

A motion to reconsider was laid on the table.

#### LIMITING JURISDICTION OF FEDERAL COURTS WITH RESPECT TO PRISON RELEASE ORDERS

Mr. COBLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3718) to limit the jurisdiction of the Federal courts with respect to prison release orders.

The Clerk read as follows:

H.R. 3718

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

##### “§ 1632. Limitation on prisoner release orders

“(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

“(b) DEFINITIONS.—As used in this section—

“(1) the terms ‘civil action with respect to prison conditions’, ‘prisoner’, ‘prisoner release order’, and ‘prison’ have the meanings given those terms in section 3626(g) of title 18; and

“(2) the term ‘prison conditions’ means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

“1632. Limitation on prisoner release orders.”.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term “consent decree” has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term “prison conditions” has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 3718.

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

There was no objection.

Mr. COBLE. Madam Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DeLAY. Madam Speaker, I thank the gentleman from North Carolina for yielding me this time.

Madam Speaker, I rise today in support of my bill, H.R. 3718. This bill is simple. It ends forever the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoners rights wish-list than about the Constitution and the safety of our towns and communities and fellow citizens.

Under the threat of Federal courts, states are being forced to prematurely release convicts because of what activist judges call “prison overcrowding.” In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates to gain control over the prison system and established a cap on the number of prisoners. To meet that cap, she ordered the release of 500 prisoners per week.

In an 18 month period alone, 9,732 arrestees out on the streets of Philadelphia on pretrial release because of her prison caps were arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts.

How does she sleep at night? Each one of these crimes was committed against a person with a family dreaming of a safe and peaceful future, a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course, Judge Shapiro is not alone. There are many other examples. In a Texas case that dates back to 1972, Federal Judge William Wayne Justice took control of the Texas prison system and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

Under the threats of Judge Justice, Texas was forced to adopt what is known as the “nutty release” law that mandates good time credit for prisoners. Murderers and drug dealers who should be behind bars are now walking the streets of our Texas neighborhoods, thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25 year sentence for butchering a 18-year-old Fort Worth girl. Now, after another crime spree, he was rearrested.

Huey Meaux was sentenced to 15 years for molesting a teenage girl. He was eligible for parole this September, after serving only 2 years in prison.

Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering someone else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the financial impact of Judge Justice's sweeping order.

I remember back when I was in the State legislature, the State of Texas spent about \$8 per prisoner per day keeping prisoners. By 1994, when the full force of Judge Justice's edict was finally being felt, the State was spending more than \$40 every day for each prisoner. Now, that is a five-fold increase over a period when the State's prison population barely doubled.

The truth is, no matter how Congress and State legislatures try to get tough on crime, we will not be effective until we deal with the judicial activism. The courts have undone almost every major anti-crime initiative passed by the Legislative Branch. In the 1980's, as many states passed mandatory minimum sentencing laws, the judges checkmated the public by imposing prison caps.

□ 1345

When this Congress mandated the end of consent decrees regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of the most perverse failures of today's justice system: violent offenders serving barely 40 percent of their sentences; 3½ million criminals, most of them repeat offenders, on the streets, on probation or parole; 35 percent of all persons arrested for violent crime on probation, parole, or pretrial release at the time of their arrest.

The Constitution of the United States gives us the power to take back our streets. Article III allows the Congress of the United States to set jurisdictional restraints on the courts, and my bill will set such restraints.

I presume we will hear cries of court-stripping by opponents of my bill. These cries, however, will come from the same people who voted to limit the jurisdiction of Federal courts in the 1990 civil rights bill.

Let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 year-end report on the Federal judiciary, he said, “I therefore call on Congress to consider legislative proposals that would reduce the jurisdiction of Federal courts.” We should heed Justice Rehnquist's call right here, right now, today.

Madam Speaker, this bill is identical to the amendment that I offered several weeks ago to H.R. 1252, the Judicial Reform Act. My amendment passed at that time 367 to 52. That is right, 367 yeas and 52 nays.

While that is an overwhelming victory, it is not enough. I am saddened, I am saddened that 52 Members of this body could so callously vote against protecting the families they represent.

Despite the fact that the liberal legal establishment will fight against my bill and the families it will help protect, many of my liberal Democrat colleagues voted for my amendment, and I greatly appreciate their vote. They could not afford not to. How can any Member of this body go home to their district and face a mother whose son or daughter has been savagely beaten and killed by some violent felon, a felon let out of prison early to satisfy the legal community's liberal agenda, to satisfy prison overcrowding or prison conditions? Nothing in my bill takes away the ability to change prison overcrowding and prison conditions. We are just saying, one cannot use early release to satisfy that condition.

Judicial activism threatens our safety and the safety of our children if, in the name of justice, murderers and rapists are allowed to prowl our streets before they serve their time. I say it is time to return some sanity to our justice system and keep violent offenders in jail.

I strongly urge my colleagues, for the sake of the families they represent, to support my bill.

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

Madam Speaker, I rise in opposition to H.R. 3718, which would unconstitutionally limit the authority of Federal judges to remedy inhumane prison conditions. This bill also improperly interferes with the work of the judicial branch of our constitutional system of government.

H.R. 3718 is a radical and dangerous proposal with two impermissible goals. First, it would terminate ongoing consent decrees in prison condition cases. Second, it would prohibit judges from issuing prisoner release orders to remedy unconstitutional overcrowding.

The effort to terminate consent decrees is totally unwarranted. This amendment only affects those consent decrees that State and local governments want to remain in effect or that are necessary because of current and ongoing violations of Federal rights. The Prison Litigation Reform Act of 1995 eliminated all other consent decrees, so the only ones left are those that State and local governments want to remain in effect or are necessary because of current and ongoing violations of the Constitution.

A consent decree is a voluntary contract between two parties to end the active phase of litigation. This legislation does not close the case; it simply prohibits States from negotiating a resolution of the case. Therefore, it requires States to expend substantial sums of money to litigate issues for which there is no dispute and for which there is an agreement for the proper resolution of the case.

Congress has no business dictating to States how they should resolve litigation involving State institutions. If a State has decided that a consent decree meets the State's needs and is preferable to costly litigation, Congress should stay out of it.

Furthermore, Madam Speaker, the Federal termination of prisoner release orders is unnecessary. Most court orders in jail and prison cases do not include prison population caps, and the 1995 Prison Litigation Reform Act already requires a three-judge court before any population cap is imposed. And even if there is a cap, prisoners are released only if State officials elect to meet the cap through releases rather than building new facilities or adopting sentencing alternatives.

This bill will effectively prohibit courts from enforcing constitutional rights of prisoners by agreement and will only be able to enforce those rights with a full-blown court trial that may result in even more draconian resolutions than a consent decree would have resulted in.

Madam Speaker, this legislation is a recipe for chaos. We passed a Prison Litigation Reform Act less than 2 years ago. It eliminated all consent decrees without ongoing violations. The courts are only beginning to address the complicated, practical and constitutional issues raised by this act. Hundreds of cases are pending in trial and appellate courts. The Supreme Court is likely to have a review in the near future. The passage of this bill will only add confusion, delay resolution of pending cases, raise difficult issues of retroactivity, and actually create new litigation.

This amendment is counterproductive for all of those who want to streamline prison lawsuits. The 1995 act already strips courts of authority to enforce the Constitution in certain cases. H.R. 3718 takes us further down that dangerous path.

Court-stripping threatens the role of the judiciary and our system of checks and balances and should not be expanded. Today, court-stripping hurts prisoners, but tomorrow, it may affect others in our society who rely on courts to administer justice and enforce their rights.

I strongly oppose this legislation and urge my colleagues to do the same.

Madam Speaker, there are a few cases that I just want to cite that may be affected by this legislation. It has already been pointed out that we passed legislation creating more prisoners, and if we are going to pass that legislation, it is incumbent upon us to build the prisons to accommodate those prisoners. Let me just list a few consent decrees that this bill will terminate.

A consent decree was entered in the Virgin Islands in 1994 because prisoners were locked up for 23 hours a day in overcrowded, filthy, rat- and roach-infested cells. One-man cells were used to house four or five prisoners with mattresses on the floor, frequently soaked by overflowing toilets; drinking water was contaminated with sewage.

The consent decree remains in effect today, because an evidentiary hearing found many of the problems still persisted. There is no screening for new

prisoners for tuberculosis, and mentally ill prisoners are still being housed with the general population and suffering abuse. Several of the mentally ill were badly beaten, and one died. That consent decree would be set aside by this legislation.

Another in Hawaii, 1987, to remedy dangerously inadequate medical and mental health care and environmental conditions. The consent decree remains in effect today because the problem still exists. Today, the facility is very overcrowded, with men sleeping on the floor in cells where there are backed-up toilets spilling sewage. Because of the overcrowding, mentally ill and dangerous populations are mixed together with potential risk to both groups.

Madam Speaker, there are other cases that would be affected by this. The consent decrees would be eliminated if this bill were to be passed.

Prison staff in Louisiana, a Louisiana case, 1995, prison staff were found to be engaging in sexual abuse of women prisoners ranging from vulgar and obscene sexual comments to forcible sexual rape. Prison staff were not only accused of participating in the sexual misconduct but allowing male prisoners to enter female prisons to engage in forcible intercourse with women prisoners. That consent decree would be set aside by this legislation.

Juveniles held in New Orleans. Juveniles held in Conchetta facility in New Orleans Parish Prison lack such supplies as sheets, underwear and shoes. They are at risk because of inadequate mental, dental and mental health care facilities and unsafe environmental conditions. Children are regularly beaten by staff. That consent decree would be set aside by this legislation.

In the State of Georgia, more than 200 women, some as young as 16 years old, were coerced into having sex with prison guards, maintenance workers, teachers and even a prison chaplain. The sexual abuse comes to light when women became pregnant and were required to undergo abortions. That consent decree would be set aside.

So, Madam Speaker, I would hope that we would not expand the prison litigation court-stripping that we passed in 1995, and that we would defeat this bill.

Mr. COBLE. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me strongly support the efforts of the Majority Whip, the gentleman from Texas (Mr. DELAY), to pass this legislation. We supported it as an amendment to the Judicial Reform Act, and I would hope my colleagues will overwhelmingly support it as a free-standing measure.

This bill goes right to the heart of a horrible situation we in Florida have faced. In 1993, the Florida Department of Corrections reported that between January 1, 1987, and October 10, 1991, some 127,486 prisoners were released early from Florida prisons. Within a

few years of their early release, they committed over 15,000 violent and property crimes, including 346 murders and 185 sex offenses.

Now, Florida tried to stop the early release program last year, the "gain time" provision, which was a tool used by the legislature back in the 1980s to avert overcrowding, but the judge said, no, cannot do it. It is part of their sentence now. Even though it was not applied at the beginning of their sentence, the "gain time" provision now acts as a part of their sentence and reduces the amount of time that the prisoner is held in custody.

Now, let me ask all in America who are listening to think about this for a minute. Who is paying for the kind of policy that we are trying to prevent? One involves a 21-year-old convicted burglar who got out of prison last October on early release. A month later, he was charged with kidnapping and murdering a 78-year-old woman in Avon Park near my district. He abducted her from her home, forced her into the trunk of her car, and killed her in an orange grove about 20 miles away.

Then there is the 30-year-old man jailed in 1989 on grand theft and armed burglary charges who was released early in 1992 because of prison overcrowding. Four years later, he was charged with murdering the owner of a convenience store in West Palm Beach, Florida.

Now, Mr. Speaker, last month a 30-year-old drifter jailed in 1986 for kidnapping and brutally beating a British tourist in Hollywood, Florida, was released early in 1986, was charged with first degree murder of a teenager after her partially mutilated corpse was found in a bathtub in Miami Beach.

In 1991, and it is sad that I have to continue to report these statistics, but it goes to the heart of the argument that I just heard a moment ago. In St. Lucie County, which I represent, a Fort Pierce police officer, Danny Parrish, was murdered by an ex-convict who had been released after serving less than a third of a prison term for auto burglary. Officer Parrish stopped him for driving the wrong way on a one-way street. The ex-convict, who admitted later he did not want to go back to prison for violating probation, disarmed Officer Parrish and killed him with his own gun.

□ 1400

When are we going to wake up in America to the problems that are occurring in our community because of this type of behavior?

The gentleman who argues against the bill suggests the problems that are in prison today, and suggests rape in prison, dirty conditions; they suggest a lot of things. But what happens when they are out on the streets? Who speaks for the victims? Who speaks for the families?

I often think at times maybe we should encourage a judge who has pro-

vided an early release waiver for a prisoner who ultimately causes a family member to be killed, maybe the judge should come to the funeral and give condolences to the family, to recognize what is going on.

Time and time again I hear in our prison systems that a judge has intervened and allows cigarette smoking, video machines, weight lifting, because we have to coddle and provide for the criminal. What about the victim? Is it not a prison, after all? Is it not a prison sentence? Is it not serving time for bad behavior?

But somehow, through this debate, it is all about the prisoner. It is all about somebody who has devastated another family, another life, who has raped another individual. So we tell our society and we tell our children, do not worry about it, because if you are sentenced to 10 years, with early release and gained time, you will be out in 2. There is no crime you will ever pay for. There is no serious consequence for your behavior. There is no serious consequences for your action. Some person's loved one has to die, and the person who commits the crime is out shortly thereafter.

A friend of mine in Lakewood, Florida, their daughter was killed by an illegal immigrant who was sentenced to 7 years for murder, which is regrettable that we only have 7 years prison time for a murder of another human being, and was released in 2½ years. Immigration says we cannot deport him.

Mr. Speaker, this bill is about doing what is right for society. It is about doing what is right for the American public. It is about maintaining order in our streets, and about making certain that prisoners who are in fact sentenced, who are the criminals, who are the bad guys, people who actually commit the crimes are treated like the prisoners they are; no happy time, no gained time, no judge intervening.

When the court rules and issues a sentence, the sentence should be fulfilled. It should be carried out. If it takes political courage to build the additional jail cells, then I say, talk to the politicians and get them to do that, but do not let one life be in jeopardy. Do not let one life be in jeopardy because of the continued persistence of judicial activists who insist that somehow these people have extraordinary rights, and those of the victims are often neglected.

So I again urge my colleagues, as they have in the past, by an overwhelming vote, to support H.R. 3718, the bill offered by the gentleman from Texas (Mr. DELAY) limiting Federal court jurisdictions over Federal prison release orders, and urge its passage today. It is the most important piece of legislation we will see in the House this week, and possibly this year.

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

Mr. Speaker, violating the Constitution and constitutional violations are not the solution to prison overcrowd-

ing. The Constitution is not violated when we deny someone weight training or access to a color television. If we are going to pass legislation like three-strikes-and-you-are-out, or mandatory minimums, if we are going to try to pass those slogans, three-strikes-and-you-are-out has been studied and has been determined to be just a waste of money. Mandatory minimums result in high-risk prisoners getting not enough time and the low-risk prisoners getting too much time.

Mr. Speaker, if we are going to pass that legislation, we have to fund the prisons. These violations are not just weight training and color TV. They include rapes, assaults, living in sewer- and rat-infested conditions. We need to fund those prisons and keep these within the constitutional constraints if we are going to pass that legislation.

I think there are a lot of easier ways to deal with the prison problem. That is to prevent more crimes before they occur. But if we are going to pass legislation like this, Mr. Speaker, we have to pay the bill. We have very serious, ongoing constitutional violations.

We have situations where the consent decrees are the easiest ways for the States to deal with this, if they want. They do not have to agree to a consent decree. We should not tie their hands and force them into litigation, where they may end up in more draconian sanctions than the consent decrees they have agreed to.

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

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. I appreciate the remarks of the gentleman from Virginia, Mr. Speaker. The problem is nothing in my bill changes the concerns that he has. It does not eliminate the ability for courts to enter into consent decrees, it does not have anything to do with prisoners filing claims that prison conditions are cruel and unusual. I just feel that it is cruel and unusual to turn violent criminals out on the streets for prison conditions.

It is very simple. We are just saying that they cannot turn violent criminals out on the streets because of prison conditions. They can do anything else to correct bad prison conditions, and the cases that the gentleman cites are horrible. They should be corrected.

What we are saying is that we cannot turn them back out on the street to prey on our constituents because of prison conditions. Correct them in a different way. We can also renegotiate consent decrees, those consent decrees that this legislation may affect. Article 3 of the Constitution allows us to do it and precedent allows us to do it.

We are just saying, do not turn violent criminals out on the street because of prison overcrowding and prison conditions.

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

Mr. Speaker, I would just like to read the bottom of page 2 of the bill. It says

Termination of existing consent decrees. Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

That eliminates all consent decrees, not just those that have as a remedy the release of prisoners. So all of those cases where there are rapes, assaults, and everything else are included.

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

Mr. SCOTT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the gentleman is right, reading from the bill, that eliminates all consent decrees, but it does not preclude anybody from renegotiating consent decrees, and leaving out the fact that they are turning violent criminals out on the streets.

Mr. SCOTT. Mr. Speaker, I would point out that in the beginning of the bill, as is indicated, it would eliminate any consent decree that provides for remedies relating to prison conditions.

The beginning of the bill says that notwithstanding that section, no court " \* \* shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison on the basis of prison conditions of the person subject to incarceration, detention, or admission."

That has essentially eliminated a lot of the jurisdiction the court had in the beginning. If someone were only to provide for unconstitutional violations, at the prison, I am not sure what the court could do. They have been essentially eliminated from anything other than consent decrees. If the locality does not agree to it, the court would essentially be, because of this bill, without remedy to remedy constitutional violations.

The law that passed 2 years ago is now being litigated. This bill just takes away the authority from the courts to enforce the constitutional rights of the citizens. I think it should not be passed.

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

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

Mr. Speaker, H.R. 3718, as we know, is a freestanding version of an amendment which the gentleman from Texas (Mr. DELAY) offered to H.R. 1252, the Judicial Reform Act of 1998, last month; April 23rd, to be exact. The House at that time overwhelmingly adopted the DeLay amendment by a vote of 367 to 52.

I think it is a good bill. I think it will help keep convicted felons off the streets, which of course is the intent, in a constitutionally permissible manner.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3718.

The question was taken.

Mr. SCOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

#### DRUG FREE BORDERS ACT OF 1998

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3809) to authorize appropriations for the United States Customs Service for fiscal years 1999 and 2000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3809

*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 "Drug Free Borders Act of 1998".

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR DRUG INTERDICTION AND OTHER PURPOSES

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NON-COMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

"(A) \$964,587,584 for fiscal year 1999.

"(B) \$1,072,928,328 for fiscal year 2000."

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

"(i) \$970,838,000 for fiscal year 1999.

"(ii) \$999,963,000 for fiscal year 2000."

(c) AIR INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

"(A) \$98,488,000 for fiscal year 1999.

"(B) \$101,443,000 for fiscal year 2000."

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b)."

##### SEC. 102. NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 1999.—Of the amounts made available for fiscal year 1999 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19

U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, \$90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) \$6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) \$7,200,000 for 8 1-MeV pallet x-rays.

(E) \$1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) \$600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) \$500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) \$2,450,000 for 7 automated targeting systems.

(I) \$360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) \$480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) \$1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) \$1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) \$180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) \$1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) \$950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) \$390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) \$1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) \$400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) \$1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2-MeV) to 6,000,000 electron volts (6-MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) \$3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) \$8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) \$3,600,000 for 4 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.