(3) whether the performance reports under section 654 of the recipient are accurate.

Reviews under this section shall include, insofar as practicable, on-site visits by employees of the Department of Housing and Urban Development.

(b) REPORT BY SECRETARY.—The Secretary shall submit a written report to the Congress regarding each review under subsection (a). The Secretary shall give a recipient not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the recipient, the Secretary may revise the report and shall make the recipient's comments and the report, with any revisions, readily available to the public not later than 30 days after receipt of the recipient's comments.

(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of the annual grants under this title in accordance with the Secretary's findings pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the Secretary's reviews and audits under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided on behalf of an Indian tribe.

SEC. 656. GAO AUDITS.

To the extent that the financial transactions of Indian tribes and recipients of grant amounts under this title relate to amounts provided under this title, such transactions may be audited by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such tribes and recipients pertaining to such financial transactions and necessary to facilitate the audit.

SEC. 657. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to the Congress a report that contains—

(1) a description of the progress made in accomplishing the objectives of this title; and

(2) a summary of the use of such funds during the preceding fiscal year.

(b) RELATED REPORTS.—The Secretary may require recipients of grant amounts under this title to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

Subtitle E—Termination of Assistance for Indian Tribes under Incorporated Programs

SEC. 661. TERMINATION OF INDIAN PUBLIC HOUSING ASSISTANCE UNDER UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—After September 30, 1997, financial assistance may not be provided under the United States Housing Act of 1937 or pursuant to any commitment entered into under such Act, for Indian housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless such assistance is provided from amounts made available for fiscal year 1997 and pursuant to a commitment entered into before September 30, 1997.

(b) TERMINATION OF RESTRICTIONS ON USE OF INDIAN HOUSING.—Except as provided in section 623(b) of this title, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this title.

SEC. 662. TERMINATION OF NEW COMMITMENTS FOR RENTAL ASSISTANCE.

After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date.

SEC. 663. TERMINATION OF YOUTHBUILD PROGRAM ASSISTANCE.

(a) IN GENERAL.—Subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is amended—

(1) by redesignating section 460 as section 461; and

(2) by inserting after section 459 the following new section:

"SEC. 460. INELIGIBILITY OF INDIAN TRIBES.

''Indian tribes, Indian housing authorities, and other agencies primarily serving Indians or Indian areas shall not be eligible applicants for amounts made available for assistance under this subtitle for fiscal year 1997 and fiscal years thereafter.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsection (a) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under subtitle D of title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 664. TERMINATION OF HOME PROGRAM ASSISTANCE.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended—

(1) in section 217(a)—

(A) in paragraph (1), by striking ''reserving amounts under paragraph (2) for Indian tribes and after''; and

(B) by striking paragraph (2); and

(2) in section 288—

(A) in subsection (a), by striking '', Indian tribes,'';

(B) in subsection (b), by striking '', Indian tribe,''; and

(C) in subsection (c)(4), by striking '', Indian tribe,''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsection (a) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 665. TERMINATION OF HOUSING ASSISTANCE FOR THE HOMELESS.

(a) MCKINNEY ACT PROGRAMS.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) in section 411, by striking paragraph (10);

(2) in section 412, by striking '', and for Indian tribes,'';

(3) in section 413—

(A) in subsection (a)—

(i) by striking '', and to Indian tribes,''; and

(ii) by striking '', or for Indian tribes'' each place it appears;

(B) in subsection (c), by striking ''or Indian tribe''; and

(C) in subsection (d)(3)—

(i) by striking '', or Indian tribe'' each place it appears; and

(ii) by striking '', or other Indian tribes,'';

(4) in section 414(a)—

(A) by striking 'or Indian tribe'' each place it appears; and

(B) by striking '', local government,'' each place it appears and inserting ''or local government'';

(5) in section 415(c)(4), by striking ''Indian tribes,'';

(6) in section 416(b), by striking ''Indian tribe,'';

(7) in section 422—

(A) in by striking ''Indian tribe,''; and

(B) by striking paragraph (3);

(8) in section 441—

(A) by striking subsection (g);

(B) in subsection (h), by striking ''or Indian housing authority''; and

(C) in subsection (j)(1), by striking '', Indian housing authority'';

(9) in section 462—

(A) in paragraph (2), by striking '', Indian tribe,''; and

(B) by striking paragraph (4); and

(10) in section 491(e), by striking '', Indian tribes (as such term is defined in section 102(a) of the Housing and Community Development Act of 1974),''.

(b) INNOVATIVE HOMELESS DEMONSTRATION.—Section 2(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note) is amended—

(1) in paragraph (3), by striking '' 'unit of general local government', and 'Indian tribe' '' and inserting ''and 'unit of general local government' ''; and

(2) in paragraph (4), by striking ''unit of general local government (including units in rural areas), or Indian tribe'' and inserting ''or unit of general local government''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsections (a) and (b) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under title IV of the Stewart B. McKinney Homeless Assistance Act and section 2 of the HUD Demonstration Act of 1993, respectively, for fiscal year 1998 and fiscal years thereafter.

SEC. 666. SAVINGS PROVISION.

Except as provided in sections 661 and 662, this title may not be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement lawfully entered into before October 1, 1997, under the United States Housing Act of 1937, subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title II of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993.

SEC. 667. EFFECTIVE DATE.

Sections 661, 662, and 666 shall take effect on the date of the enactment of this title.

Subtitle F—Loan Guarantees for Affordable Housing Activities

SEC. 671. AUTHORITY AND REQUIREMENTS.

(a) AUTHORITY.—To such extent or in such amounts as provided in appropriation Acts, the Secretary may, subject to the limitations of this subtitle and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designated housing entities, for the purposes of financing affordable housing activities described in section 622.

(b) LACK OF FINANCING ELSEWHERE.—A guarantee under this subtitle may be used to assist an Indian tribe or housing entity in obtaining financing only if the Indian tribe or housing entity has made efforts to obtain such financing without the use of such guarantee and cannot complete such financing

consistent with the timely execution of the program plans without such guarantee.

(c) TERMS OF LOANS.—Notes or other obligations guaranteed pursuant to this subtitle shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this subtitle on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

(d) LIMITATION ON OUTSTANDING GUARANTEES.—No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the issuer's total outstanding notes or obligations guaranteed under this subtitle (excluding any amount defeased under the contract entered into under section 672(a)(1)) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to title III.

(e) PROHIBITION OF PURCHASE BY FFB.—Notes or other obligations guaranteed under this subtitle may not be purchased by the Federal Financing Bank.

(f) PROHIBITION OF GUARANTEE FEES.—No fee or charge may be imposed by the Secretary or any other Federal agency on or with respect to a guarantee made by the Secretary under this subtitle.

SEC. 672. SECURITY AND REPAYMENT.

(a) REQUIREMENTS ON ISSUER.—To assure the repayment of notes or other obligations and charges incurred under this subtitle and as a condition for receiving such guarantees, the Secretary shall require the Indian tribe or housing entity issuing such notes or obligations to—

(1) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this subtitle;

(2) pledge any grant for which the issuer may become eligible under this title;

(3) demonstrate that the extent of such issuance and guarantee under this title is within the financial capacity of the tribe and is not likely to impairment the ability to use of grant amounts under subtitle A, taking into consideration the requirements under section 623(a); and

(4) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this title or dispositions proceeds from the sale of land or rehabilitated property.

(b) REPAYMENT FROM GRANT AMOUNTS.—Notwithstanding any other provision of this title—

(1) the Secretary may apply grants pledged pursuant to subsection (a)(2) to any repayments due the United States as a result of such guarantees; and

(2) grants allocated under this title for an Indian tribe or housing entity (including program income derived therefrom) may be used to pay principal and interest due (including such servicing, underwriting, and other costs as may be specified in regulations issued by the Secretary) on notes or other obligations guaranteed pursuant to this subtitle.

(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this subtitle. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

SEC. 673. PAYMENT OF INTEREST.

The Secretary may make, and contract to make, grants, in such amounts as may be approved in appropriations Acts, to or on behalf of an Indian tribe or housing entity issuing notes or other obligations guaranteed under this subtitle, to cover not to exceed 30 percent of the net interest cost (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) to the borrowing entity or agency of such obligations. The Secretary may also, to the extent approved in appropriation Acts, assist the issuer of a note or other obligation guaranteed under this subtitle in the payment of all or a portion of the principal and interest amount due under the note or other obligation, if the Secretary determines that the issuer is unable to pay the amount because of circumstances of extreme hardship beyond the control of the issuer.

SEC. 674. TREASURY BORROWING.

The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out the obligations of the Secretary under guarantees authorized by this subtitle. The obligations issued under this section shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this section, and for such purposes may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which such securities may be issued under such chapter are extended to include the purchases of the Secretary's obligations hereunder.

SEC. 675. TRAINING AND INFORMATION.

The Secretary, in cooperation with eligible public entities, shall carry out training and information activities with respect to the guarantee program under this subtitle.

SEC. 676. LIMITATIONS ON AMOUNT OF GUARANTEES.

(a) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this subtitle, to the extent approved or provided in appropriation Acts, the Secretary shall enter into commitments to guarantee notes and obligations under this subtitle with an aggregate principal amount of $400,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There is authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this subtitle, $40,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(c) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this subtitle shall not at any time exceed $2,000,000,000 or such higher amount as may be authorized to be appropriated for this subtitle for any fiscal year.

(d) FISCAL YEAR LIMITATIONS ON TRIBES.—The Secretary shall monitor the use of guarantees under this subtitle by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under subsection (c) has been committed, the Secretary may—

(1) impose limitations on the amount of guarantees any one Indian tribe may receive in any fiscal year of $50,000,000; or

(2) request the enactment of legislation increasing the aggregate limitation on guarantees under this subtitle.

SEC. 677. EFFECTIVE DATE.

This subtitle shall take effect upon the enactment of this title.

Subtitle G—Other Housing Assistance for Native Americans

SEC. 681. LOAN GUARANTEES FOR INDIAN HOUSING.

(a) DEFINITION OF ELIGIBLE BORROWERS TO INCLUDE INDIAN TRIBES.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z–13a) is amended—

(1) in subsection (a)—

(A) by striking ''and Indian housing authorities'' and inserting '', Indian housing authorities, and Indian tribes,''; and

(B) by striking ''or Indian housing authority'' and inserting '', Indian housing authority, or Indian tribe''; and

(2) in subsection (b)(1), by striking ''or Indian housing authorities'' and inserting '', Indian housing authorities, or Indian tribes''.

(b) NEED FOR LOAN GUARANTEE.—Section 184(a) of the Housing and Community Development Act of 1992 is amended by striking ''trust land'' and inserting ''lands or as a result of a lack of access to private financial markets''.

(c) LHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 is amended by inserting before the period at the end the following: ''that is under the jurisdiction of an Indian tribe for which a local housing plan has been submitted and approved pursuant to sections 612 and 613 of the Native American Housing Assistance and Self-Determination Act of 1996 that provides for the use of loan guarantees under this section to provide affordable homeownership housing in such areas''.

(d) LENDER OPTION TO OBTAIN PAYMENT UPON DEFAULT WITHOUT FORECLOSURE.—Section 184(h) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (1)(A)—

(A) in the first sentence of clause (i), by striking ''in a court of competent jurisdiction''; and

(B) by striking clause (ii) and inserting the following new clause:

''(ii) NO FORECLOSURE.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interests of the United States. Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (e)). The Secretary shall be subrogated to the rights of the holder of the guarantee and the holder shall assign the obligation and security to the Secretary.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(e) LIMITATION OF MORTGAGEE AUTHORITY.—Section 184(h)(2) of the Housing and Community Development Act of 1992, as so redesignated by subsection (e)(3) of this section, is amended—

(1) in the first sentence, by striking ''tribal allotted or trust land,'' and inserting ''restricted Indian land, the mortgagee or''; and

(B) in the second sentence, by striking ''Secretary'' each place it appears, and inserting ''mortgagee or the Secretary''.

(f) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Section 184(i)(5)(C) of

the Housing and Community Development Act of 1992 is amended by striking ''1993'' and all that follows through ''such year'' and inserting ''1997, 1998, 1999, 2000, and 2001 with an aggregate outstanding principal amount note exceeding $400,000,000 for each such fiscal year''.

(g) AUTHORIZATION OF APPROPRIATIONS FOR GUARANTEE FUND.—Section 184(i)(7) of the Housing and Community Development Act of 1992 is amended by striking ''such sums'' and all that follows through ''1994'' and inserting ''$30,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001''.

(h) DEFINITIONS.—Section 184(k) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (4), by inserting after ''authority'' the following: ''or Indian tribe'';

(2) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) is authorized to engage in or assist in the development or operation of—

''(i) low-income housing for Indians; or

''(ii) housing subject to the provisions of this section; and''; and

(B) by adding at the end the following:

''The term includes tribally designated housing entities under the Native American Housing Assistance and Self-Determination Act of 1996.''; and

(3) by striking paragraph (8) and inserting the following new paragraph:

''(8) The term 'tribe' or 'Indian tribe' means any Indian tribe, band, notation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.

SEC. 682. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

(a) AUTHORITY TO LEASE.—Notwithstanding any other provision of law, any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for residential purposes.

(b) TERM.—Each lease pursuant to subsection (a) shall be for a term not exceeding 50 years.

(c) OTHER CONDITIONS.—Each lease pursuant to subsection (a) and each renewal of such a lease shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior.

(d) RULE OF CONSTRUCTION.—This section may not be construed to repeal, limit, or affect any authority to lease any restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law; or

(2) provides for leases for any period exceeding 50 years.

SEC. 683. TRAINING AND TECHNICAL ASSISTANCE.

There is authorized to be appropriated for assistance for the a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities $2,000,000, for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

SEC. 684. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect upon the enactment of this title.

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 10: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by an elderly family or a disabled family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 11: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by an elderly family or a disabled family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family that is an elderly family or a disabled family, for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 159, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, line 11, before the period insert the following:

; except that in the case of an assisted family that is an elderly family or a disabled family, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 12: Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family that is an elderly family or a disabled family, for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 159, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, line 11, before the period insert the following:

; except that in the case of an assisted family that is an elderly family or a disabled family, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 69, strike lines 18 through 23 and insert the following new subsection:

(c) INCOME MIX.—

(1) LHMA INCOME MIX.—Of the public housing dwelling units of a local housing and management authority made available for occupancy after the date of the enactment of this Act—

(A) not less than 40 percent shall be occupied by low-income families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes; and

(B) not more than 15 percent shall be occupied by low-income families whose incomes exceed 60 percent of the area median income.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A local housing and management authority may not comply with the requirements under paragraph (1) by concentrating very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of local housing and management authorities to ensure compliance with the provisions of this paragraph.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 14: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by a family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act) for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 15: Page 133, line 17, strike ''September 30, 1996'' and insert ''September 30, 2001''.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 16: Page 150, strike line 3 and all that follows through line 25, insert the following:

(b) ADDITIONAL ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for choice-based housing assistance under this title—

(A) to be used in accordance with paragraph (2)(A), $50,000,000 for fiscal year 1997, and such sums as may be necessary for each subsequent fiscal year; and

(B) to be used in accordance with paragraph (2)(B), $195,000,000 for fiscal year 1997, and such sums as may be necessary for each subsequent fiscal year.

(2) USE.—

(A) NONELDERLY DISABLED FAMILIES.—The Secretary shall provide amounts made available under paragraph (1)(A) to local housing and management authorities only for use to

provide housing assistance under this title for nonelderly disabled families (including such families relocating pursuant to designation of a public housing development under section 227 and other nonelderly disabled families who have applied to the authority for housing assistance under this title).

(B) WELFARE AND HOMELESS FAMILIES.—The Secretary shall provide amounts made available under paragraph (1)(B) to local housing and management authorities only for use to provide housing assistance under this title for, as determined by the Secretary, the following families:

(i) Families participating in programs that link housing assistance to State and local welfare reform strategies for the purposes of assisting families making the transition from welfare to work and empowering families to choose housing in locations that offer the best access to jobs, education, training, and other services needed to achieve long-term self-sufficiency.

(ii) Homeless families with children.

(iii) Other eligible families.

(3) ALLOCATION OF AMOUNTS.—The Secretary shall allocate and provide amounts made available under paragraph (1) to local housing and management authorities as the Secretary determines appropriate based on the relative levels of need among the authorities for assistance for families described in subparagraphs (A) and (B) of paragraph (2) and such other relevant factors as the Secretary deems appropriate.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 17: Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike ''(b)'' and insert ''(c)''.

Page 152, line 18, strike ''(c)'' and insert ''(d)''.

Page 153, line 11, strike ''(d)'' and insert ''(e)''.

Page 153, line 16, strike ''(c)'' and insert ''(d)''.

Page 154, line 11, strike ''(e)'' and insert ''(f)''.

Page 155, line 16, strike ''(f)'' and insert ''(g)''.

Page 156, line 1, strike ''(g)'' and insert ''(h)''.

Page 156, line 15, strike ''(h)'' and insert ''(i)''.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 18: Page 157, after line 26, inset the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act) for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling of the applicable size and located in the market area in which such assisted dwelling unit is located may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 159, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, line 9, after ''exceeds'' insert ''(A)''.

Page 172, line 11, before the period insert the following: '', or (B) in the case of a family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act), the lesser of the amount of such resident contribution or 30 percent of the family's adjusted monthly income''.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 19: At the end of title V of the bill, insert the following new section:

SEC. 504. AUTHORITY FOR HUD TO RELEASE RETURN INFORMATION TO LHMA'S.

Section 6103(a)(7)(D) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ix), by inserting after ''officers and employees of the Department of Housing and Urban Development'' the following: ''(and by officers and employees of local housing and management authorities, as defined in section 102 of the United States Housing Act of 1996 (including Indian housing authorities and recipients of assistance under such Act on behalf of Indian tribes) to whom the Secretary of Housing and Urban Development has made such return information available)''; and

(2) in the matter following clause (ix), by striking the last sentence.

H.R. 2406

OFFERED BY: MR. LAZIO OF NEW YORK

AMENDMENT NO. 20: Page 7, lines 9 and 10, strike ''and become self-sufficient; and'' and insert the following: '', become self-sufficient, and transition out of public housing and federally assisted dwelling units;''.

Page 7, line 15, strike the period and insert ''; and''.

Page 7, after line 15, insert the following:

(7) remedying troubled local housing and management authorities and replacing or revitalizing severely distressed public housing developments.

Page 10, line 23, after the comma insert ''as determined by the Secretary with adjustments for smaller and larger families,''.

Page 13, line 7, after the comma insert ''as determined by the Secretary with adjustments for smaller and larger families,''.

Page 14, line 3, strike ''or''.

Page 14, strike line 4 and insert the following:

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pur-

Page 14, strike line 23 and all that follows through page 15, line 5, and insert the following:

ber who is an elected public housing resident member (as such term is defined in paragraph (5)). If the board includes 2 or more resident members, at least 1 such member shall be a member of an assisted family under title III.

Page 15, line 7, strike ''a resident member'' and insert ''elected public housing resident members and resident members''

Page 16, strike lines 3 through 6.

Page 16, line 7, strike ''(iv)'' and insert ''(iii)''.

Page 16, line 13, strike ''(v)'' and insert ''(iv)''.

Page 17, strike lines 4 through 10, and insert the following new paragraph:

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term ''elected public housing resident member'' means, with respect to the local housing and management authority involved, an individual who is a resident member of the board of directors (or other similar governing body of the authority) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the authority;

(II) have not been convicted of a felony and do not reside in a household that includes an individual convicted of a felony; and

(III) have not, during the 5-year period ending upon the date of such election, been convicted of a misdemeanor;

(ii) in which only residents of dwelling units of public housing administered by the authority may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term ''resident member'' means a member of the board of directors or other similar governing body of a local housing and management authority who is a resident of a public housing dwelling unit owned, administered, or assisted by the authority or is a member of an assisted family (as such term is defined in section 371) assisted by the authority.

Page 17, line 18, insert ''**AND MEDIAN INCOME**'' before the last period.

Page 17, line 19, strike ''IN GENERAL'' and insert ''ADJUSTED INCOME''.

Page 19, line 1, after ''MINORS'' insert '', STUDENTS, AND PERSONS WITH DISABILITIES''.

Page 19, line 5, before the period insert the following: '', or who is 18 years of age or older and is a person with disabilities''.

Page 20, after line 10, insert the following new subsection:

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine

or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

Page 20, strike line 11 and all that follows through page 21, line 22, and insert the following new section:

SEC. 105. OCCUPANCY LIMITATIONS BASED ON ILLEGAL DRUG ACTIVITY AND ALCOHOL ABUSE.

(a) INELIGIBILITY BECAUSE OF EVICTION FOR DRUG-RELATED CRIMINAL ACTIVITY.—Any tenant evicted from housing assisted under title II or title III by reason of drug-related criminal activity (as such term is defined in section 102) shall not be eligible for any housing assistance under title II or title III during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the local housing and management authority (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a local housing and management authority shall establish standards for occupancy in public housing dwelling units and housing assistance under title II—

(A) that prohibit occupancy in any public housing dwelling unit by, and housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) if the local housing and management authority determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project; and

(B) that allow the local housing and management authority to terminate the tenancy in any public housing unit of, and the housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the local housing and management authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1), to deny occupancy or assistance to any person based on a pattern of use of a controlled substance or a pattern of abuse of alcohol, a local housing and management authority may consider whether such person—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) OTHER SCREENING.—A local housing and management authority may deny occupancy as provided in section 642 of the Housing and Community Development Act of 1992.

Page 22, line 4, strike ''(b)'' and insert ''(c)''.

Page 22, strike line 8 and all that follows through line 13, and insert the following:

member of the family shall contribute not less than 8 hours of work per month within the community in which the family resides. The requirement under this subsection shall be incorporated in the terms of the tenant self-sufficiency contract under subsection (b).

(b) TENANT SELF-SUFFICIENCY CONTRACT.—

(1) REQUIREMENT.—Except as provided in subsection (c), each local housing and management authority shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family who has custody of, or is responsible for, a minor living in his or her care shall enter into a legally enforceable self-sufficiency contract under this section with the authority.

(2) CONTRACT TERMS.—The terms of a self-sufficiency contract under this subsection shall be established pursuant to consultation between the authority and the family and shall include a plan for the resident's or family's residency in housing assisted under this Act that provides—

(A) a date specific by which the resident or family will graduate from or terminate tenancy in such housing;

(B) specific interim and final performance targets and deadlines relating to self-sufficiency, which may relate to education, school participation, substance and alcohol abuse counseling, mental health support, jobs and skills training, and any other factors the authority considers appropriate; and

(C) any resources, services, and assistance relating to self-sufficiency to be made available to the resident or family.

(3) INCORPORATION INTO LEASE.—A self-sufficiency contract under this subsection shall be incorporated by reference into a lease under section 226 or 324, as applicable, and the terms of such contract shall be terms of the lease for which violation may result in—

(A) termination of tenancy, pursuant to section 226(4) or 325(a)(1), as applicable; or

(B) withholding of assistance under this Act.

The contract shall provide that the local housing and management authority or the resident who is a party to the contract may enforce the contract through an administrative grievance procedure under section 110.

(4) PARTNERSHIPS FOR SELF-SUFFICIENCY ACTIVITIES.—A local housing and management authority may enter into such agreements and form such partnerships as may be necessary, with State and local agencies, nonprofit organizations, academic institutions, and other entities who have experience or expertise in providing services, activities, training, and other assistance designed to facilitate low- and very-low income families achieving self-sufficiency.

(5) CHANGED CIRCUMSTANCES.—A self-sufficiency contract under this subsection shall provide for modification in writing and that the local housing and management authority may for good cause or changed circumstances waive conditions under the contract.

(6) MODEL CONTRACTS.—The Secretary shall, in consultation with organizations and groups representing resident councils and residents of housing assisted under this Act, develop a model self-sufficiency contract for use under this subsection. The Secretary shall provide local housing and management authorities with technical assistance and advice regarding such contracts.

Page 22, line 16, strike ''requirement under subsection (a)'' and insert ''requirements under subsections (a) and (b)(1)''.

Page 27, lines 19 and 20, strike ''section 110'' and insert ''section 111''.

Page 29, line 18, after ''WELFARE'' insert ''AND OTHER APPROPRIATE''.

Page 29, line 20, after ''welfare agencies'' insert the following: ''and other appropriate Federal, State, or local government agencies or nongovernment agencies or entities''.

Page 29, line 25, strike ''requirements'' and all that follows through ''ensure'' on page 30, line 1, and insert the following: ''policies established by the authority that increase or maintain''.

Page 30, line 7, strike ''local law'' and insert the following: ''Federal, State, and local law''.

Page 34, line 8, strike ''or''.

Page 30, after line 8, insert the following new paragraph:

(13) POLICIES FOR LOSS OF HOUSING ASSISTANCE.—A description of policies of the authority requiring the loss of housing assistance and tenancy under titles II and III, pursuant to sections 222(e) and 321(g).

Page 34, line 12, strike the period and insert a semicolon.

Page 34, after line 12, insert the following new paragraphs:

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the authority;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the authority;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

Page 36, line 24, after the semicolon insert ''or''.

Page 37, after line 17, insert the following new section:

SEC. 109. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each local housing and management authority shall annually submit to the Accreditation Board established under section 401, on a date determined by such Board, a performance and evaluation report concerning the use of funds made available under this Act. The report of the local housing and management authority shall include an assessment by the authority of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The local housing and management authority shall certify that the report was available for review and comment by affected tenants prior to its submission to the Board.

(b) REVIEW OF LHMA'S.—The Accreditation Board established under section 401 shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each local housing and management authority receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan;

(2) has a continuing capacity to carry out its local housing management plan in a timely manner; and

(3) has satisfied, or has made reasonable progress towards satisfying, such performance standards as shall be prescribed by the Board.

(c) RECORDS.—Each local housing and management authority shall collect, maintain, and submit to the Accreditation Board established under section 401 such data and other program records as the Board may require, in such form and in accordance with such schedule as the Board may establish.

Page 37, line 18, strike ''**SEC. 109.**'' and insert ''**SEC. 110.**''.

Page 38, line 6, strike ''**SEC. 110.**'' and insert ''**SEC. 111.**''.

Page 38, lines 10 and 11, strike ''and assisted families under title III''.

Page 38, line 16, after ''impartial party'' insert ''(including appropriate employees of the local housing and management authority)''.

Page 39, strike lines 13 through 17 and insert the following new subsection:

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any local housing and management authority to establish or implement an administrative grievance procedure with respect to assisted families under title III.

Page 39, line 18, strike ''**SEC. 111.**'' and insert ''**SEC. 112.**''.

Page 40, line 18, strike ''**SEC. 112.**'' and insert ''**SEC. 113.**''.

Page 39, lines 22 and 23, strike ''to provide incremental housing assistance under title III'' and insert ''for use''.

Page 40, line 2, after ''subsection (a)'' insert ''or appropriated or otherwise made available for use under this section''.

Page 40, strike lines 12 through 17 and insert the following:

(4) providing technical assistance, training, and electronic information systems for the Department of Housing and Urban Development, local housing and management authorities, residents, resident councils, and resident management corporations to improve management of such authorities, except that the provision of assistance under this paragraph may not involve expenditure of amounts retained under subsection (a) for travel;

(5)(A) providing technical assistance, directly or indirectly, for local housing and management authorities, residents, resident councils, resident management corporations, and nonprofit and other entities in connection with implementation of a homeownership program under section 251, except that grants under this paragraph may not exceed $100,000; and (B) establishing a public housing homeownership program data base; and

(6) needs related to the Secretary's actions regarding troubled local housing and management authorities under this Act.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

Page 42, line 4, after ''who'' insert ''(A)''.

Page 42, line 6, strike ''and'' and insert a comma.

Page 42, line 7, strike ''or production''.

Page 42, line 8, before the period insert the following: '', and (C) is not a member of a bargaining unit represented by a union that has a collective bargaining agreement with the local housing and management authority''.

Page 42, after line 8, insert the following:

(3) RESIDENTS IN TRAINING PROGRAMS.—Any individuals participating in a job training program or other program designed to promote economic self-sufficiency.

(c) DEFINITION.—For purposes of this section, the terms ''operation'' and ''production'' have the meanings given the term in section 273.

Page 42, line 9, strike ''**SEC. 113.**'' and insert ''**SEC. 114.**''.

Page 43, after line 4, insert the following new section:

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, local housing and management authorities, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

Page 43, line 5, strike ''**SEC. 114.**'' and insert ''**SEC. 115.**''.

Page 45, strike line 22 and insert the following:

SEC. 202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

Page 46, after line 2, insert the following new subsection:

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible local housing and management authorities under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—A local housing and management authority may use up to 10 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 203(a)(2) to be funded with amounts from the operating fund.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a local housing and management authority for a fiscal year shall be the amount of the allocation for the authority determined under section 204, except as otherwise provided in this title and subtitle B of title IV.

Page 46, line 3, strike ''(b)'' and insert ''(d)''.

Page 46, line 19, strike ''(d)'' and insert ''(e)''.

Page 47, line 3, strike ''(e)'' and insert ''(f)''.

Page 47, strike lines 7 through 11.

Page 47, line 12, strike ''(d)'' and insert ''(e)''.

Page 48, line 22, strike ''not''.

Page 49, line 12, strike ''(e)'' and insert ''(f)''.

Page 49, line 20, strike ''(f)'' and insert ''(g)''.

Page 50, strike line 4 and all that follows through page 54, line 5, and insert the following new subsection:

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may only be used only for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing work program under section 106, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

Page 54, line 11, after ''title III'' insert a comma.

Page 54, strike lines 16 through 25 and insert the following:

sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the local housing and management authority cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimate cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title III for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Local housing and management agencies shall identify properties that meet the definition of subparagraphs (A) through (E).

Page 55, line 3, strike ''formula'' and insert ''formulas''.

Page 55, line 6, strike ''incremental''.

Page 55, strike line 7 and all that follows through ''assistance'' on line 10.

Page 56, line 14, after ''and'' insert ''take''.

Page 58, line 10, strike ''formula'' and insert ''formulas''.

Page 58, line 12, strike ''formula'' and insert ''formulas''.

Page 58, strike line 15 and all that follows through line 22, and insert the following new subsection:

(c) EXTENSION OF DEADLINES.—The Secretary may, for a local housing and management authority, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

Page 59, line 11, strike ''**BLOCK**''.

Page 59, line 13, strike ''section 111'' and insert ''section 112''.

Page 59, line 24, strike ''a formula described in'' and insert ''the formulas described in paragraphs (1) and (2) of''.;

Page 60, lines 1 and 2, strike ''formula'' and insert ''formulas''.

Page 60, strike line 10 and all that follows through line 23 and insert the following:

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the local housing and management authority, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the local housing and management authority to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the local housing and management authority, including backlog and projected future needs of the authority;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the local housing and management authority to carry out activities that provide a safe and secure environment in public housing units owned or operated by the local housing and management authority.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(A) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(B) the number of public housing dwelling units owned or operated by the local housing and management authority; and

(C) the need of the local housing and management authority to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents.

Page 60, line 24, strike ''(2)'' and insert ''(3)''.

Page 60, line 25, strike ''formula'', and insert ''formulas''.

Page 61, line 4, strike ''formula'', and insert ''formulas''.

Page 61, line 6, strike ''(3)'' and insert ''(4)''.

Page 61, line 9, strike ''formula'', and insert ''formulas''.

Page 61, line 10, strike ''(2)'' and insert ''(3)''.

Page 62, line 10, after ''costs'' insert the following: ''and other necessary costs (such as costs necessary for the protection of persons and property)''.

Page 62, after line 16, insert the following new subparagraph:

(D) INCREASES IN INCOME.—The Secretary may revise the formula referred to in subparagraph (B) to provide an incentive to encourage local housing and management authorities to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families with a broad range of incomes, including families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the local housing and management authority shall derive the full benefit of an increase in nonrental income, and such increase shall not directly result in a decrease in amounts provided to the authority under this title.

Page 63, after line 13, insert the following new subsection:

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a local housing and management authority uses proceeds from the sale of units under a homeownership program in accordance with section 251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the authority under this section until sale by the authority, but in any case no longer than 5 years.

Page 69, line 21, strike ''25 percent'' and insert ''30 percent''.

Page 69, line 23, strike the period insert the following: '', as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.''.

Page 71, after line 11, insert the following new subsection:

(e) LOSS OF ASSISTANCE FOR TERMINATION OF TENANCY.—A local housing and management authority shall, consistent with policies described in the local housing management plan of the authority, establish policies providing that a family residing in a public housing dwelling unit whose tenancy is terminated for serious violations of the terms or conditions of the lease shall—

(1) lose any right to continued occupancy in public housing under this title; and

(2) immediately become ineligible for admission to public housing under this title or for housing assistance under title III—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; or

(B) for other terminations, for a reasonable period of time as determined period of time as determined by the local housing and management authority.

Page 71, line 22, strike the period and all that follows through ''sources'' in line 24.

Page 72, strike line 11 and all that follows through page 74, line 20, and insert the following new subsection:

(b) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for, or tenants of, public housing as provided in section 646 of the Housing and Community Development Act of 1992.

Page 76, strike line 2 and all that follows through page 77, line 14, and insert the following:

(a) RENTAL CONTRIBUTION BY RESIDENT.—

(1) IN GENERAL.—A family shall pay as monthly rent for a dwelling unit in public housing the amount that the local housing and management authority determines is appropriate with respect to the family and the unit, which shall be—

(A) based upon factors determined by the authority, which may include the adjusted income of the resident, type and size of dwelling unit, operating and other expenses of the authority, or any other factors that the authority considers appropriate; and

(B) an amount that is not less than the minimum monthly rental amount under subsection (b)(1) nor more than any maximum monthly rental amount established for the dwelling unit pursuant to subsection (b)(2).

In determining the amount of the rent charged under this paragraph for a dwelling unit, a local housing and management authority shall take into consideration the characteristics of the population served by the authority, the goals of the local housing management plan for the authority, and the goals under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction.

(2) EXCEPTIONS.—Notwithstanding any other provision of this section, the amount paid for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is residing in any dwelling unit in public housing and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

(b) ALLOWABLE RENTS.—

(1) MINIMUM RENTAL.—Each local housing and management authority shall establish, for each dwelling unit in public housing owned or administered by the authority, a minimum monthly rental contribution toward the rent (which rent shall include any amount allowed for utilities), which—

(A) may not be less than $25, nor more than $50; and

(B) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly rental contribution in effect for the preceding year.

Notwithstanding the preceding sentence, a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 82, line 14, before the semicolon, insert ''on or off such premises''.

Page 83, strike line 1 and all that follows through page 89, line 15, and insert the following new section:

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a local housing and management authority for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the local housing and

management authority may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a local housing and management authority determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the authority may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in section 105(b)(1)(B), any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any local housing and management authority pursuant to this section.

(c) RELOCATION ASSISTANCE.—A local housing and management authority that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the authority and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title III, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—A local housing and management authority may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the authority, as part of the authority's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term 'supportive services' means services designed to meet the special needs of residents. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) EFFECTIVENESS.—

(1) Initial 5-year effectiveness.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 108(a) of the local housing and management authority that the information complies with the requirements under section 107 and this section.

(2) RENEWAL.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an authority may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a local housing and management authority extends the effectiveness of a designation and information under this paragraph.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a local housing and management authority shall be considered to have submitted the information required under this section if the authority has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) that has not been approved or disapproved before such date of enactment.

(4) TRANSITION PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) before such date of enactment shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(g) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(h) USE OF AMOUNTS.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120) may also be used for choice-based rental housing assistance under title III for local housing and management authorities to implement this section.

Page 89, after line 23, insert the following new subsection:

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each local housing and management authority that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each local housing and management authority shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an authority-wide basis.

Page 89, line 24, strike ''(b)'' and insert ''(c)''.

Page 90, strike lines 13 through 16 and insert the following:

dwellings, with such applicable

Page 90, lines 20 and 21, strike the period ''subparagraph (A)'' and insert ''paragraph (1)''.

Page 91, strike ''and'' in line 12 and all that follows through line 16 and insert a period.

Page 92, strike lines 4 through 11, and insert the following:

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through the end and inserting ''assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs.''; and

(B) in subparagraph (B)(ii), by striking ''managed by the public or Indian housing agency'' and inserting ''assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through ''section 14 of that Act'' and inserting ''assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs''; and

(B) in subparagraph (B)(ii), by striking ''operated by the public or Indian housing agency'' and inserting ''assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''.

Page 93, line 3, insert ''on a regular basis'' before the period.

Page 97, line 8, strike ''is''.

Page 108, line 16, after the period insert the following: ''In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize local housing and management authorities or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

Page 109, after line 17, insert the following new paragraph:

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

Page 110, line 19, after the period the following:

An authority may transfer a unit only pursuant to a homeownership program approved

by the Secretary. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section.

Page 111, line 5, insert after ''sales'' the following: ''by purchasing units for resale to low-income families''.

Page 111, line 16, after the period insert the following:

In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.

Page 113, line 9, after ''propriate'' insert ''(whether the family purchases directly from the authority or from another entity)''.

Page 115, line 4, after the period insert the following new sentence:

Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

Page 127, line 19, insert ''and'' after the semicolon.

Page 127, line 21, strike ''; and'' and insert a period.

Page 127, strike line 22 and all that follows through page 128, line 2, and insert the following:

The Secretary shall give preference in selection to any local housing and management authority that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

Page 129, line 4, before the period insert the following: ''or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee''.

Page 129, line 9, after ''troubled'' insert ''or dysfunctional''.

Page 133, line 5, strike lines 4 and 5 and insert the following:

under this section $480,000,000 for each of fiscal years 1996, 1997, and 1998''.

Page 133, line 17, strike ''1996'' and insert ''1998''.

Page 133, after line 17, insert the following new section:

SEC. 263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A local housing and management authority may convert any public housing development (or portion thereof) owned and operated by the authority to a system of choice-based rental housing assistance under title III, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the local housing and management authority shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the authority;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title III for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development; and

(4) identify the actions, if any, that the local housing and management authority will take with regard to converting any public housing development or developments (or portions thereof) of the authority to a system of choice-based rental housing assistance under title III.

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a local housing and management authority, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A local housing and management authority may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will not be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the local housing and management authority, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the local housing and management authority to provide choice-based rental housing assistance under title III shall be added to the housing assistance payment contract administered by the local housing and management authority or any entity administering the contract on behalf of the local housing and management authority.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed immediately before the enactment of this Act).

Page 135, line 18, strike ''section 202(b)'' and insert ''section 202(d)''.

Page 138, strike line 5 and all that follows through line 7 and insert the following:

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1997, 1998, 1999, and 2000; and

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,800,000,000 for each of fiscal years 1997, 1998, 1999, and 2000.

Page 141, line 7, strike ''(5)'' and insert ''(4)''.

Page 141, line 10, strike ''(6)'' and insert ''(5)''.

Page 140, line 21, after ''title'' insert the following: ''pursuant to the formula established under section 304(a)''.

Page 141, lines 16 and 17, strike ''subsection (c) and section 109'' and insert ''subsections (b)(3) and (c), and section 112''.

Page 143, line 19, after ''including'' insert the following: ''funding for the headquarters reserve fund under section 112,''.

Page 143, line 25, after ''displacement'' insert ''from public or assisted housing''.

Page 144, line 9, strike ''loan'' and insert ''portfolio''.

Page 148, line 22, strike ''the Secretary'' and all that follows through page 149, line 21, and insert the following: ''the Secretary shall take such steps as may be necessary to ensure that the local housing and management authority that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).''.

Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 50 percent shall be families whose incomes do not exceed 60 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike ''(b)'' and insert ''(c)''.

Page 152, line 18, strike ''(c)'' and insert ''(d)''.

Page 153, strike line 11 and all that follows through line 25 on page 155, and insert the following new subsection:

(d) PORTABILITY OF HOUSING ASSISTANCE.—

(1) NATIONAL PORTABILITY.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a local housing and management authority may require that any family not living within the jurisdiction of the local housing and management authority at the time the family applies for assistance from the authority shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from that authority, lease and occupy an eligible dwelling unit located within the jurisdiction served by the authority. The authority for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) SOURCE OF FUNDING FOR A FAMILY THAT MOVES.—For a family that has moved into the jurisdiction of a local housing and management authority and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another authority, the authority for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other authority under that authority's contract.

(3) AUTHORITY TO DENY ASSISTANCE TO CERTAIN FAMILIES WHO MOVE.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) FUNDING ALLOCATIONS.—In providing assistance amounts under this title for local housing and management authorities for any fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an authority in the preceding fiscal year as a result of this subsection.

Page 156, line 3, strike ''may, to the extent such policies are'' and insert ''shall, consistent with the policies''.

Page 156, lines 4 and 5, strike ''and included in the lease for a dwelling unit''.

Page 156, strike lines 11 through 14 and insert the following new paragraph:

(2) immediately become ineligible for housing assistance under this title or for admission to public housing under title II—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; and

(B) for other terminations, for a reasonable period of time as determined by the local housing and management authority.

Page 156, line 15, strike ''(h)'' and insert ''(f)''.

Page 156, after line 24, insert the following new subsections:

(i) DENIAL OF ASSISTANCE TO CRIMINAL OFFENDERS.—In making assistance under this title available on behalf of eligible families, a local housing and management authority may deny the provision of such assistance in the same manner, for the same period, and subject to the same conditions that an owner of federally assisted housing may deny occupancy in such housing under subsections (b) and (c) of section 642 of the Housing and Community Development Act of 1992.

(j) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for housing assistance under this title and assisted families under this title to the same extent an owner of federally assisted housing may obtain such records regarding an applicant for or tenant of federally assisted housing under section 646 of the Housing and Community Development Act of 1992.

Page 157, strike line 2 and all that follows through page 158, line 8, and insert the following new subsections:

(a) AMOUNT.—

(1) IN GENERAL.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the local housing and management authority determines is appropriate with respect to the family and the unit, but shall not be less than the minimum monthly rental contribution determined under subsection (b).

(2) EXCEPTIONS FOR CERTAIN CURRENT RESIDENTS.—Notwithstanding paragraph (1), the amount paid by an assisted family for monthly rent for an assisted dwelling unit, may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is an assisted family and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

Any amount payable under paragraph (3) shall be in addition to the amount payable under this paragraph.

(3) EXCESS RENTAL AMOUNT.—In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) or (2) of this subsection for such family) such entire excess rental amount.

(b) MINIMUM MONTHLY RENTAL CONTRIBUTION.—

(1) IN GENERAL.—The local housing and management authority shall determine the amount of the minimum monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the authority considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) HARDSHIP EXCEPTION.—Notwithstanding paragraph (1), a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 161, line 21, strike ''section 325'' and insert ''this title''.

Page 162, line 19, before the period, insert ''on or off such premises''.

Page 163, strike lines 9 through 16 and insert the following new paragraph:

(1) IN GENERAL.—Notwithstanding subsection (a), a local housing and management authority—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial of participation takes effect.

If the local housing and management authority takes action under subparagraph (B), the authority shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

Page 163, strike line 23 and all that follows through page 164, line 2.

Page 164, line 8, before the period insert ''and any applicable law''.

Page 165, line 17, strike ''subsection (b)'' and insert ''subsection (c)''.

Page 166, strike lines 9 through 22 and insert the following new paragraph:

(2) EXPEDITIOUS INSPECTION.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the local housing and management authority. The performance of the authority in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the authority.

Page 167, line 14, strike ''The authority'' and all that follows through line 19 and insert the following new sentence: ''The authority shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary and the Inspector General for the Department of Housing and Urban Development, the Housing Foundation and Accreditation Board established under title IV, and any auditor conducting an audit under section 432.''.

Page 168, line 18, before ''income'' insert ''sufficient''.

Page 170, line 18, after ''dwelling units'' insert the ''(other than public housing)''.

Page 170, line 22, strike ''or the owner''.

Page 171, strike line 15 and all that follows through page 172, line 11, and insert the following new section:

SEC. 352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located—

(1) the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 322(a)(1); or

(2) in the case only of families described in paragraph (2) of section 322(a), the amount by which such payment standard exceeds the lesser of (i) the resident contribution determined in accordance with section 322(a)(1), or (ii) 30 percent of the family's adjusted monthly income.

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the local housing and management authority. Amounts in the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The local housing and management authority making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the authority for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by local housing and management authorities and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 329, the term ''gross rent'' shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

Page 173, line 3, strike ''large''.

Page 173, strike ''For purposes'' in line 15 and all that follows through line 19.

Page 174, line 5, after ''unit'' insert ''(with respect to initial contract rents and any rent revisions)''.

Page 179, line 25, strike ''section 110'' and insert ''section 111''.

Page 182, line 17, strike ''2'' and insert ''at least 2, but not more than 4''.

Page 183, after line 15, insert the following new subparagraph:

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

Page 186, after line 2, insert the following new paragraph:

(3) IMPROVEMENT OF INDEPENDENT AUDITS.—Providing for the development of effective means for conducting comprehensive financial and performance audits of local housing and management authorities under section 432 and, to the extent provided in such section, providing for the conducting of such audits.

Page 186, line 3, strike ''(3)'' and insert ''(4)''.

Page 186, strike lines 6 through 8 and insert the following:

grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, ensuring that financial and performance audits under section 432

Page 186, line 12, strike ''(4)'' and insert ''(5)''.

Page 187, after line 13, insert the following new subsection:

(c) ASSISTANCE FROM NATIONAL CENTER FOR HOUSING MANAGEMENT.—

(1) IN GENERAL.—During the period referred to in subsection (a), the National Center for Housing Management established by Executive Order 11668 (42 U.S.C. 3531 note) shall, to the extent agreed to by the Center, provide the Board with ongoing assistance and advice relating to the following matters:

(A) Organizing the structure of the Board and its operations.

(B) Establishing performance standards and guidelines under section 431(a).

Such Center may, at the request of the Board, provide assistance and advice with respect to matters not described in paragraphs (1) and (2) and after the expiration of the period referred to in subsection (a).

(2) ASSISTANCE.—The assistance provided by such Center shall include staff and logistical support for the Board and such operational and managerial activities as are necessary to assist the Board to carry out its functions during the period referred to in subsection (a).

Page 188, after line 22, insert the following new paragraph:

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of annual financial and performance audits of local housing and management authorities under section 432. The Inspector General may advise the Board with respect to other activities and functions of the Board.

Page 189, line 4 and 5, strike ''research or surveys'' and insert ''evaluations under section 404(b), audits of local housing and management authorities as provided under section 432, research, and surveys''.

Page 189, line 6, before the period insert the following: '', and may enter into contracts with the National Center for Housing Management to conduct the functions assigned to the Center under this title''.

Page 190, line 5, strike ''and'' and insert a comma.

Page 190, line 6, before the period insert '', and conducting audits of authorities under section 432''.

Page 190, after line 13, insert the following new subsection:

(a) REPORT ON COORDINATION WITH HUD FUNCTIONS.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Board shall submit a report to the Congress that—

(1) identifies and describes the processes, procedures, and activities of the Department of Housing and Urban Development which may duplicate functions of the Board, and makes recommendations regarding activities of the Department that may no longer be necessary as a result of improved auditing of authorities pursuant to this title;

(2) makes recommendations for any changes to Federal law necessary to improve auditing of local housing and management authorities; and

(3) makes recommendations regarding the review and evaluation functions currently performed by the Department of Housing and Urban Development that may be more efficiently performed by the Board and should be performed by the Board, and those that should continue to be performed by the Department.

Page 190, line 14, before ''The'' insert ''(b) ANNUAL REPORTS.—''.

Page 190, after line 23, insert the following new section:

SEC. 408. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Page 196, strike line 10 and all that follows through page 198, line 25, and insert the following new section:

SEC. 432. FINANCIAL AND PERFORMANCE AUDITS.

(a) REQUIREMENT.—A financial and performance audit under this section shall be conducted for each local housing and management authority for each fiscal year that the authority receives grant amounts under this Act, as provided under one of the following paragraphs:

(1) LHMA PROVIDES FOR AUDIT.—If neither the Secretary nor the Board takes action under paragraph (2) or (3), the Secretary shall require the local housing and management authority to have the audit conducted. The Secretary may prescribe that such audits be conducted pursuant to guidelines set forth by the Department.

(2) SECRETARY REQUESTS BOARD TO PROVIDE FOR AUDIT.—The Secretary may request the Board to contract directly with an auditor to have the audit conducted for the authority.

(3) BOARD PROVIDES FOR AUDIT.—The Board may notify the Secretary that it will contract directly with an auditor to have the audit conducted for the authority.

(b) OTHER AUDITS.—Pursuant to risk assessment strategies designed to ensure the integrity of the programs for assistance under this Act, which shall be established by the Inspector General for the Department of Housing and Urban Development in consultation with the Board, the Inspector General may request the Board to conduct audits under this subsection of local housing and management authorities. Such audits may be in addition to, or in place of, audits under subsection (a), as the Board shall provide.

(c) SUBMISSION OF RESULTS.—

(1) SUBMISSION TO SECRETARY AND BOARD.—The results of any audit conducted under this subsection shall be submitted to the local housing and management authority, the Secretary, and the Board.

(2) SUBMISSION TO LOCAL OFFICIALS.—

(A) REQUIREMENT.—A local housing and management authority shall submit each audit conducted under this section to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the local housing and management authority for review and comment. Any such comments shall be submitted, together with the audit, to the Secretary and the Board and the Secretary and the Board shall consider such comments in reviewing the audit.

(B) TIMING.—An audit shall be submitted to local officials as provided in subparagraph (A)—

(i) in the case of an audit conducted under subsection (a)(1), not later than 60 days before the local housing and management authority submits the audit to the Secretary and the Board; or

(ii) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), not later than 60 days after the authority receives the audit.

(d) PROCEDURES.— The requirements for financial and performance audits under this section shall—

(1) be established by the Board, in consultation with the Inspector General of the Department of Housing and Urban Development;

(2) provide for the audit to be conducted by an independent auditor selected—

(A) in the case of an audit under subsection (a)(1), by the authority; and

(B) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), by the Board;

(3) authorize the auditor to obtain information from a local housing and management authority, to access any books, documents, papers, and records of an authority that are pertinent to this Act and assistance received pursuant to this Act, and to review any reports of an authority to the Secretary;

(4) impose sufficient requirements for obtaining information so that the audits are useful to the Board in evaluating local housing and management authorities; and

(5) include procedures for testing the reliability of internal financial controls of local housing and management authorities.

(e) PURPOSE.—Audits under this section shall be designed to—

(1) evaluate the financial performance and soundness and management performance of the local housing and management authority board of directors (or other similar governing body) and the authority management officials and staff;

(2) assess the compliance of an authority with all aspects of the standards and guidelines established under section 431(a)(1);

(3) provide information to the Secretary and the Board regarding the financial performance and management of the authority and to determine whether a review under section 225(d) or 353(c) is required; and

(4) identify potential problems in the operations, management, functioning of a local housing and management authority at a time before such problems result in serious and complicated deficiencies.

(f) INAPPLICABILITY OF SINGLE AUDIT ACT.—Notwithstanding the first sentence of section 7503(a) of title 31, United States Code, an audit conducted in accordance with chapter 75 of such title shall not exempt any local housing and management authority from conducting an audit under this section. Audits under this section shall not be subject to the requirements for audits under such chapter. An audit under this section for a local housing and management authority for a fiscal year shall be considered to satisfy any requirements under such chapter for such fiscal year.

(g) WITHHOLDING OF AMOUNTS FOR COSTS OF AUDIT.—

(1) LHMA RESPONSIBLE FOR AUDIT.—If the Secretary requires a local housing and management authority to have an audit under this section conducted pursuant to subsection (a)(1) and determines that the authority has failed to take the actions required to submit an audit under this section for a fiscal year, the Secretary may—

(A) arrange for, and pay the costs of, the audit and withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); or

(B) request the Board to conduct the audit pursuant to subsection (a)(2) and withhold amounts pursuant to paragraph (2) of this subsection.

(2) BOARD RESPONSIBLE FOR AUDIT.—If the Board is responsible for an audit for a local housing and management authority pursuant to paragraph (2) or (3) of subsection (a), subsection (b), or paragraph (1)(B) of this subsection, the Secretary shall—

(A) withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the audit, but in no case more than the reasonable cost of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); and

(B) transfer such amounts to the Board.

Page 201, line 21, strike ''to prepare''.

Page 201, line 23, after ''housing'' insert ''or functions''.

Page 202, lines 1 and 2, strike ''to prepare''.

Page 203, lines 17 and 18, strike ''the expiration'' and all that follows through ''437(b)(2)'' on line 19, and insert the following: ''such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 438''.

Page 203, line 19, strike ''437(b)(2)'' and insert ''438(b)(2) or (b)(5)''.

Page 207, line 16, strike ''section 435'' and insert ''section 436''.

Page 209, line 9, strike ''if'' and all that follows through the comma on line 12.

Page 210, line 9, before the semicolon insert '', but only after efforts to renegotiate such contracts have failed''.

Page 210, line 19, after ''laws'' insert the following: ''relating to civil service requirements, employee rights, procurement, or financial or administrative controls''.

Page 210, line 20, strike ''receiver'' and insert ''Secretary''.

Page 212, line 24, strike ''(D'' and insert ''(D)''.

Page 212, line 25, after ''laws'' insert the following: ''relating to civil service requirements, employee rights, procurement, or financial or administrative controls''.

Page 213, after line 23, insert the following new subsection:

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

Page 215, line 7, strike ''for the first year beginning after the date of enactment of this Act''.

Page 216, line 2, strike ''section 438(b)'' and insert ''section 439(b)''.

Page 217, line 7, strike ''section 432'' and insert ''section 433''.

Page 217, line 9, strike ''and 436'' and insert ''436, and 438''.

Page 218, strike lines 19 through 22 (and redesignate subsequent paragraphs accordingly).

Page 226, after line 9, insert the following new subsection:

(f) CONVERSION OF PROJECT-BASED ASSISTANCE TO CHOICE-BASED RENTAL ASSISTANCE.—

(1) SECTION 8 PROJECT-BASED CONTRACTS.—Upon the request of the owner of a multifamily housing project for which project-based assistance is provided under a contract entered into under section 8 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project and shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(2) SECTION 236 CONTRACTS.—Upon the request of the owner of a multifamily housing project for which assistance is provided under a contract for interest reduction payments under section 236 of the National Housing Act, notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project. The amount of the interest reduction payments made on behalf of the owner shall be reduced by a fraction for which the numerator is the aggregate basic rent for the units which are no longer assisted under the contract for interest reduction payments and the denominator is the aggregate basic rents for all units in the project. The requirements of section 236(g) of the National Housing Act shall not apply to rental charges collected with respect to dwelling units for which assistance in terminated under this paragraph. Such reduction shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(3) ELIGIBLE UNITS.—A unit may be removed from coverage by a contract pursuant to paragraph (1) or (2) only—

(A) upon the vacancy of the unit; and

(B) in the case of—

(i) units assisted under section 8 of the United States Housing Act of 1937, if the contract rent for the unit is not less than the applicable fair market rental established pursuant to section 8(c) of such Act for the area in which the unit is located; or

(ii) units assisted under an interest reduction contract under section 236 of the National Housing Act, if the reduction in the amount of interest reduction payments on a monthly basis is less than the aggregate amount of fair market rents established pursuant to section 8(c) of such Act for the number and type of units which are removed from coverage by the contract.

(4) RECAPTURE.—Any budget authority that becomes available to a local housing and management authority or the Secretary pursuant to this section shall be used to provide choice-based rental assistance under title III, during the term covered by such contract.

Page 231, line 24, after the period insert the following new sentence: ''The plan shall be developed with the participation of residents and appropriate law enforcement officials.''.

Page 240, after the matter following line 17, insert the following new subsection:

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a local housing and management authority within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c).

At the end of title V of the bill, insert the following new sections:

SEC. 504. TREATMENT OF CERTAIN PROJECTS.

Rehabilitation activities undertaken by Pennrose Properties in connection with 40 dwelling units for senior citizens in the Providence Square development located in New Brunswick, New Jersey, are hereby deemed to have been conducted pursuant to the approval of and an agreement with the Secretary of Housing and Urban Development under clauses (i) and (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

SEC. 505. AMENDMENTS RELATING TO COMMUNITY DEVELOPMENT ASSISTANCE.

(a) ELIGIBILITY OF METROPOLITAN CITIES.—Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) is amended—

(1) by striking the second sentence and inserting the following new sentence: ''Any city that was classified as a metropolitan city for at least 1 year after September 30, 1989, pursuant to the first sentence of this paragraph, shall remain classified as a metropolitan city by reason of this sentence until the first year for which data from the 2000 Decennial Census is available for use for purposes of allocating amounts this title.''; and

(2) by striking the fifth sentence and inserting the following new sentence: ''Notwithstanding that the population of a unit of general local government was included, after September 30, 1989, with the population of an urban county for purposes of qualifying for assistance under section 106, the unit of general local government may apply for assistance under section 106 as a metropolitan city if the unit meets the requirements of the second sentence of this paragraph.''.

(b) PUBLIC SERVICES LIMITATION.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 1997'' and inserting ''through 1998''.

SEC. 506. AUTHORITY TO TRANSFER SURPLUS REAL PROPERTY FOR HOUSING USE.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended by adding at the end the following new subsection:

''(r)(1) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for homeless individuals or families, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

''(2) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for low-income individuals or families such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

''(3) In making transfers under this subsection, the Administrator shall take such action, which shall include grant agreements with an organization receiving a grant, as may be necessary to ensure that—

''(A) assistance provided under this subsection is used to facilitate and encourage homeownership opportunities through the construction of self-help housing, under terms which require that the person receiving the assistance contribute a significant amount of labor toward the construction; and

''(B) the dwellings constructed with property transferred under this subsection shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below the prevailing market prices.

''(4)(A) Where the Administrator has transferred a significant portion of a surplus real property, including buildings, fixtures, and equipment situated thereon, under paragraph (1) or (2) of this subsection, the transfer of the entire property shall be deemed to be in compliance with title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

''(B) For the purpose of this paragraph, the term 'a significant portion of a surplus real property' means a portion of surplus real property—

''(i) which constitutes at least 5 acres of total acreage;

''(ii) whose fair market value exceeds $100,000; or

''(iii) whose fair market value exceeds 15 percent of the surplus property's fair market value.

''(5) The provisions of this section shall not apply to buildings and property at military installations that are approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and shall not supersede the provisions of section 2(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (10 U.S.C. 2687 note).''.

SEC. 507. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: '', and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000''.

SEC. 508. TREATMENT OF OCCUPANCY STANDARDS.

(a) NATIONAL STANDARD PROHIBITED.—The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

(b) STATE STANDARD.—If a State establishes an occupancy standard—

(1) such standard shall be presumed reasonable for purposes of any laws administered by the Secretary; and

(2) the Secretary shall not suspend, withdraw, or deny certification of any State or local public agency based in whole or in part on that State occupancy standard or its operation.

(c) ABSENCE OF STATE STANDARD.—If a State fails to establish an occupancy standard, an occupancy standard of 2 persons per bedroom established by a housing provider shall be presumed reasonable for the purposes of any laws administered by the Secretary.

(d) DEFINITION.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the term ''occupancy standard'' means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can properly manage in a dwelling for any 1 or more of the following purposes—

(A) providing a decent home and services for each resident;

(B) enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident; and

(C) avoiding undue physical deterioration of the dwelling and property.

(2) EXCEPTION.—The term ''occupancy standard'' does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(e) EFFECTIVE DATE.—This section shall take effect January 1, 1996.

SEC. 509. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—Within 120 days after the enactment of this Act, the Secretary of Housing and Urban Development shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law. The Secretary shall consider and make any waivers to existing regulations consistent with such plan to enable timely implementation of such plan.

(b) REPORT.—Such city shall submit a report to the Secretary on progress in implementing the plan not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000. The report shall include quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the city's consolidated plan, identification of regulatory and statutory obstacles which have or are causing unnecessary delays in the plan's successful implementation or are contributing to unnecessary costs associated with the revitalization, and any other information as the Secretary considers appropriate.

SEC. 510. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) The Secretary may—

''(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

''(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.''.

SEC. 511. AMENDMENTS RELATING TO SECTION 236 PROGRAM.

Section 236(f)(1) of the National Housing Act (12 U.S.C. 1715z–1) (as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, and by section 228(a) of The Balanced Budget Downpayment Act, II) is amended—

(1) in the second sentence, by striking ''the lower of (i)'';

(2) in the second sentence, by striking ''(ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for the market area in which the housing is located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''; and

(3) by inserting after the second sentence the following: ''However, in the case of a project which contains more than 5,000 units, is subject to an interest reduction payments contract, and is financed under a State or local program, the Secretary may reduce the rental charge ceiling, but in no case shall the rent be below basic rent. For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing is located, as represents 30 percent of the tenant's adjusted income, but in no case shall the rent be below basic rent.''.

SEC. 512. PROSPECTIVE APPLICATION OF GOLD CLAUSES.

Section 5118(d)(2) of title 31, United States Code, is amended by adding at the end the following new sentence: ''This paragraph shall continue to apply to any obligations issued on or before October 27, 1977, notwithstanding any assignment and/or novation of such obligations after such date, unless all parties to the assignment and/or novation specifically agree to include a gold clause in the new agreement.''.

SEC. 513. MOVING TO WORK DEMONSTRATION FOR THE 21ST CENTURY.

(a) PURPOSE.—The purpose of this demonstration under this section is to give local housing and management authorities and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that—

(1) reduce cost and achieve greater cost effectiveness in Federal expenditures;

(2) give incentives to families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and

(3) increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—

(1) SELECTION OF PARTICIPANTS.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1997 under which local housing and management authorities (including Indian housing authorities) administering the public or Indian housing program and the choice-based rental assistance program under title III of this Act shall be selected by the Secretary to participate. In first year of the demonstration, the Secretary shall select 100 local housing and management authorities to participate. In each of the next 2 year of the demonstration, the Secretary shall select 100 additional local housing and management authorities per year to participate. During the first year of the demonstration, the Secretary shall select for participation any authority that complies with the requirement under subsection (d) and owns or administers more than 99,999 dwelling units of public housing.

(2) TRAINING.—The Secretary, in consultation with representatives of public housing

interests, shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 30 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration.

(3) USE OF HOUSING ASSISTANCE.—Under the demonstration, notwithstanding any provision of this Act, an authority may combine operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act), modernization assistance provided under section 14 of such Act, assistance provided under section 8 of such Act for the certificate and voucher programs, assistance for pubic housing provided under title II of this Act, and choice-based rental assistance provided under title III of this Act, to provide housing assistance for low-income families and services to facilitate the transition to work on such terms and conditions as the authority may propose.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance refereed to in subsection (b)(3);

(2) shall be submitted only after the local housing and management authority provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the authority that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent; and

(B) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION CRITERIA.—In selecting among applications, the Secretary shall take into account the potential of each authority to plan and carry out a program under the demonstration and other appropriate factors as reasonably determined by the Secretary. An authority shall be eligible to participate in any fiscal year only if the most recent score for the authority under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) is 90 or greater.

(e) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Section 261 of this Act shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 113 of this Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON PROGRAM ALLOCATIONS.—The amount of assistance received under titles II and III by a local housing and management authority participating in the demonstration under this section shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each authority shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each authority shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH LHMA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of local housing and management authorities and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

SEC. 514. OCCUPANCY SCREENING AND EVICTIONS FROM FEDERALLY ASSISTED HOUSING.

(a) OCCUPANCY SCREENING.—Section 642 of the Housing and Community Development Act of 1992 (42 U.S.C. 13602)—

(1) by inserting ''(a) GENERAL CRITERIA.—'' before ''In''; and

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

''(b) AUTHORITY TO DENY OCCUPANCY FOR CRIMINAL OFFENDERS.—In selecting tenants for occupancy of dwelling units in federally assisted housing, if the owner of such housing determines that an applicant for occupancy in the housing or any member of the applicant's household is or was, during the preceding 3 years, engaged in any activity described in paragraph (2)(C) of section 645, the owner may—

''(1) deny such applicant occupancy and consider the applicant (for purposes of any waiting list) as not having applied for such occupancy ; and

''(2) after the expiration of the 3-year period beginning upon such activity, require the applicant, as a condition of occupancy in the housing or application for occupancy in the housing, to submit to the owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such 3-year period.

''(c) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—An owner of federally assisted housing may require, as a condition of providing occupancy in a dwelling unit in such housing to an applicant for occupancy and the members of the applicant's household, that each adult member of the household provide the owner with a signed, written authorization for the owner to obtain records described in section 646(a) regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

''(d) DEFINITION.—For purposes of subsections (b) and (c), the term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).''.

(b) TERMINATION OF TENANCY.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended by adding at the end the following new section:

''SEC. 645. TERMINATION OF TENANCY.

''Each lease for a dwelling unit in federally assisted housing (as such term is defined in section 642(d)) shall provide that—

''(1) the owner may not terminate the tenancy except for violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

''(2) any activity, engaged in by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the owner or other manager of the housing,

''(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises, shall be cause for termination of tenancy.''.

(c) AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended adding after section 645 (as added by subsection (b) of this section) the following new section:

''SEC. 646. AVAILABILITY OF RECORDS.

''(a) IN GENERAL.—

''(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraph (2), upon the request of an owner of federally assisted housing, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the owner of federally assisted housing information regarding the criminal conviction records of an adult applicant for, or tenants of, the federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the owner requests such information and presents to such Center, department, or agency with a written authorization, signed by such applicant, for the release of such information to such owner.

''(2) EXCEPTION.—The information provided under paragraph (1) may not include any information regarding any criminal conviction of an applicant or resident for any act (or failure to act) for which the applicant or resident was not treated as an adult under the laws of the convicting jurisdiction.

''(b) CONFIDENTIALITY.—An owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer or employee of the owner. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to an owner is used, and confidentiality of such information is maintained, as required under this section.

''(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for federally assisted housing on the

basis of a criminal record, the owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

''(d) FEE.—An owner of federally assisted housing may be charged a reasonable fee for information provided under subsection (a).

''(e) RECORDS MANAGEMENT.—Each owner of federally assisted housing that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the owner is—

''(1) maintained confidentially;

''(2) not misused or improperly disseminated; and

''(3) destroyed, once the purpose for which the record was requested has been accomplished.

''(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term 'person' as used in this subsection shall include an officer or employee of any local housing and management authority.

''(g) CIVIL ACTION.—Any applicant for, or resident of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any owner, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

''(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ADULT.—The term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

''(2) FEDERALLY ASSISTED HOUSING.—The term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).''.

(d) DEFINITIONS.—Section 683 of the Housing and Community Development Act of 1992 (42 U.S.C. 13643) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''section 3(b) of the United States Housing Act of 1937'' and inserting ''section 102 of the United States Housing Act of 1996'';

(B) in subparagraph (B), by inserting before the semicolon at the end the following; ''(as in effect before the enactment of the United States Housing Act of 1996)'';

(C) in subparagraph (F), by striking ''and'' at the end;

(D) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following new subparagraph:

''(H) for purposes only of subsections (b) and (c) of sections 642, and section 645 and 646, housing assisted under section 515 of the Housing Act of 1949.'';

(2) in paragraph (4), by striking ''public housing agency'' and inserting ''local housing and management authority''; and

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

''(6) DRUG-RELATED CRIMINAL ACTIVITY.—The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act).''.

At the end of the bill, insert the following new title:

TITLE VI—NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAMS COST

SEC. 601. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Housing Assistance Programs Cost (in this title referred to as the ''Commission'').

SEC. 602. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 9 members, who shall be appointed not later than 90 days after the date of the enactment of this Act. The members shall be as follows:

(1) 3 members to be appointed by the Secretary of Housing and Urban Development;

(2) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate; and

(3) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives.

(b) QUALIFICATIONS.—The 3 members of the Commission appointed under each of paragraphs (1), (2), and (3) of subsection (a)—

(1) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(2) shall include—

(A) 1 individual who is an elected public official at the State or local level;

(B) 1 individual who is a distinguished academic engaged in teaching or research;

(C) 1 individual who is a business leader, financial officer, management or accounting expert.

In selecting members of the Commission for appointment, the individuals appointing shall ensure that the members selected can analyze the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no member of the Commission has a personal financial or business interest in any such program.

SEC. 603. ORGANIZATION.

(a) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(c) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(d) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(e) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 604. FUNCTIONS.

(a) IN GENERAL.—The Commission shall —

(1) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs; and

(2) estimate the future liability that will be borne by taxpayers as a result of activities under the Federal assisted housing programs before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term ''Federal assisted housing programs'' means—

(1) the public housing program under the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(2) the public housing program under title II of this Act;

(3) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(4) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(5) the programs for project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(6) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(7) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(8) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(9) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(10) the program under section 236 of the National Housing Act;

(11) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(12) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine.

(c) FINAL REPORT.—Not later than 18 months after the Commission is established pursuant to section 602(a), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under subsection (a).

(c) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

SEC. 605. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require for carrying out this title, including—

(A) local housing management plans submitted to the Secretary of Housing and Urban Development under section 107;

(B) block grant contracts under title II;

(C) contracts under section 302 for assistance amounts under title III; and

(D) audits submitted to the Secretary of Housing and Urban Development under section 403.

(2) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary—

(A) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this title; and

(B) provide the Commission with technical assistance in carrying out its duties under this title.

(d) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this title, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this Act and assistance received pursuant to this Act.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(f) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this title.

(g) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) LIMITATION.—Paragraphs (1) and (2) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(4) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no such individual has a personal financial or business interest in any such program.

(h) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 606. FUNDING.

Of any amounts made available for policy, research, and development activities of the Department of Housing and Urban Development, there shall be available for carrying out this title $750,000, for fiscal year 1997. Any such amounts so appropriated shall remain available until expended.

SEC. 607. SUNSET.

The Commission shall terminate upon the expiration of the 18-month period beginning upon the date that the Commission is established pursuant to section 602(a).

H.R. 2406

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 21: Page 37, line 19, strike ''A'' and insert ''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a''.

Page 37, line 25, strike ''Notwithstanding the preceding sentence, pet'' and insert the following:

(b) FEDERALLY ASSISTED RENTAL HOUSING FOR THE ELDERLY OR DISABLED.—PET

Page 38, after line 5, insert the following new subsection:

(c) ELDERLY FAMILIES IN PUBLIC AND ASSISTED HOUSING.—Responsible ownership of common household pets shall not be denied any elderly or disabled family who resides in a dwelling unit in public housing or an assisted dwelling unit (as such term is defined in section 371), subject to the reasonable requirements of the local housing and management authority or the owner of the assisted dwelling unit, as applicable. This subsection shall not apply to units in public housing or assisted dwelling units that are located in federally assisted rental housing for the elderly or handicapped referred to in subection (b).

H.R. 2406

OFFERED BY: MR. ROEMER

AMENDMENMT NO. 22: At the end of the bill, insert the following new title:

TITLE VI—NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CONSENSUS COMMITTEE

SEC. 601. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''National Manufactured Housing Construction and Safety Standards Act of 1996''.

(b) REFERENCE.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Housing and Community Development Act of 1974.

SEC. 602. STATEMENT OF PURPOSE.

Section 602 (42 U.S.C. 5401) is amended by striking the first sentence and inserting the following: ''The Congress declares that the purposes of this title are to reduce the number of personal injuries and deaths and property damage resulting from manufactured home accidents and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.''.

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(14) 'consensus committee' means the committee established under section 604(a)(7); and

''(15) 'consensus standards development process' means the process by which additions and revisions to the Federal manufactured home construction and safety standards shall be developed and recommended to the Secretary by the consensus committee.''.

(b) CONFORMING AMENDMENTS.—

(1) OCCURRENCES OF ''DEALER''.—The Act (42 U.S.C. 5401 et seq.) is amended by striking ''dealer'' and inserting ''retailer'' in each of the following provisions:

(A) In section 613, each place such term appears.

(B) In section 614(f), each place such term appears.

(C) In section 615(b)(1).

(D) In section 616.

(2) OTHER AMENDMENTS.—The Act (42 U.S.C. 5401 et seq.) is amended—

(A) in section 615(b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(B) by striking ''dealers'' and inserting ''retailers'' each place such term appears—

(i) in section 615(d);

(ii) in section 615(f); and

(iii) in section 623(c)(9).

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards. Each such Federal manufactured home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to manufactured home safety and construction. The Secretary shall issue all such orders pursuant to the consensus standards development process under this subsection. The Secretary may issue orders which are not part of the consensus standards development process only in accordance with subsection (b).

''(2) CONSENSUS STANDARDS DEVELOPMENT PROCESS.—Not later than 180 days after the date of enactment of the National Manufactured Housing Construction and Safety Standards Act of 1996, the Secretary shall enter into a cooperative agreement or establish a relationship with a qualified technical or building code organization to administer the consensus standards development process and establish a consensus committee under paragraph (7). Periodically, the Secretary shall review such organization's performance and may replace the organization upon a finding of need.

''(3) REVISIONS.—The consensus committee established under paragraph (7) shall consider revisions to the Federal manufactured home construction and safety standards and shall submit revised standards to the Secretary at least once during every 2-year period, the first such 2-year period beginning upon the appointment of the consensus committee under paragraph (7). Before submitting proposed revised standards to the Secretary, the consensus committee shall cause the proposed revised standards to be published in the Federal Register, together with a description of the consensus committee's considerations and decisions under subsection (e), and shall provide an opportunity

for public comment. Public views and objections shall be presented to the consensus committee in accordance with American National Standards Institute procedures. After such notice and opportunity public comment, the consensus committee shall cause the recommended revisions to the standards and notice of its submission to the Secretary to be published in the Federal Register. Such notice shall describe the circumstances under which the proposed revised standards could become effective.

''(4) REVIEW BY SECRETARY.—The Secretary shall either adopt, modify, or reject the standards submitted by the consensus committee. A final order adopting the standards shall be issued by the Secretary not later than 12 months after the date the standards are submitted to the Secretary by the consensus committee, and shall be published in the Federal Register and become effective pursuant to subsection (c). If the Secretary—

''(A) adopts the standards recommended by the consensus committee, the Secretary may issue a final order directly without further rulemaking;

''(B) determines that any portion of the standards should be rejected because it would jeopardize health or safety or is inconsistent with the purposes of this title, a notice to that effect, together with this reason for rejecting the proposed standard, shall be published in the Federal Register no later than 12 months after the date the standards are submitted to the Secretary by the consensus committee;

''(C) determines that any portion of the standard should be modified because it would jeopardize health or safety or is inconsistent with the purposes of this title—

''(i) such determination shall be made no later that 12 months after the date the standards are submitted to the Secretary by the consensus committee;

''(ii) within such 12-month period, the Secretary shall cause the proposed modified standard to be published in the Federal Register, together with an explanation of the reason for the Secretary's determination that the consensus committee recommendation needs to be modified, and shall provide an opportunity for public comment in accordance with the provisions of section 553 of title 5, United States Code; and

''(iii) the final standard shall become effective pursuant to subsection (c).

''(5) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (4) and publish notice of the action in the Federal Register within the 12-month period under such paragraph, the recommendations of the consensus committee shall be considered to have been adopted by the Secretary and shall take effect upon the expiration of the 180-day period that begins upon the conclusion of the 12-month period. Within 10 days after the expiration of the 12-month period, the Secretary shall cause to be published in the Federal Register notice of the Secretary's failure to act, the revised standards, and the effective date of the revised standards. Such notice shall be deemed an order of the Secretary approving the revised standards proposed by the consensus committee.

''(6) INTERPRETIVE BULLETINS.—The Secretary may issue interpretive bulletins to clarify the meaning of any Federal manufactured home construction and safety standards, subject to the following requirements:

''(A) REVIEW BY CONSENSUS COMMITTEE.—Before issuing an interpretive bulletin, the Secretary shall submit the proposed bulletin to the consensus committee and the consensus committee shall have 90 days to provide written comments thereon to the Secretary. If the consensus committee fails to act or if the Secretary rejects any significant views recommended by the consensus committee, the Secretary shall explain in writing to the consensus committee, before the bulletin becomes effective, the reasons for such rejection.

''(B) PROPOSALS.—The consensus committee may, from time to time, submit to the Secretary proposals for interpretive bulletins under this subsection. If the Secretary fails to issue or rejects a proposed bulletin within 90 days of its receipt, the Secretary shall be considered to have approved the proposed bulletin and shall immediately issue the bulletin.

''(C) EFFECT.—Interpretative bulletins issued under this paragraph shall become binding without rulemaking.

''(7) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—The consensus committee referred to in paragraph (2) shall have as its purpose providing periodic recommendations to the Secretary to revise and interpret the Federal manufactured home construction and safety standards and carrying out such other functions assigned to the committee under this title. The committee shall be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions.

''(B) MEMBERSHIP.—The consensus committee shall be composed of 25 members who shall be appointed as follows:

''(i) APPOINTMENT BY PROCESS ADMINISTRATOR.—Members shall be appointed by the qualified technical or building code organization that administers the consensus standards development process pursuant to paragraph (2), subject to the approval of the Secretary.

''(ii) BALANCED MEMBERSHIP.—Members shall be appointed in a manner designed to include all interested parties without domination by any single interest category.

''(iii) SELECTION PROCEDURES AND REQUIREMENTS.—Members shall be appointed in accordance with selection procedures for consensus committees promulgated by the American National Standards Institute, except that the American National Standards Institute interest categories shall be modified to ensure representation on the committee by individuals representing the following fields, in equal numbers under each of the following subclauses:

''(I) Manufacturers.

''(II) Retailers, insurers, suppliers, lenders, community owners and private inspection agencies which have a financial interest in the industry.

''(III) Homeowners and consumer representatives.

''(IV) Public officials, such as those from State or local building code enforcement and inspection agencies.

''(V) General interest, including academicians, researchers, architects, engineers, private inspection agencies, and others.

Members of the consensus committee shall be qualified by background and experience to participate in the work of the committee, but members by reason of subclauses (III), (IV), and (V), except the private inspection agencies, may not have a financial interest in the manufactured home industry, unless such bar to participation is waived by the Secretary. The number of members by reason of subclause (V) who represent private inspection agencies may not constitute more than 20 percent of the total number of members by reason of subclause (V). Notwithstanding any other provision of this paragraph, the Secretary shall appoint a member of the consensus committee, who shall not have voting privileges.

''(C) MEETINGS.—The consensus committee shall cause advance notice of all meetings to be published in the Federal Register and all meetings of the committee shall be open to the public.

''(D) AUTHORITY.—Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to the members of the consensus committee. Members shall not be considered to be special government employees for purposes of part 2634 of title 5, Code of Federal Regulations. The consensus committee shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act.

''(E) ADMINISTRATION.—The consensus committee and the administering organization shall operate in conformance with American National Standards Institute procedures for the development and coordination of American National Standards and shall apply to such Institute to obtain accreditation.

''(F) STAFF.—The consensus committee shall be provided reasonable staff resources by the administering organization. Upon a showing of need and subject to the approval of the Secretary, the administering organization shall furnish technical support to any of the various interest categories on the consensus committee.

''(b) OTHER ORDERS.—The Secretary may issue orders that are not developed under the procedures set forth in subsection (a) in order to respond to an emergency health or safety issue, or to address issues on which the Secretary determines the consensus committee will not make timely recommendations, but only if the proposed order is first submitted by the Secretary to the consensus committee for review and the committee is afforded 90 days to provide its views on the proposed order to the Secretary. If the consensus committee fails to act within such period or if the Secretary rejects any significant change recommended by the consensus committee, the public notice of the order shall include an explanation of the reasons for the Secretary's action. The Secretary may issue such orders only in accordance with the provisions of section 553 of title 5, United States Code.'';

(2) by striking subsection (e);

(3) in subsection (f), by striking the matter preceding paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS.—The consensus committee, in recommending standards and interpretations, and the Secretary, in establishing standards or issuing interpretations under this section, shall—'';

(4) by striking subsection (g);

(5) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(6) by redesignating subsections (h), (i), and (j) as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL.

Section 605 (42 U.S.C. 5404) is hereby repealed.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following new sentence: ''Such cost and other information shall be submitted to the consensus committee by the Secretary for its evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public,''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. INSPECTION FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. (a) AUTHORITY TO ESTABLISH FEES.—In carrying out the inspections required under this title and in developing standards pursuant to section 604, the Secretary may establish and impose on manufactured home manufacturers, distributors, and retailers such reasonable fees as may be necessary to offset the expenses incurred by the Secretary in conducting such inspections and administering the consensus standards development process and for developing standards pursuant to section 604(b), and the Secretary may use any fees so collected to pay expenses incurred in connection therewith. Such fees shall only be modified pursuant to rulemaking in accordance with the provisions of section 553 of title 5, United States Code.

''(b) DEPOSIT OF FEES.—Fees collected pursuant to this title shall be deposited in a fund, which is hereby established in the Treasury for deposit of such fees. Amounts in the fund are hereby available for use by the Secretary pursuant to subsection (a). The use of these fees by the Secretary shall not be subject to general or specific limitations on appropriated funds unless use of these fees is specifically addressed in any future appropriations legislation. The Secretary shall provide an annual report to Congress indicating expenditures under this section. The Secretary shall also make available to the public, in accordance with all applicable disclosure laws, regulations, orders, and directives, information pertaining to such funds, including information pertaining to amounts collected, amounts disbursed, and the fund balance.''.

SEC. 608. ELIMINATION OF ANNUAL REPORT REQUIREMENT.

Section 626 (42 U.S.C. 5425) is hereby repealed.

SEC. 609. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is published as a proposed rule pursuant to the provisions of section 553 of title 5, United States Code, on or before that date.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 23: Page 77, strike lines 7 through 9 and insert the following new subparagraph:

(B) shall be reduced by any amount the resident contributes toward allowable utilities; and

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 24: Page 92, strike line 14 and insert the following:

(a) RESIDENT COUNCILS.—

(1) ESTABLISHMENT.—The residents of a public.

Page 93, after line 3, insert the following new paragraph:

(2) REQUIRED CONSULTATION.—

(A) TWICE ANNUALLY.—Any local housing and management authority that owns or administers any public housing development for which a resident council has been established shall consult with each such council not less than twice each year regarding issues concerning such development.

(B) ISSUES SIGNIFICANTLY AFFECTING RESIDENTS.—The authority shall also consult with the appropriate resident council for any development for which the authority will make a significant decision affecting the interests of residents in the development, not later than 60 days before such decision is made, except in cases of compelling circumstances, requiring expedited action on the part of the authority, as the Secretary shall provide, in which case such consultation shall be made as soon as possible. The Secretary shall establish guidelines describing such significant decisions, which shall include decisions regarding rent levels and any changes in such levels, maintenance policies, security arrangements, major renovations and repairs, community policies, and demolition or sale of the development.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 25: Page 145, line 23, strike ''600'' and insert ''1500''.

Page 146, line 3, strike ''600'' and insert ''1500''.

Page 146, line 4, strike ''600'' and insert ''1500''.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 26: Page 147, strike lines 13 through 16 and insert the following new paragraph:

(4) INCREASE.—If the Secretary finds that there are higher costs of administering small programs operating over large geographic areas, the Secretary shall increase the fee to reflect the difference in cost.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 27: Page 157, strike lines 12 through 14 and insert the following new paragraph:

(3) shall be reduced by any amount the assisted family contributes toward allowable utilities; and

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 28: Page 21, line 11, strike 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of—

(1) illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act); or

(2) illegal possession of any controlled substance on 3 or 4 more occasions.

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 29: Page 21, line 11, strike 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act).

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 30: Page 21, line 11, strike lines 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of—

(1) illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act); or

(2) illegal possession of any controlled substance on 3 or more occasions.

This subsection may not be construed to require the termination of tenancy or eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 31: Page 21, line 11, strike lines 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act). This subsection may not be construed to require the termination of tenancy or eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

H.R. 2406

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 32: At the end of title V of the bill, insert the following new section:

SEC. 504. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

H.R. 2406

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 33: Page 77, strike lines 6 through 14 and insert the following:

(A) except as provided in subparagraphs (B) and (C), shall be an amount determined by the authority, which shall not exceed $25;

(B) in cases in which a family demonstrates that payment of the amount determined under subparagraph (A) would create financial hardship on the family, as determined pursuant to guidelines which the Secretary shall establish, shall be an amount less than the amount determined under subparagraph (A) (as determined pursuant to such guidelines); and

(C) in such other circumstances as may be provided by the authority, shall be an amount less than the amount determined under subparagraph (A).

H.R. 2406

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 34: Page 157, line 10, after the semicolon insert ''and''.

Page 157, strike lines 11 through 18 and insert the following new paragraph:

(2)(A) except as provided in subparagraphs (B) and (C), shall be an amount determined by the authority, which shall not exceed $25;

(B) in cases in which a family demonstrates that payment of the amount determined under subparagraph (A) would create financial hardship on the family, as determined pursuant to guidelines which the Secretary shall establish, shall be an amount less than the amount determined under subparagraph (A) (as determined pursuant to such guidelines); and

(C) in such other circumstances as may be provided by the authority, shall be an amount less than the amount determined under subparagraph (A).

H.R. 2406

OFFERED BY: MR. VENTO

AMENDMENT NO. 35: Page 11, line 2, strike ''authority's'' and insert in lieu thereof ''Secretary's''.

Page 13, line 10, strike ''authority's'' and insert in lieu thereof ''Secretary's''.

H.R. 2406

OFFERED BY: MR. VENTO

AMENDMENT NO. 36: Page 239, line 11, strike ''fiscal year 1996'' and insert ''fiscal years 1997, 1998, 1999, 2000, and 2001''.

Page 239, line 25, after the period insert''.''.

Page 240, strike lines 1 through 4.

Page 240, strike line 17 and the matter following such line and insert the following:

and inserting the following new item:

''Sec. 5130 Funding.''.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 37: Page 69, line 23, after the period insert the following new sentence: ''Notwithstanding any preference established under section 223, in selecting residents, the local housing and management authority shall not skip over any applicant already on the waiting list to select an applicant who has a higher income.''.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 38: Page 69, line 23, after the period insert the following: ''Notwithstanding any preferences established under section 223, in selecting low-income families whose incomes do not exceed 30 percent of the area median income, the authority shall not skip over any family on the waiting list who meets such income requirement to select another family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 39: Page 108, lines 6 and 7, strike ''To the extent budget authority is available under this title'' and insert ''Using budget authority made available under paragraph (4)''.

Page 108, after line 16, insert the following new paragraph:

(2) ASSISTANCE FOR RESIDENT COUNCILS.—Using budget authority made available under paragraph (4), the Secretary shall provide financial assistance to resident councils established in accordance with section 234(a) to encourage increased involvement by such councils in the consideration of issues affecting residents, the representation of residents interests, and the consultation with local housing and management authorities. Such assistance may be used for activities (in addition to resident management activities under paragraph (1)) that improve living conditions and resident satisfaction in public housing communities, including resident council capacity building, training on policies governing the operation of public housing, and increasing participating in consultations with local housing and management authorities regarding decisions that significantly affect the public housing community.

Page 108, line 17, strike ''(2)'' and insert ''(3)''.

Page 108, line 18, strike ''this subsection'' and insert ''paragraph (1)''.

Page 108, line 20, after the period insert the following: ''The financial assistance provided under this paragraph (2) with respect to any public housing development may not exceed $100,000.''.

Page 108, line 21, strike ''(3)'' and insert ''(4)''.

Page 109, line 6, strike ''(4)'' and insert ''(5)''.

Page 109, line 10, strike ''(5)'' and insert ''(6)''.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 40: Page 153, after line 10, insert the following:

(3) INCOME SKIPPING.—Notwithstanding any preferences established under this subsection, in selecting families to be offered assistance, the local housing and management authority shall not skip over any family already on the waiting list to select any family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 41: Page 156, after line 24, insert the following new subsection:

(i) INCOME MIX.—Of the families offered assistance by a local housing and management authority after the date of enactment of this Act, not less than 75 percent shall be offered to low-income families whose incomes do not exceed 30 percent of the area median income. Notwithstanding any preferences established under subsection (c), in selecting low-income families whose incomes do not exceed 30 percent of the area median income, the authority shall not skip over any family on the waiting list who meets such income requirement to select another family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 42: At the end of title V, insert the following new section:

SEC. 504. LIMITATION ON EXTENT OF USE OF LOAN GUARANTEES FOR HOUSING PURPOSES.

Section 108 of the Housing and Community Development Act of 1992 (42 U.S.C. 5308) is amended by inserting after subsection (h) the following new section:

''(i) LIMITATION ON USE.—Of any amounts obtained from notes or other obligations issued by an eligible public entity or public agency designated by an eligible public entity and guaranteed under this section pursuant to an application for a guarantee submitted after the date of the enactment of the Housing and Community Development Act of 1992, the aggregate amount used for the purposes described in clauses (2) and (4) of subsection (a), and for other housing activities under the purposes described in clauses (1) and (3) of subsection (a), may not exceed 10 percent of such amounts obtained by the eligible public entity or agency.''.

H.R. 2406

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 43: Page 5, strike line 20 and all that follows through page 6, line 2, and insert the following new paragraphs:

(2) it is a goal of our Nation that all citizens have decent and affordable housing;

(3) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments and by promoting and protecting the independent and collective actions of private citizens, organizations, and the private sector to develop housing and strengthen their own neighborhoods;

Page 6, line 3, strike ''(3)'' and insert ''(4)''.

Page 6, line 3, strike ''should act only'' and insert ''has a responsibility to act''.

Page 6, line 6, strike ''(4)'' and insert ''(5)''.

H.R. 2406

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 44: Page 34, line 9, after ''determines that the plan'' insert ''does not comply with Federal law or''.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 1: At the end of title II, insert the following:

SEC. 202. STATES REQUIRED TO HAVE STANDBY GUARDIANSHIP LAW AS A CONDITION OF ELIGIBILITY FOR FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

''SEC. 478. STANDBY GUARDIANSHIP LAWS AND PROCEDURES.

''To be eligible for payments under this part, a State must have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

''(1) the death of the parent;

''(2) the mental incapacity of the parent; or

''(3) the physical debilitation and consent of the parent.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the first calendar quarter that begins 60 or more months after the date of the enactment of this Act, and shall apply to payments under part E of title IV of the Social Security Act for the quarter and payments made under such part for any succeeding quarter.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 2: At the end of title II, insert the following:

SEC. 202. PLACEMENT OF FOSTER CHILDREN IN PERMANENT KINSHIP CARE ARRANGEMENTS.

(a) STATE OPTION TO DEEM KINSHIP PLACEMENT AS ADOPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

''(7) If a State places a child (who has been in foster care under the supervision of the State) with a blood relative of the child or of a half-sibling of the child, and transfers legal custody of the child to the relative, pursuant to a written agreement, entered into between the State and the relative, that contains provisions of the type described in section 475(3), then, at the option of the State, for purposes of this part—

''(A) the placement is deemed an adoption;

''(B) the initiation of the proceeding to so place the child is deemed an adoption proceeding;

''(C) the relative is deemed the adoptive parent of the child;

''(D) the agreement is deemed an adoption assistance agreement;

''(E) the payments made under the agreement are deemed to be adoption assistance payments; and

''(F) any reasonable and necessary court costs, attorneys fees, and other expenses

which are directly related to the placement or the transfer of legal custody and are not in violation of State or Federal law are deemed nonrecurring adoption expenses.''.

(b) CONSIDERATING OF KINSHIP PLACEMENT OPTION AT DISPOSITIONAL HEARING.—Section 475(5)(C) of such Act (42 U.S.C. 675(5)(c)) is amended by inserting ''should be placed with a relative of the child as provided in section 473(a)(7),'' before ''should be placed for adoption''.

SEC. 203. EFFECTIVE DATE.

The amendments made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 3: At the end of title II, insert the following:

SEC. 202. FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE AVAILABLE ONLY TO STATES THAT REQUIRE STATE AGENCIES, IN CONSIDERING APPLICATIONS TO ADOPT CERTAIN FOSTER CHILDREN, TO GIVE PREFERENCE TO APPLICATIONS OF A FOSTER PARENT OR CARETAKER RELATIVE OF THE CHILD.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 201(b) of this Act, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of this section, the Secretary may not make any payment to a State under this section, for any calendar quarter ending after the 5-year period that begins with the date of the enactment of this subsection, unless the State has in effect laws and procedures requiring a State agency to complete the processing of an application to adopt a child who is in foster care under the responsibility of State that has been submitted by a foster parent or caretaker relative of the child, before completing the processing of any other application to adopt the child if—

''(1) a court has approved a permanent plan for adoption of the child, or the child has been freed for adoption; and

''(2) the agency with authority to place the child for adoption determines that—

''(A) the child has substantial emotional ties to the foster parent or caretaker relative, as the case may be; and

''(B) removal of the child from the foster parent or caretaker relative, as the case may be, would be seriously detrimental to the well-being of the child.''.

SEC. 203. EFFECTIVE DATE.

The amendment made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 4. At the end of title II, insert the following:

SEC. 202. PROCEDURES TO EXPEDITE THE PERMANENT PLACEMENT OF FOSTER CHILDREN.

(a) IN GENERAL.—Section 474 of the Social Security Act (42 U.S.C. 674), as amended by sections 201(b) and 202 of this Act, is amended by adding at the end the following:

''(f) The Secretary may not make a payment to a State for a calendar quarter under subsection (a) unless the State has in effect procedures requiring the State agency, at the time a child is removed from home and placed in foster care under the supervision of the State, to locate any parent of the child who is not living at the home, and evaluate the ability of the parent to provide a suitable home for the child.''

(b) APPLICABILITY.—The amendment made by subsection (a) of this section shall not apply with respect to any child who, on the date of the enactment of this Act, is in foster care under the supervision of a State (as defined in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act).

SEC. 203. EFFECTIVE DATE.

The amendment made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 5: At the end of title II, insert the following:

SEC. 202. REQUIREMENT THAT STATES ADMINISTER QUALIFYING EXAMINATIONS TO ALL STATE EMPLOYEES WITH NEW AUTHORITY TO MAKE DECISIONS REGARDING CHILD WELFARE SERVICES.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 201(b) of this Act, is amended by adding at the end the following:

''(e) the Secretary may not make a payment to a State under subsection (a) for any calendar quarter beginning after the 18-month period that begins with the date of the enactment of this subsection, unless the State has in effect procedures to ensure that, before the State provides to a prospective child welfare decisionmaker the authority to make decisions regarding child welfare services, the individual must take and pass an examination, administered by the State, that tests knowledge of such subjects as child development, family dynamics, dysfunctional behavior, substance abuse, child abuse, and community advocacy. as used in the preceding sentence, the term 'prospective child welfare decisionmaker' means an individual who, on the date of the enactment of this subsection, does not have any authority to make a decision regarding child welfare services.''

SEC. 203. EFFECTIVE DATE.

The amendments made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 6: Strike Title III.

H.R. 3322

OFFERED BY: MR. CRAMER

AMENDMENT NO. 1: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by striking ''60-day'' in subsection (c)(2) and inserting in lieu thereof ''30-day'';

(B) by amending subsection (b)(6) to read as follows:

''(6) any recommendations of the Committee submitted under section 707(c) that evaluate the certification.'';

(C) by amending subsection (d) to read as follows:

''(d) FINAL DECISION.—If the Secretary decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish the certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.''; and

(D) by amending subsection (f) to read as follows:

''(f) PUBLIC LIAISON.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

''(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

''(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.''; and

(2) by amending section 707(c) to read as follows:

''(c) DUTIES.—The Committee may review any certification under section 706, for which the Secretary has provided a notice of intent to certify, in the plan, including any certification for which there is a significant potential for degradation of service within the affected areas. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the certification. The Committee shall evaluate any certification reviewed on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service, and advise the Secretary accordingly.''.

H.R. 3322

OFFERED BY: MR. CRAMER

AMENDMENT NO. 2: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

''(b) CERTIFICATION.—The Secretary may not close, consolidate, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of services to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.'';

(B) by striking subsections (c), (d), and (e);

(C) by redesignating subsection (f) as subsection (d); and

(D) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, unless the Secretary, in consultation with the Secretary of Transportation and the Committee, first conducts an air safety appraisal, determines that such action will not result in degradation of service and affects aircraft safety, and includes such determination in the certification required under subsection (b). This air safety appraisal shall be issued jointly by the Department of Commerce and the Department of Transportation before September 30, 1996, and shall be based on a coordinated review of all the airports in the United States subject to the certification requirements of subsection (b). The appraisal shall—

''(1) consider the weather information required to safely conduct aircraft operations and the extent to which such information is currently derived through manual observations provided by the National Weather Service and the Federal Aviation Administration, and automated observations provided from other sources including the Automated Weather Observation Service (AWOS), the Automated Surface Observing System

(ASOS), and the Geostationary Operational Environmental Satellite (GOES); and

''(2) determine whether the service provided by ASOS, and ASOS augmented when necessary by human observation, provides the necessary level of service consistent with the service standards encompassed in the criteria for automation of the field offices.''; and

(2) in section 707—

(A) by amending subsection (c) to read as follows:

''(c) DUTIES.—The Committee shall advise the Congress and the Secretary on—

''(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

''(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service.''; and

(B) by amending subsection (f) to read as follows:

''(f) TERMINATION.—The Committee shall terminate—

''(1) on September 30, 1996; or

''(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.''.

H.R. 3322

OFFERED BY: MR. GEKAS

AMENDMENT NO. 3: Page 87, after line 21, insert the following new subsection:

(h) REPORT.—Section 704 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended by adding at the end the following new subsection:

''(c) REPORT.—The National Weather Service shall conduct a review of the NEXRAD Network radar coverage pattern for a determination of areas of inadequate radar coverage. After conducting such review, the National Weather Service shall prepare and submit to the Congress, no later than 1 year after the date of the enactment of the Omnibus Civilian Science Authorization Act of 1996, a report which—

''(1) assesses the feasibility of existing and future Federal Aviation Administration Terminal Doppler Weather Radars to provide reliable weather radar data, in a cost-efficient manner, to nearby weather forecast offices; and

''(2) makes recommendations for the implementation of the findings of the report.''.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 4: Page 30, after line 13, insert the following new section:

SEC. 218. EARTH OBSERVING SYSTEM IMPLEMENTATION.

(a) FINDING.—The Congress finds that the National Research Council's 1995 review of the Earth Observing System and Mission to Planet Earth validated the scientific requests and priorities of the Mission to Planet Earth program.

(b) IMPLEMENTATION.—Notwithstanding any other provision of this Act, the National Aeronautics and Space Administration should implement the recommendations of the National Research Council's 1995 review of the Earth Observing System and Mission to Planet Earth, including the recommendations that ''NASA should implement most of the near-term components of the MTPE/EOS, including Landsat 7, AM–1, PM–1, and the Tropical Rainfall Measuring Mission (TRMM), without delay or reduction in overall observing capability'', and that ''Chemistry-1 mission should not be delayed''.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 5: Page 118, line 16, strike paragraph (1).

Page 118, line 17, through page 119, line 12, redesignate paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

H.R. 3322

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 6: Page 118, line 18, strike paragraph (3).

Page 118, line 19, through page 119, line 12, redesignate paragraphs (4) through (11) as paragraphs (3) through (10), respectively.

H.R. 3322

OFFERED BY: MR. THORNBERRY

AMENDMENT NO. 7: Page 87, after line 21, insert the following new subsection:

(h) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall take immediate steps to ensure that NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range function as fully committed, reliable elements of the national weather radar network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRADs.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range are to be considered as integral parts of the National Weather Radar Network.